974.905 P750

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

Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

October 11, 2019

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

PROPERTY OF
NEW JERSEY STATE LIBRARY
OCT 30 2019
185 W. STATE ST. PO BOX 520
TRENTON, NJ 08625-0520

Dear Mr. Lupp:

Enclosed is the Pinelands Commission meeting minutes and attachments for September 13, 2019 for your information.

Sincerely,

Teri Melodick

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

September 13, 2019

Commissioners Present
Alan W. Avery Jr., Sean Earlen, Jordan P. Howell, Jerome H. Irick, Ed Lloyd, Mark Lohbauer, William Pikolycky 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, Daniel Christy, Jane Jannarone, Gary Quinn and D'Arcy Rohan Green.

Chairman Prickett called the meeting to order at 9:37 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.)

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

Minutes

Chairman Prickett presented open session minutes from the August 9, 2019 Commission meeting. Commissioner Earlen moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The open session minutes from the August 9, 2019 meeting were adopted by a vote of 8 to 0.

Chairman Prickett said the closed session minutes from the August 9, 2019 will have to be voted on at a future meeting because there are not enough votes to adopt them due to a recusal.

Committee Chairs' Reports

Chairman Prickett provided an update on the August 23, 2019 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the July 26, 2019 meeting.

The Committee recommended Commission adoption of the July 2019 Pinelands Infrastructure Trust Fund (PITF) Master Plan amendment for project selection and funding levels.

The Committee received an update on the Garden State Parkway Interchange 44 Secondary Impacts Agreement and successful land acquisition efforts by Atlantic County. The County has acquired 326 acres thus far.

The Committee received an update on a 1998 Memorandum of Agreement (MOA) with Atlantic County for the Park at Lake Lenape and authorized staff to proceed with work on an amendment that would allow reconfiguration of an existing dock and construction of a second dock at the Western Lakeshore Area.

Commissioner Avery provided an update on the August 9, 2019 Personnel and Budget Committee meeting:

The Committee adopted the minutes from the May 3, 2019, meeting.

The check registers, electronic disbursements and application fees covering April, May and June were reviewed. It was noted that the Fiscal Year 19 application fees have exceeded the budgeted amount by 57%.

The HR manager provided an update on employee actions.

Staff presented a draft Fiscal Year 2020 Budget. Commissioner Avery added that issues and projects raised by Commissioners during the Executive Director's evaluation have been budgeted for this fiscal year.

There was no public comment.

The Committee met in Closed Session for an update on Communication Workers of America (CWA) contract negotiations.

Honoring Commissioner Bob Barr

Chairman Prickett read a resolution into the record recognizing Commissioner Robert Barr's work at the Commission.

Commissioner Pikolycky made a motion Expressing the Commission's appreciation to Robert Barr for his service as a member of the Commission between March 2015 and June 2019 (See Resolution # PC4-19-31). Commissioner Lloyd seconded the motion.

Commissioners expressed their appreciation for Commissioner Barr's service on the Commission.

Executive Director Wittenberg added that Commissioner Barr was an engaged Commissioner and she will miss having him on the board.

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

Executive Director's Reports

ED Wittenberg provided an update on the following items:

- A paper copy of the monthly management report has been distributed. She said this is the third month of the new format and hopefully next month the report will be emailed prior to the Commission meeting.
- On September 9th, staff met with representatives from South Jersey Gas (SJG). SJG requested the meeting. Staff explained the procedural options for a pipeline project in the Forest Area including a private application, public development application and waiver of strict compliance for a compelling public need. SJG did not specify or present information related to a specific project.

Commissioner Lloyd asked about the amount of time staff spends processing the Open Public Records Act (OPRA) requests noted in the August monthly management report.

ED Wittenberg said that it depends on the specific request, but some requests can take a substantial amount of time. She noted that some of the OPRA requests are actually file review requests.

Commissioner Pikolycky asked for additional information on the Governor's Interagency Work Group.

ED Wittenberg said the group includes a number of state agencies working to reconstitute the efforts of the New Jersey State Planning Commission.

Director Larry Liggett added that the State Designated Centers located in the coastal areas are set to expire in 2020. He said plan endorsement is a lengthy and expensive process. Commissioner Lohbauer said the Commission has an obligation to take action on the SJG remand. He said the Commission would not be able to take an action today due to the lack

of a quorum. He urged his fellow Commissioners and staff to make an effort to have a quorum at the next regular Commission to settle the matter through a resolution for both the applicant and the public.

Commissioner Irick asked if SJG recognized that the application is no longer valid.

ED Wittenberg said that topic was not discussed. She said SJG came in to talk about moving forward with a new application.

Director Liggett provided an update on the following:

- Staff is finalizing a few revisions to the Kirkwood-Cohansey policies that the P&I Committee requested back in June. He said the policy will be presented to the P&I Committee again and then staff will meet with stakeholder partners.
- Staff continues to explore ways in which solar opportunities in the Pinelands can be expanded.
- Staff continues to refine the list of climate change topics that the Commission could choose to focus on.

Director Chuck Horner provided information on the following regulatory matters:

- Seasonal agricultural employee housing issues have once again been the topic of a newspaper article. He said the latest article mentioned failing septic systems. He said the employee housing issue is two-fold. First, the repair or replacement of an on-site waste water disposal system (septic) is exempt from Commission review. He said when an agricultural operation changes the use of a storage barn into housing it requires an application to the Commission. Currently, the Commission is reviewing about 10-15 change of use application for seasonal agricultural employee housing.
- Staff attended a public forum in Stafford Township to address drainage issues in and around the Ocean Acres residential development. A number of years ago the Commission approved a compelling public need waiver of strict compliance which permitted Stafford Township to construct a stormwater basin on the Southside of Route 72. He noted that the basin was never constructed.
- Commission staff continues to field inquiries regarding growing cannabis. Growers are currently seeking use variances in various municipalities. Growing an agricultural crop in the Pinelands is exempt from review. He noted that processing a crop into a product requires an application to the Commission.
- The Commission issued a Certificate of Filing for a large residential private development application in Jackson Township. At this time, the applicant is seeking municipal approvals. He noted that members of the public can offer comment during the municipal review process. He said once the Township issues an approval, it is sent to the Commission for review. He said staff reviews the stormwater, wetlands, public comment and threatened and endangered species reports. He said after review of the municipal approval, the Commission issues a document that allows the permit to take effect or schedules a hearing because the application no longer meets a standard in the Comprehensive Management Plan (CMP).

Commissioner Howell raised concerns about the intensity with which cannabis is grown and asked Director Horner if the cannabis was to be grown in an industrial building, would it still be exempt from the Commission's review.

Director Horner said the way the rules are written in the CMP, growing an agriculture crop does not require an application regardless if the crop is grown in a field or a building. He added that degradation of water quality is not permitted in the Pinelands and he would be happy to provide further information about this at the Commission's October meeting.

Commissioner Lohbauer had concerns about how much more water cannabis needs than other crops.

Stacey Roth, Chief, Legal & Legislative Affairs, reminded Commissioners that all development including farming must meet the environmental standards of the CMP as they proceed through the local review process. She said the New Jersey Department of Environmental Protection (NJDEP) handles water allocation issues, including wastewater.

Commissioner Lohbauer added that the Commission may want to speed up adopting the Kirkwood Cohansey policy changes to protect Pinelands aquifers if industrial agricultural is a possibility in the near future.

Chairman Prickett recommended exploring how different growing cannabis is from other vegetables and leafy greens.

Commissioner Irick said the Department of Agriculture and Rutgers are drafting Best Management Practices for growing cannabis and should have standards next spring.

Chairman Prickett asked about the status of the Land Use, Climate Impacts and Sustainability Committee (LUCIS).

ED Wittenberg said staff continues to work internally to identify specific items that the Commission can address. She said she has a list of potential speakers that include both government and private entities. She said she and Chief Planner Susan Grogan will be attending a meeting with Sustainable Jersey to discuss the possibility of coordinating efforts to combat climate change through stormwater management, energy efficiency and building codes. Staff thought this was a better approach than the rule making process.

Public Development Projects and Other Permit Matters

Chairman Prickett presented a resolution proposing the construction of a paved access driveway, 11-space parking lot and the installation of a rubberized surface on an existing playground at an educational complex in Hamilton Township.

Commissioner Lohbauer made a motion Approving With Conditions an Application for Public Development (Application Number 1989-0089.012) (See Resolution # PC4-19-32). Commissioner Earlen seconded the motion.

Commissioner Lloyd asked if the rubberized surface was permeable.

Director Horner said the surface is not permeable.

Chairman Prickett asked about the underground infiltration system.

Director Horner said he would like to check the stormwater management plans but it probably consists of a stone bed with underground recharge pipes.

Chairman Prickett said he would vote on the application regardless, he was just interested in learning about the proposed drainage.

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

Chairman Prickett presented a resolution recommending approval for the demolition of a service building and the construction of a new service building at the Forked River Rest Area on the Garden State Parkway.

Commissioner Avery made a motion Approving With Conditions an Application for Public Development and Certificate of Appropriateness (Application Number 1990-0450.006) (See Resolution # PC4-19-33). Commissioner Earlen seconded the motion.

Chairman Prickett said staff is recommending recordation to preserve the image of the structure. He said he looked at the structure on-line and it's a glass building.

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

Chairman Prickett presented a resolution recommending a Waiver of Strict Compliance for the development of a single family dwelling in Manchester Township.

Commissioner Pikolycky made a motion Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 2019-0064.001) (Single Family Dwelling) (See Resolution # PC4-19-34). Commissioner Lohbauer seconded the motion.

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

Director Horner said the stormwater management for the school complex in Hamilton Township (Application Number 1989-0089.012) will consist of stone trenches to be constructed underneath the pavement with perforated pipe to retain and infiltrate the stormwater.

Planning Matters

Chairman Prickett presented a resolution that establishes the project priority list for the Pinelands Infrastructure Trust Fund.

Commissioner Lohbauer made a motion To Adopt an Amendment to the Pinelands Infrastructure Master Plan to Set a Project Priority List and Recommend Funding Levels for Each Project (See Resolution # PC4-19-35). Commissioner Lloyd seconded the motion.

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.

Marianne Clemente of Barnegat Township asked how many Commissioners need to be present to have a quorum.

Chairman Prickett said 8.

Ordinances Not Requiring Commission Action

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

- Berkeley Township Planning Board Resolution 19-06
- Monroe Township Ordinances O:26-2019, O:27-2019, O:28-2019, O:29-2019 and O:30-2019
- Pemberton Township Ordinances 22-2019 and 24-2019

No members of the Commission had questions.

