



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



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

LAURA E. MATOS
 Chair
 SUSAN R. GROGAN
 Executive Director

General Information: Info@pinelands.nj.gov
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NEW JERSEY PINELANDS COMMISSION MEETING AGENDA
 Friday, May 12, 2023 - 9:30 a.m.

This meeting will be held in-person and virtually

Richard J. Sullivan Center for Environmental Policy and Education
 Terrence D. Moore Conference Room
 15C Springfield Road
 New Lisbon, New Jersey

Watch the meeting on the Pinelands Commission YouTube channel:
www.youtube.com/c/PinelandsCommission

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 830 9511 7903

1. Call to Order

- Open Public Meetings Act Statement
- Roll Call
- Pledge Allegiance to the Flag

2. Adoption of Minutes

- April 14, 2023

3. Committee Chairs' and Executive Director's Reports

4. Matters for Commission Consideration ***Where the Record is Closed***

A. Permitting Matters

- Office of Administrative Law
 - None
- Review of Local Approvals
 - None
- Public Development Projects and Waivers of Strict Compliance:

Resolution Approving With Conditions (1) Application for Public Development

:

- Application No. 1981-0462.007 - Shamong Township Board of Education
 Installation of a fire suppression system well at the Indian Mills Elementary School
 Shamong Township

Resolution Approving With Conditions (1) Application for Public Development:

- Application No. 1982-3256.011 - Shamong Township Board of Education
Installation of an irrigation well at the Indian Mills Memorial School
Shamong Township

Resolution Approving With Conditions (1) Application for Public Development:

- Application No. 1986-0122.024 - New Jersey Department of Human Services
Construction of six exterior emergency stairway exits for six buildings at the New
Lisbon Developmental Center
Woodland Township

Resolution Approving With Conditions (1) Application for Public Development:

- Application No. 1986-0257.003 - Nexamp on behalf of the Borough of Woodbine
Woodbine Borough
Soil capping of a closed municipal landfill
Woodbine Borough

Resolution Approving With Conditions (1) Application for Public Development:

- Application No. 1991-1291.003 - Buena Regional Board of Education
Expansion of an existing school bus student drop off area at the Milanese Elementary
School
Buena Vista Township

Resolution Approving With Conditions (1) Application for Public Development:

- Application No. 2005-0232.006 - Borough of South Toms River
A four lot subdivision, a two lot subdivision, the construction of an 800 square foot
addition to an existing 3,838 square foot public works garage and a 5,500 square foot
expansion of an existing gravel parking lot
South Toms River Borough

B. Planning Matters

- Municipal Master Plans and Ordinances
 - Issuing an Order to Certify Monroe Township Ordinance O:04-2023, Adopting the
Hexa Builders Redevelopment Plan
- Other Resolutions
 - None
- CMP Amendments
 - None

5. Public Comment on Public Development Applications and Waivers of Strict Compliance *Where the Record is Not Closed*

A. Public Development Projects

- Application No. 1995-1676.004 – New Jersey Department of Transportation Demolition of four buildings, 50 years old or older, and the construction of two material storage buildings
Galloway Township

B. Waivers of Strict Compliance

- None

6. Master Plans and Ordinances Not Requiring Commission Action

- Barnegat Township Ordinance 2023-8
- Berlin Township Ordinance 2023-4
- Eagleswood Township Ordinance 2023-02
- Egg Harbor City Ordinance 3-2023
- Franklin Township Ordinance O-5-23
- Galloway Township Ordinance 2103-2023
- Hamilton Township Ordinance 2028-2023
- Lacey Township Ordinance 2023-10
- Little Egg Harbor Township Ordinance 2023-07
- Manchester Township Ordinance 23-04
- Medford Lakes Borough Ordinance 693
- Medford Township Ordinance 2023-5
- Plumsted Township Ordinance 2023-04
- Port Republic City Ordinance 04-2023
- Southampton Township Ordinance 2023-04
- Winslow Township Ordinances O-2023-009, O-2023-012 & O-2023-014

7. General Public Comment

8. Resolution to Retire into Closed Session (if needed) – Personnel, Litigation and Acquisition Matters
(The Commission reserves the right to reconvene into public session to take action on closed session items.)

9. Adjournment

Upcoming Meetings

Wed., May 17, 2023	Climate Committee Meeting (9:30 a.m.)
Fri., May 26, 2023	Policy & Implementation Committee Meeting (9:30 a.m.)
Fri., June 9, 2023	Pinelands Commission Meeting (9:30 a.m.)

