



State of New Jersey

THE PINELANDS COMMISSION

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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

August 18, 2017

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



Dear Mr. Lupp:

Enclosed is the Pinelands Commission meeting minutes and attachments for July 14, 2017 for your information.

Sincerely,

Teri Melodick
Principal Clerical Assistant

PC1
Enclosure: Minutes



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

MINUTES

July 14, 2017

Commissioners Present

Bob Barr, Bill Brown, Giuseppe Chila, Ed Lloyd, Mark Lohbauer, Ed McGlinchey, Richard Prickett, Gary Quinn and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Nicholas Kant and Deputy Attorney General (DAG) Bruce Velzy.

Commissioners Participating by Phone

Jane Jannarone.

Commissioners Absent

Alan W. Avery Jr., Paul E. Galletta, Candace Ashmun and D'Arcy Rohan Green.

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

DAG Velzy read the Open Public Meetings Act Statement.

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

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

Annual Re-organization

Chairman Earlen said the re-organization will be postponed until the next Commission meeting.

Minutes

Chairman Earlen presented the open and closed session minutes from the June 9, 2017 Commission meeting. Commissioner Barr moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The open and closed session minutes of the June 9, 2017 Commission meeting were adopted by a vote of 10 to 0.

Committee Chairs' Reports

Chairman Earlen provided an update on the June 30, 2017 Policy and Implementation Committee meeting.

The Committee adopted the minutes of the April 28, 2017 meeting.

The Committee recommended that the Commission certify Barnegat Township Ordinance 2017-12 (allows condominium development as a conditional use in the Neighborhood Commercial Zone).

The Committee recommended that the Commission approve Ocean County's amendment to the Public Safety Tower Plan for the Pinelands.

The Committee advanced to the Commission a resolution designating roads within Wharton State Forest that are appropriate for recreational use by motor vehicles. The Committee asked Ms. Wittenberg to seek input from the New Jersey Department of Environmental Protection (NJDEP) prior to the Commission meeting.

In closed session, the Committee discussed staff recommendations for Pinelands Conservation Fund grant approvals. The Committee approved funding for three acquisition projects and recommended the full Commission approve grant funding for a contingency project.

Wharton State Forest

Chairman Earlen asked Executive Director Wittenberg if she was able to schedule a meeting with the NJDEP to discuss the resolution designating roads within Wharton State Forest that are appropriate for recreational use by motor vehicles.

ED Wittenberg said she shared the resolution with the NJDEP but was not able to schedule a meeting with Commissioner Bob Martin.

Chairman Earlen said he is not comfortable advancing the resolution to the full Commission until ED Wittenberg is able to meet with Commissioner Martin.

Commissioner Lohbauer said he disagrees that the Commission is required to wait to move on the resolution today but he has no objection to tabling the resolution.

Commissioner Jannarone said she supports Commissioner Lohbauer's concerns.

Commissioner Lloyd said he believes that the Commission has met the consultation requirements with the NJDEP as required in the Comprehensive Management Plan (CMP). He said damage at Wharton State Forest continues and if the resolutions is tabled today, language should be included in the motion that states it will be tabled only until the August Commission meeting.

Chairman Earlen added that the Commission has not met with the NJDEP on this resolution and map. He said Wharton State Forest is the NJDEP's land and they will have to enforce the resolution.

Commissioner Lloyd said that at the Policy and Implementation Committee meeting Commissioner Lohbauer suggested adding some language to the resolution. He said it is probably appropriate to change the resolution to include the language since no action is being taken today.

ED Wittenberg added that because of the shutdown, the Commission meeting packet was mailed early, so that is why Commissioner Lohbauer's suggested changes were not included in the resolution. However, a paper copy of the changes was provided to the Commissioners at this meeting.

Commissioner Lohbauer said the suggested changes to the resolution will note the Commission's authority to designate areas where motor vehicles are not permitted; rather than to designate roads where they are permitted.

The final motion to table the resolution to Designate Roads within Wharton State Forest that are Appropriate for Recreational Use by Motor Vehicles was moved by Commissioner Barr and seconded by Commissioner Lohbauer until the August Commission meeting.

Commissioner Lloyd said included in the motion is direction from the Commissioners for the Executive Director to meet with the NJDEP and share the resolution and proposed amendments to the resolution between now and the August Commission meeting.

All were in favor of the motion to table the resolution.

Executive Director's Reports

ED Wittenberg updated the Commission on the following:

- Today's Commission meeting is being live streamed and can be viewed from a link on the website.
- The Commission was closed on July 3, 2017 due to the state shutdown.

Mr. Joel Mott said the Pinelands Summer Short Course is coming up on July 27th and there is still space available for some classes. The Pinelands Orientation for New Elected Officials is scheduled for July 25th.

Director Larry Liggett provided information on the following:

- Meetings took place again with both Verizon and Mobilite on the deployment of their microcell technology. The technology being proposed is for service capacity not coverage.
- Staff is preparing a response to NJDEP with comments on the draft Water Supply Master Plan.

Commissioner Lloyd requested that staff's response be shared with Commissioners.

Director Charles Horner said that in the past month staff conducted the following meetings:

- The Mayor of Mullica and representatives from the Sweetwater Casino met with staff concerning the re-establishment of the restaurant.
- Staff met with representatives from Pemberton Township and a developer who is interested in building a large residential development off of Lakehurst Road.
- Staff met with the Mayor of Woodland Township. The township is interested in developing a parcel on the south side of Route 72. Staff advised the representatives of the permitted uses.

Director Horner added that at the June Commission Meeting, a member of the public shared comments related to the tourist railroad in Buena Vista Township. He said he provided Commissioners with a packet of information, including the comments submitted by that member of the public, the original public development report recommending approval of the tourist railroad and a recent response letter from Buena Vista Township's engineer.

Commissioner Lohbauer asked ED Wittenberg if she had any news about a federal appointee.

ED Wittenberg said that a new representative has not been identified; however there are National Park Service representatives present at today's meeting.

Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending the approval of the demolition of Crichton Elementary school in Pemberton Township. Commissioner Prickett said he would recuse from voting on this matter and left the room.

Director Horner said the resolution was revised to address uncertainty that existed with respect to the actual tax block and lots subject of development. However the text of the resolution remains the same. He said a new copy of both the resolution and report were handed out earlier this morning.

Commissioner Lohbauer moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1985-0726.009) (See Resolution # PC4-17-16). Commissioner Lloyd seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0, with Commissioner Prickett recusing from the vote.

Commissioner Prickett returned to the dais.

Chairman Earlen presented a resolution recommending the approval for the installation of a non-potable water well in the Borough of Woodbine and the installation of sanitary sewer main within the Ames Road right-of-way in Monroe Township.

Commissioner Barr moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 1981-0837.030 & 2017-0111.001)(See Resolution # PC4-17-17). Commissioner Lohbauer seconded the motion.

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

Chairman Earlen presented a resolution recommending the approval of two forestry applications within Brendan Byrne State Forest.

Commissioner Prickett moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 1990-0260.004 & 1996-1396.006)(See Resolution # PC4-17-18). Commissioner Brown seconded the motion.

Commissioner Prickett asked about the low ground pressure equipment that is to be used in the proposed forestry activity.

Director Horner said that the low ground pressure equipment is used to minimize adverse impacts to threatened and endangered species, nests and dens.

Commissioner Prickett asked if the forestry proposal had been reviewed by the Commission's Science Advisory Committee.

ED Wittenberg said only Commission staff reviewed the application.

Commissioner Prickett asked if any simulated modeling of the forest had been done.

Director Horner said the NJDEP may have completed some modeling but the Commission has not reviewed it or conducted its own version.

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

Municipal Master Plans and Ordinances

Chairman Earlen said the next resolution is to certify an ordinance for Barnegat Township.

Commissioner Lohbauer moved the adoption of a resolution Issuing an Order to Certify Ordinance 2017-12, Amending Chapter 55 (Land Use) of the Code of Barnegat Township (See Resolution # PC4-17-19). Commissioner McGlinchey seconded the motion.

Chief Planner Susan Grogan said the Commission has reviewed a number of zoning and redevelopment plans submitted by Barnegat Township in recent months. She said this specific ordinance change will add condominium development as a conditional use in the portion of the C-N (Neighborhood Commercial) Zone located in the Pinelands Regional Growth Area. She said the certification of Ordinance 2017-12 will affect only one property and the purchase of Pinelands Development Credits will be required. Ms. Grogan added that staff is recommending certification of the Ordinance.

Chairman Earlen said there was an extensive presentation at the Policy and Implementation Committee.

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

Other Planning Resolutions

Commissioner Lohbauer moved the adoption of a resolution Issuing an Order to Certify Ocean County's May 2017 Amendment to the Comprehensive Public Safety Tower Plan for the Pinelands (See Resolution # PC4-17-20). Commissioner Prickett seconded the motion.

Ms. Grogan said the amendment to Ocean County's Public Safety Tower Plan which the Commission approved many years ago will allow the County to expand its search area when siting a tower and provide more flexibility when siting a tower on developed, publicly-owned land. She said the amendment does not allow for any additional towers. She added that the amendment is for public emergency service towers only, not commercial providers.

At the request of Commissioner Prickett, Ms. Grogan reviewed the hierarchy that is used to site towers. She explained that first sites outside the Pinelands are considered, and then Regional Growth Areas and Towns, and continue down the line and only at the last resort are the Preservation Area District and Forest Area considered.

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

Public Comment on Public Development Applications and Resolutions where the Record is Not Closed

No comment was provided.

Ordinances Not Requiring Commission Action

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

- Barnegat Township Ordinances 2017-14, 2017-15 and 2017-17
- Town of Hammonton Ordinance 10-2017
- Maurice River Township Ordinances 658 and 659
- Monroe Township Ordinance O:22-2017

No members of the Commission raised questions.

Other Resolutions

Chairman Earlen said the next resolution is to accept the Fiscal Year 15 Audit Report.

Commissioner Lohbauer moved the adoption of a resolution To Accept the Fiscal Year 2015 Audit Report. Commissioner McGlinchey seconded the motion. (See Resolution # PC4-17-21)

ED Wittenberg said there was a minor finding related to bank reconciliations that Commissioner Avery has advised Commissioners about at previous meetings. She said a new accounting software has been procured to solve that problem. She said the other finding relates to the disaster recovery plan and the need to test the plan.

Commissioner Lohbauer commended the Executive Director and Staff that the FY 15 Audit found the internal controls adequate.

Chairman Earlen thanked the Audit Committee for its involvement in the Audit process.

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

Chairman Earlen said the next resolution is to authorize various Comprehensive Management Plan amendments.

Commissioner Brown moved the adoption of a resolution To Authorize the Executive Director to Propose Amendments to the Comprehensive Management Plan (CMP) in Accordance with the Administrative Procedure Act. Commissioner Lohbauer seconded the motion. (See Resolution # PC4-17-22)

Chief Planner Grogan said she would review the proposed plan amendments, some of which stemmed from the Plan Review process in 2014. She said the proposed amendments were reviewed at a July 2016 Policy and Implementation Committee meeting. She also said the amendments were reviewed with representatives from the Governor's office in September of 2016.

Chief Planner Grogan said some of the proposed CMP amendments are efficiency measures, minor corrections and relate to the following: Application Fees; Escrows; Application Procedures; Landfills; Water Quality; Signs; Alternate Design Wastewater

Treatment Systems Pilot Program (See attached presentation slides for more details). She outlined the next steps in the rulemaking process, which include a public hearing, acceptance of written comment, and adoption notice for the Commission's consideration.

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

General Public Comment

Randy DePasquale of Marlton, NJ, said the Wharton State Forest Map will not only serve the NJDEP but users of the forest. He also believes that the map will help curb accidental damage within the forest.

Paula Yudkowitz of Oaklyn, NJ, expressed her frustration that the Commission did not act on the resolution related to Wharton State Forest. She said the damage continues.

Dom Stockton-Rossin of Pemberton, NJ read from the Pinelands Protection Act (N.J.S.A. 13-18A-24b). He urged the Commission to act on the Wharton State Forest resolution.

John Fanz of Winslow Township, NJ, said that in the vicinity of Paradise Lakes a gate was installed blocking access to hundreds of acres of Wharton State Forest by the public and the Forest Fire Service. He was curious what could be done about the gate.

