

974.905 P750



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

February 14, 2020

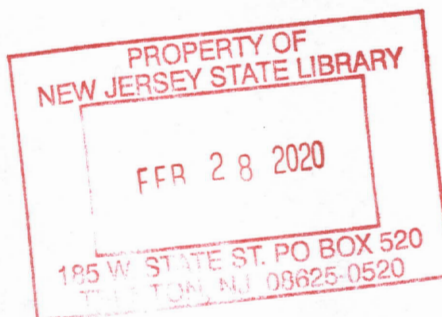
Mr. Robert Lupp
State Library – NJ Reference Section
185 West State Street
P.O. Box 520
Trenton, New Jersey 08625

Dear Mr. Lupp:

Enclosed is the Pinelands Commission meeting minutes and attachments for January 10, 2020 for your information.

Sincerely,

Teri Melodick
Principal Clerical Assistant



PC1

Enclosure: Minutes

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

MINUTES

January 10, 2020

Commissioners Present

Alan W. Avery Jr., Daniel Christy, Sean Earlen, Jordan P. Howell, Jerome H. Irick, Jane Jannarone, 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 Absent

Candace M. Ashmun and D'Arcy Rohan Green.

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

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

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

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

Minutes

Chairman Prickett presented the open and closed session minutes from the December 13, 2019 meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Pikolycky seconded the motion.

The minutes from the December 13, 2019 meeting were adopted by a vote of 10 to 0. Commissioner Christy was not present for the vote.

Director Chuck Horner provided information on the following regulatory matters:

- A pre-application meeting was held with a potential applicant who owns 2,300 acres in the City of Estell Manor. The property is located in the Forest Area, where only one unit per 25 acres is permitted. Staff informed the property owner of the Commission's clustering rules and provided contact information to NJDEP's Green Acres program.
- Discussions continue with Pemberton Township regarding two areas the town has an interest in redeveloping. Both redevelopment areas, Noteboom Avenue located in the Browns Mills section of the township and the old Burlington County College site have wetland and/or wetland buffer constraints.
- Staff will be meeting with Pemberton Township officials regarding a proposal to extend sanitary sewer to two schools. Sanitary sewer is not permitted in the management area where the schools are located.
- Staff continues to work with an applicant who is interested in re-opening a bar/restaurant in Bass River Township.

Commissioner Lloyd asked how many acres at the college are developed and the breakdown of wetlands and uplands.

Director Horner said he would report back on that information.

Chief Planner Grogan added that even with the presence of wetlands, the impervious surface development envelope is significant.

Stacey Roth, Chief, Legal and Legislative Affairs, said that South Jersey Transportation Authority's (SJTA) deicing pad application is not on today's agenda. She said SJTA asked for a one-month extension so they could properly respond to the public comments raised at the December Commission meeting.

She noted that SJTA has entered into an agreement with Atlantic County with the purpose of finding suitable land for the new Grassland Conservation Management Area associated with the First Amendment of the February 26, 2004 Memorandum of Agreement. She said the county is experiencing challenges in finding suitable habitat to support the Upland Sandpiper, which requires large amounts of open space. She said the county also asked if the Commission is willing to consider property outside the Pinelands Area for the new Grassland and Conservation Management Area. She asked Commissioners for their opinion on the matter.

Commissioner Howell asked if the MOA allows for land outside the Pinelands Area to be considered.

Ms. Roth said the amended MOA leaves open the location of a specific site and, if necessary, it could be outside the Pinelands Area but within the Pinelands National Reserve. She noted that the original 2004 MOA raised concerns with finding a conservation area.

Commissioner Lohbauer made a motion Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 2017-0213.001) (See Resolution # PC4-20-02). Commissioner Earlen seconded the motion.

Commissioner Lohbauer said the property for this application has a high water table and he was curious about the placement of the septic system.

Director Horner explained the waiver regulations and that the applicant has met all the conditions to qualify for a waiver. He said a mounded septic system will be required to ensure that there is adequate separation between the disposal bed and the seasonal high water table.

Chairman Prickett asked if both the Commission and the County would review the septic permit.

Director Horner said yes.

Commissioner Irick asked if the applicant would be installing an alternate design septic system.

Director Horner said alternate design septic systems are required when an applicant has less than 3.2 acres. He said the property in question is 11.14 acres, so a standard septic system, will be installed.

The Commission adopted the resolution by a vote of 11 to 0.

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

Chairman Prickett read the list of Public Development and Waiver applications up for comment.

Ryan Rebozo of the Pinelands Preservation Alliance (PPA) provided comment on Application # 1984-0514.008 (forestry activities at Wells Mills County Park). He said both PPA and the New Jersey Conservation Foundation support the stewardship plan. He added that there are some inconsistencies in the proposal. He requested clarification to determine if the stewardship plan is appropriate (written comments are attached).