To ensure adequate time for all members of the public to comment, we will respectfully limit comments to three minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff. Pinelands Commission and Committee meeting agendas are posted on the Commission's Website and can be viewed at www.nj.gov/pinelands/ for more information on agenda details, e-mail the Public Programs Office at Info@pinelands.nj.gov.

PINELANDS COMMISSION MEETING

MINUTES
April 14, 2023

All participants were either in-person or present via Zoom conference and the meeting was livestreamed through YouTube: https://www.youtube.com/watch?v=Rs_NybsHWiM

Commissioners Participating in the Meeting

Nicholas Asselta, Alan W. Avery, Jr., John Holroyd, Jr., Theresa Lettman, Ed Lloyd, Mark Lohbauer, Mark Mauriello, Douglas Wallner and Chair Laura E. Matos. Also participating were Executive Director Susan R. Grogan, Deputy Attorney General (DAG) Nicolas Seminoff and Governor's Authorities Unit representative Janice Venables.

Commissioners Absent

Dan Christy, Jerome H. Irick, Jonathan Meade and William Pikolycky.

Call to Order

Chair Matos called the meeting to order at 9:32 a.m.

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

Executive Director (ED) Grogan called the roll and announced the presence of a quorum. Nine Commissioners participated in the meeting.

The Commission pledged allegiance to the Flag.

Minutes

Chair Matos presented the minutes from the Commission's March 10, 2023 meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Asselta seconded the motion.

The minutes from the March 10, 2023 Commission meeting were adopted by a vote of 8 to 0. Commissioner Lettman abstained from the vote.

Committee Reports

Chair Matos provided a summary of the March 31, 2023 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the February 24, 2023 P&I Committee meeting. The Committee was briefed on the Haines Boulevard Redevelopment Plan in Waterford Township's Regional Growth Area. The Township has adopted two new ordinances to repeal the existing expedited permitting process and to establish a Planned Industrial Overlay District in a portion of the Redevelopment Area. The Planned Industrial Overlay District is meant to accommodate development of a large nonresidential use at the site of the former movie theater, in recognition of the fact that there has been no interest in high-density residential development in that area for 20+ years. Nonresidential uses in the new overlay district will have a mandatory requirement for the redemption of Pinelands Development Credits (PDCs). The Committee voted to recommend certification of the ordinances by the full Commission in April.

ED Grogan discussed new state legislation and ordinances recently adopted in Pinelands municipalities intended to curb illegal all-terrain vehicle (ATV) use through impoundment, forfeiture, and disposal of such vehicles found to be operating illegally on public streets or rights-of-way. The Committee suggested distributing a model ordinance to Pinelands communities and encouraging municipalities to post signs warning that ATVs could be seized and destroyed by law enforcement officers.

The Committee was briefed on the Land Preservation Summit that Commission staff held in early March. The rally assembled partners in stewardship from across the region and addressed challenges to local stewardship and the recent lack of potential projects using the Pinelands Conservation Fund (PCF). Following the summit, staff elected to hold off on launching a new round of PCF acquisitions and plans to submit a pre-proposal to the National Fish and Wildlife Foundation's America the Beautiful grant matching program related to stewardship of preserved lands.

The Committee received a presentation on upcoming Comprehensive Management Plan (CMP) amendments, including the Black Run management changes, vegetation management in electric transmission line rights-of-way and establishment of expiration dates for old waivers and Certificates of Filing.

Commissioner Avery provided a summary of the March 21, 2023 Personnel and Budget Committee meeting:

The Committee approved the minutes from its August 23, 2022 meeting.

Ms. Lynch reviewed various financial matters, including the check register and the Electronic Funds Transfer (EFT) report. She provided a summary of application fees received to date this fiscal year and emphasized that fees have exceeded the annual anticipated amount.

The Committee reviewed and recommended Commission adoption of a resolution to establish a separate bank account for the acceptance of online application fee payments.

The Committee approved a Fixed Asset Deletion request.

Executive Director Susan Grogan and HR Manager Charlene Cruz briefed the Committee on personnel matters. Recent retirements and open positions were explained in detail by Executive Director Grogan. Ms. Cruz explained the websites typically used by the Commission for recruitment. Staff also announced the Commission will be partnering with Rutgers University on an internship program this summer. It will hopefully lead to other future internship opportunities.