Other Resolutions

Chairman Prickett said the next resolution is to adopt the Fiscal Year 2020 Budgets.

Commissioner Lohbauer made a motion To Adopt the Pinelands Commission's Fiscal Year 2020 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund, Katie Trust Fund and the Pinelands Conservation Fund (See Resolution # PC4-19-36). Commissioner Avery seconded the motion.

Commissioner Avery noted that the Personnel and Budget Committee reviewed all of the budget materials and recommended that the Commission take action on the FY2020 budgets.

ED Wittenberg said the Fiscal Year 2020 budget consists of four separate budgets: Operating Fund ($5,915,074), Kirkwood-Cohansey Aquifer Assessment Study Fund ($70,000), Katie Trust Fund ($15,000) and the Pinelands Conservation Fund ($618,255).

She said the state appropriation increased by $150,000 from FY 2019 to FY 2020. She said the supplemental fund remains the same at $687,000. She said this money is used to offset the fringe benefits, which cost the Commission 1.8 million dollars annually. She said

application fees for FY 19 were up and helped fill gaps in the budget. She noted it is difficult to predict application fees because it depends on the development activity, which fluctuates based on the economy.

Commissioner Lohbauer said there is a $120,000 reserved to paint Fenwick Manor; he asked if the building would be painted this fiscal year.

ED Wittenberg said Fenwick Manor will be painted this fiscal year.

ED Wittenberg reviewed the Operating Fund Expenditures.

Commissioner Lloyd suggested scheduling a meeting with someone from the Governor's office to discuss the shortfall with fringe benefits. He said labor counsel fees are high and it may be wise to explore other options.

Jessica Lynch, Business Service Manager, reviewed a donut graph that illustrates how the Commission's expenditures exceed its revenue.

ED Wittenberg reviewed the Kirkwood-Cohansey budget, which allocated money for salary and rule writing. Director Liggett said it might be necessary to contract with the United States Geological Survey depending on public comment and formal rule making.

ED Wittenberg said money in the Katie Fund will be used to enhance the current garden and include more native Pinelands species. She noted the garden project will not begin until after the Fenwick Manor has been painted. She said the garden will tie into the exhibit experience.

ED Wittenberg reviewed the Pinelands Conservation Fund (PCF), which consists of four components. Additional funds were added to PCF earlier this year from the South Jersey Transportation Authority Memorandum of Agreement offset.

ED Wittenberg reviewed the FY2020 Initiatives for each office. (See attached presentation slides).

Commissioners asked questions focused on the following initiatives: rule making, ORV's and topics the LUCIS Committee can undertake.

ED Wittenberg went into great detail about the LUCIS Committee. She said staff is identifying if the existing solar rules need to be amended to allow for more solar projects. She said staff continues to finalize the Kirkwood-Cohansey policy and research water conservation efforts. She said Sustainable Jersey affords towns the opportunity to become more energy efficient and preserve water sources. She said the Pinelands Municipal Council might be able to assist.

Commissioner Howell said he has worked with Sustainable Jersey and found that it works better in wealthy towns. He said Sustainable Jersey can't be the main strategy.

ED Wittenberg said determining the health of the forest, prescribed burns and no net loss of tree policy are potential forest management approaches.

Commissioner Lohbauer asked that the staff research the potential for solar at the Commission. He said if we are asking municipalities to become more energy efficient, it's only fair for the Commission to do the same.

ED Wittenberg said she reached out to the building authority but reminded Commissioners the Commission does not own the property.

ED Wittenberg reviewed the ORV initiatives. She said she would like to hold a technical conference where NJDEP, users and advocates can confer and brainstorm.

Commissioner Lohbauer suggested that the Commission create a resolution mirroring the Wharton resolution, for the other state parks in the Pinelands.

Commissioner Avery said he would like to meet with the NJDEP and hear from them on what works best to combat ORV illegal use and damage. He noted that it's the NJDEP's land and they are on the frontline. He said he supports the idea of task force because the issue is not only in the Pinelands, it's statewide and happens on both public and private lands. Commissioner Avery suggested that it may behoove the Commission to reach out to the Chief of Police Associations from each Pinelands county.

Commissioner Avery thanked Nancy and staff for the in depth budget and work plan presentations. He said some Commissioners requested more information on these items during the ED's evaluation.

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

General Public Comment

Richard Dann, staff representative from the CWA provided information related to the current contract negotiations (see attached statement) and provided a letter to Commissioners from some members of staff.

Marianne Clemente of Barnegat, NJ said there are a number of Pinelands Commission nominations sitting in the Senate. She suggested that the Commissioners help move those appointments. She said Sustainable Jersey is funded by fossil fuels. She said she was disappointed that a meeting was held with South Jersey Gas. She said there is a march scheduled from Bordentown/Chesterfield to Trenton to request that the Governor place a moratorium on fossil fuels.

Georgina Shanley of Ocean City, NJ, said Sustainable Jersey is supported by the fossil fuel industry. She said a scientist should speak to the Climate Committee. She said July was the hottest month on record and species are becoming extinct everyday. She said there

should be a moratorium on all development in the Pinelands. She referred to the Executive Director's meeting with South Jersey Gas as "impropriety".

Temma Fishman of Medford Lakes, NJ, said she is disappointed that the Commission would not be voting on the South Jersey Gas resolution.

Ryann Grech of the Pinelands Preservation Alliance said the Alliance supports Pinelands staff and she hopes the contract is resolved quickly. She was pleased to hear about the possibility of an Off-Road Vehicle symposium. She expressed concern that the Commission has once again not rescinded the South Jersey Gas approval.

Hara Rola of Haddon Township, NJ, urged the Commission to rescind the approval of the South Jersey Gas pipeline and to not approve future pipeline projects.

Resolution to Retire into Closed Session

DAG Miles read a resolution to enter into closed session to discuss personnel matters. Commissioner Lloyd made a motion to enter into closed session. Commissioner Lohbauer seconded the motion. The Commission agreed to retire into closed session by a vote of 8 to 0, beginning at 11:38 a.m.

Return to Open Session

The Commission entered back into open session at 12:58 p.m. Stacey Roth said that in closed session the Commission discussed two personnel matters. She said the Commission was provided an update on the labor negotiation and the Commission also discussed the Executive Director's evaluation.

Commissioner Avery said some members of the public commented on the meeting the Executive Director had with South Jersey Gas representatives. Commissioner Avery said that the CMP in section 7:50- 4.2 affords applicants the opportunity to meet with the Executive Director prior to submitting an application. He reminded his fellow Commissioners and members of the public that the plan provides for these types of meetings.

Commissioner Earlen said a number of years back the Executive Director and Commissioners received disturbing material from an unknown individual. He informed Commissioners and members of public that the State Police arrested the person responsible and charged the person with terroristic threats and stalking.

Commissioner Lohbauer said he took his grandchildren to meet Greta Thunberg when she recently arrived in Manhattan. He said that on September 20, 2019 the young Swedish activist will lead a climate strike.

Chairman Prickett announced that World Water Monitoring Day is scheduled for October 25, 2019.

Adjournment

Commissioner Pikolycky moved to adjourn the meeting. Commissioner Earlen seconded the motion. The Commission agreed to adjourn at 1:06 p.m.

Certified as true and correct:

Jessica Noble, Executive Assistant

Date: September 23, 2019

RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 31

TITLE: Expressing the Commission's appreciation to Robert Barr for his service as a member of the Commission between March 2015 and June 2019

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

WHEREAS, Robert Barr served as a gubernatorial representative on the Pinelands Commission from March 2015 to June 2019; and

WHEREAS, Mr. Barr served on the Commission's Policy and Implementation Committee, Agriculture Committee and Personnel and Budget Committee; and

WHEREAS, during his tenure, the Commission reviewed and approved 263 municipal master plans and ordinances, as well as 142 public development applications; and

WHEREAS, during his tenure, the Commission permanently preserved nearly 1,300 acres of land in the Pinelands through the Pinelands Conservation Fund; and

WHEREAS, Mr. Barr was passionate about, and advocated for, measures to better protect land in the Pinelands from damages caused by the illegal use of off-road vehicles; and

WHEREAS, Mr. Barr has devoted his life to helping others. He is a community activist for the disabled, and he serves as the Chairperson of the Ocean City Housing Authority, which provides affordable housing for low- and moderate-income residents in Ocean City. Mr. Barr also serves on the Ocean City Council; and

WHEREAS, the members of the Commission want to recognize Mr. Barr's significant contributions and express their appreciation for the service that he performed; 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 members of the Pinelands Commission, assembled at the Richard J. Sullivan Center for Environmental Policy and Education on this 13th day of September, 2019, do hereby express our appreciation to our colleague and friend, Robert Barr, for his commitment to the Pinelands and for his service as a member of the Commission between March 2015 and June 2019.

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: September 13, 2019

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman

RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 32

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 1989-0089.012)

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

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

1989-0089.012	
Applicant:	**Hamilton Township Board of Education**
Municipality:	Hamilton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	August 22, 2019
Proposed Development:	Construction of a 16,120 square foot paved access driveway and eleven space parking lot, and the installation of 2,800 square feet of rubberized surface on an existing playground.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1989-0089.012 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun			X		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: September 13, 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

August 22, 2019

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

Re: Application # 1989-0089.012
Block 995, Lot 1.01
Hamilton Township

Dear Ms. Fala:

The Commission staff has completed its review of this application for construction of a 16,120 square foot paved access driveway and eleven space parking lot and the installation of 2,800 square feet of rubberized surface on an existing playground. 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 September 13, 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, 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)

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

PUBLIC DEVELOPMENT APPLICATION REPORT

August 22, 2019

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

Application No.: 1989-0089.012
Block 995, Lot 1.01
Hamilton Township

This application proposes construction of a 16,120 square foot paved access driveway and eleven space parking lot and the installation of 2,800 square feet of rubberized surface on an existing playground on the above referenced 48.59 acre parcel in Hamilton Township. The George L. Hess Educational Complex is located on the parcel.

The applicant also proposes the in-kind reconstruction/replacement of existing paved roads, sidewalks and a paved parking lot. The in-kind reconstruction/replacement of those structures 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. 7:50-5.28(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. 7:50-6.6)

There are wetlands located within 300 feet of the above referenced parcel. All development, including clearing and land disturbance, will be located at least 300 feet from wetlands.