Jeff Tittel, Director of the NJ Sierra Club, said he was pleased to see the Commission using topographic maps to combat illegal off-road vehicle damage. He expressed his dissatisfaction with the Southern Reliability Link special meeting venue, date and time. He also said it was not fair that as an objector he only has three minutes to provide oral comment. He encouraged the Commission to hold a public hearing and adopt new rules.

Kathy Dejneka of Chatsworth, NJ, said the Commission should not wait to act on the Wharton State Forest resolution.

Georgina Shanley of Ocean City, NJ, said the Commission should move forward with the Wharton State Forest resolution. She said she is opposed to the New Jersey Natural Gas Southern Reliability Link natural gas pipeline.

Doug O'Malley, Director of Environment New Jersey, expressed his dissatisfaction with the process for the New Jersey Natural Gas Southern Reliability Link natural gas pipeline. He said there should be more hearings, in the evening, near the pipeline route.

Tom Hedden of Tabernacle, NJ, and representing East Coast Enduro Association, provided two points on the Wharton State Forest resolution. He said the "consultation" portion of the resolution is weak. He said gaining support and input from the towns surrounding the state forest is crucial. He also said the resolution should include language recognizing permitted off-road vehicle events.

Dave Benedetti, Director of Community Development for Pemberton Township, said the Township has submitted an application to the Commission for the development of

recreation fields on what is known as West End Park. He said the park is fallow agriculture land in the Regional Growth Area. He said the problem is that the parcel contains significant wetlands that are causing limitations on developing new athletic fields on the site. He said the Township would like to change the management area to an Agricultural Production Area. He said the town is aware of the issue in Hammonton that occurred on Tuckahoe Turf.

Emile Devito of the New Jersey Conservation Foundation, said he hopes the Commission can come to a unanimous decision in supporting the use of topo maps at Wharton State Forest. He advised the Commission about a group of volunteers who are collecting data at Brendan Byrne State Forest and mapping critical areas. They plan to share the data with the NJDEP because the Department does not have the resources to do it.

Margo Pellegrino of Medford Lakes, NJ, asked if there are new alternate design septic systems being tested for use in the Pinelands. She said she hopes the Commission can move forward with a map regarding the Wharton State Forest issue. She also said the use and abuse in the Pinelands Area has a negative impact on the Kirkwood-Cohansey aquifer.

Jason Howell of the Pinelands Preservation Alliance, said the park police at Wharton State Forest are understaffed and do not have the tools to successfully do their job. He said it is the Commission's job to solve land use issues. He said the resolution is a good thing. He passed around a piece of charred remains from an off road vehicle that he reported exploded and left a burned spot on Batsto River Road.

Harriet Rolo of Haddon Township, NJ urged the Commission to adopt a resolution on the Wharton State Forest matter.

Corey Bishop of Egg Harbor City, NJ said she came to today's meeting to hear the Wharton issue that was tabled. She said the Commission should be more considerate of the public's time and consider holding additional meetings at different locations and times. She suggested the Commission adopt the resolution and make any necessary changes later.

Katie Smith of the Pinelands Preservation Alliance said the Alliance, along with 28 other organizations, submitted a letter to the Commission requesting to extend the meeting on the New Jersey Natural Gas matter three-hours beyond 5:00 p.m. to allow people who work during the day an opportunity to comment in person.

John Hiros introduced himself as a member of the Governor's Pinelands Review Committee in the late 1970's. He said he was happy to see the Commission is still here trying to do its job. He said the Commission should remove the political arguments from the table and protect and preserve the Pinelands.

Commissioner Brown left the meeting.

Resolution to Retire into Closed Session

DAG Velzy read a resolution to enter into closed session to discuss an acquisition matter. The Commission agreed to retire into closed session by a vote of 9 to 0, beginning at 11:28 a.m.

Return to Open Session

The Commission entered back into open session at 11:42 a.m.

Chief Planner Grogan said that in closed session staff recommended that the Commission allocate Pinelands Conservation Fund money toward the acquisition of a parcel in Pemberton Township that is outside of the pre-approved acquisition area.

Commissioner Lloyd moved the adoption of a resolution To Award a Grant from the Pinelands Conservation Fund for the Acquisition of Land in Pemberton Township Located Outside the Pre-Approved Acquisition Areas. (See Resolution # PC4-17-23). Commissioner McGlinchey seconded the motion.

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

Adjournment

Commissioner McGlinchey asked staff to brief him on Mr. Benedetti's request to change management areas in Pemberton Township for West End Park.

Director Horner said staff reviewed the plan from Pemberton Township. Staff advised the Township that the wetlands were an issue. He said in turn the township wanted to discuss the soccer activities being conducted at Tuckahoe Turf in Hammonton. Those fields are in the Agricultural Production Area. Director Horner said the situations are not the same. He said the Hammonton approval precluded recreational activities on wetlands.

Ms. Stacey Roth added that the legislation affecting Tuckahoe Turf was to permit soccer on agricultural lands.

Director Horner added that regardless of legislation, only about 25% of Pemberton's Westend Park is useable for recreation fields.

Commissioner Lohbauer thanked staff for working on the Wharton resolution. He said after hearing Mr. Hedden's comments, he realized language in the resolution should be adjusted so that the Enduro community can continue to hold their events and that the Wharton Park Superintendent can continue to issue special use permits.

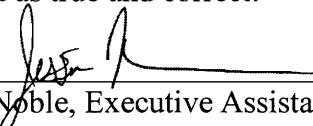
A conversation ensued about whether or not to add additional language to the resolution.

Commissioner Lohbauer acknowledged that Wharton is not the only state forest suffering from off-road vehicle damage.

Commissioner Lohbauer said in response to Ms. Smith's earlier comments, he supports extending the hours of the public meeting on July 26th.

Commissioner McGlinchey moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 11:53 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: July 20, 2017

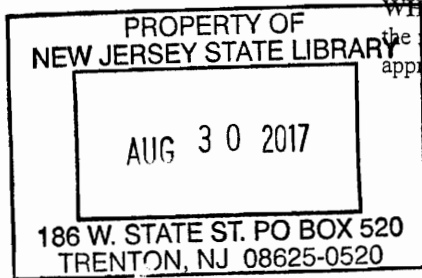


RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 16

TITLE: Approving With Conditions an Application for Public Development (Application Number 1985-0726.009)

Commissioner Lohbauer moves and Commissioner Lloyd 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:

1985-0726.009

Applicant:

Pemberton Township Board of Education

Municipality:

Pemberton Township

Management Area:

Pinelands Forest Area

Pinelands Regional Growth Area

Date of Report:

July 5, 2017

Proposed Development:

Demolition of the Crichton Elementary School.

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 1985-0726.009 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 | Galletta | | | X | Prickett | | | R |
| Avery | | | X | Jannarone | X | | | Quinn | X | | |
| Barr | X | | | Lloyd | X | | | Rohan Green | | X | |
| Brown | X | | | Lohbauer | X | | | Earlen | X | | |
| Chila | X | | | McGlinchey | X | | | | | | |

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: July 14, 2017

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

July 5, 2017

(Corrected Copy-Blocks & Lots/Management Area of Rancocas Lane ROW)

Pat Austin, Business Administrator
Pemberton Township Board of Education
P.O. Box 228
Pemberton, NJ 08068

Re: Application # 1985-0726.009
Blk. 849, Lot 2
Rancocas Lane ROW
(AKA Blk. 848, Lot 3.02 & Blk. 849, Lot 15)
Pemberton Township

Dear Ms. Austin:

The Commission staff has completed its review of this application for demolition of the Crichton Elementary School. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its July 14, 2017 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure
c: Secretary, Pemberton Township Planning Board (via email)
Pemberton Township Construction Code Official (via email)
Pemberton Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Chad Gaulrapp, P.E. (via email)
Peter Lomax (via email)





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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

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

PUBLIC DEVELOPMENT APPLICATION REPORT

July 5, 2017

(Corrected Copy-Blocks & Lots/Management Area of Rancocas Lane ROW)

Pat Austin, Business Administrator
Pemberton Township Board of Education
P.O. Box 228
Pemberton, NJ 08068

Application No.: 1985-0726.009
Blk. 849, Lot 2
Rancocas Lane ROW
(AKA Blk. 848, Lot 3.02 & Blk. 849, Lot 15)
Pemberton Township

This application proposes demolition of the Crichton Elementary School, a building that is 50 years old or older, located on 28.27 acre Block 849, Lot 2 in Pemberton Township. This application also proposes the installation of 517 linear feet of water main for fire safety and the temporary paving of 711 linear feet of roadway within the Rancocas Lane right-of-way for traffic safety.

STANDARDS

The Commission staff has reviewed the proposed demolition and 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 & 5.23)

The existing school and portions of both the proposed water main and the proposed temporary road paving are located in a Pinelands Regional Growth Area. The proposed school demolition, water main and temporary road paving are permitted in a Pinelands Regional Growth Area.

The remainder of both the proposed water main and temporary road paving are located within the Rancocas Lane right-of-way. This section of the Rancocas Lane right-of-way is located in a Pinelands Forest Area. The CMP defines a water main and a road improvement as public service infrastructure. The proposed public service infrastructure is intended to primarily serve only the needs of the Pinelands and is, therefore, permitted in a Pinelands Forest Area.

Wetlands Protection Standards (N.J.A.C. 7:50-6.7)

There are wetlands located on the parcel. Rancocas Lane is an existing 16 foot wide dirt/stone surfaced roadway. The applicant proposes the temporary paving of 711 linear feet of Rancocas Lane to a width of 16 feet. The paving will be located approximately 130 feet from wetlands. The paving will occur within the limits of the existing dirt/stone surfaced roadway. Upon completion of the demolition of the school, the proposed paving will be removed and Rancocas Lane will be restored to its previously existing condition. The applicant has demonstrated that the proposed temporary paving will not have a significant adverse impact on the wetland.

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

The proposed temporary paving and water main will be located within an existing dirt/stone surfaced roadway. 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 temporarily stabilize the area of demolition prior to the construction of a new school with a grass seed mixture that does not meet this recommendation.

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

The proposed temporary paving of Rancocas Lane will result in approximately 0.3 acres of new impervious surface on the parcel. The proposed school demolition will result in a reduction of 3.86 acres of impervious surfaces. Based upon this reduction, there will be no increase in volume and rate of stormwater runoff after development than occurred prior to the proposed development. Therefore, no stormwater management is required. The proposed development is consistent with the stormwater management standards of the CMP.

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

The existing school building lacks any potential for designation as a historic resource. There is no evidence of other cultural activity on the parcel. Based upon these determinations, 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 February 2, 2017. Newspaper public notice was completed on February 5, 2017. The application was designated as complete on the Commission's website on May 30, 2017. The Commission's public comment period closed on June 9, 2017. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed demolition and development shall adhere to the plan, consisting of 25 sheets, prepared by Louis Berger and dated as follows:

Sheets 1, 2, 5, 6 & 9-25 - dated March 16, 2017

Sheets 3, 4, 7 & 8 - dated March 16, 2017; revised to June 12, 2017

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 demolition or development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all demolition and development has been completed and the area has been stabilized.
6. The proposed pavement located within the Rancocas Lane right-of-way shall be removed no later than December 31, 2017.