The Committee discussed sources of revenues and funding for the annual budget. The State allowance for health insurance was discussed and how it hasn't changed.

The Commission's consultants, Connolly & Hickey Architects, presented the draft Fenwick Manor Preservation Plan. They proceeded to discuss the necessary interior and exterior rehabilitation work that is needed, and the associated costs. Staff discussed the next steps in the grant application process. The Committee voted to recommend Commission adoption of a resolution authorizing the Executive Director to apply for a 2023 Preserve New Jersey Historic Preservation Fund Grant.

Executive Director's Report

ED Grogan provided information on the following matters:

- The revised water management (Kirkwood Cohansey) rule proposal was published in the New Jersey Register on April 3, 2023 and a public hearing has been scheduled for May 3, 2023.
- The Planning office continues to review stormwater ordinances that have been introduced and adopted by Pinelands municipalities, while the Regulatory Programs staff is busily implementing the new stormwater management rules through the review process of development applications.
- The search for outside labor counsel to assist with upcoming contract negotiations has been unsuccessful. One law office had a conflict of interest because a member of the firm represents Pinelands Commission applicants. Another labor counsel was unwilling to accept the fees authorized by the state because it has not been revised since 2018.

- Staff members are finalizing a capital grant application for the preservation of Fenwick Manor. The grant is due to the New Jersey Historic Trust on Wednesday, April 19th. The application will include photographs and letters of support. The staff is also preparing a pre-proposal for a federal grant that will facilitate the maintenance, monitoring and stewardship of land previously preserved with money from the Pinelands Conservation Fund. If the proposal is selected, a full application will be prepared and submitted in June.
- Financial Disclosure Statements must be filed by May 15, 2023.

ED Grogan introduced Christian Jeitner, who joined the Science office where he will manage the water-level and water-quality monitoring programs, help to analyze data, and participate in reptile research.

Chuck Horner, Director of Regulatory Programs, provided information on the following regulatory matters:

- Staff is reviewing numerous cannabis facility applications beyond the five summarized in the March Management Report.
- An application was submitted for the development of a warehouse in Winslow Township with a proposed building height of 60 feet, however the maximum building height in a Pinelands Village Management Area is 35 feet. Staff advised the applicant early in the review process of the height limitation outlined in the township ordinance and the CMP. Staff reviewed the township approval and issued a letter scheduling a public hearing to review the substantial issue raised by the height of the structure. The applicant is attempting to resolve the reducing the building height and factoring in the grade and visibility of the building from the road.

Director Horner said that the management report now includes the name of applicants, a suggestion made by Commissioner Mauriello. He noted that staff determined it would be inadvisable to specifically identify which threatened or endangered plant or animal species has been located on a particular parcel as part of an application.

Director Horner said at the March Commission meeting, Commissioner Mauriello asked about the destination of the solid waste associated with the demolition of the juvenile detention center in Pemberton Township. He said Ernest Deman of the Regulatory Programs Office spoke with the County and he will provide additional details regarding the application.

Mr. Deman said Burlington County will be handling the entire demolition process as there is no outside contractor involved. He noted that the building was tested for hazardous materials including asbestos and no hazardous materials were discovered. He said the County advised that in 1990 the detention center was renovated, and any contaminants were probably removed at that time. He said fluorescent lights and light switches have been

removed. All debris will be disposed of at the Burlington County landfill outside of the Pinelands Area.

Commissioner Lloyd questioned whether the Commission should be reviewing any additional documents associated with the demolition.

Director Horner said typically the waste would be outlined in a contract but absent a demolition contractor, there is no such document to review.

Paul Leakan, Communications Officer, said the 34th Annual Pinelands Short Course attracted 430 attendees and received excellent feedback. The staff is in the process of preparing for the Summer Short Course, which is scheduled for Friday, June 23rd.

Mr. Leakan noted that the rain garden that was installed at the Commission's headquarters last year is flourishing. The rain garden is designed to capture, treat and infiltrate more than 53,000 gallons of stormwater onsite each year.

Public Development Projects and Other Permit Matters

Chair Matos introduced a resolution for the replacement of an existing road bridge in Jackson Township.

Commissioner Avery made a motion Approving With Conditions an Application for Public Development (Application Number 1981-0809.010)(See Resolution # PC4-23-11). Commissioner Lohbauer seconded the motion.