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.

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

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

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

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on April 1, 2019. Newspaper public notice was completed on June 17, 2019. The application was designated as complete on the Commission's website on July 11, 2019. The Commission's public comment period closed on August 9, 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 24 sheets, prepared by Edwards Engineering Group, Inc. all sheets dated April 22, 2019 and last revised June 26, 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. All development, including clearing and land disturbance, shall be located at least 300 feet from wetlands.

CONCLUSION

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

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

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 5:00 PM on September 9, 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- 33

TITLE: **Approving** With Conditions an Application for **Public Development and Certificate of Appropriateness** (Application Number 1990-0450.006)

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

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

1990-0450.006	
Applicant:	**HMS Host Corporation on behalf of the New Jersey Turnpike Authority**
Municipality:	Lacey Township
Management Area:	Pinelands Preservation Area District/Parkway Overlay District
Date of Report:	August 23, 2019
Proposed Development:	Demolition of an existing 15,600 square foot service building and the construction of a 12,675 square foot service building at the Forked River Rest Area within the Garden State Parkway right-of-way.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1990-0450.006 for public development and a Certificate of Appropriateness 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: September 13, 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

August 23, 2019

Ray Nielsen
HMS Host Corporation
6905 Rockledge Drive
Bethesda, MD 20817

Re: Application # 1990-0450.006
Garden State Parkway
Forked River Service Area
Lacey Township

Dear Mr. Nielsen:

The Commission staff has completed its review of this application for demolition of an existing 15,600 square foot service building and the construction of a 12,675 square foot service building at the Forked River Rest Area within the Garden State Parkway right-of-way. Enclosed is a copy of a Public Development Application Report. The Report also includes a Certificate of Appropriateness to address cultural resources. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 13, 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)
Christopher J. Borinski, PE (via email)

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

PUBLIC DEVELOPMENTAPPLICATION REPORT AND CERTIFICATE OF APPROPRIATENESS

August 23, 2019

Ray Nielsen
HMS Host Corporation
6905 Rockledge Drive
Bethesda, MD 20817

Application No.: 1990-0450.006
Garden State Parkway
Forked River Service Area
Lacey Township

This application proposes demolition of an existing 15,600 square foot service building and the construction of a 12,675 square foot service building at the Forked River Rest Area within the Garden State Parkway right-of-way in Lacey Township. The existing service building is 50 years old or older.

STANDARDS

The Commission staff has reviewed the proposed demolition and construction 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. 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 Rest Area is comprised of pavement and existing maintained lawn areas. The site of the proposed service building is surrounded by existing pavement. The applicant proposes to plant unspecified grass species in seven small discrete areas totaling less than 6,300 square feet, immediately adjacent to the proposed building.

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

The proposed service building 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 SHPO previously determined that existing Garden State Parkway service area buildings are contributing resources to the register eligible Garden State Parkway Historic District.

Based upon the SHPO determination that service area buildings are a contributing resource to the register eligible Garden State Parkway Historic District, the Commission staff has concluded that the 15,600 square foot building subject of this application is an historically significant resource and is, therefore, eligible for Pinelands Designation in accordance with the provisions of the CMP (N.J.A.C. 7:50-6.154).

The CMP (N.J.A.C. 7:50-6.156) requires that a certificate of appropriateness be issued by the Commission that identifies the required treatment of the historically significant resource from among three alternatives:

- preservation of the resource in place, if possible;
- preservation of the resource at another location, if preservation in place is not possible; or
- recordation.

The Commission staff has determined that recordation is the appropriate treatment for the historically significant resource. The standards of the CMP (N.J.A.C. 7:50-6.156(c)3.iii.) specify that the proposed recordation must conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. Prior to demolition, the building must be recorded according to the Historic American Building Survey standards. The design of the exterior of the replacement building must also conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation and be approved by SHPO.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on July 10, 2019. The application was designated as complete on the Commission's website on July 30, 2019. The Commission's public comment period closed on August 9, 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 22 sheets, prepared by CHA Consulting, Inc. and dated March 22, 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. Copies of the recordation shall be provided to the Commission within sixty days of completion. Prior to demolition of the building, a copy of the recordation report shall be provided to the Commission staff. No demolition shall occur until the Commission responds in writing that the submitted recordation report meets the CMP recordation requirements. Prior to its development, the design of the exterior of the replacement building must also conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation and be approved by SHPO.

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 5:00 PM on September 10, 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. PC4-199- 34

TITLE: **Approving** With Conditions an Application for a **Waiver of Strict Compliance** (Application Number 2019-0064.001)

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

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

2019-0064.001	
Applicant:	**Karen Mandel**
Municipality:	Manchester Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	August 22, 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 2019-0064.001 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: September 13, 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

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

August 22, 2019

Karen Mandel (via email)
1500 River Avenue
Lakewood, NJ 08701

Re: Application # 2019-0064.001
Block 63.05, Lots 18 & 34
Manchester Township

Dear Ms. Mandel:

The Commission staff has completed its review of the above referenced application for a Waiver of Strict Compliance ("Waiver") proposing the development of one single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 13, 2019 meeting.

FINDINGS OF FACT

This application is for the development of one single family dwelling serviced by an alternate design onsite septic system on the above referenced 0.63 acre parcel in Manchester Township. The parcel is located in a Pinelands Regional Growth Area and in Manchester Township's PR-15 zoning district. In this zoning district, Manchester Township's certified land use ordinance establishes a minimum lot size of 1.0 acre to develop a single family dwelling that is serviced by an alternate design onsite septic system.

As no Commission accepted alternate design onsite septic system will meet the two parts per million average nitrogen concentration in the groundwater at the property line of the 0.63 acre parcel, the applicant is requesting a Waiver from the groundwater quality standard contained in the CMP (N.J.A.C. 7:50-6.84(a)5iv).

The appropriate resource capability maps and other information available to the Commission staff have been reviewed.

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the entire contiguous parcel. The development of a single family dwelling on the parcel 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 as required by N.J.A.C. 7:50-4.65(b).

Only if the parcel is developed in accordance with the conditions recommended below will the adverse impacts on groundwater quality be minimized.

PUBLIC COMMENT

The applicant provided the requisite public notices. Newspaper public notice was completed on June 7, 2019. Public notice to all property owners within 200 feet of the parcel was completed on June 10, 2019. The application was designated as complete on the Commission's website on July 23, 2019. The Commission's public comment period closed on August 9, 2019. One written public comment (attached) was received by the Commission regarding this application.

Written Public Comment: The commenter expressed concern that the applicant previously received a Waiver on another nearby parcel. The commenter also expressed concern regarding the negative effects of development of the parcel, including the impact to existing vegetation, wildlife and stormwater runoff. The commenter is further concerned with the proximity of the proposed septic system to their existing potable water well.

Commission Staff Response: The Commission staff appreciates the commenter's interest in the Pinelands.

The applicant has demonstrated that the proposed dwelling meets the minimum land use and environmental standards of the CMP to qualify for a Waiver. The Commission's Waiver regulations are designed to provide all property owners in the Pinelands Area with at least a minimum beneficial use of a parcel consistent with constitutional requirements.

A Waiver application must include all contiguous lands in common ownership on or after January 14, 1981. The current owner of this parcel was also the owner of another nearby, but not contiguous, parcel that received a Waiver approval in 2003. The two parcels subject of the Waiver applications are separated by a third parcel. The third parcel was never in common ownership with the parcels subject of the two Waiver applications. Since both Waiver applications included all contiguous land in common ownership on or after January 14, 1981, both parcels qualify for a Waiver.

The CMP does not require applications for one single family dwelling to address stormwater management. The commenter may wish to discuss with an appropriate municipal official the Township's stormwater management requirements for one single family dwelling.

The parcel is located in a Pinelands Regional Growth Area. As a regional land use plan, the CMP designates certain areas for development and other areas for conservation. The CMP encourages development in a Pinelands Regional Growth Area. The entire parcel is forested. The proposed development of the 0.63 acre parcel will result in the loss of forested vegetation and any wildlife habitat that may be associated with that vegetation. The Township land use ordinance and the CMP limit vegetation clearing on the parcel to that which is necessary to accommodate the proposed dwelling, septic system and permitted accessory uses and structures. The proposed development is consistent with the CMP threatened and endangered species protection standards.

The Ocean County Health Department administers regulations that specify the minimum distance between a proposed septic system and any existing potable water well. The commenter may wish to discuss the proximity of the proposed septic system to their potable water well with an appropriate County Health Department official.

CONCLUSION

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

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

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain specified development. One of the specified types of development is a single family dwelling on a parcel within a Regional Growth Area, Pinelands Town or Pinelands Village which is at least 20,000 square feet, excluding road rights-of-way, in size and is not served by a centralized waste water treatment system. This application is for a Waiver from the groundwater quality standards contained in N.J.A.C. 7:50-6. The applicant is proposing to develop a single family dwelling serviced by an alternate design onsite wastewater treatment system on a 0.63 acre (27,442 square foot) parcel. The parcel contains more than 20,000 square feet, excluding road rights-of-way, and is located in a Pinelands Regional Growth Area. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1v.

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

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

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinance have been certified by the Pinelands Commission. Manchester Township's master plan and land use ordinance have been certified by the Pinelands Commission. The Manchester Township certified land use ordinance provides that for residential development not serviced by a centralized wastewater treatment plant on lots between 20,000 square feet and one acre in size in the Township's PR-15 zoning district a dwelling may be constructed without the necessity of a municipal lot size or density variance, provided a waiver of strict compliance is granted by the Pinelands Commission. Based upon this Township land use ordinance provision, the development of a single family dwelling on the parcel will not require a lot area or residential 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)1iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits (PDCs) whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the applicant is obtaining a Waiver from the groundwater quality standard (N.J.A.C. 7:50-6.84(a)5iv.) a condition is included to require the applicant to purchase the requisite 0.25 PDCs.

The CMP (N.J.A.C. 7:50-4.62(d)1ii)) also 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. 7:50-5.27(c)) provides that any local approval in a Pinelands Regional Growth Area which grants relief from density or lot area requirements shall require that PDCs be used for all dwelling units or lots in excess of that otherwise permitted, unless a Waiver for the dwelling unit or lot has been approved by the Commission. Since the applicant qualifies for a Waiver, PDCs are not required for any local approval.

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

1. The septic system must be located in an area where the seasonal high water table is at least five feet below the natural ground surface.