Rhyan Grech of the Pinelands Preservation Alliance asked if there would be public comment on the South Jersey Gas remand resolution. She added that members of the public are here to comment on the resolution.

Chairman Prickett advised that there would be no public comment on the South Jersey Gas remand at this time.

Margo Pellegrino, Medford Lakes, NJ, said she doesn't understand how this Commission can make decisions on applications and plans when there is no advisory committee looking at the climate impacts first.

Margo Pellegrino, Medford Lakes, NJ said that Senate President Steve Sweeney is the only person in the current administration still interested in the South Jersey Gas pipeline. She said he is also holding up Pinelands Commission appointments. She urged Commissioners not to vote on the resolution until there are other Commissioners seated.

Commissioner Lohbauer made a motion recommending approval of the Remand of the South Jersey Gas Company Application Due to a Significant Change in Material Fact (See Resolution # PC4-20-03). Commissioner Howell seconded the motion.

Commissioner Lohbauer said there were two draft resolutions but a number of Commissioners gathered to come up with the language in the present resolution. He said the language could have been more definitive but at this point this Commission needs to respond to the Court's remand. He said because the application can no longer meet the Forest Area standard, today's resolution invalidates Resolution # PC4-17-03.

Commissioner Irick said he reviewed the South Jersey Gas application, including the ED's Recommendation report, Resolution # PC-17-03 and proposed gas line route. He said the resolution complies with the court order to remand the matter back to the Commission, preserved due process and identified substantial changes to the project and further identifies that South Jersey Gas has not provided an application that correctly identifies the scope of the project. He said the project no longer complies with the CMP. He said he would be voting in favor of the resolution.

Commissioner Howell read the following statement into the record: "In addition to this resolution, a letter was sent from the Executive Director to the applicant, as well as a letter from the Attorney General's office expressing an opinion about the validity of the project. This resolution is another statement that the project is no longer valid. The language in the resolution reflects what is currently feasible for us to say and do as the CMP is written. Not as we might wish it were written or perhaps should be written, but as it is written. The public needs to keep in mind that the Commission cannot act outside of its own rules, even as weird as the process for this particular application has been. So I will vote for this resolution as the best possible outcome at this point in time and in fulfillment of our obligations of the remand decision."

Commissioner Earlen said he has expressed his concern with this resolution before. He said he agrees that the application has changed and that the applicant does need to apply for the project. He said the resolution doesn't do anything. He said the Commission should not be in the business of passing resolutions and rescinding them. He said ED Wittenberg has issued a letter to the applicant that is stronger than this resolution. He said he will not be voting in favor of this resolution.

Commissioner Christy said he is new to this board and was not here for the South Jersey Gas pipeline application. He said he has served on many boards over the years and passed many resolutions. He said this is the first time he has seen a resolution invalidate another resolution. He said resolutions have conditions for a reason and if an applicant cannot meet

around the world. He said the CMP needs fire planning regulations in combination with climate impacts.

Rhyan Grech of the Pinelands Preservation Alliance said she was opposed to allowing South Jersey Transportation Authority (SJTA) to look outside the Pinelands for suitable threatened and endangered species habitat. She said the second amendment of the SJTA MOA destroyed 290 acres of habitat for three species. She urged the Commission to insist that SJTA find land within the Pinelands Area to be used as the new Conservation Area.

Margo Pellegrino of Medford Lakes said climate change is having a negative effect on infrastructure and she used the bridge repair in Pemberton Borough as an example. She said the Commission's Land Use, Climate Impacts and Sustainability Committee needs to evaluate how the CMP can be modified to include climate change.

Marianne Clemente, Barnegat, NJ, asked the Commission if there are plans to formally address climate change by including language in the CMP. She said she was disappointed that Senator Steve Sweeney has not moved Pinelands Commission appointments.

Chairman Prickett, Commissioner Earlen and Commissioner Avery all responded, advising the public that the goal of the Land Use, Climate Impacts and Sustainability Committee is to update the CMP as it relates to climate change.

Other

At the request of Chairman Prickett, Director Horner provided information related to Mr. Demitroff's comments about the Commission's role with redevelopment.


Commissioner Avery asked if the MOA with SJTA precluded the authority from purchasing a parcel and clearing it to create the habitat.

Ms. Roth said the clearing of a parcel that large would require a public development application and approval from the Commission. She said SJTA is better off acquiring cleared land.

Adjournment

Commissioner Avery moved to adjourn the meeting. Commissioner Pikolycky seconded the motion. The Commission agreed to adjourn at 11:22 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: January 21, 2020



974.905
P750

RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20- 01

TITLE: Approving With Conditions Applications for **Public Development** (Application Numbers 1985-0202.005, 1986-1154.004, 1988-0471.002 & 1988-0706.021).