Director Horner said the project will impact approximately 3,300 square foot of wetlands.

Commissioner Lloyd said four utility poles will be moved as part of the application. He asked if the utility company would be performing that work.

Director Horner said he believes the poles will be relocated by the utility company. He said staff does not typically ask who is performing the work, adding that any public or private utility company would have to adhere to the regulations outlined in the CMP.

The resolution was adopted by a vote of 9 to 0.

Chair Matos introduced a resolution for two separate subdivisions, an addition to a public works garage and the expansion of an existing gravel parking area in South Toms River Borough.

Commissioner Lohbauer made a motion Approving With Conditions an Application for Public Development (Application Number 2005-0232.006). Commissioner Asselta seconded the motion.

Director Horner said this application is to resolve the land development violations that occurred on the parcel without Commission review or approval. He noted that 10,000 square feet of the parking area will be restored and revegetated and the parking lot will be approximately 5,500 square foot in size.

Commissioner Lettman said she had questions regarding the subdivision. She asked if the subdivision would locate the portion of the parcel subject to a Green Acres restriction on a separate lot.

Director Horner said before providing an answer he would like to speak with the applicant and suggested delaying the matter until later in the meeting.

Commissioner Lettman asked for confirmation that the only other outstanding violation on the parcel is the uncapped landfill.

Director Horner said yes and that the capping of the landfill is a separate application.

Commissioner Lettman asked if the parking lot would be serving the recreation center or the Department of Public Works building.

Director Horner said the Borough had not specified who would be using the existing parking lot, only that it is being reduced in size. He noted that staff did not ask the Borough about the use of the parking lot because such information is not relevant to any CMP standards or the Commission's review of the application.

Commissioner Lloyd asked if the parking lot is considered an accessory use or principal use.

Director Horner said the parking lot is an expansion of an existing use.

Chair Matos said that further discussion of the resolution would be delayed until later in the meeting.

Chair Matos introduced a resolution for two Waiver of Strict Compliance applications, both proposing single family dwellings in Pemberton Township.

Commissioner Asselta made a motion Approving With Conditions Applications for Waivers of Strict Compliance (Application Numbers 1988-1096.001 & 2000-0528.001) (See Resolution # PC4-23-12). Commissioner Avery seconded the motion.

Director Horner said this will be the fourth time that the Commission has granted a waiver for Application Number 1988-1096.001. He noted that a waiver expires after five years. He said the applicant cannot meet the required 300-foot buffer to wetlands.

He said Application Number 2000-0528.001 is seeking a waiver from the buffer to wetlands and the depth to the seasonal high water table for a septic system.

Commissioner Lloyd asked if an application fee is required when a Waiver expires and the applicant must obtain a new Waiver.

ED Grogan said currently there is no application fee for the reissuance of a Waiver of Strict Compliance. She said in the next set of CMP amendments, the Commission should propose changes to applications fees so applicants would have to pay a fee for the reissuance of a Waivers. She said typically Waivers are for the development of a single-family dwelling so the fee would be \$250.00. This would recognize the time and work that occurs each time an applicant applies to the Commission for a Waiver application.

The resolution was adopted by a vote of 9 to 0.

Planning Matters

Chair Matos introduced a resolution to certify Waterford Township's Ordinance and the Haines Boulevard Redevelopment Plan.

Commissioner Lohbauer made a motion Issuing an Order to Certify Waterford Township Ordinance 2023-1, Amending Chapter 176 (Land Use, Development and Zoning) of the Code of Waterford Township, and Ordinance 2023-2, Adopting the Second Amendment to the Haines Boulevard Redevelopment Plan (See Resolution # PC4-23-13). Commissioner Asselta seconded the motion.

ED Grogan said Waterford Township ordinance and redevelopment plan has been a long planning effort between staff and the township. She noted that Dave Patterson, the Township Solicitor, was in attendance at the meeting.

She said the Haines Boulevard Redevelopment Area is located in a Regional Growth Area (RGA) at the intersection of Route 73 and Route 30. Commercial zones sit to the north and south of the Redevelopment Area. A map of the Redevelopment Area was displayed (see attached). ED Grogan said the crosshatched portion is referred to as the Planned Industrial Overlay District and was the site of a former movie theater, a good portion of which is still existing impervious surface. She said the prior plan called for high-density, residential development with affordable housing, and mixed-use development. The current zoning has not been able to attract residential development the way the Township envisioned. The new Overlay District will permit non-residential uses and is appropriate due to the accessibility of the highway and existing impervious surface.