2. The proposed dwelling must utilize an alternate design onsite wastewater treatment system authorized pursuant to the CMP on a 1.0 acre lot and approved for use by the Pinelands Commission and the New Jersey Department of Environmental Protection.

3. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein

shall be the sole principal use of the parcel.

4. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, a recorded copy of a deed consolidating Block 63.05, Lots 18 and 34 into one lot must be submitted to the Pinelands Commission.

5. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 PDCs have been acquired and submitted to the PDC Bank for redemption.

6. This Waiver shall expire September 13, 2024 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after September 13, 2024 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.

7. Prior to completion of an application with the Commission for development of the proposed dwelling, a copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission. The deed shall specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance referring to the application number. The deed shall also state that the conditions are enforceable by the Pinelands Commission, Manchester Township, the Ocean County Health Department and any other party of interest.

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

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

APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission offices no later than 4:00 PM on September 9, 2019 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

Enclosure: 6/13/19 Public comment

c: Secretary, Manchester Township Planning Board (via email)
Manchester Township Construction Code Official (via email)
Manchester Township Environmental Commission (via email)
Secretary, Ocean County Planning Board (via email)
Ocean County Health Department (via email)
Betsy Piner (via email)
John Pressey, regular mail

Pinelands Commission

PO Box 359

New Lisbon, NJ 08064

June 13, 2019

App # 20190064.001
Doc Type 100

JUN 13 2019

Received ✓

Re: Pineland Application #2019-0064.001

To: Whom It May Concern

The purpose of this letter is to express my opposition to Karen Mandel's application to develop block 63.05, lots 18 and 34.

Your commission did approve a separate request for her, approximately one and a half years ago, to build a home on the adjacent and adjoining lots to this which also borders my property. This home is currently up for sale, which indicates to me that she never had the intention to occupy the residence she was approved to build and she developed it with the sole purpose of flipping the property for profit.

Aproving the waivers which allowed this construction caused the property to be scrip mined of vegetation and trees which had adversely affected the environment and the amount of wildlife we were accustomed to. It also caused my property to constantly become flooded by rainwater runoff from that lot during the smallest of storms.

Approving the current request (#2019-0064.001) will surely result in the loss of the remaining vegetation and trees that surround my property which, up until now, was protected by the Pinelands Commission. This will no doubt cause any remaining wildlife such as snakes, birds, turtles, small mammals to flee the area, and cause additional flooding to my property.

It was the ecology and privacy and that was protected by the Pinelands Commission that attracted me to Manchester and caused me to purchase my property which I have shared with this wildlife since 1983.

It seems that more and more of these lots are being allowed to be developed purely for profit gain without regard to the environmental and ecological costs to wildlife habitats that end up destroyed.

Additionally, I have concerns that the only source of water available to me (well water) will become contaminated by septic waste and the use and pesticides and fertilizer run off from these properties, if request #2019-0064.001 is approved.

I respectfully request that you consider my position and deny this request for waiver and allow profits to take a rear seat to wildlife, ecology and the environment. Thank you for your time and consideration regarding this matter.

John A. Pressey

3164 Ridgeway Blvd.

Manchester, NJ 08759

RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 35

TITLE: To Adopt an Amendment to the Pinelands Infrastructure Master Plan to Set a Project Priority List and Recommend Funding Levels for Each Project

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

WHEREAS, P.L. 1985, Chapter 302 (the Pinelands Infrastructure Trust Bond Act) authorized creation of a debt of the State of New Jersey by issuance of bonds in the sum of $30,000,000 for the purpose of providing grants and loans to local units of government in the Pinelands Area for infrastructure capital projects necessary to accommodate development in the Regional Growth Areas; and

WHEREAS, P.L. 1985, Chapter 302 required that the Pinelands Commission adopt an infrastructure master plan to be used in evaluating projects to be financed, to specify funding structure in terms of grants and loans to be awarded, and to recommend the level of funding for selected projects; and

WHEREAS, the Department of Environmental Protection adopts regulations regarding grant and loan procedures and regulations for allowable costs of water and wastewater projects in N.J.A.C. 7:22 – 6 and 7 to implement the awards specified in the adopted Pinelands Infrastructure Master Plan; and

WHEREAS, the Transportation Bank administers grants and loans for allowable costs of transportation projects to implement the award specified in the Pinelands Infrastructure Master Plan; and

WHEREAS, on January 16, 1987, the Pinelands Commission adopted the original Pinelands Infrastructure Master Plan by Resolution PC4-87-03; and

WHEREAS, since that time, the Pinelands Commission adopted a number of amendments to the Pinelands Infrastructure Master Plan, most recently on February 8, 2019 through Resolution PC4-19-09; and

WHEREAS, the most recent amendment updated the types of projects that may be considered for funding, established revised ranking criteria and set forth the funding structure for projects included on the priority project list; and

WHEREAS, repayment of loans issued under the Pinelands Infrastructure Master Plan and earlier amendments has resulted in the availability of approximately $15,890,000 in the Pinelands Infrastructure Fund; and

WHEREAS, the Pinelands Commission has conducted outreach among Pinelands municipalities and utility authorities to gauge the needs for infrastructure to support the demands of the Regional Growth Area; and

WHEREAS, on March 12, 2019, the Pinelands Commission issued a request for project proposals and distributed the proposal to all Pinelands counties, municipalities and utility authorities with Pinelands Regional Growth Area service areas; and

WHEREAS, ten proposals for funding were received totaling $26,837,420 in funding requests; and

WHEREAS, the total funding requests exceeded the available resources in the PITF; and

WHEREAS, Commission staff evaluated the project proposals, ranked the projects against the criteria of the most recent amendment to the Pinelands Infrastructure Master Plan and prepared a project priority list with recommended funding amounts; and

WHEREAS, five projects have been selected for the project priority list, including the Pemberton Township –Burlington County Institutions water supply improvements, the Manchester Township & Jackson Municipal Utilities Authority sewer and water main extensions, the Monroe Township Williamstown Square transportation improvements, the Galloway Township Pinehurst sewer main extensions, and the Winslow Township sewer and water main extensions; and

WHEREAS, the Executive Director has found that the project priority list appropriately ranks the proposed projects and supports the objectives of the Pinelands Infrastructure Bond Act; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending adoption of the July 2019 Pinelands Infrastructure Master Plan amendment setting the new project priority list and funding awards; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that the July 2019 Infrastructure Master Plan project priority list amendment be adopted; and

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

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

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

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to amend the Pinelands Infrastructure Master Plan by revising the project priority list in accordance with the July 2019 amendment.

2. The Executive Director shall forward the project priority list to the New Jersey Infrastructure Bank for administration of loan and grant awards.

3 The Executive Director shall notify agencies sponsoring the projects on the adopted PITF priority list.

BE IT FURTHER RESOLVED that

4. The PITF funds allocated to wastewater projects in accordance with the July 2019 amendment may be used by the New Jersey Water Bank as matching funds to federal funds awarded for wastewater projects.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun			X		Irick	X				Quinn			V	
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: September 13, 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

REPORT ON THE JULY 2019 PINELANDS INFRASTRUCTURE TRUST MASTER PLAN AMENDMENT TO SELECT PROJECTS AND RECOMMEND FUNDING LEVELS

The 1985 Pinelands Infrastructure Trust (PITF) Bond Act created an initial source of funding with the goal of defraying the costs of infrastructure in Pinelands Regional Growth Areas while simultaneously offering land value equity to property owners in the Preservation Area, Agricultural Production Area and Special Agricultural Production Area through the use of Pinelands Development Credits (PDC). The PITF Act directed the Pinelands Commission to prepare a Master Plan to evaluate and identify infrastructure projects and to include a funding structure through which the State would administer grants and/or loans for projects that are identified in the Master Plan. The Act allows funding for a wide array of infrastructure projects to support development in the Regional Growth Area. Infrastructure projects may include wastewater (including stormwater and green infrastructure), water supply, or transportation, as long as it serves new development in the Regional Growth Area with the potential to generate demand for PDCs.

In February 2019, the Pinelands Commission adopted an amendment to the Pinelands Infrastructure Master Plan updating the types of projects that would be considered and setting ranking criteria for evaluating the projects. The amendment also established the proportions of funding that would be allocated as grants or loans and required a portion of funding to be matched by the local agency. Following adoption of that amendment, the Commission issued a request for project proposals for potential funding through the PITF.

Ten proposals were received and evaluated against the amended ranking criteria. The total estimated project costs for all ten projects exceeded the funding available through PITF. Thus the projects were ranked according to the criteria of the PITF Infrastructure Master Plan and five projects were prioritized for funding. The five projects and the recommended funding for each project are the subject of the proposed amendment to the PITF Infrastructure Master Plan. The projects include

1. Pemberton Township water supply system improvements
2. Manchester Township/Jackson MUA sewer and water main extensions
3. Monroe Township Williamstown Square transportation improvements
4. Galloway Township sewer main extensions
5. Winslow Township sewer and water extensions

Options for PITF Amendment Adoption and Possible Delays

Subsequent to the Request for Proposals being issued for this round of PITF, the New Jersey Department of Environmental Protection (NJDEP) informed the Commission staff that planned amendments to the Water Bank administrative rules will not occur prior to the next round of

appropriations in January 2020. The projects involving water supply proposed for PITF funding are impacted by the lack of progress in amending the administrative rules at NJAC 7:22. Water supply projects may be included in the PITF priority project list, but will not be eligible to apply for funding appropriation through the Water Bank because the administrative code limits eligibility to only wastewater projects.

The NJDEP further indicated that the Commission could apply for a waiver of the rules at NJAC 7:22. If a rule waiver was granted, then all projects could by processed by the Infrastructure Bank (via the Water Bank and the Transportation Bank sections.) A final determination from NJDEP on their ability to waive the rules limiting PITF funding to wastewater projects has not been made. Unless or until the NJDEP grants a rule waiver or amends the Pinelands sections of the administrative code, the proposed water supply projects cannot receive funding appropriation.

Transportation projects, where loans and grants are administered by the Transportation Bank, are not impacted by the NJDEP rule administrative problem. However, the Transportation Bank only forwards one round of projects per year for legislative appropriation. (The Water Bank forwards several rounds of projects each year.) Delays in adopting the PITF Master Plan amendment could result in the transportation project missing the appropriations deadline for January 2020.