CONCLUSION

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



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Executive Director

PINELANDS COMMISSION APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission no later than 5:00 PM on July 10, 2017 and must 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. PC4-17- 17

TITLE: Approving With Conditions Applications for Public Development (Application Numbers 1981-0837.030 & 2017-0111.001)

Commissioner Barr moves and Commissioner Lehman seconds the motion that:

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

1981-0837.030

| | |
|------------------------------|---|
| Applicant: | Cape May County Municipal Utilities Authority |
| Municipality: | Borough of Woodbine |
| Management Area: | Pinelands Town |
| Date of Report: | June 20, 2017 |
| Proposed Development: | Installation of a non-potable water well for equipment maintenance; and |

2017-0111.001

| | |
|------------------------------|--|
| Applicant: | Monroe Municipal Utilities Authority |
| Municipality: | Monroe Township |
| Management Area: | Pinelands Regional Growth Area |
| Date of Report: | June 20, 2017 |
| Proposed Development: | Installation of a sanitary sewer main within the Ames Road 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 any of these applications; and

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

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

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

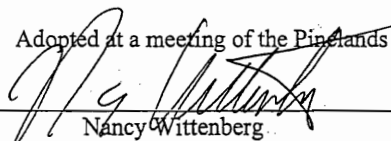
NOW, THEREFORE BE IT RESOLVED that Application Numbers 1981-0837.030 & 2017-0111.001 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

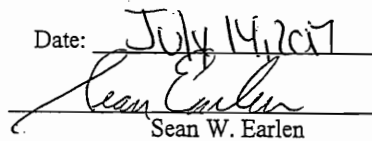
| AYE | NAY | NP | A/R* | AYE | NAY | NP | A/R* | AYE | NAY | NP | A/R* |
|--------|-----|----|------|------------|-----|----|------|-------------|-----|----|------|
| Ashmun | | | X | Galletta | | | X | Prickett | X | | |
| Avery | | | X | Jannarone | X | | | Quinn | X | | |
| Barr | X | | | Lloyd | X | | | Rohan Green | | X | |
| Brown | X | | | Lohbauer | X | | | Earlen | X | | |
| Chila | X | | | McGlinchey | X | | | | | | |

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission


Nancy Wittenberg
Executive Director

Date:


Sean W. Earlen
Chairman



State of New Jersey
THE PINELANDS COMMISSION
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www.nj.gov/pinelands



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

June 20, 2017

Thomas J. LaRocco, P.E.
Cape May County Municipal Utilities Authority
P.O. Box 610
Cape May Court House, NJ 08210

Re: Application # 1981-0837.030
Block 128, Lot 1
Borough of Woodbine

Dear Mr. LaRocco:

The Commission staff has completed its review of this application for installation of a non-potable water well for equipment maintenance. 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 July 14, 2017 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, Borough of Woodbine Planning Board (via email)
Borough of Woodbine Construction Code Official (via email)
Secretary, Cape May County Planning Board (via email)





Chris Christie
Governor

Kim Guadagno
Lt. Governor

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

June 20, 2017

Thomas J. LaRocco, P.E.
Cape May County Municipal Utilities Authority
P.O. Box 610
Cape May Court House, NJ 08210

Application No.: 1981-0837.030
Block 128, Lot 1
Borough of Woodbine

This application proposes installation of a non-potable 100 foot deep water well for equipment maintenance located on the above referenced 16 acre parcel in the Borough of Woodbine. The applicant represents that the average water usage of the proposed well will be less than five gallons per day. The Cape May County Landfill is located on the parcel.

STANDARDS

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

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

The proposed development is located in the Pinelands Town of Woodbine. The proposed well is a permitted use in a Pinelands Town.

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

The proposed development will be located within an existing disturbed area. All clearing and 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 does not propose any revegetation.

PUBLIC COMMENT

The CMP defines the proposed non-potable water well as "minor" development. The CMP does not require public notice for minor public development applications. The application was designated as

complete on the Commission's website on May 22, 2017. The Commission's public comment period closed on June 9, 2017. 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 sketch submitted to the Commission on April 11, 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approval.

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.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359
NEW LISBON, NJ 08064
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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

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

PINELANDS COMMISSION **APPEAL PROCEDURE**

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

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



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Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

June 20, 2017

Jerry Moore, Executive Director
Monroe Municipal Utilities Authority
372 South Main Street
Williamstown, NJ 08094

Re: Application # 2017-0111.001
Ames Road
Monroe Township

Dear Mr. Moore:

The Commission staff has completed its review of this application for installation of a sanitary sewer main within the Ames Road right-of-way. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its July 14, 2017 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, Monroe Township Planning Board (via email)
Monroe Township Construction Code Official (via email)
Monroe Township Environmental Commission (via email)
Secretary, Gloucester County Planning Board (via email)
James Spratt





Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey
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New Lisbon, NJ 08064
(609) 894-7300
www.nj.gov/pinelands

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

June 20, 2017

Jerry Moore, Executive Director
Monroe Municipal Utilities Authority
372 South Main Street
Williamstown, NJ 08094

Application No.: 2017-0111.001
Ames Road
Monroe Township

This application proposes installation of 270 linear feet of sanitary sewer main within the Ames Road right-of-way in Monroe Township.

STANDARDS

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

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

The proposed development is located in a Pinelands Regional Growth Area. The proposed sanitary sewer main is a permitted land use in a Pinelands Regional Growth Area.

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

The proposed development will be located within a maintained grassed shoulder area of Ames Road. All clearing and 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 restore the area to maintained grass.

PUBLIC COMMENT

The CMP defines the proposed sanitary sewer main as "minor" development. The CMP does not require public notice for minor public development applications. The application was designated as

complete on the Commission's website on May 23, 2017. The Commission's public comment period closed on June 9, 2017. 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 three sheets, prepared by Federici & Akin, P.A., all sheets dated February 1, 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission no later than 5:00 PM on July 10, 2017 and must 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. PC4-17- 18

TITLE: Approving With Conditions Applications for Public Development (Application Numbers 1990-0260.004 & 1996-1396.006)

Commissioner Pickett moves and Commissioner Braun
seconds the motion that:

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

1990-0260.004

| | |
|------------------------------|---|
| Applicant: | NJDEP, Parks and Forestry, Forest Service |
| Municipality: | Manchester Township |
| Management Area: | Pinelands Forest Area Pinelands Preservation Area District |
| Date of Report: | June 23, 2017 |
| Proposed Development: | Forestry in Brendan Byrne State Forest; and |

1996-1396.006

| | |
|------------------------------|---|
| Applicant: | NJDEP, Parks and Forestry, Forest Service |
| Municipality: | Pemberton Township Woodland Township |
| Management Area: | Pinelands Preservation Area District |
| Date of Report: | June 22, 2017 |
| Proposed Development: | Forestry in Brendan Byrne State Forest. |

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1990-0260.004 & 1996-1396.006 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

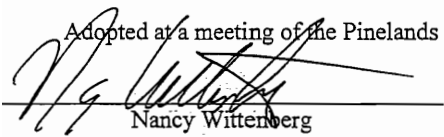
Record of Commission Votes

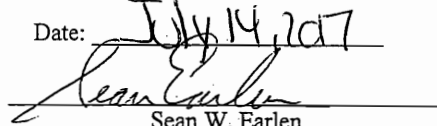
| AYE | NAY | NP | A/R* | AYE | NAY | NP | A/R* | AYE | NAY | NP | A/R* |
|--------|-----|----|------|------------|-----|----|------|-------------|-----|----|------|
| Ashmun | | | X | Galletta | | | X | Prickett | X | | |
| Avery | | | X | Jannarone | X | | | Quinn | X | | |
| Barr | X | | | Lloyd | X | | | Rohan Green | | X | |
| Brown | X | | | Lohbauer | X | | | Earlen | X | | |
| Chila | X | | | McGlinchey | X | | | | | | |

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: July 14, 2017


Nancy Wittenberg
Executive Director


Sean W. Earlen
Chairman



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

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

June 23, 2017

John Sacco
NJDEP, Parks and Forestry, Forest Service
501 East State Street, PO Box 420
Mail Code 501-04
Trenton, NJ 08625

Re: Application # 1990-0260.004
Brendan Byrne State Forest
Block 119, Lots 3 & 13
Manchester Township

Dear Mr. Sacco:

The Commission staff has completed its review of this application for forestry in Brendan Byrne State Forest. 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 July 14, 2017 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, Manchester Township Planning Board (via email)
Manchester Township Environmental Commission (via email)
Secretary, Ocean County Planning Board (via email)
William Zipse (via email)





Chris Christie
Governor

Kim Guadagno
Lt. Governor

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THE PINELANDS COMMISSION
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New Lisbon, NJ 08064
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General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

June 23, 2017

John Sacco
NJDEP, Parks and Forestry, Forest Service
501 East State Street, PO Box 420
Mail Code 501-04
Trenton, NJ 08625

Application No.: 1990-0260.004
Brendan Byrne State Forest
Block 119, Lots 3 & 13
Manchester Township

NEW JERSEY STATE LIBRARY

This application proposes 163 acres of forestry in 37,242 acre Brendan Byrne State Forest. Specifically, forestry is proposed on 106 acres of 786 acre Block 119, Lot 3 and on 57 acres of 3,428 acre Block 119, Lot 13.

STANDARDS

The Commission staff has reviewed the proposed forestry 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. 7:50-5.22(a)3 and 5.23(a)5)

The 163 acres subject of forestry are located partially within the Pinelands Preservation Area District (57 acres) and partially within a Pinelands Forest Management Area (106 acres). Forestry is permitted in all Pinelands Management Areas.

Forestry (N.J.A.C. 7:50-6.41)

This application proposes forest thinning. The purpose of the proposed forest thinning is to reduce competition induced mortality and reduce the risk of wildfire and southern pine beetle attack. The proposed forest thinning will allow for natural regeneration and perpetuate the current forest composition. The proposed forest thinning will maintain a Pine dominated forest, a Pinelands native forest type. The proposed forestry will be conducted in uplands.

There are approximately 445 trees per acre in the 57 acres subject of the proposed forest thinning. After the proposed thinning, the 57 acres will have approximately 129 trees per acre. The canopy cover will be reduced from 72% to 67%.

There are approximately 384 trees per acre in the 106 acres subject of the proposed forest thinning. After the proposed thinning, the 106 acres will have approximately 329 trees per acre. The canopy cover will be reduced from 75% to 70%.

The applicant proposes to undertake post-harvest site preparation, as necessary. Proposed site preparation techniques are prescribed burning and the spot spraying of herbicides to control invasive species. The CMP (N.J.A.C. 7:50-6.46(a)9ii) allows application of herbicide in association with forestry provided that, among other conditions, control of competitive plant species by other non-chemical means is not practical. The applicant has represented that hand cutting or mechanical removal of invasive species is not feasible. The CMP also requires that any herbicides that are applied be expressly labeled for forestry use and be used and mixed in a manner that is consistent with relevant State and Federal requirements. This approval is specifically conditioned upon this requirement.

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

Available information identifies known sightings of threatened and endangered (T&E) animal species in the vicinity of the proposed forestry. The NJDEP Endangered and Nongame Species Program staff and the Commission staff reviewed the proposed forestry to determine whether it was designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species.

To avoid irreversible adverse impacts on any T&E avian species, prior to undertaking the proposed forestry, the applicant proposes to conduct visual surveys to identify and mark any potential avian cavity or nesting trees. Any trees containing potential T&E avian species nests or occupied cavities will be left standing. To avoid any irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, the applicant proposes to utilize low ground pressure equipment for any forestry undertaken between November 1 and April 30.

Available information identifies known sightings of T&E plants in the vicinity of the proposed forestry. The concerned T&E plants are all wetlands species. The NJDEP Office of Natural Lands Management staff and the Commission staff reviewed the proposed forestry to determine whether it was designed to avoid irreversible adverse impacts on the survival of any local populations of T&E plant species.

To avoid an irreversible adverse impact on the survival of any local populations of T&E plant species, the applicant proposes to maintain a 300 foot undisturbed buffer to wetlands.

The proposed forestry is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species and irreversible adverse impacts on the survival of any local populations of T&E plant species.

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

No disturbance will occur greater than six inches below the ground surface. The Commission staff determined that, since the proposed forestry will result in minimal ground disturbance, a cultural resource survey was not required.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on May 20, 2017. The application was designated as complete on the Commission's website on May 30, 2017. The Commission's public comment period closed on June 9, 2017. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed forestry activity shall adhere to the "Proposal for Silvicultural Activity on State Forest and Park Lands," prepared by the New Jersey Forest Service and dated May 18, 2017.
2. Prior to any forestry, the applicant shall obtain any other necessary permits and approvals.
3. Any herbicides that are applied for site preparation shall be expressly labeled for forestry use and shall be used and mixed in a manner that is consistent with relevant State and Federal requirements.
4. Prior to any forestry, the applicant shall complete a visual survey of the above referenced parcels for potential avian cavities or nests. Any trees containing cavities or nest shall be marked and left standing.
5. Only low ground pressure equipment shall be used for any forestry undertaken between November 1 and April 30.
6. This forestry approval is valid for a period of ten years from the July 14, 2017 date of Commission approval.