Commissioner Lombauer moves and Commissioner Earlen
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:

1985-0202.005

Applicant:
Municipality:
Management Area:
Date of Report:
Proposed Development:

Hamilton Township Board of Education

Hamilton Township
Pinelands Regional Growth Area
December 20, 2019
Installation of 300 linear feet of sidewalk and rubber surfacing of three existing playground areas at the Joseph C. Shaner Memorial Elementary School;

1986-1154.004

Applicant:
Municipality:
Management Area:
Date of Report:
Proposed Development:

Franklin Township

Franklin Township
Pinelands Agricultural Production Area
December 19, 2019
Construction of 853 linear feet of wooden boardwalk and associated recreational improvements at the Piney Hollow Preservation Area;

1988-0471.002

Applicant:
Municipality:
Management Area:
Date of Report:
Proposed Development:

Evesham Township

Evesham Township
Pinelands Rural Development Area
December 19, 2019
Improvements to the Braddock Mill Road dam at Union Mill Lake; and

1988-0706.021

Applicant:
Municipality:
Management Area:
Date of Report:
Proposed Development:

Town of Hammonton

Town of Hammonton
Pinelands Town
December 19, 2019
Installation of 830 linear feet of three inch groundwater discharge pipe at the Boyer Avenue Wastewater Facility.

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.



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

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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

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

December 20, 2019

Anna Marie Fala, Business Administrator
Hamilton Township Board of Education (via email)
1876 Dr. Dennis Foreman Drive
Mays Landing, NJ 08330

Re: Application # 1985-0202.005
Block 809, Lots 17 & 18
Hamilton Township

Dear Ms. Fala:

The Commission staff has completed its review of this application for installation of 300 linear feet of sidewalk and rubber surfacing of three existing playground areas at the Joseph C. Shaner Memorial Elementary School. 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 January 10, 2020 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.

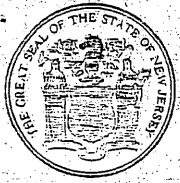
Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

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

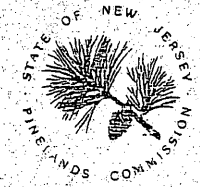
Enc: Appeal Procedure

c: Secretary, Hamilton Township Planning Board (via email)
Hamilton Township Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)
William B. Edwards, PE (via email)



PHILIP D. MURPHY
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SHEILA Y. OLIVER
Lt. Governor

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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

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

PUBLIC DEVELOPMENT APPLICATION REPORT

December 20, 2019

Anna Marie Fala, Business Administrator
Hamilton Township Board of Education (via email)
1876 Dr. Dennis Foreman Drive
Mays Landing, NJ 08330

Application No.: 1985-0202.005
Block 809, Lots 17 & 18
Hamilton Township

This application proposes installation of 300 linear feet of sidewalk and rubber surfacing of three existing playground areas at the Joseph C. Shaner Memorial Elementary School on the above referenced 9.58 acre parcel in Hamilton Township.

STANDARDS

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

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

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

Wetlands Standards (N.J.A.C. 7:50-6.14)

There are wetlands located on the above referenced parcel. The proposed sidewalk and rubber surfacing will be located no closer to wetlands than existing development.

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

The proposed development will be located in an existing developed and maintained grassed area. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.



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Executive Director

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

PINELANDS COMMISSION APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made 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 January 8, 2020 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

December 19, 2019

Mayor Leah Vassallo (via email)
Franklin Township
1571 Delsea Drive
Franklinville, NJ 08322

Re: Application # 1986-1154.004
Block 6602, Lots 3 & 4
Franklin Township

Dear Mayor Vassallo:

The Commission staff has completed its review of this application for construction of 853 linear feet of wooden boardwalk and associated recreational improvements at the Piney Hollow Preservation Area. 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 January 10, 2020 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, Franklin Township Planning Board (via email)
Franklin Township Construction Code Official (via email)
Franklin Township Environmental Commission (via email)
Secretary, Gloucester County Planning Board (via email)
Allyson M. Rooke (via email)



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Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

December 19, 2019

Mayor Leah Vassallo (via email)
Franklin Township
1571 Delsea Drive
Franklinville, NJ 08322

Application No.: 1986-1154.004
Block 6602, Lots 3 & 4
Franklin Township

This application proposes construction of 853 linear feet of wooden boardwalk and associated recreational improvements at the Piney Hollow Preservation Area located on the above referenced 221.92 acre parcel in Franklin Township.

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. 7:50-5.24(a)6)

The proposed development is located in a Pinelands Agricultural Production Area. The proposed development is a permitted use in a Pinelands Agricultural Production Area.