The Commission has several options for proceeding with the proposed amendment to the PITF. The first option is for the Commission to adopt the PITF Master Plan amendment as proposed. It would prioritize five projects with recommended funding levels, including water supply projects, wastewater projects and a transportation project. Project sponsoring agencies for the wastewater projects and the transportation project could then apply to the Water Bank and the Transportation Bank, as appropriate for the type of infrastructure. The water supply projects would remain on the priority list and could apply for funding through the Water Bank when the administrative code is amended. The timeline for amending the administrative code is uncertain.

A second option is to delay the PITF amendment until NJDEP makes a determination on whether to allow a rule waiver. If the waiver is granted, then the Commission could adopt the PITF amendment as is and all projects may proceed to apply for grants and loans with the Infrastructure Bank. If the waiver is not granted, then the Commission may proceed with the third option. It is not clear with this option whether the timing of the PITF amendment and Infrastructure Bank applications would allow the projects to proceed to appropriations in the January 2020 round or whether they would be delayed to a future round. Transportation projects that are not included in the January legislative appropriation will not be included in an appropriations bill until 2021.

The third option would be to re-issue a new Request for Proposals and re-evaluate project proposals submitted previously. The new Request for Proposals would eliminate projects involving water supply. Proposals would be limited to transportation projects and wastewater projects, including sanitary sewer, stormwater, and green infrastructure projects. It is unlikely that pursuing this option will allow projects to proceed to legislative appropriations in the January 2020 round. As noted in option two, transportation projects may be delayed by a year if not included in the January 2020 appropriations bill.

In accordance with the January 2019 PITF Master Plan amendment which expanded funding to the wider array of public infrastructure projects identified by the Pinelands Infrastructure Act, staff recommends adoption of the noticed list of projects and funding levels. The three water supply projects on the priority list will not be eligible for appropriations until amendment of NJAC 7:22 or until NJDEP grants a rule waiver. However, those projects will remain on the PITF priority project list and will

remain eligible to apply for PITF funding through the Water Bank when the administrative code is amended. Applicants may withdraw from the process for any reason, including funding delays.

Pending Commission adoption of the July 2019 amendment, Commission staff anticipates notifying priority project agencies of their eligibility for PITF funding and providing the Project List and Award amendment to the New Jersey Infrastructure Bank. The Infrastructure Bank will administer grants and loans for the eligible projects. The administration process involves the Infrastructure Bank identifying the projects for legislative appropriations which is planned to occur in January 2020. The project agencies must then apply to the Infrastructure Bank to obtain the allocated funding.

PITF funding awards do not constitute development approval by the Pinelands Commission. All project agencies will be notified that it remains necessary to obtain all permits and approvals required by law to proceed, including the Commission's approvals of public development applications and/or review of any associated municipal or county approvals.

PUBLIC HEARING

A public hearing to receive testimony concerning the PITF Master Plan amendment project list and funding allocation was duly advertised, noticed, and held on July 31, 2019 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 A.M. Ms. Susan Grogan conducted the hearing. One member of the public attended. No testimony was given.

Written comments on the PITF Master Plan amendment were accepted through August 7, 2019. No written comments were received.

CONCLUSION

Based on the background and comments described above, the Executive Director has concluded that the July 2019 PITF Master Plan amendment will support the objectives of the PITF Act. Accordingly, the Executive Director recommends that the Commission adopt the Amendment as proposed.

Attachments (2)
gab

PINELANDS INFRASTRUCTURE TRUST MASTER PLAN AMENDMENT
PROJECT SELECTION AND FUNDING LEVELS
PC-19-__

6/18/19

Background

The Pinelands Infrastructure Trust Fund (PITF) was created through the Pinelands Bond Act of 1985. Originally, sale of bonds authorized by P.L. 1985, Chapter 302 raised $30,000,000 for the purpose of providing grants and loans to local units of government for infrastructure projects necessary to accommodate development in Regional Growth Areas of the Pinelands. The Pinelands Commission then prepared and adopted the Pinelands Infrastructure Master Plan and an Infrastructure Financing Plan.

Loans repaid from previous funding rounds, along with the sale of additional bonds, has replenished the PITF. Currently, approximately $15,890,000 is available for projects approved through the PITF process. Amendment of the Master Plan is necessary to identify and recommend infrastructure projects for funding.

A Pinelands Infrastructure Trust Fund (PITF) Master Plan amendment was adopted by the Pinelands Commission in February 2019. The amendment updated the criteria for ranking proposed infrastructure projects and identified the funding structure as a balance of 50% loans, 40% grant and a minimum of 10% local matching funds. Subsequently, the Commission directed that a request for project proposals should be issued.

A request for proposals was issued on March 12, 2019 and distributed to all Pinelands counties, municipalities, and utility authorities with Pinelands Regional Growth service areas. Ten project proposals were received in response to the request for proposals. Projects ranged from water distribution lines and wastewater collection lines, to transportation improvements and underground storage tank removal. The total cost of all projects submitted was $34,060,215, far exceeding the amount of money currently available through the PITF. All projects are described below, with funding recommendations in a subsequent section.

Loans and grants are administered by the Infrastructure Bank pursuant to N.J.A.C. 7:22 – 6 and 7 relative to the PITF. Subchapter 6 sets forth the grant and loan procedures. Subchapter 7 defines allowable costs for the projects. The procedures and allowable costs are not the subject of this PITF Master Plan Amendment.

Objectives

The resources available for use in the PITF are approximately $15,890,000. That amount includes existing funds and $6,750,000 in bond issues. The funding must be appropriated through legislation. Appropriations refer to the Pinelands Infrastructure Master Plan priority list. This Pinelands Infrastructure Master Plan amendment supports the appropriations of PITF through achievement of the following objectives:

- To establish an updated priority list of infrastructure projects for funding through the Pinelands Infrastructure Bond Act
- To select and rank proposed infrastructure projects against criteria established through the Pinelands Infrastructure Master Plan Amendment completed February 2019
- To adopt the priority list into the Pinelands Infrastructure Master Plan
- To forward the priority list to NJDEP for legislative appropriations and administration of grants and loans

Project Descriptions and Rankings

All project proposals were evaluated against the ranking criteria of the Pinelands Infrastructure Master Plan amendment adopted in February 2019. The ten projects are briefly described, below, and are listed in order of their ranking.

1. Pemberton Township – Burlington County Institutions Water System Improvements

This project would install improvements to an existing water supply system. The proposal is to rehabilitate distribution and storage facilities that form the sole source of public water supply for a portion of the Township's Regional Growth Area recently designated for redevelopment. The project was evaluated based on two redevelopment plans certified by the Commission on June 14, 2019. Projected demand for 85 full PDCs (340 rights) is based upon a maximum of 1,430 dwelling units in the Rowan College at Burlington County Redevelopment Area and an additional 80 dwelling units in the Former Burlington County Minimum Security and Work Release Center Redevelopment Area. The large number of dwelling units, large mandatory PDC use, residential density, and a lower cost per dwelling unit all contributed to the highest rank for this project.

2. Manchester Township and Jackson Municipal Utilities Authority – Water and Sewer Main Extensions

The project would serve Regional Growth Areas in Manchester Township and Jackson Township. Sewer main would be extended approximately 2 miles along Ridgeway Road and South Hope Chapel Road from a connection in Manchester Township (service by Ocean County Utility Authority). Additionally, water mains would be extended from Jackson Township connection into Manchester Township resulting in interconnection of the municipal water systems. Water system interconnection is expected to reduce usage of an existing Cohansey aquifer public supply well. A portion of the area to be served by the sewer and water extensions is subject of a Pinelands development application with a recent Certificate of Filing (App. No. 1983-5386.002.) Based upon municipal zoning, the project would support potential use of 85.5 PDCs (342 rights) and allow for a total of 1,369 dwelling units (789 in Manchester Township and 580 in Jackson Township.) The large number of dwelling units, mandatory PDC use, residential density, higher local matching funds, and environmental benefit of reduced demand on the Kirkwood-Cohansey aquifer all contributed to the high ranking of this project.

3. Monroe Township – Williamstown Square Transportation Improvements

This project supports a redevelopment area in the Regional Growth Area with road intersection signalization, road widening, and controlled access for a mixed-use development. The project is planned to serve 350 dwelling units and generate mandatory use of 21 PDCs (84 rights). Design is intended to accommodate multiple modes of transportation including auto, bicycle and foot traffic. The redevelopment plan calls for achieving a "Sustainable Neighborhood" through encouragement of LEED silver certification. Also, the development is intended to maximize green space through green roofs, green walls, architectural design, rain gardens and woodlands. The number of dwelling units, mandatory PDC use, moderate cost per dwelling unit (in PITF funding) and green design elements contributed to the ranking of this project. The ranking is based upon the Commission's anticipated certification of a revised version of the Williamstown Square Redevelopment Plan, adopted by the Township in May 2019. Eligibility for funding may not be met without Pinelands certification of the redevelopment plan.

4. Galloway Township – Pinehurst Sewer Extension

The project proposes to extend 26,000 linear feet of sanitary sewer main to connect with the Atlantic County Utilities Authority system in the Pinehurst section of Galloway Township. The project would allow the development of approximately 938 dwelling units and the use of 41.25 PDCs (165 rights) if the Planned Unit Residential (PURD) standards of the municipal ordinance are applied. The number of dwelling units, a lower cost per dwelling unit (in PITF funding), and residential density raised the ranking of this project. Optional, rather than mandatory, use of PDCs also affected the ranking. Ranking of this project presumed that future development would occur at the permitted PURD density. That density could not be achieved absent public sanitary sewers.

5. Winslow Township – Water and Sewer Main Extensions

This project would design and construct 4,275 linear feet of water main and 4,095 linear feet of sewer main to support a recently designated redevelopment area in the Regional Growth Area. The parcel to be served by the sewer and water extensions is subject of a Pinelands development application with a recent Certificate of Filing (App. No. 2008-0014.002.) Based upon municipal zoning, the parcel to be served has potential for 145 dwelling units and mandatory use of 9.25 PDCs (37 rights). Mandatory PDC use and larger local match funding contribute to the ranking of this project.

6. Monroe Township – Black Horse Pike Water and Sewer Main Extensions

The project would extend water and sewer to a mix of commercially zoned and residentially zoned sections of the Township adjacent to the Black Horse Pike. Approximately 13,000 LF of sewer force main, 8,960 LF of sewer main, and 15,315 LF of water main would be installed to serve commercial development and an estimated 421 dwelling units. Based upon the municipal zoning, there is potential for mandatory use of 21.25 PDCs (85 rights). Although the area to be

served is in a Regional Growth Area, the majority is zoned for commercial development. Ranking of this project reflects mandatory PDC use and residential density, where applicable, but also predominance of commercial development to be served.