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.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

New Lisbon, NJ 08064

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www.nj.gov/pinelands



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

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

PINELANDS COMMISSION APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission no later than 5:00 PM on July 11, 2017 and must include the following information:

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

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



State of New Jersey
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@njpinelands.state.nj.us
Application Specific Information: AppInfo@njpinelands.state.nj.us

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

June 22, 2017

John Sacco
NJDEP, Parks and Forestry, Forest Service
501 East State Street
P.O. Box 420, Mail Code 501-04
Trenton, NJ 08625

Re: Application # 1996-1396.006
Brendan Byrne State Forest
Block 927, Lot 1
Pemberton Township
Block 7102, Lots 4 & 7
Woodland Township

Dear Mr. Sacco:

The Commission staff has completed its review of this application for forestry in Brendan Byrne State Forest. 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 July 14, 2017 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Pemberton Township Planning Board (via email)



Pemberton Township Environmental Commission (via email)
Secretary, Woodland Township Planning Board (via email)
Secretary, Burlington County Planning Board (via email)
William Zipse (via email)



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

PUBLIC DEVELOPMENT APPLICATION REPORT

June 22, 2017

John Sacco
NJDEP, Parks and Forestry, Forest Service
501 East State Street
P.O. Box 420, Mail Code 501-04
Trenton, NJ 08625

Application No.: 1996-1396.006
Brendan Byrne State Forest
Block 927, Lot 1
Pemberton Township
Block 7102, Lots 4 & 7
Woodland Township

This application proposes forestry on 42 acres in the 37,242 acre Brendan Byrne State Forest. Specifically, forestry is proposed on two non-contiguous parcels: 10 acres of the above referenced 231.8 acre parcel in Pemberton Township and 32 acres of the above referenced 81 acre parcel in Woodland Township.

STANDARDS

The Commission staff has reviewed the proposed forestry 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. 7:50-5.22(a)3)

The 42 acres subject of forestry are located in the Pinelands Preservation Area District. Forestry is permitted in all Pinelands management areas.

Forestry (N.J.A.C. 7:50-6.41)

The application proposes forest thinning. The purpose of the proposed forest thinning is to regenerate and restore native shortleaf pine. The forestry will allow for the natural regeneration of an open canopy shortleaf pine dominated forest with an oak component. The proposed forest thinning will maintain a Pinelands native forest type. The proposed forestry will be conducted in uplands.

There are approximately 1,965 trees per acre in the 10 acres subject of the proposed forest thinning in Pemberton Township. After the proposed thinning, the 10 acres will have approximately 179 trees per acre. Canopy cover in the 10 acres will be reduced from 85% to 39%.

There are approximately 565 trees per acre in the 32 acres subject of the proposed forest thinning in Woodland Township. After the proposed thinning, the 32 acres will have approximately 273 trees per acre. Canopy cover in the 32 acres will be reduced from 53% to 49%.

The applicant proposes to undertake post-harvest site preparation, as necessary. Proposed site preparation techniques are prescribed burning and the spot spraying of herbicides to control invasive species. The CMP (N.J.A.C. 7:50-6.46(a)9ii) allows herbiciding in association with forestry provided that, among other conditions, control of competitive plant species by other non-chemical means is not practical. The applicant has represented that hand cutting or mechanical removal of invasive species is not feasible. The CMP also requires that any herbicides that are applied be expressly labeled for forestry use and be used and mixed in a manner that is consistent with relevant State and Federal requirements. This approval is specifically conditioned upon this requirement.

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

Available information indicates that there are no known sightings of threatened and endangered (T&E) plants in the vicinity of the proposed forestry.

Available information identifies known sightings of T&E animal species in the vicinity of the proposed forestry. The NJDEP Endangered and Nongame Species Program staff and the Commission staff reviewed the proposed forestry to determine whether it was designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species.

To avoid irreversible adverse impacts on any T&E avian species, prior to undertaking the proposed forestry, the applicant proposes to conduct visual surveys to identify and mark any potential avian cavity or nesting trees. Any trees containing potential T&E avian species nests or occupied cavities will be left standing. To avoid any irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, the applicant proposes to utilize low ground pressure equipment for any forestry undertaken between November 1 and April 30.

The proposed forestry is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species.

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

No disturbance will occur greater than six inches below the ground surface. The Commission staff determined that, since the proposed forestry will result in minimal ground disturbance, a cultural resource survey was not required.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on May 22, 2017. The application was designated as complete on the Commission's website on May 30, 2017. The Commission's public comment period closed on June 9, 2017. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed forestry activity shall adhere to the "Proposal for Silvicultural Activity on State Forest and Park Lands," prepared by the New Jersey Forest Service and dated May 18, 2017.
2. Prior to any forestry, the applicant shall obtain any other necessary permits and approvals.
3. Any herbicides that are applied for site preparation shall be expressly labeled for forestry use and shall be used and mixed in a manner that is consistent with relevant State and Federal requirements.
4. Prior to any forestry, the applicant shall complete a visual survey of the above referenced parcels for potential avian cavities or nests. Any trees containing cavities or nest shall be marked and left standing.
5. Only low ground pressure equipment shall be used for any forestry undertaken between November 1 and April 30.
6. This forestry approval is valid for a period of ten years from the July 14, 2017 date of Commission approval.

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.



Chris Christie
Governor

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State of New Jersey

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

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission no later than 5:00 PM on July 10, 2017 and must 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. PC4-17-19

TITLE: Issuing an Order to Certify Ordinance 2017-12, Amending Chapter 55 (Land Use) of the Code of Barnegat Township

Commissioner Lohbauer moves and Commissioner McGlinchey seconds the motion that:

WHEREAS, on April 8, 1983, the Pinelands Commission fully certified the Master Plan and codified Land Use Ordinances of Barnegat Township; and

WHEREAS, Resolution #PC4-83-29 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and codified Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-83-29 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on April 4, 2017, Barnegat Township adopted Ordinance 2017-12, amending Chapter 55 (Land Use) of the Township's Code by adding condominium development as a conditional use in that portion of the C-N (Neighborhood Commercial) Zone located in the Pinelands Regional Growth Area; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 2017-12 on April 17, 2014; and

WHEREAS, by letter dated April 25, 2017, the Executive Director notified the Township that Ordinance 2017-12 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 2017-12 was duly advertised, noticed and held on May 10, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Ordinance 2017-12 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 2017-12 is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Ordinances 2017-12 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 2017-12 and has reviewed the Executive Director's report; and

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

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

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify that Ordinance 2017-12, amending Chapter 55 (Land Use) of the Code of Barnegat Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Barnegat Township's certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

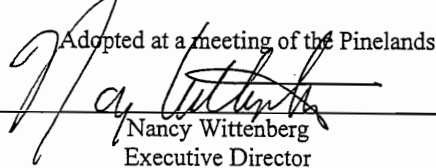
Record of Commission Votes

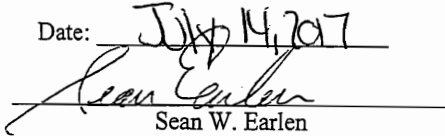
| AYE | NAY | NP | A/R* | AYE | NAY | NP | A/R* | AYE | NAY | NP | A/R* |
|--------|-----|----|------|------------|-----|----|------|-------------|-----|----|------|
| Ashmun | | | X | Galletta | X | | | Prickett | X | | |
| Avery | | | X | Jannarone | | X | | Quinn | X | | |
| Barr | X | | | Lloyd | X | | | Rohan Green | | X | |
| Brown | X | | | Lohbauer | X | | | Earlen | X | | |
| Chila | X | | | McGlinchey | X | | | | | | |

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: July 14, 2017


Nancy Wittenberg
Executive Director


Sean W. Earlen
Chairman



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

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

**REPORT ON ORDINANCE 2017-12, AMENDING CHAPTER 55
(LAND USE) OF THE CODE OF BARNEGAT TOWNSHIP**

June 30, 2017

Barnegat Township
900 West Bay Avenue
Barnegat, NJ 08005

FINDINGS OF FACT

I. Background

The Township of Barnegat is located in southern Ocean County, in the eastern portion of the Pinelands Area. Pinelands municipalities that abut Barnegat Township include the Townships of Lacey, Ocean, Stafford and Little Egg Harbor in Ocean County, and Bass River and Woodland Townships in Burlington County.

On April 8, 1983, the Pinelands Commission fully certified the Master Plan and codified Land Use Ordinances of Barnegat Township.

On April 4, 2017, Barnegat Township adopted Ordinance 2017-12, amending Chapter 55 (Land Use) of the Township's Code by adding condominium developments as a conditional use in that portion of the C-N (Neighborhood Commercial) Zone located in the Pinelands Regional Growth Area. The Pinelands Commission received a certified copy of Ordinance 2017-12 on April 17, 2017.

By letter dated April 25, 2017, the Executive Director notified the Township that Ordinance 2017-12 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following ordinance has been submitted to the Pinelands Commission for certification:

- * Ordinance 2017-12, amending Chapter 55 (Land Use) of the Code of Barnegat Township, introduced on March 7, 2017 and adopted on April 4, 2017.

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

1. Natural Resource Inventory

Not applicable.

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

Ordinance 2017-12 amends Chapter 55 (Land Use) of the Code of Barnegat Township by adding condominium developments as a conditional use in the C-N (Neighborhood Commercial) Zone. Prior to the adoption of Ordinance 2017-12, permitted uses in the C-N Zone were limited to various retail and service uses, professional offices, self-storage facilities, churches, libraries, nursing homes and other institutional uses. According to the standards adopted by Ordinance 2017-12, condominium developments must be located on property directly accessed by a county road. All units must be age-restricted and limited to one- and two-bedroom units. Maximum residential density is 15 units per acre, and Pinelands Development Credits must be purchased and redeemed for 25% of all units in a condominium development. In order to qualify for the new conditional use, properties must be at least nine acres in size. Finally, Ordinance 2017-12 makes clear that condominium developments are permitted only on properties in the C-N Zone that are located within a Pinelands Regional Growth Area.

The C-N Zone in the Regional Growth Area is located along West Bay Avenue, immediately to the north of Ocean Acres (see Exhibit #1). Based on the Township's analysis, there is one approximately 10-acre parcel in the C-N Zone that could satisfy the new conditional use standards for condominium developments. Ordinance 2017-12 therefore creates the potential for approximately 148 new units in the C-N Zone. The purchase of PDCs would be necessary for 25 percent, or 37, of these potential units.

The standards adopted by Ordinance 2017-12 for condominium developments are appropriate for a Regional Growth Area. In addition, the ordinance provides a new opportunity for residential development within Barnegat's Regional Growth Area in a manner that achieves an appropriate balance between "base" units and those requiring the use of Pinelands Development Credits. Therefore, Ordinance 2017-12 is consistent with the land use and development standards of the Comprehensive Management Plan and this standard for certification is met.

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

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Ordinance 2017-12 amends Chapter 55 (Land Use) of Barnegat Township's Code by adding condominium developments as a conditional use in the Regional Growth Area portion of the C-N (Neighborhood Commercial) Zone. Based on the standards adopted by Ordinance 2017-12, condominium developments must be comprised of age-restricted, one- and two-bedroom units, at a maximum density of 15 units per acre. The use of Pinelands Development Credits is required for 25 percent of all units.

N.J.A.C. 7:50-3.39(a)8 specifies that in order to be certified by the Commission, municipal land use ordinances must provide for sufficiently residentially zoned property in the Regional Growth Area to be eligible for an increase in density to accommodate Pinelands Development Credits as provided for in N.J.A.C. 7:50-5.28(a)3. By allowing condominium developments as a conditional use in the C-N (Neighborhood Commercial) Zone, Ordinance 2017-12 increases the amount of land available for residential development in Barnegat Township's Regional Growth Area by approximately 10 acres. In order to comply with N.J.A.C. 7:50-5.28(a)3, Ordinance 2017-12 requires that PDCs be acquired and redeemed for 25 percent of all residential units in any condominium development in the C-N Zone (one right for every four units). Based on the 15 unit per acre maximum density established for the new conditional use, the PDC requirements adopted by Ordinance 2017-12 will result in an opportunity for the use of 37 rights (9.25 full Credits).