Wetlands Standards (N.J.A.C. 7:50-6.11, 6.13 & 6.14)

The proposed wooden boardwalk will be located primarily in wetlands and partially in the required buffer to wetlands. The proposed wooden boardwalk will be located within the limits of an existing dirt road.

The CMP permits the proposed wooden boardwalk (linear development) in wetlands and the required buffer to wetlands provided an applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative for the proposed development that does not involve development in wetlands and the required buffers to wetlands or that will result in a less significant adverse impact to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions recommended below, all practical measures will be taken to mitigate the impact on wetlands and the required buffer to wetlands. The proposed development will disturb approximately 0.019 acres of wetlands. The applicant has indicated

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. Prior to the construction of any portion of the proposed development which will result in the disturbance of any wetland area, a Freshwater Wetland Permit shall be obtained pursuant to the New Jersey Freshwater Wetlands Protection Act.
6. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

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



PHILIP D. MURPHY
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Executive Director

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

December 19, 2019

Robert Corrales, Township Manager (via email)
Evesham Township
984 Tuckerton Road
Marlton, NJ 08053

Re: Application # 1988-0471.002
Braddock Mill Road
Block 71.01, Lot 1
Evesham Township

Dear Mr. Corrales:

The Commission staff has completed its review of this application for improvements to the Braddock Mill Road dam at Union Mill Lake. 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 January 10, 2020 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, Evesham Township Planning Board (via email)
Evesham Township Construction Code Official (via email)
Evesham Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Tim Staszewski, P.E., C.M.E. (via email)



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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

December 19, 2019

Robert Corrales, Township Manager
Evesham Township
984 Tuckerton Road
Marlton, NJ 08053

Application No.: 1988-0471.002
Braddock Mill Road
Block 71.01, Lot 1
Evesham Township

This application proposes improvements to the Braddock Mill Road dam at Union Mill Lake located within the Braddock Mill Road right-of-way and on the above referenced 2.0 acre parcel in Evesham Township.

The application proposes the removal of two approximately 50 linear foot long concrete culverts under Braddock Mill Road, the installation of a new 46 linear foot long concrete culvert under Braddock Mill Road, a new dam spillway and associated dam improvements.

A portion of the proposed development will be located north of the Braddock Mill road right-of-way which is outside of the Pinelands Area. The proposed dam improvements will result in less than 5,000 square feet of disturbance in the Pinelands Area.

STANDARDS

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

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

The proposed development is located in a Pinelands Rural Development Area. The proposed improvements to the existing dam are a permitted use in a Pinelands Rural Development Area.

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

The dam improvements will be located within wetlands and the required buffer to wetlands. The proposed development will result in the disturbance of approximately 0.035 acres of wetlands in the

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
6. The applicant shall notify the Pinelands Commission staff prior to commencement of any construction related disturbance so that the Commission staff may record any structural remains of a former dam associated with the sawmill that may be present.
7. If during construction any archaeological data is discovered, the applicant shall immediately cease construction, and notify Pinelands Commission staff.

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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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

December 19, 2019

Robert Vettese (via email)
Town of Hammonton
100 Central Avenue- Town Hall
Hammonton, NJ 08037

Re: Application # 1988-0706.021
Block 4204, Lots 8, 9 & 11 - 17
Town of Hammonton

Dear Mr. Vettese:

The Commission staff has completed its review of this application for the installation of 830 linear feet of three inch groundwater discharge pipe at the Boyer Avenue Wastewater Facility. 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 January 10, 2020 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)



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

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



RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

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

PUBLIC DEVELOPMENT APPLICATION REPORT

December 19, 2019

Robert Vettese (via email)
Town of Hammonton
100 Central Avenue- Town Hall
Hammonton, NJ 08037

Application No.: 1988-0706.021
Block 4204, Lots 8, 9 & 11 - 17
Town of Hammonton

This application proposes the installation of 830 linear feet of three inch groundwater discharge pipe at the Boyer Avenue Wastewater Facility located on the above referenced 180.87 acre parcel in the Town of Hammonton.

On June 7, 2001, the Commission approved an application for the development of the Boyer Avenue Wastewater Facility (App. No. 1988-0706.002). As part of that application a groundwater interceptor trench, a pumping station and a groundwater discharge pipe that discharged the intercepted groundwater onto Block 4303, Lot 20, adjacent to the Boyer Avenue Wastewater Facility parcel, was approved. Approximately 375 linear feet of groundwater discharge pipe was subsequently installed on Block 4303, Lot 20.