7. Egg Harbor Township – Tremont South Sewer Extension

The proposal includes approximately 13,100 LF of sewer main extensions to serve a residentially zoned area where PDC use is optional. The project is estimated to generate 150 dwelling units and potential demand for 12.5 PDCs (50 rights). The lower level of service along with optional PDC use, low residential density, and minimum local match affected the ranking of this project.

8. Atlantic County Utilities Authority – Underground Storage Tank Replacement

This project would remove underground fuel tanks located at five existing pump stations and replace them with above ground storage tanks and containment structures. The five pumping stations serve existing wastewater collection systems in Hamilton Township and Egg Harbor Township. There is no specific development proposed or associated with this maintenance project, although such projects may be necessary to support future development in the sewer service areas of the Atlantic County Utilities Authority. The lack of specific information about potential residential units, PDC use, and other factors related to bonus criteria led to a lower rank for this project.

9. Atlantic County Utilities Authority – Pump Station Upgrades

The project proposes structural, mechanical and electrical upgrades to extend the operation of five pump existing wastewater pump stations. The five pumping stations serve existing wastewater collection systems in Hamilton Township and Egg Harbor Township. There is no specific development proposed or associated with this maintenance project, although such projects may be necessary to support future development in the sewer service areas of the Atlantic County Utilities Authority. The lack of specific information about potential residential units, PDC use, and other factors related to bonus criteria led to a lower rank for this project.

10. Evesham Municipal Utilities Authority

The project would construct an elevated water storage tank to serve existing customers along Hopewell and Kettle Run Roads in Evesham Township located in a Pinelands Rural Development management area, along with an unspecified Regional Growth Area. The application noted that no PDCs will be used for any development served by the proposed water tank. As the service area is in a Rural Development Area and no Regional Growth Area is proposed to be served and no PDC demand is generated by the project, it is ineligible for funding through the PITF.

Project Priority List and Recommended Funding

Given available funding and the rankings described above, five projects are recommended for PITF funding. The table below summarizes the recommended funding levels. Final funding levels will be determined by the New Jersey Infrastructure Bank through administration of NJAC 7:22 – 6 and 7.

Priority Number	Applicant	Project	Total Project Cost	PITF grant	PITF loan	PITF Sum
1	Pemberton	BCI Water system improvement	$2,929,000	$1,171,600	$1,464,500	$2,636,100
2	Manchester Twp/ Jackson MUA	Water & Sewer	$7,192,035	$2,745,011	$2,745,011	$5,490,022
3	Monroe	Williamstown Square Transportation	$3,962,000	$1,426,320	$1,782,900	$3,209,220
4	Galloway	Pinehurst sewer extension	$3,493,440	$1,397,376	$1,746,720	$3,144,096
5	Winslow	Water & Sewer	$1,728,940	$705,281	$705,281	$1,410,562
Totals			$19,305,415	*$7,445,588*	$8,444,412	$15,890,000

RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 36

TITLE: To Adopt the Pinelands Commission's Fiscal Year 2020 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund, Katie Trust Fund and the Pinelands Conservation Fund

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

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

WHEREAS, the State of New Jersey has appropriated $2.949.000 to support the Commission's operations during Fiscal Year 2020; and

WHEREAS, the Department of the Treasury informed the Commission that $687.000 of budgeted health benefits and pension costs will be covered through the State's interdepartmental accounts in FY 2020; and

WHEREAS, the Commission anticipates that additional funding sources of $1.429.110 will be available to further support the Commission's operations; and

WHEREAS, the FY 2020 Operating Budget anticipates a $849.964 draw from the Commission's unreserved, undesignated fund balance; and

WHEREAS, the Commission is adopting an Operating Budget for FY 2020 totaling $5.915.074; and

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

WHEREAS, the Kirkwood Cohansey Aquifer Assessment Study Fund budget for FY 2020 recommends expenditures of $70.000, which will be drawn from the Fund Balance for this project; and

WHEREAS, the Katie Trust Fund Garden Budget for FY 2020 recommends expenditures of $15.000, which will be drawn from the Fund Balance for the Garden project; and

WHEREAS, a financial plan for the Pinelands Conservation Fund (PCF), which designated four programs (Land Acquisition, Conservation Planning and Research, Community Planning and Design and Education and Outreach) within the Fund, was approved by the Commission in April 2005, and revised in August 2009, and revised again in August 2014; and

WHEREAS, during FY 2020, the budget for the Land Acquisition program totals $8.625; and

WHEREAS, the FY 2020 budget for the Conservation Planning and Research program totals $351.726; and

WHEREAS, the FY 2020 budget for the Community Planning and Design program totals $149.604; and

WHEREAS, the FY 2020 budget for the Education and Outreach program totals $108.300; and

WHEREAS, the total budget for the Pinelands Conservation Fund during FY 2020 totals $618.255 and

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

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission hereby adopts the attached Fiscal Year 2020 Budgets for the Operating Fund totaling $5.915.074; the Kirkwood Cohansey Aquifer Assessment Study Fund totaling $70.000; the Katie Trust Fund Garden Budget totaling $15.000 and the Pinelands Conservation Fund totaling $618.255.

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: September 13, 209

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman

PINELANDS COMMISSION
OPERATING BUDGET REVENUES
GENERAL FUND
FISCAL YEAR 2020

Revenue Source	FY2017 Audited	FY2018 Unaudited	FY2019 Unaudited	FY2020 Anticipated	Notes
State Appropriation	2,799,000	2,649,000	2,799,000	2,949,000	1
State Supplemental Funding (Fringe Benefits)	687,000	687,000	687,000	687,000	2
Miscellaneous Income		600	200	40	
Interest Income	16,700	5,000	25,000	50,000	3
MTMUA Hydrologic Monitoring		0	0	0	
CCMUA Hydrologic Monitoring	9,361	8,000	10,330	0	
EPA Buffer Grant		0	0	0	
NPS - Long Term Environmental Monitoring	142,448	329,750	313,271	192,000	4
NPS - Long Term Economic Monitoring	26,252	328,750	326,058	191,000	4
Drexel - DWRF		0	322,003	0	
EPA - Micro		0	140,379	100,000	
Stockton College MOA		20,000	20,000	0	
Vehicle Auction Proceeds		0	0	0	
Wetlands Permitting		2,000	10,000	4,000	5
Pinelands Application Fees	341,778	340,000	430,000	690,000	6
Utility Companies ROW Program	59,200	59,200	59,200	0	
TOTAL REVENUE	4,081,739	4,429,300	5,142,441	4,863,040	
Microfilm Reserve Anticipated	3,650	3,650	3,650	3,650	7
Computer Reserve Anticipated	18,420	18,420	18,420	18,420	8
Fenwick Manor Painting Reserve Anticipated	80,000	100,000	120,000	120,000	9
Administrative Assessment (Pnlds. Conserv. Fund)	80,000	80,000	60,000	60,000	10
Undesignated Fund Balance Anticipated	370,442	394,468	570,563	849,964	11
TOTAL OTHER INCREASES	552,512	596,538	772,633	1,052,034	
TOTAL REVENUE AND OTHER INCREASES	4,605,671	5,025,838	5,915,074	5,915,074	

PINELANDS COMMISSION
OPERATING BUDGET EXPENDITURES
GENERAL FUND
FISCAL YEAR 2020

Expenditure Account	FY2017 Audited	FY2018 Unaudited	FY2019 Unaudited	FY2020 Anticipated	Notes
PERSONNEL					
Salaries & Wages	2,473,235	2,691,781	3,031,731	3,094,758	12
Fringe Benefits	1,392,996	1,594,542	1,808,212	1,822,822	13, 34
TOTAL PERSONNEL	3,866,231	4,286,323	4,839,943	4,917,580	
SUPPLIES					
Printing & Office Supplies	18,866	18,080	31,860	28,705	14
Vehicular Supplies	4,649	6,250	5,750	7,525	15
Household Supplies	7,278	8,450	8,900	9,300	16
Fuel & Utilities	25,725	42,350	42,350	43,000	17
Other Supplies	3,074	5,930	16,599	14,503	18
TOTAL SUPPLIES	59,593	81,060	105,459	103,033	
SERVICES					
Travel	-470	14,900	11,500	6,350	19
Telephone	24,708	30,305	36,325	36,800	20
Postage	5,083	6,650	7,150	6,150	21
Insurance	49,157	51,900	58,200	61,225	22, 34
Information Processing	58,328	77,471	77,410	77,325	23
Household Services	1,881	2,250	2,400	2,600	24
Professional Services	207,979	278,715	630,582	541,333	25, 34
Other Services	22,930	28,640	31,526	30,558	26
TOTAL SERVICES	369,598	490,831	855,093	762,341	
MAINTENANCE & RENT					
Maintenance - Buildings & Grounds	5,341	92,000	42,500	46,500	27
Maintenance - Equipment	7,028	17,700	27,050	21,250	28
Maintenance - Vehicular	1,362	5,750	5,750	5,720	29
Rent - Other	5,872	6,950	6,750	8,050	30
TOTAL MAINTENANCE & RENT	19,603	122,400	82,050	81,520	
IMPROVEMENTS & ACQUISITIONS					
Improvements - Buildings & Grounds	0	0	0	0	
Acquisitions - Vehicles	0	0	0	0	
Acquisitions - Equipment	734	4,619	10,528	28,600	31
Acquisitions - Information Processing Equipment	18,842	40,605	22,000	22,000	32
TOTAL IMPROVEMENTS & ACQUISITIONS	19,576	45,224	32,528	50,600	
TOTAL EXPENDITURES	4,334,601	5,025,838	5,915,074	5,915,074	33

PINELANDS COMMISSION
OPERATING BUDGET
FISCAL YEAR 2020 NOTES
September 13, 2019

1. The Governor's budget includes a FY 2020 State Appropriation to the Commission in the amount of $2,949,000. This is an increase from the FY2019 Appropriation.

2. State Supplemental Funding (Fringe Benefits) totaling $687,000 helps to offset the Commission's health and pension costs. Since FY 2004, the Department of the Treasury has agreed to help the Commission finance its escalating health benefits premiums through an Interdepartmental Account. Beginning in FY 2009, the amount of assistance was calculated using projected health and pension costs not funded through other sources. Using this calculation, the Commission requested $838,218 in FY 2012, $837,927 in FY 2013, $844,809 in FY 2014 and $840,455 in FY 2015 but was only approved to receive $687,000. In FY 2016, only $687,000 was received and this amount was consistent for FY 2017, FY 2018, FY 2019 and will be for FY 2020.