While the 25 percent requirement for condominium developments in the C-N Zone is not as high a number as would be provided through the more traditional zoning approach where PDCs would account for 33 percent of the total number of permitted units, it is important to remember that the traditional base density/bonus density approach utilized throughout the Pinelands Area only provides an *opportunity* for the use of PDCs. There is no requirement under the traditional approach that any PDCs be used in any particular development project. Ordinance 2017-12 *guarantees* that PDCs will be purchased and redeemed as part of the approval of any

condominium development within the C-N Zone, regardless of the density or number of units which are ultimately built. Given the greater certainty provided by this approach, the Executive Director believes that the 25 percent PDC requirement adopted by Ordinance 2017-12 should be viewed as being consistent with Comprehensive Management Plan standards.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance 2017-12, amending Chapter 55 (Land Use) of the Code of Barnegat Township, is consistent with standards and provisions of the Pinelands Comprehensive Management Plan.

This standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Ordinance 2017-12, amending Chapter 55 (Land Use) of the Code of Barnegat Township, is consistent with standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

Not applicable.

PUBLIC HEARING

A public hearing to receive testimony concerning Barnegat Township's application for certification of Ordinance 2017-12 was duly advertised, noticed and held on May 10, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which no testimony was received.

Written comments on Ordinance 2017-12 were accepted through May 12, 2017; however, none were received.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 2017-12, amending Chapter 55 (Land Use) of the Code of Barnegat Township, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinance 2017-12 of Barnegat Township.

SRG/CBA
Attachment



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17-

20

TITLE: Issuing an Order to Certify Ocean County's May 2017 Amendment to the Comprehensive Public Safety Tower Plan for Pinelands

Commissioner

Lohbauer

moves and Commissioner

Prickett

seconds the motion that:

WHEREAS, the Pinelands Commission amended the Pinelands Comprehensive Management Plan in 1995 to permit local communications facilities to exceed the height limitations set forth in N.J.A.C. 7:50-5.4 provided that, if a facility is proposed to be located in any Pinelands Management Area other than a Regional Growth Area or a Pinelands Town, then a comprehensive plan for the entire Pinelands Area must be submitted by providers of like service to the Pinelands Commission for certification; and

WHEREAS, the Comprehensive Plan for Cellular Telephone Facilities submitted by providers of cellular service was certified by the Pinelands Commission on September 11, 1998; and

WHEREAS, the Comprehensive Plan for Personal Communications Service (PCS) Communications Facilities in the Pinelands Area submitted by providers of PCS service was certified by the Pinelands Commission on January 14, 2000; and

WHEREAS, the Amendment to the Comprehensive Plans for Cellular and Personal Communications Service submitted by AT&T Wireless PCS of Philadelphia, LLC and its Affiliates was certified by the Pinelands Commission on December 12, 2003; and

WHEREAS, the Amendment to the Comprehensive Plan for PCS Communications Facilities in the Pinelands submitted by T-Mobile Northeast, LLC was certified by the Pinelands Commission on November 10, 2011; and

WHEREAS, the Amendment to the Comprehensive Plans for Cellular and Personal Communications Service Facilities submitted by Sprint Spectrum L.P. and its Affiliates was certified by the Pinelands Commission on November 8, 2013; and

WHEREAS, the Comprehensive Public Safety Tower Plan for Pinelands submitted by the public safety agencies of the seven counties within the Pinelands Area was certified by the Pinelands Commission on May 11, 2012; and

WHEREAS, each certified comprehensive plan for local communications facilities, or amendment thereof, has included a siting policy establishing procedures for the final site selection for a given proposed facility; and

WHEREAS, Ocean County submitted an amendment to the tower siting policy of the Comprehensive Public Safety Tower Plan for Pinelands (hereinafter the Amendment) that the Executive Director deemed complete for purposes of review on May 18, 2017; and

WHEREAS, a public hearing on the Amendment was duly advertised, noticed and held on June 7, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the New Jersey Office of Information Technology's Office of Emergency Telecommunications Services has reviewed the Amendment and submitted written comment supporting the Amendment given the technological characteristics of such facilities and the critical need for counties to provide emergency telecommunications services; and

WHEREAS, the Executive Director has found that the Amendment is consistent with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Pinelands Commission recommending issuance of an order to certify the Amendment; and

WHEREAS, the Pinelands Commission's CMP Policy and Implementation Committee has reviewed the Amendment and the Executive Director's report and has recommended that the Amendment be certified; and

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

WHEREAS, the Pinelands Commission expressly recognizes that approval of this Amendment modifies a framework for siting local communications facilities but does not approve any specific application for development for any local communications facility; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Executive Director to approve the Amendment and hereby affirms the procedures for the siting of individual local communications facilities proposed in the Comprehensive Public Safety Tower Plan for Pinelands, as set forth in Exhibit A to her report; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Pinelands 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 Pinelands 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

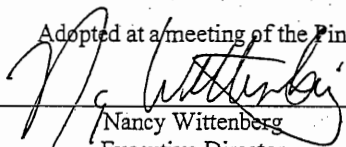
1. An Order is hereby issued to approve Ocean County's May 2017 Amendment to the siting policy of the Comprehensive Public Safety Tower Plan for Pinelands.

Record of Commission Votes

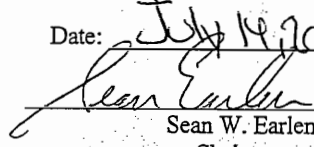
| AYE | NAY | NP | A/R* | AYE | NAY | NP | A/R* | AYE | NAY | NP | A/R* |
|--------|-----|----|------|------------|-----|----|------|-------------|-----|----|------|
| Ashmun | | | X | Galletta | | | X | Prickett | X | | |
| Avery | | | X | Jannarone | X | | | Quinn | X | | |
| Barr | X | | | Lloyd | X | | | Rohan Green | | X | |
| Brown | X | | | Lohbauer | X | | | Earlen | X | | |
| Chila | X | | | McGlinchey | X | | | | | | |

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission


Nancy Wittenberg
Executive Director

Date: July 14, 2017


Sean W. Earlen
Chairman



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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

**REPORT ON OCEAN COUNTY'S MAY 2017 AMENDMENT TO
THE SITING POLICY OF THE COMPREHENSIVE PUBLIC
SAFETY TOWER PLAN FOR PINELANDS**

June 30, 2017

Michael J. Fiure
Assistant County Administrator
County of Ocean
P.O. Box 2191
Toms River, New Jersey 08064

NEW JERSEY STATE LIBRARY

FINDINGS OF FACT

I. Background

A. Summary of Pinelands Local Communications Facility Plans

In 1995 the Pinelands Commission amended the Pinelands Comprehensive Management Plan (CMP) in recognition of the legitimate and growing need for the delivery of wireless communication services within the Pinelands Area. The amendment allowed for local communication facilities taller than thirty-five feet to be permitted in those management areas outside of Regional Growth Areas and Pinelands Towns, provided that procedures and siting standards established in the amendment were met (N.J.A.C. 7:50-5.4(c)).

These procedures required the submission, and Commission certification, of a comprehensive local communications facilities plan (LCF Plan) for the Pinelands Area. LCF Plans are to be jointly submitted by providers of the same type of wireless service and include the locations of all proposed facilities within the Pinelands Area. As outlined in Table 1 below, there have been six certified LCF plans, each incorporating and expanding upon the proposed network configuration of all preceding LCF Plans. Once an LCF Plan is certified, applications seeking to construct individual facilities proposed within a plan are then reviewed in accordance with CMP's environmental regulations, the standards for siting local communications facilities, as well as the relevant LCF Plan(s).

Table 1. Summary of Approved LCF Plans

| LCF Plan | Certification Date | Participants | Service Frequency (in MHz) | Search Area Extent (in miles) |
|--------------------------|--------------------|---------------------------------------|----------------------------|-------------------------------|
| Cellular Plan | 9/11/1998 | Bell Atlantic Mobile, Comcast, Nextel | 800 | 5 |
| PCS Plan | 1/14/2000 | Sprint, Omnipoint | 1850-1900 | 0.5 |
| AT&T Plan | 12/12/2003 | AT&T | 1850-1900 | 0.5 |
| T-Mobile Plan | 11/10/2011 | T-Mobile | 1850-1900 | 1 |
| Public Safety Tower Plan | 5/11/2012 | Pinelands Area Counties | 700 | 1 |
| Sprint Plan | 11/8/2013 | Sprint | 1850-1900 | 1 |

B. Submission of the Proposed Amendment

Ocean County is a participant of the Comprehensive Public Safety Tower Plan for Pinelands (Public Safety Tower Plan). The Public Safety Tower Plan, certified by the Pinelands Commission on May 11, 2012, includes the proposed locations of county local communications facilities needed to provide critical public safety communications coverage within the Pinelands Area. The Public Safety Tower Plan included a siting policy with a 1-mile radius search area (see Exhibit B).

The Public Safety Tower Plan includes a facility proposed by Ocean County to be located at Patriots Park in Jackson Township's Rural Development Area. Ocean County has since determined that a county-owned maintenance garage on Don Connor Boulevard in Jackson Township is a more suitable site (see Exhibit C). Patriots Park is on the state's Recreational and Open Space Inventory (ROSI). The park's inclusion on the ROSI means that, prior to any change of use other than recreation or conservation, the County would need to successfully obtain a diversion from the New Jersey Department of Environmental Protection's Green Acres Program, which is strongly discouraged by the program (N.J.A.C. 7:36-26.1). The County has also determined that construction of the tower at the garage would meet the same service needs that the Patriots Park site would provide, while requiring considerably less site disturbance and visual impact.

A new tower at the county-owned maintenance garage is not permitted because it is not within a 1-mile radius search area of a proposed site in the Public Safety Tower Plan. The county-owned maintenance garage is approximately 2.5 miles from Patriots Park. Therefore, consideration of the maintenance facility as a viable site for a new public safety tower would require Ocean County to submit an amendment to the Public Safety Tower Plan. Applicants may propose amendments to an approved LCF Plan pursuant to N.J.A.C. 7:50-5.4(c)6v.

Between March and May of 2017, Commission staff, Ocean County, the New Jersey Office of Information Technology (OIT) Office of Emergency Telecommunications Services, and the other six Pinelands Area Counties worked to develop a revised siting policy for the Public Safety Tower Plan. On May 18, 2017, Ocean County submitted the proposed amendment (see Exhibit A). The amendment was deemed complete for the purposes of Commission review on May 19, 2017.

II. Comprehensive Local Communications Facilities Plans and Amendments

The following document has been submitted to the Pinelands Commission for certification:

- Ocean County's May 2017 Amendment to the siting policy of the Comprehensive Public Safety Tower Plan for Pinelands

A. Summary of the Proposed Amendment

Ocean County's May 2017 Amendment seeks to revise the siting policy of the Public Safety Tower Plan in two ways: 1) to expand the size of the search area for the final siting of a proposed facility from a 1-mile radius to a 3-mile radius; and 2) to provide greater flexibility when siting a facility on developed, publically-owned land. It is important to note that the amendment does not include any additional proposed facilities and would apply only to facilities proposed in the Public Safety Tower Plan.

The Commission has approved a siting policy with each LCF Plan to be applied during the application process for siting individual facilities. This policy acknowledges that LCF Plans are akin to master plans in that they are long-range plans based on present conditions subject to change over time. Given this uncertainty, the siting policy provides flexibility to move a proposed site within an approved vicinity known as the search area. The search area recognizes that a facility can be moved within the approved vicinity without creating the need for additional facilities.

Each siting policy also provides constraints for siting towers within search areas that cross the Pinelands Area border or multiple management areas. In these cases, applicants seeking to construct a new tower must look for sites within the search area based on a hierarchy of preferred management areas as enumerated in the policy. This hierarchy directs applicants to search in the development-oriented management areas first. It is important to note that the CMP requires the use of existing suitable structures, to the extent practicable, as a first option prior to constructing a new tower or significantly altering an existing structure. This provision is incorporated into each siting policy and is included as part of the amendment under consideration.