By letter dated May 30, 2019, the Town of Hammonton advised the Commission staff that legal action had been taken directing Hammonton to cease the discharge of intercepted groundwater to Block 4303, Lot 20 and to remove the discharge pipe from that parcel. Hammonton indicated that the removal of the groundwater discharge pipe from Block 4303, Lot 20 and the elimination of the groundwater pipe discharge on Block 4303, Lot 20 would expose existing residential dwellings adjoining the Boyer Avenue Wastewater Facility parcel and their septic systems to possible foundation and septic system flooding by groundwater mounding, thereby creating a health and safety issue. By letter dated June 10, 2019, the Commission's Executive Director determined that immediate action was necessary to remedy or prevent a condition that was dangerous to life, health or safety, and therefore authorized the relocation and installation of a proposed groundwater discharge pipe onto the Boyer Avenue Wastewater Facility parcel.

The Executive Director's June 10, 2019 letter also required the Town of Hammonton to complete an after-the-fact application for the installation of the groundwater discharge pipe on the Boyer Avenue Facility parcel. This application constitutes that after-the-fact application.

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.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20- 02

TITLE: Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 2017-0213.001)

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

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

2017-0213.001

Applicant: Christian and Diana Sabella
Municipality: Waterford Township
Management Area: Pinelands Preservation Area District
Date of Report: December 19, 2019
Proposed Development: Single family dwelling.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 2017-0213.001 for a Waiver of Strict Compliance is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*
Ashmun			X	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: January 10, 2020

Nancy Wittenberg
 Executive Director

Richard Prickett
 Chairman



State of New Jersey
THE PINELANDS COMMISSION
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PHILIP D. MURPHY
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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

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

December 19, 2019

Christian and Diana Sabella (via email)
25 Tilton Street
Hammonton, NJ 08037

Re: Application # 2017-0213.001
Block 6805, Lot 4
Waterford Township

Dear Mr. and Mrs. Sabella:

The Commission staff has completed its review of the above referenced application for a Waiver of Strict Compliance ("Waiver") proposing the development of a single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 10, 2020 meeting.

FINDINGS OF FACT

This application is for the development of a single family dwelling serviced by an onsite septic system on the above referenced 11.14 acre parcel in Waterford Township. The parcel is located in the Pinelands Preservation Area District and in Waterford Township's Preservation District zoning district. In this zoning district, Waterford Township's certified land use ordinance permits single family dwellings on existing lots containing at least 1.0 acre provided the applicant meets the requirements of the cultural housing provision of the certified municipal ordinance (Section 176-57A) and the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-5.32).

The applicant is proposing to develop a single family dwelling on the parcel pursuant to the cultural housing provision contained in the Waterford Township land use ordinance and the CMP. The applicant has submitted information demonstrating that Diana Sabella qualifies to develop a single family dwelling on the parcel pursuant to the cultural housing provision contained in the Waterford Township land use ordinance and the CMP.

The Camden County Soils Survey indicates that there are Woodstown and Glassboro soils, Woodstown and Galloway soils and Berryland soils on this parcel. These soils have a seasonal high water table of less than five feet below the natural ground surface. The applicant has submitted no information to demonstrate that the septic system could be located in an area where the seasonal high water table is at least five feet below the natural ground surface. Since the available information indicates the seasonal

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

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the property is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Waterford Township's master plan and land use ordinances have been certified by the Pinelands Commission. The certified ordinance does not require a lot area or density variance. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

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

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

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

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

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

The CMP (N.J.A.C. 7:50-4.62 (d)1i) also requires the reduction as set forth in the CMP of any PDCs that are allocated to the parcel. The CMP (N.J.A.C. 7:50-5.43(b) allocates PDCs to this parcel. As required by the CMP (N.J.A.C. 7:50-5.43(b)3ii and 3iii), a condition is included to require the reduction in the PDC allocated to this parcel by 0.25 PDCs if the single family dwelling subject of this Waiver application is developed or for any reserved right to build the single family dwelling subject of this Waiver application.

The CMP (N.J.A.C. 7:50-4.62(d)1ii) further requires the acquisition and redemption of any PDCs that are otherwise required pursuant to N.J.A.C. 7:50-5.27, 5.28 or 5.32. The CMP (N.J.A.C. 7:50-5.32) provides that the development of a single family dwelling on a lot of at least 3.2 acres in accordance with the cultural housing provision does not require the acquisition and redemption of any PDCs.

0213.001. The deed shall also indicate that the conditions are enforceable by the Pinelands Commission, Waterford Township and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver of Strict Compliance from the requirements of N.J.A.C. 7:50-6.84(a)5vi.