3. Interest Income is earned in the Commissions checking account and the cash management fund designated for general use. Interest income for the Kirkwood Cohansey Aquifer Study and the Pinelands Conservation Fund is reflected in the budgets for those programs. Interest rates have fluctuated in recent years and have greatly affected interest income over several years and will continue to do so in FY 2020.

4. The Commission is entering its 25th year of the Environmental and Economic Long Term Monitoring programs. This anticipated revenue from the National Park Service is based upon that program's projected expenses during the fiscal year and unspent funds from prior years, which are reimbursed in full.

5. The anticipated revenue from the NJDEP Wetlands Permitting program that the Commission helps to administer reflects the estimated permit fees to be received and is authorized through language in the Appropriations Act.

6. Application Fees of $690,000 are anticipated to be received during FY 2020. This important component of the Commission's Operating Budget fluctuates tremendously from month to month. This funding source will be closely monitored throughout the fiscal year.

7. The $3,650 anticipated revenue from the Microfilm Reserve equals the amount being recommended in the expenditure accounts for items relating to permanent record storage, including microfilming and document imaging. The remaining balance in the Microfilm Reserve account will be held in reserve to sustain the future costs of the long term records management project.

8. The FY 2020 anticipated revenue from the Computer Reserve estimated at $18,420 for Replacement Computers and Replacement Printers.

9. The Fenwick Manor Painting Reserve has been established to earmark funds for the future painting of Fenwick Manor. Funds will be added annually until the project is complete. The current total consists of $40,000 from FY 2015; $40,000 from FY 2016; $20,000 from FY 2017 and $20,000 from FY 2018. The Project will be moving forward during FY 2020.

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

11. The projected amount needed from the Undesignated Fund Balance to balance the FY2020 budget deficit is $849,964.

12. The Commission's authorized staffing level is 66 full time equivalent positions (FTEs). Since FY 2007, unfilled vacancies have steadily increased to a total of 23 unfilled full time equivalent positions, or more than 35% of the authorized staffing level. The FY 2020 salaries and wages budgets (Operating, Kirkwood Cohansey Study and Pinelands Conservation Fund) finance only 43 of the 66 authorized full time equivalent positions.

13. The fringe benefits budget includes expenditures for the employer's share of Social Security ($197,000), Medicare ($50,000), disability insurance ($2,000), flexible savings accounts ($1,500) and miscellaneous administrative charges ($1,000). The employer liability of pension related funds is estimated at $425,000. The Commission's escalating health benefit premiums for active and retired employees are estimated at $1,250,000 with a $154,000 reduction for coinsurance payments from staff members. Also included is $15,000 for dental insurance premiums and $900 for participation in the Employee Advisory Service. Lastly, $200,691 of the total fringe benefits budget is projected to be funded by the Kirkwood Cohansey Study ($13,000) and the Pinelands Conservation Fund ($187,691) as shown in those budgets.

Upon Commission approval of the FY 2020 Operating Budget, the Executive Director will be authorized to pay the employer share of Social Security and Medicare at an amount not to exceed the budgeted funding of $247,000.

14. The printing and office supplies budget includes expenditures for printing; office, computer, mailing, copying, and meeting supplies; office and computer equipment with an item cost of less than $1,000; reference materials; scientific report printing/publication; and service awards. Grant-related expenses account for $11,000 of this budget.

15. The majority of the vehicular supplies budget covers gasoline for Commission vehicles. Other costs budgeted in this account include replacement tires, supplies used for routine vehicular maintenance and other miscellaneous supplies such as keys, mats, scrapers and first aid kits. In FY 2010, the Commission's fleet was reduced from seven to five vehicles. However, high gasoline prices have offset some of the savings of a smaller fleet.

16. The household supplies budget provides for the purchase of materials to perform minor buildings and grounds maintenance, cleaning supplies, household paper products, basic kitchen supplies, household equipment costing less than $2,000 and other operating supplies.

17. The fuel and utilities budget covers expenditures for heating fuel, electricity, water and sewer. During the latter part of FY 2016, the Commission was accepted into the State's cooperative purchasing for electricity and heating fuel.

18. The other supplies budget covers expenditures for supplies and equipment (less than $1,000) supporting map-making, scientific research, fieldwork, and photographic needs. Grant related expenditures are a significant portion (over 96 %) of this account, totaling $14,303 for FY 2020.

19. The travel budget covers reimbursements to the staff for business mileage on their personal vehicles, tolls and parking, and meal allowances. The majority of the travel budget is used to reimburse Commissioners for business mileage and tolls.

20. The telephone budget includes basic service, toll charges, the service cost of a data circuit, conference calls, and cellular phone service and toll charges.

21. The postage budget finances general postage fees, parcel delivery charges and post office box rental charges. Over the last several years, this account has decreased as more correspondence is sent electronically including public outreach.

22. The insurance budget covers estimated premiums for automobiles, general liability, fire, theft, workers compensation, volunteers and the umbrella liability policy. Through the years, the Commission has realized premium savings by participating in the States Tort Claims Fund and by including the Commission's buildings under the States property insurance.

Upon Commission approval of the FY 2020 Operating Budget, the Executive Director will be authorized to pay the State's insurance broker an amount not to exceed the budgeted funding of $61,225.00 to cover the Commission's insurance premiums.

23. The FY 2020 budget for information processing includes $57,475 for software maintenance agreements and data purchases, $5,000 for payroll processing, $2,600 for database administration services and $1,000 for online legal services and $1,500 for hardware maintenance. Over $9,750 of this budget is reimbursable through grants or special revenue.

24. The household services budget covers trash removal, alarm (security and fire) monitoring, and exterminating services.

25. The professional services account covers expenditures for legal fees, technical and consulting services, and other miscellaneous services. Estimated costs include $75,000 for legal fees associated with DAG services, $150,000 for labor counsel, $3,000 for the Office of Administrative Law assessment fees. Grant related technical services totaling $281,732 are budgeted.

26. Expenditures in the other services budget include annual subscriptions ($1,820), required memberships ($4,482), and meeting expenses ($2,500); advertising ($3,500), research related fees ($1,356), training ($15,700), and banking fees ($1,200).

27. The maintenance buildings and grounds budget for FY 2020 includes Repairs to the Barn Roof, Gutter replacement/repairs and Handicap Parking paver replacement. The remaining amount is available for minor maintenance services (plumbing, electrical, HVAC, etc.).

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

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

30. Since FY 2011, several changes in the rent other budgets have occurred. In FY2011 a smaller postage machine was rented saving thousands in acquisition, rental and maintenance expenses. The FY 2020 budget includes $500 for the postage meter, $7,200 for the lease of (2) black and white copiers, $100 for excess copy charges, and $250 for the safe deposit box.

31. The acquisitions - equipment budget contains $26,600 for scientific equipment supporting grant related projects and $2,000 for unanticipated telephone system expenses.

32. The acquisitions - information processing equipment budget includes the replacement computers and replacement Printers anticipated to be installed in FY 2020.

33. The total estimated Operating Budget expenditures for FY 2020 equal $5,915,074. During the fiscal year, certain unforeseen and/or emergency expenditures may become necessary. The Personnel and Budget Committee has discussed this issue and recommends that the Executive Director be authorized to exceed the budget of an expenditure category (personnel, supplies, services, maintenance/rent, improvements/acquisitions) by no more than 10% provided that funds are available in other expenditure categories to ensure that the total Operating Budget is not exceeded and provided further that the combined salary budgets for the Operating Fund, Kirkwood-Cohansey Study and the Pinelands Conservation Fund do not exceed $3,471,141.

34. Several expenditure account budgets include funding for various services and benefits that are reimbursed to the State of New Jersey and are over the Executive Director's authorized contracting limit of $40,000. These consist of employee health benefits; the employer liability assessed by the Division of Pensions and the Commission's attorney (DAG) fees.
Upon Commission approval of the FY 2020 Operating Budget, the Executive Director will be authorized to pay the State of New Jersey for the aforementioned items in an amount not to exceed the budgeted funding.

PINELANDS COMMISSION
KIRKWOOD COHANSEY AQUIFER ASSESSMENT STUDY
FISCAL YEAR 2020 BUDGET

	FY2017 Audited	FY2018 Unaudited	FY2019 Unaudited	FY2020 Anticipated	Notes
REVENUE PROJECTIONS					
Interest Income	120	1,000	1,000	2,000	1
Total Revenue	120	1,000	1,000	2,000	
K/C Study Fund Balance Anticipated	48,931	162,792	114,270	68,000	2
Total Revenue/Reserve Anticipated	49,051	163,792	115,270	70,000	

Expenditure Account	FY2017 Audited	FY2018 Unaudited	FY2019 Unaudited	FY2020 Anticipated	Notes
PERSONNEL					
Salaries & Wages	31,974	32,100	26,000	26,000	3
Fringe Benefits	16,627	16,692	13,260	13,000	4
TOTAL PERSONNEL	48,601	48,792	39,260	39,000	
SUPPLIES					
Printing & Office Supplies	-	500	500	-	
Vehicular Supplies	-	-	-	-	
TOTAL SUPPLIES	-	500	500	-	
SERVICES					
Travel	-	50	50	-	
Training	-	-	5,000	-	
Information Processing	450	450	460	-	
Professional Services	-	114,000	70,000	31,000	5
Other Services	-	-	-	-	
TOTAL SERVICES	450	114,500	75,510	31,000	
Total Expenditures	49,051	163,792	115,270	70,000	

PINELANDS COMMISSION
KIRKWOOD COHANSEY AQUIFER ASSESSMENT FUND
FISCAL YEAR 2020 BUDGET NOTES
September 13, 2019

1. The funds provided from the Water Supply Fund to prepare the Kirkwood Cohansey Aquifer Assessment and Report are kept in a separate cash account. The interest income estimated at $2,000 stays within the program and is available to help fund the project. This amount is an increase from the last few years due to interest rates slowly rising. The cumulative interest earnings are accounted for as Fund Balance.

2. It is likely that any remaining Fund Balance existing at the end of the fiscal year will be used to support the Commission's development of water supply policies and/or regulations.

3. The FY 2020 salaries and wages budget finances salary expenses of employees who spend time working on this project and are estimated at $26,000.