In discussions between Ocean County and Pinelands Commission staff, it was determined that the 1-mile radius search area approved with the Public Safety Tower plan was overly-restrictive based on the frequencies used for public safety radio communications. The Commission has established the extent of a search area on a plan-by-plan basis based on the radio frequency of the service provided (see Table 1). This acknowledges that signals transmitted at lower frequencies in the spectrum (e.g., cellular service operating at 800 MHz) propagate over much greater distances than signals transmitted at higher frequencies in the spectrum (e.g., PCS service operating at 1850-1900 MHz). Given that the County Public Safety Agencies are using the 700 MHz frequency range, there is greater siting flexibility provided by the signal propagation characteristics than currently allowed for in the siting policy.

A 3-mile radius search area was selected in discussions with Ocean County and the OIT Office of Emergency Telecommunications Services, the latter of which has submitted written testimony supporting the technical justification for the expansion of the search area (see Exhibit D). This increased flexibility will not only benefit Ocean County as it will also apply to the other Pinelands Area counties that have proposed sites in the Public Safety Tower Plan.

County representatives also highlighted the differences between providers of commercial wireless services and providers of public safety communications services. The CMP regulations regarding local

communications facilities were written primarily in response to commercial wireless providers whose networks are designed around cellular arrays requiring relatively more towers that are more likely to be constructed on leased lands. Conversely, public safety towers have more powerful transmission systems that operate on a point-to-point basis requiring relatively fewer towers that are more likely to be sited on county-owned lands for both economic and security reasons.

While the CMP is explicit that proposed facilities utilize an existing suitable structure to the extent practicable, staff found that in instances when a new tower is needed, the current siting policy's hierarchy of preferred locations may create situations where counties would be forced to purchase land even if developed public lands may be available. The counties have indicated that such situations may be cost prohibitive, ultimately rendering a project infeasible, and prolong the deployment of critical public infrastructure. The amendment therefore provides added flexibility in siting new towers on developed, publically owned lands for public safety towers only. Again, this increased flexibility will not only benefit Ocean County as it will also apply to the other Pinelands Area counties that have proposed sites in the Public Safety Tower Plan.

The amendment under consideration would apply to proposed Phase-1 and Phase-2 facilities included within the Public Safety Tower Plan. There are a total of twenty-one proposed facilities in Phase-1 and 2, six of which are proposed in the most conservation-oriented management areas and five of which are proposed in a Regional Growth Area or Pinelands Town. It's important to note that proposed Phase-3 facilities are planned to be co-located on existing towers or proposed towers included in other plans.

B. Standards for Certification

The above-referenced amendment has been reviewed to determine whether it conforms with the standards for certification of amendments to LCF Plans as set out in N.J.A.C. 7:50-5.4(c)6v of the Pinelands Comprehensive Management Plan. The various standards required to be met for certification of LCF Plans and their amendments contained in N.J.A.C. 7:50-5.4(c)6 are outlined below along with relevant findings for each standard.

1. **The amendment shall be agreed to and submitted jointly by all providers of the same type of service, where feasible. In the event that any provider declines to participate in the amendment process, the Commission may proceed with its review of the amendment.**

On April 20, 2017, Commission staff briefed representatives of the Pinelands Area counties on the proposed amendment at the OIT Office of Emergency Telecommunications Services' regularly scheduled Statewide Regional Communications meeting.

On April 26, 2017, OIT Office of Emergency Telecommunications Services emailed representatives of the Pinelands Area counties. The correspondence included the proposed amendment, a summary of the briefing and discussion at the April 20, 2017 meeting, and a request for written comment on the proposed amendment by May 10, 2017. No comment was received from the other six Pinelands Area counties.

On May 17, 2017, OIT Office of Emergency Telecommunications Services emailed representatives of the Pinelands Area counties to inform them that no comments were received and that the Pinelands Commission was advising Ocean County to move forward with officially

submitting the amendment. No comments were received by any of the other six participating Counties during the official comment period ending June 12, 2017.

Ocean County, with the assistance of Commission staff and the OIT Office of Emergency Telecommunications Services, has offered the other six Pinelands Area counties opportunities to participate in the submission of this amendment. The Executive Director finds that the absence of response to these offers for the other Pinelands Area counties to participate or comment on the proposed amendment is recognized as their tacit decision to not formally participate in the submission of the amendment. Therefore, this standard for certification is met.

2. **The amendment shall include a review of alternative technologies that may become available for use in the near future.**

The certified Public Safety Tower Plan included a review of alternative technology known as Distributed Antenna Systems. The Commission accepted this review as part of its certification of the Public Safety Tower Plan. The Executive Director finds that this review continues to sufficiently address this requirement. Therefore, this standard for certification is met.

3. **The amendment shall include the approximate location of all proposed facilities.**

The certified Public Safety Tower Plan included the geographic coordinates of each proposed facility's location. The amendment under consideration does not include any additional proposed towers. The Executive Director finds that the Public Safety Tower Plan continues to sufficiently address this requirement. Therefore, this standard for certification is met.

4. **The amendment shall include five- and ten-year horizons.**

The certified Public Safety Tower Plan included three different planning phases. Phase-1 included seventeen facilities planned to be deployed within five years of certification. Phase-2 included six facilities planned to be deployed within five to ten years of certification. Phase-3 included twenty-seven facilities without a proposed timeline for deployment.

At present, only one Phase-1 facility has been built and an additional Phase-1 facility has received a public development approval from the Commission. There have been no other approved facilities. Given that the build-out of this plan has progressed more slowly than planned, the Executive Director finds that the phases within the certified plan still sufficiently provide five- and ten-year horizons. Therefore, this standard for certification is met.

5. **The amendment shall demonstrate the likely consistency that for each proposed facility there is a need for the facility to serve the local communication needs of the Pinelands, including those related to public health and safety, as well as a need to locate the facility in the Pinelands in order to provide adequate service to meet these needs.**

During the review of the Public Safety Tower Plan in 2012, the OIT Office of Emergency Communication Services, in its technical capacity, found that there was a critical public safety need for each of the facilities proposed in the plan. They noted that, wherever possible, sites outside of the Pinelands Area were selected to fulfill this critical public safety need. To further

support this demonstration, a consulting firm, V-COMM, analyzed data provided by the participating public agencies. This analysis resulted in signal propagation maps depicting both the existing coverage within the area of each proposed facility as well as the expected level of coverage post-installation. This analysis demonstrated the need for each of the proposed facilities to serve the communications needs of the plan participants, and V-COMM affirmed that the only way to provide adequate service was to locate the proposed facilities within the Pinelands Area.

Ocean County's May 2017 Amendment does not include any additional proposed towers. There has been no change in the radio frequency to be used by the proposed facilities within the certified Public Safety Tower Plan. The analysis described above conducted by the OIT Office of Emergency Communications Services and V-COMM was done independent of the siting policy approved for the plan and would be impacted only if new towers were proposed or if different radio frequencies would be used by the proposed facilities. The Executive Director finds that the analysis conducted by the OIT Office of Emergency Communication Services and V-COMM is still valid and continues to sufficiently demonstrate the stated need as required by the CMP. Therefore, this standard for certification is met.

6. **The amendment shall demonstrate that the facilities to be located in the Preservation Area District, the Forest Area, the Special Agricultural Production Area and the seventeen Pinelands Villages enumerated in N.J.A.C. 7:50-5.4(c)6 are the least number necessary to provide adequate service, taking into consideration the location of facilities outside the Pinelands.**

During the review of the Public Safety Tower Plan in 2012, the OIT Office of Emergency Communication Services, in its technical capacity, and with support of a consulting firm V-COMM, demonstrated consistency with this standard based on the analysis described above. V-COMM demonstrated via signal propagation maps that, taking into account the location of facilities outside the Pinelands Area, the new facilities proposed in conservation-oriented management areas are the least number necessary to provide adequate service.

Ocean County's May 2017 Amendment does not include any additional proposed towers. There has been no change in the radio frequency to be used by the proposed facilities within the Public Safety Tower Plan. The analysis described above conducted by the OIT Office of Emergency Communications Services and V-COMM was done independent of the siting policy approved for the plan and would be impacted only if new towers were proposed or if different radio frequencies would be used by the proposed facilities. Furthermore, Ocean County's May 2017 Amendment includes provisions describing a hierarchy of preferred siting locations. These provisions ensure that movement of the final siting of a proposed facility within a given search area does not result in relocation of a facility to a more conservation-oriented management area, unless there are no viable sites available within the less-restrictive management areas or outside the Pinelands Area. The Executive Director finds that the analysis described above is still valid and continues to sufficiently demonstrate the stated need as required by the CMP. Therefore, this standard for certification is met.

7. **The amendment shall demonstrate the likely consistency, and note the need to demonstrate consistency during the application process for siting individual facilities, that existing communications or other suitable structures have been used to the extent practicable.**

The certified Public Safety Tower Plan sufficiently demonstrated the likely consistency that existing communications structures or other suitable structures will be used. Furthermore, the siting policy adopted with the plan noted the need to demonstrate this during the application process for siting individual facilities.

Ocean County's May 2017 Amendment does not include any additional towers. The amendment maintains the siting policy provision that requires applicants to use existing suitable structures, to the extent practicable, prior to the construction of a new tower. Therefore, this standard for certification is met.

8. **The amendment shall demonstrate the likely consistency, and note the need to demonstrate consistency during the application process for siting individual facilities, that if an existing communications structure or other suitable structure cannot be used, then the antenna and any necessary supporting structure is located to meet the siting criteria contained in N.J.A.C. 7:50-5.4(c)4.**

During the review of the Public Safety Tower Plan in 2012, Commission staff conducted an analysis of the 1-mile radius search area surrounding each of the proposed facilities included in the plan to determine the likely consistency that a tower could be sited within the search area consistent the CMP. The result of the analysis demonstrated a likely consistency that each proposed facility could be sited consistent with the CMP with the exception of two sites proposed by Burlington County. The consistency issues for these two sites were discussed at length in the 2012 Executive Director's report that reviewed Public Safety Tower Plan. The report concluded that this standard had been met, provided that the inconsistencies with the two sites were remedied at the time of application.

Ocean County's May 2017 Amendment expands the search area from a 1-mile radius to a 3-mile radius. An expanded search is not expected to decrease the likelihood for any of the proposed facilities to be sited consistent with the standards of the CMP. In fact, the expanded search area should provide more opportunities to search for permissible locations in the event that a new tower is necessary. The proposed amendment may in fact help with the siting of the two proposed facilities discussed above. However, if it is not possible to meet the CMP's siting criteria for these two facilities, or any other proposed facility included in an LCF Plan, the CMP includes provisions for these cases that would allow the Commission to require the implementation of alternative sites or tower designs that will result in the greatest avoidance or minimization of visual impacts. Therefore, this standard for certification is met.

9. **The amendment shall note the need to demonstrate during the application process for siting individual facilities that support structures are designed to accommodate the needs of any other local communications provider that has identified a need to locate a facility within an overlapping service area and that the antenna and supporting structure does not exceed 200 feet in height, but if of a lesser height, can be increased to 200 feet to accommodate other local communications facilities in the future. The amendment shall also provide for the joint construction and use of the least number of facilities that will provide adequate service by all providers for the local communication system intended.**

The certified Public Safety Tower Plan acknowledged that, with respect to non-plan participants, all sites within the Public Safety Tower Plan are subject to the same co-location and design

policies as are incorporated into the four previous plans submitted by the commercial wireless providers. The amendment under consideration does not alter co-location or design policies incorporated in the Public Safety Tower Plan. Therefore, this standard for certification is met.

10. The amendment shall include a plan for shared services, unless precluded by Federal law or regulation, if it reduces the number of facilities to be developed.

The certified Public Safety Tower Plan did not include a plan for shared services. The purpose of this standard is to encourage wireless communications providers to consider the possibility of single server coverage. None of the certified LCF Plans have included a plan for shared services on the grounds that it is precluded by federal law. The amendment under consideration maintains this stated position and does not include any provisions related to shared services. Therefore, this standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Ocean County's application for certification of its May 2017 Amendment to the Comprehensive Public Safety Tower Plan for Pinelands siting policy was duly advertised, noticed and held on June 7, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing at which the following testimony was received:

Michael Fiure, Assistant County Administrator, Ocean County stated that the County is upgrading its 500 MHz public radio system to a 700 MHz system due to existing radio interference. In the approved plan, Ocean County has a tower site located in Patriots Park. The County has a roads garage in Jackson that has been in existence for decades. The County would like to move the tower from the park. In order to build the tower in the park, the County would need to do clearing and cut trees down. The County does not want to site a public safety tower in a natural area. The County felt that the existing garage was a better location given that it is already developed land. The issue that the County encountered was that the garage is outside of the 1-mile search area of the Patriots Park site, which is what led the County to propose the amendment. This tower would be the last tower that would need to be built. All other Ocean County public safety towers are either constructed or in the permitting phase.