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

APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on January 7, 2020 and include the following information:

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

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



Recommended for Approval by: _____

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

- c: Secretary, Waterford Township Planning Board (via email)
 Waterford Township Construction Code Official (via email)
 Waterford Township Environmental Commission (via email)
 Secretary, Camden County Planning Board (via email)
 Camden County Health Department (via email)
 R. Scott Smith (via email)



Motion Failed

RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20- 03

TITLE: Resolution Addressing the Remand of the South Jersey Gas Company Application Due to a Significant Change in Material Fact

Commissioner Lehman moves and Commissioner Huwell seconds the motion that:

WHEREAS, the Pinelands Commission (Commission) is an independent political subdivision of the State of New Jersey created pursuant to Section 4 of the Pinelands Protection Act (the Act), N.J.S.A. 13:18A-1, *et seq.*, and charged with the implementation of the Act and the Pinelands Comprehensive Management Plan (the CMP), N.J.A.C. 7:50; and

WHEREAS, the Commission is also the planning entity authorized under Section 502 of the National Parks and Recreation Act of 1978; and

WHEREAS, on May 21, 2015, South Jersey Gas Company ("South Jersey Gas") filed a revised application ("Original application") to install approximately 15 miles of an approximately 22-mile, 24-inch natural gas pipeline within the Pinelands ("Project"); and

WHEREAS, as discussed in the Original application, the Project was intended to provide natural gas required to repower the BL England electrical generation plant ("BLE plant" or "BLE") at Beesley's Point in Upper Township 95% of the time and to provide natural gas redundancy to the southernmost portion of South Jersey Gas's service territory; and

WHEREAS, 9.51 miles of the proposed Project would be located within a Forest Area; and

WHEREAS, the Project is considered "public service infrastructure" as defined by the Pinelands CMP at N.J.A.C. 7:50-2.11; and

WHEREAS, "public service infrastructure" is a permitted use in a Forest Area if it is demonstrated that the proposed infrastructure is "intended to primarily serve only the needs of the Pinelands," N.J.A.C. 7:50-5.23(b)(12); and

WHEREAS, South Jersey Gas's Original application represented that the Project's primary purpose would be to provide the natural gas required to repower the BLE plant, which is located within the Pinelands; and

WHEREAS, the Commission, on December 9, 2016, approved Pinelands Resolution No. PC4-16-42 setting forth the process by which it would review South Jersey Gas's Original application and the Pinelands Preservation Alliance ("PPA") subsequently appealed that resolution ("process appeal"); and

WHEREAS, after considering the Original application and public comment, the February 17, 2017 Executive Director's Recommendation Report concluded that the Project was consistent with the CMP, because the proposed pipeline would serve the BLE plant, an existing Pinelands business, more than 95% of the time, and thus it would primarily serve only the needs of the Pinelands; and

WHEREAS, on February 24, 2017, the Commission approved Pinelands Resolution No. PC4-17-03, which adopted the factual findings in the February 17, 2017 Executive Director's Recommendation Report, and approved the Project as delineated in the Original application; and

WHEREAS, the PPA, New Jersey Sierra Club, and Environment New Jersey appealed the Commission's approval of the Project and adoption of Pinelands Resolution No. PC4-17-03 ("substantive appeals"); and

Motion Failed

NOW, THEREFORE BE IT RESOLVED, because the Project has significantly changed, i.e. it will no longer serve BL England, the submitted application no longer addresses the Forest Area Public Infrastructure standard of the Pinelands CMP at N.J.A.C. 7:50-5.23(b)12. As a result, SJG may not proceed with the Project.

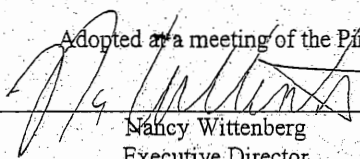
Record of Commission Votes

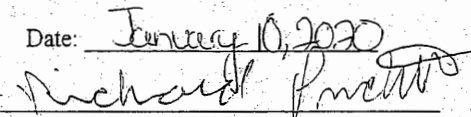
AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*
Ashmun		X		Irick	X			Quinn		X	
Avery	X			Jannarone		X		Rohan Green		X	
Christy	X			Lloyd			R	Prickett	X		
Earlen	X			Lohbauer	X						
Howell	X			Pikolycky			R				

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: January 10, 2020


 Nancy Wittenberg
 Executive Director


 Richard Prickett
 Chairman



PINELANDS
PRESERVATION
ALLIANCE



January 9, 2020

New Jersey Pinelands Commission
Attn: Charles Horner, Director of Regulatory Programs
P.O. Box 359
New Lisbon, NJ 08064

Re: Pinelands Application No. 1984-0514.008

Dear Director Horner,

Please accept this letter from Pinelands Preservation Alliance (PPA) and New Jersey Conservation Foundation (NJCF) regarding the proposed stewardship plan at Wells Mills County Park and Wilderness Area ("Park") in Ocean County. PPA and NJCF support Ocean County's Department of Parks and Recreation, and their goals for managing public land. In general, we find this plan to be adequate and appropriate for the forest types found within Wells Mills Park, based on the information provided. However, clarification is required before approval should be granted by the Pinelands Commission.