4. The fringe benefits budget represents the chargeable benefits calculated using the OMB issued "Employee Benefit" reimbursement rates for FY 2019. (Rates for FY19 have been made available in Circular Letter 19-04-OMB). The Rates for FY 2020 have not been published at this time.

5. The professional services budget of $31,000 represents the continued work of USGS needed in preparation of the final report and associated Programming Services.

PINELANDS COMMISSION
KATIE TRUST FUND
FISCAL YEAR 2020 BUDGET

Revenue	FY 2018 Unaudited	FY 2019 Unaudited	FY 2020 Anticipated	Notes
Katie Trust Fund Balance Anticipated	20,638	15,000	15,000	1
Total Reserve Anticipated	20,638	15,000	15,000	

Expenditure Account	FY 2018 Unaudited	FY 2019 Unaudited	FY 2019 Anticipated	Notes
Ground Supplies				
Plants & Fencing	9,638	4,000	4,000	2
Total Supplies	9,638	4,000	4,000	
Services				
Professional Services	10,000	10,000	10,000	3
Total Services	10,000	10,000	10,000	
Improvements & Acquisitions				
Acquisitions - Furniture	1,000	1,000	1,000	4
Total Improvements & Acquisitions	1,000	1,000	1,000	
Total Expenditures	20,638	15,000	15,000	

PINELANDS COMMISSION
KATIE TRUST FUND
FISCAL YEAR 2020 BUDGET NOTES
September 13, 2019

1. This is the anticipated Fund Balance needed to complete the Garden Project.

2. The Ground Supplies budget of $4,000.00 represents the estimated cost of the plants is $3,000.00 and Split Rail fencing added between the Garden and Springfield Road to create a perimeter. The estimated cost for the fence is $1,000.00.

3. The Professional Services budget of $10,000 represents the New Path in Concrete, Exposed Aggregate or Flagstone.

4. The Acquisitions – Furniture budget is for 2 Memorial Benches that will be purchased.

PINELANDS COMMISSION
PINELANDS CONSERVATION FUND
FISCAL YEAR 2020 BUDGET

Revenue Source	FY2017 Audited	FY2018 Unaudited	FY2019 Unaudited	FY2020 Anticipated	Notes
EPA Grant - Intermittent Ponds	0	0	0	0	
EPA Grant - Natural and Created Wetlands	0	0	0	0	
Interest Income - Land Acquisition	1,500	5,000	6,000	15,000	1
Interest Income - Conservation Planning & Research	4,000	15,000	25,000	47,255	1
Interest Income - Community Planning & Design	1,500	5,000	10,000	34,000	1
Interest Income - Education & Outreach	1,000	5,000	8,000	22,000	1
SJTA - MOA	0	0	0	500,000	2
Total Revenue	8,000	30,000	49,000	618,255	
Cancellation of Prior Year Encumbrances	0	0	0	0	
Reserves for Pinelands Conservation Activities	1,808,792	1,252,675	814,397	0	
Total Revenue/Other Sources Anticipated	1,816,792	1,282,675	863,397	618,255	

Expenditure Account	FY2017 Audited	FY2018 Unaudited	FY2019 Unaudited	FY2020 Anticipated	Notes
Land Acquisition					
Salaries & Wages	10,758	12,000	5,000	5,750	
Fringe Benefits	10,319	6,240	2,550	2,875	
Information Processing	275	225	0	0	
Professional Services	0	0	0	0	
Land Acquisition	93,500	500,000	276,457	0	
Administrative Assessment	20,000	20,000	0	0	3
Total Land Acquisition Expenditures	134,852	538,465	284,007	8,625	4
Conservation Planning and Research					
Salaries & Wages	204,498	231,000	157,000	207,133	
Fringe Benefits	99,074	120,120	80,070	103,566	
Printing & Office Supplies		250	0	0	
Household Supplies (clothing)					
Other Supplies				17,872	
Travel		4,175	1,702	2,227	
Information Processing		6,628	5,538	728	
Technical Services		54,353	70,000		
Professional Services	17,246				
Other Services	9,271	2,100	300	200	
Acquisitions - Equipment					
Acquisitions - Information Processing Equipment					
Administrative Assessment	20,000	20,000	20,000	20,000	3
Total Conservation Planning/Research Expenditures	350,089	438,626	334,610	351,726	5
Community Planning and Design					
Salaries & Wages	54,082	65,000	62,000	85,000	
Fringe Benefits	28,123	33,800	31,620	42,500	
Printing & Office Supplies	100	125	385	500	
Other Supplies					
Travel		25	154	54	
Postage	250	200	250	500	
Information Processing	2,228	923	500	500	
Other Services	150	21,200	200	550	
State Aid and Grants					
Administrative Assessment	20,000	20,000	20,000	20,000	3
Total Community Planning/Design Expenditures	104,933	141,273	115,109	149,604	6
Education and Outreach					
Salaries & Wages	0	48,500	45,000	55,000	
Fringe Benefits	0	25,220	22,950	27,500	
Printing & Office Supplies	0	650	500	500	
Other Supplies	0	1,450	900	500	
Information Processing	0				
Other Services	391,031	84,891	40,321	4,800	
Administrative Assessment	20,000	20,000	20,000	20,000	3
Total Education and Outreach	411,031	180,711	129,671	108,300	7
Total Expenditures	1,000,905	1,299,075	863,397	618,255	

PINELANDS COMMISSION
PINELANDS CONSERVATION FUND
FISCAL YEAR 2020 BUDGET NOTES
September 13, 2019

1. The funds provided from Atlantic City Electric (formerly Conectiv) and other related revenue sources are kept in four separate cash accounts, one for each program of the Fund. The FY 2020 estimated interest income totals $141,000 and is comprised of interest income from the four cash accounts. All interest income stays within the particular program and is available to help fund the various projects.

2. This revenue from the SJTA MOA executed in April of 2019 whereas the Pinelands Commission will receive $500,000.00 for the next six years (for a total of $3,000,000) for Land Acquisition.

3. The financial plan that designated the three original programs within the Fund (Land Acquisition, Conservation Planning & Research and Community Planning & Design) was approved by the Commission in April 2005 and includes a $20,000 annual assessment from each program to cover administrative expenses as described in Operating Budget note #10. The Commission amended the PCF policies in 2014 to include a fourth program, Education & Outreach, from which a $20,000 annual administrative assessment is also drawn. FY 2020 will continue to see the removal of the annual assessment from the Land Acquisition program.

4. The Land Acquisition program budget for FY 2020 totals $8,625. Personnel costs (salaries/wages and fringe benefits) are estimated at $8,625 in support of the Commission's permanent land protection initiatives.

5. The Conservation Planning and Research program budget for FY 2020 totals $351,726. Personnel costs (salaries/wages and fringe benefits) are estimated at $310,699 to support the following initiatives and special projects: implementation of the rapid landfill assessment, implementation of the alternate septic system pilot program / septic system management, the roadside plants management project, management of threatened and endangered species data and rule making for the Black Run watershed. Rounding out the budget is the $20,000 administrative assessment mentioned above.

6. The Community Planning and Design program budget for FY 2020 totals $149,604. Personnel costs (salaries/wages and fringe benefits) are estimated at $127,500 to support the following initiatives and special projects: review and implementation of the Forest and Rural Development Area clustering rules, proposal of the Pinelands Development Credit enhancement rules, administrative responsibilities supporting the Pinelands Development Credit Bank and administration of the Pinelands Infrastructure Trust Fund. Miscellaneous expenses (software, postage, printing, supplies, meeting expenses and legal advertisements) supporting the program equal $2,104. Rounding out the budget is the $20,000 administrative assessment mentioned above.

7. The Education and Outreach program budget for FY 2020 totals $108,300. Personnel costs (salaries/wages and fringe benefits) are estimated at $82,500 to support the opening/operation of the Ashmun Exhibit Center and the Pinelands Short Course. Also included is $5,700 for supplies related to the Exhibit Center. Miscellaneous expenses (supplies and mileage) supporting the program equal $100. Rounding out the budget is the $20,000 administrative assessment mentioned above.

Good morning, Chairman Prickett and members of the Commission.

My name is Richard Dann. I work as a staff representative for the Communications Workers of America. As you know, we proudly represent the employees here at the Pinelands Commission.

I speak to you this morning because we are at a critical point in our current contract negotiations, and the budget you are scheduled to approve has become an issue in those negotiations.

For many years the employees of the Pinelands Commission have been trying to bring their salaries up to a level that would be comparable to that of other State employees, especially their peers at the Department of Environmental Protection who do similar work. It has been a slow and difficult effort, hampered at times by politicians in Trenton who were less than supportive of the employees or the mission of this agency.

I do commend the Executive Director and the Commissioners for taking steps to address salary disparities back in 2017. However, in fairness to the employees, there is still more to be done.

Our major bargaining goal currently has been to establish a system of salary progression, in addition to regular cost-of-living increases, so employees can gradually move ahead on their salary ranges and eventually reach the top. This is the same kind of system that the State of New Jersey has long used for the 55,000 career service employees in the various departments, including those at DEP, and thousands more at state colleges and elsewhere.

We thought we were closing in on a settlement earlier this summer when your negotiators offered substantial funding for merit raises. Although it was not as much as we wanted, we were willing to compromise. We therefore agreed to the money that was offered, insisting only that it be distributed equitably among the employees who had satisfactory performance evaluations.

To our surprise, management suddenly reduced its offer just weeks later, driving the two sides further apart. Management is now proposing to give employees merit raises of only 1 or 2%, depending on their performance evaluation scores.

This is completely unacceptable.

Although management told us the salary offer was reduced because of budgetary considerations, the facts do not support this rationale. When we look at the proposed budget, we find that salaries and wages for the agency as a whole are projected to increase 4.4% over last year's total. This is more than enough to fund the raises we are anticipating.

Furthermore, we believe there is more money budgeted for certain other items than is actually needed. For example, the budget projects that health benefit premiums will increase by $25,000, when in fact the premiums for State Health Benefits are expected to *decrease* in 2020. We are also proposing an option that could reduce premium costs even further.

Another questionable cost is the $150,000 that is budgeted for labor counsel. This is almost seven times what dues-paying union members here at the Pinelands Commission pay annually for their union representation. It is also three times what our proposal for merit raises would cost in one year.

If management still maintains that our proposals are not affordable, please consider this an official request to meet with your fiscal staff so together we can clear up this obstacle.

In conclusion, we hope that management will act fairly toward its employees and agree to reasonable, affordable salary increases as proposed by CWA. Thank you for your consideration.