Katherine Smith, Policy Advocate, Pinelands Preservation Alliance provided testimony that was also submitted in writing (Exhibit D).

David McKeon, Planning Director, Ocean County testified in support of the proposed amendment. He stated that in the County's recent experience, they found no difference in how privately-owned towers and publicly-owned towers are treated by the Pinelands regulations. He stated that public safety towers are required for the safety of everybody including residents of the Pinelands, and they need to be in certain locations. The plan that was developed several years ago made an attempt to provide adequate coverage. However, it lacked consideration of developed versus undeveloped sites. The County agrees with the intent of the plan to minimize the visual impacts to the Pinelands, where possible, and that is what this amendment seeks to do.

He stated that the original location that was chosen was Patriots Park. It is a County park. While it does have an active component, the majority of the property is natural. It is also surrounded by thousands of acres of county-owned natural lands and state-owned forested areas. The County no longer desires to place the tower at this site, and it prefers to relocate the site to the County roads garage in Jackson. The garage is within 3 miles of Patriots Park and is a fully developed site. The tower that the county proposes to construct works adequately in that area, and would not degrade the visual aesthetics of the area given current development.

He stated that Ocean County did meet with other counties in the area. This is not a problem unique to Ocean County. We need to be flexible with Public Safety Towers. The original plan's intent was to prevent the proliferation of many towers, most of those from private interests. These towers are publically-owned and have different needs, and in some cases publically-owned land is the only realistic location where these towers can be developed.

Written comments on Ocean County's application for certification of the May 2017 amendment were accepted through June 12, 2017 and were received from the following parties and included in Exhibit E:

Katherine Smith, Policy Advocate, Pinelands Preservation Alliance

Lizzi Schippert

Sarah B. Dougan

Jody Vaughn

Jean Public

EXECUTIVE DIRECTOR'S RESPONSE

Ms. Smith, on behalf of the Pinelands Preservation Alliance, stated her concerns that: (1) the siting policy no longer maintains an initial presumption that a tower will be sited in the immediate area of the proposed location in the plan; and that the revisions to the hierarchy of preferred locations for new towers would (2) allow for more towers than necessary in the most conservation-oriented management areas and (3) not prevent or discourage the use of public recreation or conservation lands in Regional Growth Areas and Pinelands Towns as future tower sites.

With regard to (1) above, Ms. Smith is correct that Ocean County's May 2017 Amendment does not include a presumption that the final siting of a proposed facility will be located in the immediate area (as defined as within the municipality and management area of the proposed location). This change should in fact be recognized as helping to protect the conservation-oriented areas and undeveloped sites of the Pinelands from visual impacts. For example, in instances where the proposed location is in a conservation-oriented management area, the immediate area provision would lock proposed sites within the management area and municipality proposed unless there is not a feasible site within that area. With this presumption removed, the hierarchy policy would direct the siting to preferred locations within a larger search area that may include less sensitive developed sites or management areas. It is also important to note that development applications for individual facilities receive a greater degree of scrutiny than during the LCF Plan review process. Therefore, there should be no concern that individual applications are not adequately vetted.

With regard to (2) above, Ms. Smith's concern should be allayed by the demonstrations that were provided by the OIT Office of Telecommunications Services and V-COMM as described in II.B.6 above. In the certification of the Public Safety Tower Plan, the Commission affirmed the demonstration that the least number of towers necessary to provide adequate service were located in the most conservation-oriented areas. Ms. Smith correctly notes that there may be limited instances where a site proposed in a conservation-oriented management area may be moved to a different management area and still meet the coverage needs. However, the flexibility provided to the County Public Safety Agencies is limited to developed, publically owned sites and only for those sites already proposed in the most conservation-oriented management areas. In no case does the Amendment allow for the siting of a new tower in a more restrictive management area, although it may result in siting in an equally- or less-restrictive management area. This added flexibility is in recognition that public communications facilities face different constraints than commercial facilities and provide a critical public safety need.

With regard to (3) above, we respectfully disagree with Ms. Smith. Regional Growth Areas and Pinelands Towns are not subject to CMP height limitations. As such, CMP local communication facilities regulations do not apply to the siting of towers in these management areas. They need only comply with the minimum environmental standards included in Subchapter 6 of the CMP. To the extent that a publically-owned property in a Regional Growth Area, Pinelands Town or any other management area is deed restricted or otherwise reserved for recreation and/or open space, the development of a new tower would not be permitted unless a diversion were approved (as discussed in Section I.B above). The Amendment does not facilitate the development of new towers on deed restricted open space, conservation or recreation lands. If, however, a publically-owned property in the Regional Growth Area is not preserved as open space or subject to a deed restriction, the Amendment does indeed encourage a new tower to be sited there, whether or not the property is vacant. This is wholly in keeping with the primary objective of N.J.A.C. 7:50-5.4(c)6, which is to minimize the need for new towers in other more conservation-oriented portions of the Pinelands Area.

While we appreciate the other written comments received from the above stated parties, their expressed concerns are not germane to the particular provisions of the amendment currently under consideration.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ocean County's May 2017 Amendment complies with Comprehensive Management Plan standards for the certification of an amendment to a certified comprehensive local communications facilities plan. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ocean County's May 2017 Amendment to the Comprehensive Public Safety Tower Plan for Pinelands siting policy.

LLL/SRG/DBL/
Attachments



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 21

TITLE: To Accept the Fiscal Year 2015 Audit Report

Commissioner Lohbauer moves and Commissioner McGlinchey seconds the motion that:

WHEREAS, the audit of the Pinelands Commission Fiscal Year 2015 Financial Statements, Notes to the Financial Statements and Schedules of Federal and State Assistance was performed by the Office of the State Auditor; and

WHEREAS, the Fiscal Year 2015 Audit Report contains two findings for the Commission to address. This includes strengthening the internal controls by ensuring the Bank Account Reconciliations are prepared and reviewed by the independent accounting firm and the testing of the Disaster Recovery Plan; and

WHEREAS, to address the internal controls finding, the Pinelands Commission staff and the independent accounting firm have created a new bank reconciliation process to be used until a new accounting system is purchased and installed. To address the testing of the disaster recovery plan, the Commission's MIS department has included additional hardware in the FY18 Budget needed to perform simulated disaster testing.

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 accepts the attached Audit Report for Fiscal Year 2015 and directs that it be included as a publication available through the Pinelands Commission's website.

Record of Commission Votes

| AYE | NAY | NP | A/R* | AYE | NAY | NP | A/R* | AYE | NAY | NP | A/R* |
|--------|-----|----|------|------------|-----|----|------|-------------|-----|----|------|
| Ashmun | | | X | Galletta | | | X | Prickett | X | | |
| Avery | | | X | Jannarone | X | | X | Quinn | X | | |
| Barr | X | | | Lloyd | X | | | Rohan Green | | | X |
| Brown | X | | | Lohbauer | X | | | Earlen | X | | |
| Chila | X | | | McGlinchey | X | | | | | | |

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Date: July 14, 2017

Sean W. Earlen
Sean W. Earlen
Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 22

TITLE: To Authorize the Executive Director to Propose Amendments to the Comprehensive Management Plan in Accordance with the Administrative Procedure Act (Application Fees; Escrows; Application Procedures; Landfills; Water Quality; Signs; Alternate Design Wastewater Treatment Systems Pilot Program)

Commissioner Brown
seconds the motion that:

moves and Commissioner Lohbauer

WHEREAS, in 2014, the Pinelands Commission completed its fourth comprehensive review of the Pinelands Comprehensive Management Plan and issued The Fourth Progress Report on Plan Implementation; and

WHEREAS, the 2014 Progress Report identifies a number of recommendations to be pursued by the Commission, many of which were developed in response to public input; and

WHEREAS, the Executive Director has prepared and submitted to the Commission proposed amendments to the Comprehensive Management Plan in response to several of the recommendations contained in the Progress Report; and

WHEREAS, these proposed amendments adjust application fees, clarify application exemptions, simplify notice and mailing procedures for applicants, municipalities and the Commission, clarify landfill closure requirements and update Comprehensive Management Plan sign standards; and

WHEREAS, the proposed amendments also recognize the successful performance of one of the technologies in the Commission's Alternate Design Treatment Systems Pilot Program by authorizing use of the FAST technology on a permanent basis for residential development on lots of at least 1.4 acres in size;

WHEREAS, the proposed amendments also provide an opportunity for advanced treatment systems, such as the Fast technology, to be used to facilitate the expansion of existing nonresidential uses outside the Regional Growth Area, Pinelands Towns and Pinelands Villages; and

WHEREAS, all of the proposed amendments have been reviewed by the Commission's CMP Policy and Implementation Committee; and

WHEREAS, the Pinelands Commission is desirous of considering the amendments to the Comprehensive Management Plan set forth in the attachment hereto, dated July 5, 2017; and

WHEREAS, the Administrative Procedure Act of 1968, as amended, and the Office of Administrative Law implementing regulations set forth a detailed procedure governing proposed rulemaking; and

WHEREAS, the Pinelands Commission is also desirous of obtaining the comments of the public, governmental agencies and the Pinelands Municipal Council on the proposed amendments, in accordance with the Pinelands Protection Act and Subchapter 7 of the Comprehensive Management Plan; 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. The Commission hereby authorizes the Executive Director to submit the proposed amendments to the Comprehensive Management Plan, attached hereto and dated July 5, 2017, and the required supporting documentation to the Office of Administrative Law for publication as proposed regulations;
2. The Executive Director shall transmit the proposed amendments to all Pinelands municipalities and counties and the Pinelands Municipal Council for review;

3. The public comment period on the proposed amendments shall extend 60 days from the date of publication of the proposal in the *New Jersey Register* and the Executive Director shall affix the date of a public hearing to receive comments on the proposed amendments; and
4. Subsequent to the comment period, the Executive Director shall expeditiously prepare proposed final amendments, with any pertinent changes to these amendments, for review by the Commission's CMP Policy and Implementation Committee, and shall submit same to the Commission for final action.

Record of Commission Votes

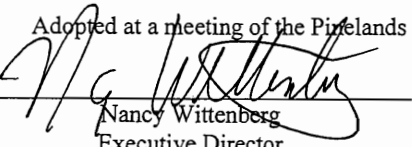
| AYE NAY NP A/R* | | | | | AYE NAY NP A/R* | | | | | AYE NAY NP A/R* | | | | |
|-----------------|---|--|---|--|-----------------|---|--|---|--|-----------------|---|--|---|--|
| Ashmun | | | X | | Galletta | | | X | | Prickett | X | | | |
| Avery | | | X | | Jannarone | X | | X | | Quinn | X | | | |
| Barr | X | | | | Lloyd | X | | | | Rohan Green | | | X | |
| Brown | X | | | | Lohbauer | X | | | | Earlen | X | | | |
| Chila | X | | | | McGlinchey | X | | | | | | | | |

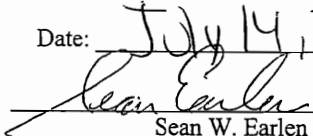
* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date:

July 14, 2017


Nancy Wittenberg
Executive Director


Sean W. Earlen
Chairman

Pinelands Commission Proposed CMP Amendments

September 2016
Updated July 2017

Application Fees

- ~~Double fees for applications involving violations to reflect increased review time and effort~~
- Add specific fees for general development plans
- Reduce fees for solar energy facilities
- Eliminate need for applicants to submit sworn statements of construction cost estimates
- Increase most fees by 50% 25%
- Update escrow provisions to include facilities, services and other "unusual expenditures" related to an application

Procedures and Exemptions

- Eliminate requirement that towns/applicants submit names and addresses of people who “actively participate” on applications at Planning Board meetings
- Clarify exemption for prescribed burning to include linear clearing of vegetation not to exceed 6 feet in width
- ~~Eliminate utility distribution line exemption~~

Definitions and Procedures

- Change the definition of “interested person” to “interested party” and clarify who has the right to formally participate in the Commission’s decision-making processes
- Decisions of the ED are considered rendered three days after mailing. Clarify that such decisions may be emailed and that we don’t count the day the decision is mailed when computing the three day period.