While twelve rare species identified through natural heritage data base results are addressed in the plan, it is evident that surveys have not been conducted in the proposed management stands for these species. For example, an occurrence of swamp pink (*Helonias bullata*) exists on the Park site at the head of Wells Mills Lake, as confirmed by Ocean County Parks staff. As referenced in the plan, an unpublicized High Conservation Value Map delineates habitat and buffers for the Pine Barrens tree frog (*Hyla andersonii*). A comparable map should exist for swamp pink, clearly indicating locations of existing individuals and a 100-foot buffer where no activity will occur. The plan should include a description of the response when threatened and endangered species are identified within the proposed activity areas.

We disagree with the plan's statement that no habitat exists on site for curly-grass fern (*Schizaea pusilla*), Barratt's sedge (*Carex barrattii*) and Torrey's Muhly (*Muhlenbergia torreyana*). Curly-grass fern is known from hummocks in bogs (Gleason and Cronquist 1993), more specifically on the hummocks of Atlantic white-cedars trees in the Pine Barrens. The proposal states "The areas planned for Atlantic White-cedar restoration, presently dominated by hardwood species are unsuitable habitat" (page 21). This statement conflicts with the stand descriptions for both Atlantic White-cedar stands (Stand 1 and 9) which are described as monocultures in the text. In the case of Barratt's sedge and Torrey's Muhly, both species can be found in a variety of habitats and conditions in the Pine Barrens where moist to wet soils

From: Mark Demitroff <mark@buckhorn-gsi.com>
Sent: Wednesday, April 17, 2019 9:38 AM
To: AppInfo, PC
Subject: [EXTERNAL] Attn: Mr Chuck Horner
Attachments: MD to PC Horner BVT 041719.pdf

Mr. Horner,

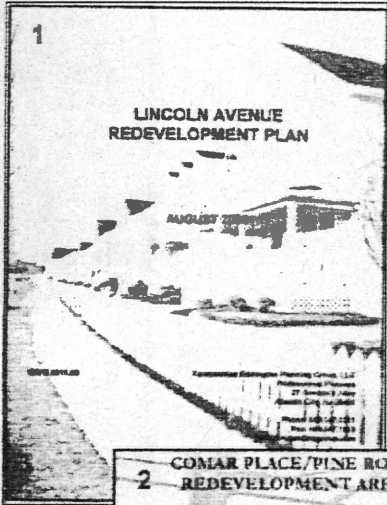
Attached is a request for clarification in response to our recent phone conversation.

Please respond,

Mark Demitroff

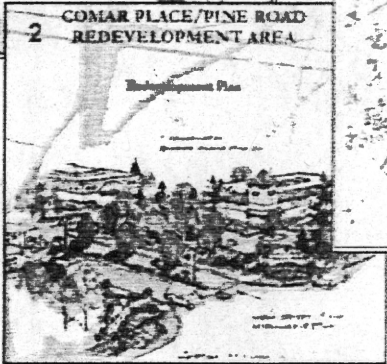
1

**LINCOLN AVENUE
REDEVELOPMENT PLAN**



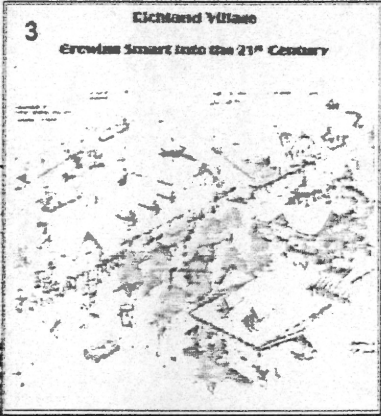
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**COMAR PLACE/PINE ROAD
REDEVELOPMENT AREA**

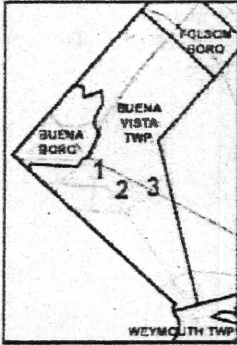


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Richland Village
Growing Smart into the 21st Century



**CURRENT
BVT
REDEVELOPMENT
PROJECTS**



1. Lincoln Avenue
2. Comar Place
3. Richland Village

Subsidized by Township

MARK DEMITROFF
822 MAIN AVENUE, VINELAND (RICHLAND), NJ 08360-9346

RE: REDEVELOPMENT ISSUES

April 17, 2019
Attn: Mr. Chuck Horner
Pinelands Commission
PO Box 359
New Lisbon, NJ 08064

Three Questions...