Notice and Mailing Procedures

- Define "mail" to include "email"
- Eliminate certified mailing requirements for the Commission and towns
- ~~Eliminate requirement for the Commission and applicants to publish notices in the newspaper (rely on website and email)~~
- Eliminate requirement for applicants to post notices on properties
- Require the Commission to post notices on its website

Waivers

- ~~Establish an expiration date for "old" extraordinary hardship waivers (1981-March 1992)~~
- ~~Notify affected applicants of pending expiration and their options~~
- Shift responsibility for providing notice of public hearings on compelling public need waivers from applicants to the Commission

Landfills

Clarify the circumstances under which municipalities will not need to install impermeable caps on their closed landfills

- ~~No significant public health risk from plume, determined by DEP~~
- A plume exists, but poses no significant ecological risk to wetlands

Alternate Design Wastewater Systems

- “Graduate” the FAST technology from the septic pilot program and allow for residential use on 1.4 acre lots without further monitoring
- Rely on DEP septic management requirements
- Allow alternate design systems to be used for the expansion of or changes to existing nonresidential uses in the RDA, APA FA and infill areas

Signs

- Delegate regulation of on-site signs to the municipalities (delete CMP standards)
- Give municipalities the ability to determine whether and where on-site signs using digital technology should be permitted
- Allow existing and new billboards in Regional Growth Areas and Pinelands Towns to use digital technology subject to certain conditions
- Prohibit old, nonconforming billboards in conservation areas from converting to digital technology

Rulemaking Process: Next Steps

- Post the rule proposal on the Commission's website
- File the proposal with OAL for publication in the 9/5/17 NJ Register
- Provide notice to the PMC, municipalities, counties and interested parties
- Advertise and hold a public hearing on 10/4/17
- Accept written comments through 11/4/17
- Prepare an adoption notice for the Commission's consideration

PINELANDS COMMISSION MEETING

Pine Belt Arena
1245 Old Freehold Road
Toms River, NJ

MINUTES

July 26, 2017

Commissioners Present

Alan W. Avery Jr., Bob Barr, Giuseppe Chila, Mark Lohbauer, Ed McGlinchey, Richard Prickett, Gary Quinn and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg. Deputy Attorney General (DAG) Bruce Velzy participated by phone

Commissioners Participating by Phone

Mark Lohbauer participated by phone until he arrived at the meeting at 10:47 a.m.

Commissioners Absent

Candace Ashmun, Bill Brown, Paul E. Galletta, Ed Lloyd, D'Arcy Rohan Green and Jane Jannarone

Chairman Earlen called the meeting to order at 9:53 a.m.

Ms. Stacey Roth read the Open Public Meetings Act Statement.

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 8 Commissioners who participated in the meeting.)

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

Staff Presentation: New Jersey Natural Gas, Application No. 2014-0045.001

Executive Director Wittenberg delivered a presentation on the proposed installation of 12.1 miles of 30 inch natural gas main. She provided a timeline of the application process. She displayed a map of the pipeline route. She said the pipeline would go through the following three Pinelands municipalities: Plumsted Township, Jackson Township and Manchester Township. ED Wittenberg reviewed the Pinelands Management Areas the route would go through and the relevant Comprehensive Management Plan standards. See presentation slides for additional information.

Public Comment on Remanded Item: Superior Court of New Jersey, Appellate Division–
New Jersey Natural Gas (Application No. 2014-0045.001)

A total of 45 members of the public provided comment. A transcript of the meeting can be obtained by contacting the Commission.

Adjournment

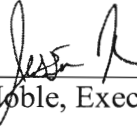
Commissioner Prickett encouraged the public to continue to participate at Commission meetings.

Commission Lohbauer said he appreciated the comments heard today.

Commissioner Avery thanked the public who attended the meeting and said the Commission continues to review the New Jersey Natural Gas matter.

Commissioner Avery moved to adjourn the meeting. Commissioner McGlinchey seconded the motion. The Commission agreed to adjourn at 12:47 p.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

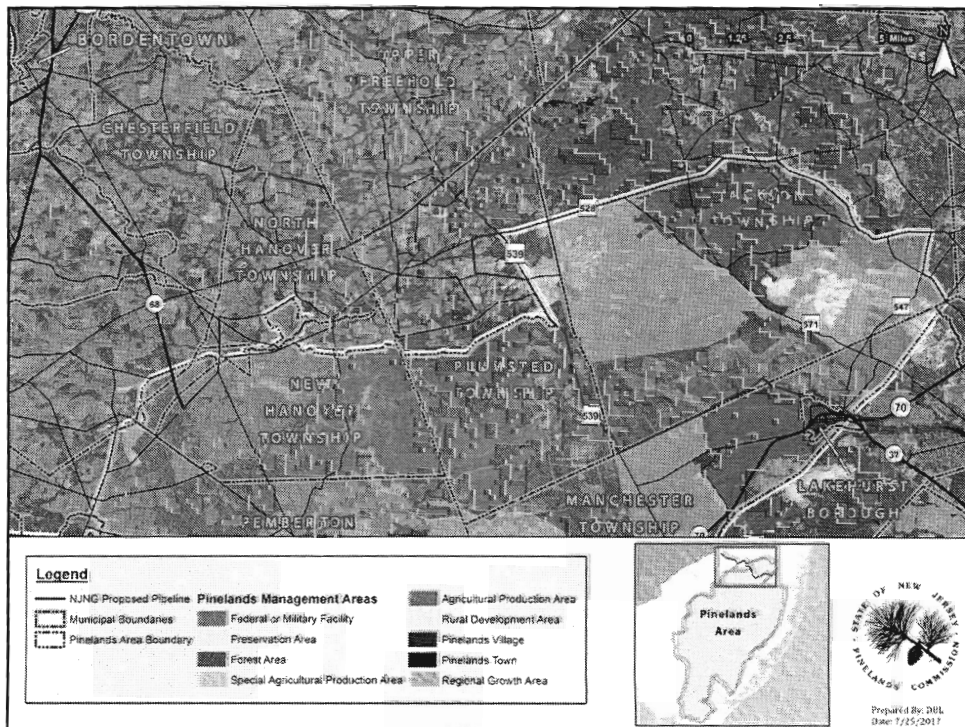
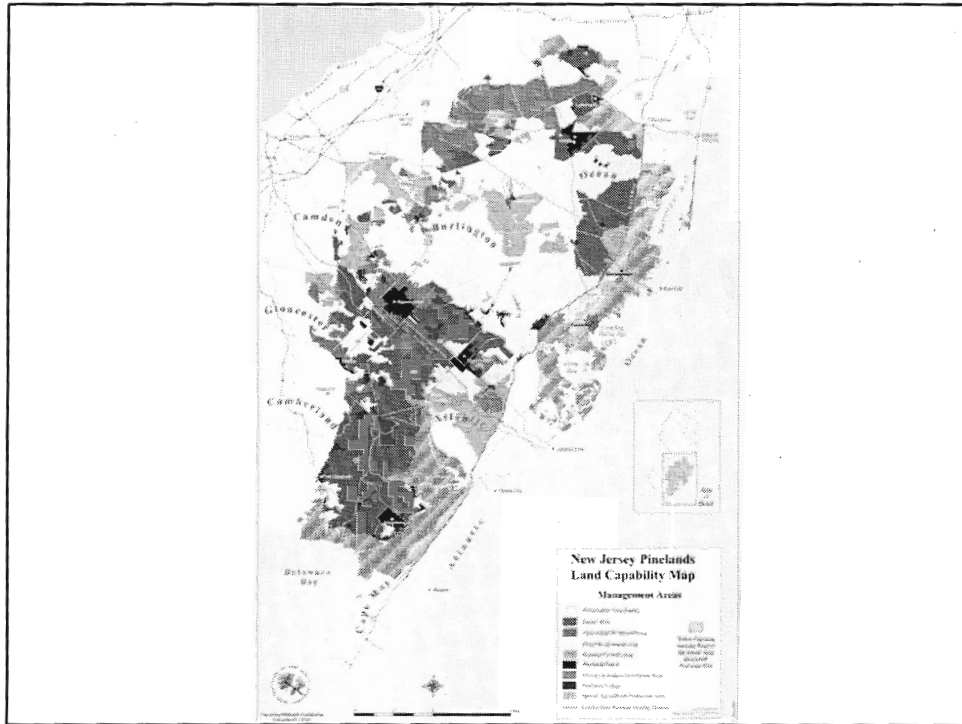
Date: July 31, 2017

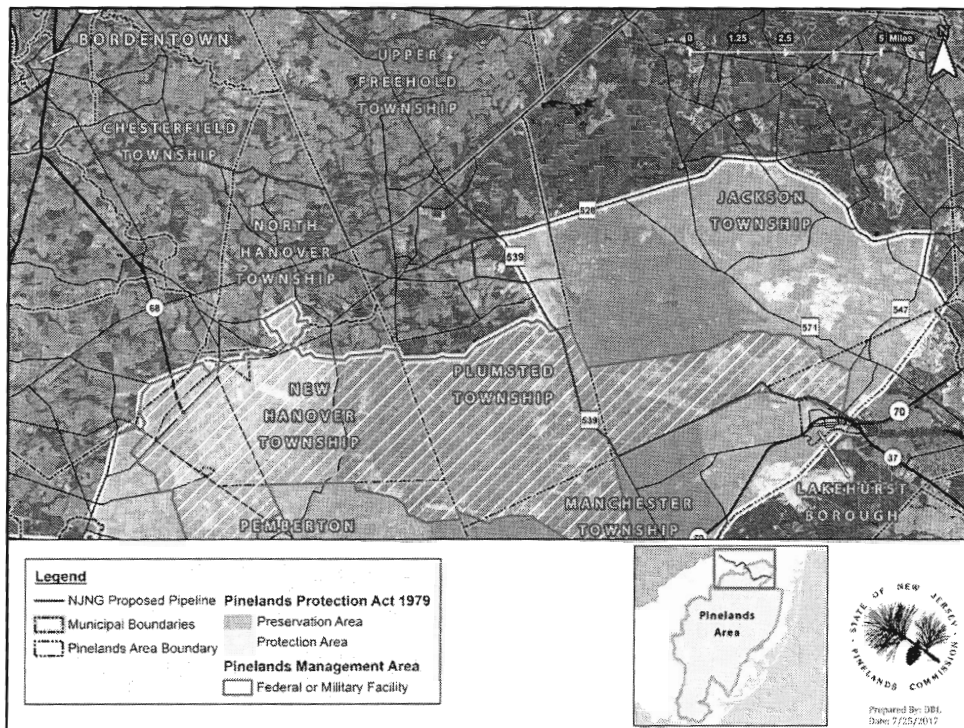
New Jersey Natural Gas Southern Reliability Link

July 26, 2017

Timeline

- Pre Application meetings – May and October 2014
- Application Submitted – April 2015
- Certificate of Filing issued – December 2015
- Appeals filed April 2016
- Remanded to Commission - January and February 2017
- New process initiated by Resolution- June 9, 2017
- Public Meeting July 26, 2017
- Comment Period closes August 2, 2017





Route

- Total in Pinelands: 12.1 miles of 30" gas main
 - 10.45 miles in Military and Federal Installation Area
 - Preservation Area
 - 1.42 miles in Rural Development
 - .21 miles in RGA
- Jackson, Manchester and Plumsted townships
- Total length of project: 30 miles

Comprehensive Management Plan

- Public Service Infrastructure is a Permitted use in the Regional Growth Area and the Rural Development Area.
- Public Service Infrastructure is a Permitted use in the Military and Federal Installation Area provided that:
 - It is associated with the function of the Federal Installation
 - Where feasible, development shall be located in that portion of the installation located within the Pinelands Protection Area
 - The use shall not require any development including public service infrastructure in the Preservation Area District or in a Forest Area
 - All standards in the CMP at 7:50 – 6 are substantially met