Mr. Horner,

Thank you for your phone conversation on the morning of April 16. The gist of the conversation was that the Pinelands Commission (PC) does not approve redevelopment *per se*, but delegates that process to the Department of Community Affairs (DCA).

I already knew that position, as evinced in recent testimony (January 03, 2019) to the Proposed Amendment of the Pinelands Infrastructure Master Plan (PIMP). My testimony in part states:

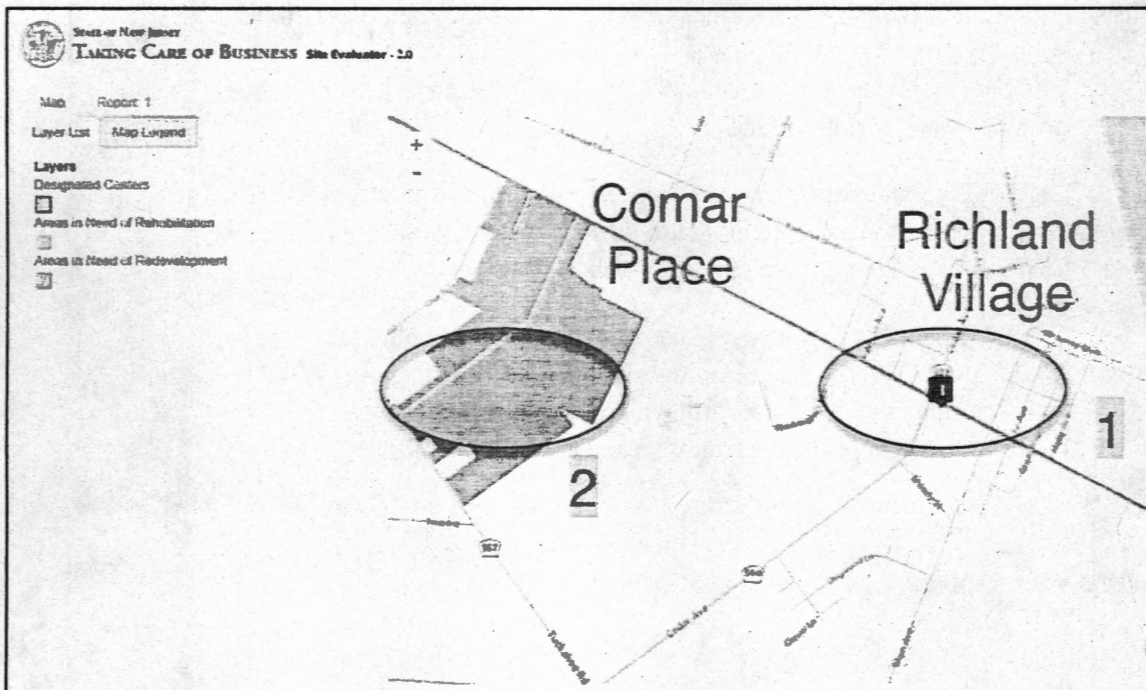
a – *On multiple occasions the PC indicated they had no such authority;*

The third reason for your appeal request is alleged deficiencies by Buena Vista Township under the New Jersey Local Redevelopment and Housing Law. The Pinelands Commission has no authority to enforce the requirements of this Law. The Commission's authority is limited to its enabling act, the Pinelands Protection Act. The Executive Director's recommended approval

(above) Excerpt from a letter by Pinelands Senior Counselor S. Roth to M. Demitroff denying his appeal to the Office of Administrative Law, May 12, 2010, even though I lived within 200-feet of the parcel in question and was not notified pursuant to N.J.S.A. 40:55D-12.

With respect to the question concerning the review and enforcement of local redevelopment and housing laws, the Executive Director would only submit that the Pinelands Commission's authority is limited to determinations of whether municipal redevelopment plans are consistent with the Pinelands Protection Act and the Comprehensive Management Plan. The Commission does not have the authority to review or enforce local redevelopment and housing laws. To the

(above) Excerpt from CMP Policy & Implementation Committee Meeting, September 24, 2010.



Map of Areas in Need of Redevelopment, accessed April 16, 2019.
https://njgin.state.nj.us/OIT_BusinessMap2/

In reminder, you (Mr. Horner) deferred to the DCA as the entity in charge of redevelopment. It appears that Richland Village (#1) is not a DCA officially recognized redevelopment zone, although Comar Place (#2) is an officially recognized redevelopment zone even though it is largely not within a growth zone. To the latter the DCA approved a redevelopment zone that is in direct conflict with the ruling Comprehensive Management Plan, as it is not in a growth area.

In essence Buena Vista Township is wrongfully and—in deception—improperly invoking redevelopment for their own economic benefit. The Pinelands Commission has a custodial duty to address the issue, particularly if fraud is involved.