She said the CMP authorizes municipalities to make these types of zoning changes through the municipal flexibility provision. She said when one portion of an RGA sees a loss in residential development potential; however, other portions of the municipality's RGA must still be able to accommodate the minimum required residential development opportunities. Also, a mandatory Pinelands Development Credit (PDC) obligation must be provided. She said the Overlay District includes such a PDC component and will require the redemption

of PDCs for non-residential development, one right for every 17,000 square foot of floor area.

She noted that staff is comfortable in recommending certification of the ordinance and the amended redevelopment plan. Lastly, the ordinance repeals the alternate permitting process that had been instituted in the redevelopment area, primarily due to the complexity of the zoning. She said future applicants will need to apply to the Commission through the normal application review process.

Commissioner Lettman asked how the PDC requirement (one right for every 17,000 square feet of floor area) was derived and if the Commission has ever used that number before. ED Grogan said staff determined the requirement and it's based on the number of acres that are being zoned for non-residential uses, the required PDC obligation that the CMP has set for Waterford Township and the remaining zoning. She said the PDC requirement will be different in each municipality that seeks to implement zoning or redevelopment plan changes similar to Waterford's. She noted municipalities are currently working on such plans.

Commissioner Lohbauer said he is an advocate of transit-oriented development. He said initially he was skeptical of the proposal to eliminate transit-oriented housing to permit warehouses but unfortunately the township has been trying for years to develop the site and has not succeeded. He said he is supportive that PDCs will be used for non-residential development.

Commissioner Wallner said he recalls Commissioner Irick expressing concern at the P&I Committee meeting over the reduction in PDC use. Commissioner Wallner said staff explained that the amended redevelopment plan would result in a net loss of PDC use.

ED Grogan said Waterford's prior plan called for the development of hundreds of housing units and a greater opportunity to use PDCs, and although it was a well-conceived plan, it has not advanced. She said the proposed plan is much more realistic and there is a certainty that the purchase and redemption of PDCs in the Overlay District will occur. She added that this plan recognizes the Township's goals and meets the minimum requirements of the CMP. She said the current redevelopment plan far exceeds the number of units required by the CMP.

The resolution was adopted by a vote of 8 to 0. Commissioner Holroyd abstained from the vote, stating that he works for Waterford Township.

Director Horner said staff spoke with the former South Toms River Borough Administrator, who advised that the parcel subject of the subdivision application (Application Number 2005-0232.006) was not encumbered by Green Acres. Director Horner suggested deferring the application to the May Commission meeting while staff determine whether the parcel is listed on the State's Recreation and Open Space Inventory (ROSI).

Commissioner Lohbauer, who made the original motion, said he had no objection to deferring action on the application until the May Commission meeting.

Public Comment on Development Applications and Items Where the Record is Open

Chair Matos read the list of Public Development applications.

Heidi Yeh of the Pinelands Preservation Alliance asked questions related to the soil capping of Woodbine's landfill and the presence of wetlands.

ED Grogan said this portion of the meeting is for the public to provide comment. She said staff will be able to answer questions after the meeting.

Ordinances Not Requiring Commission Action

ED Grogan read the list of Ordinances:

- Barnegat Township Ordinance 2023-1
- Egg Harbor Township Ordinances 18-2022 and 5-2023
- Evesham Township Ordinances 1-2-2023 and 3-2-2023
- Ocean Township Ordinances 2011-1, 2021-20, 2023-1 and 2023-2
- Woodbine Ordinance 612-2022

ED Grogan said Ocean Township adopted a number of ordinances related to the Southern Ocean Landfill Redevelopment Plan. She noted that the landfill is closed. She said over the years the redevelopment area has changed in size and the location has shifted. The Township had to work out several issues. She said the ordinances submitted in 2021 and 2023 incorporate solar energy facility standards consistent with the CMP.

Other Resolutions

Chair Matos introduced a resolution to open a new bank account designated for the on-line payment of application fees.

Commissioner Lloyd made a motion To Authorize the Executive Director to Establish an Additional Account at The Bank of Princeton for Purposes of Accepting Application Fees Through a Third-Party Payment Module (See Resolution # PC4-23-14). Commissioner Lohbauer seconded the motion.

The resolution was adopted by a vote of 9 to 0.

Chair Matos introduced a resolution regarding the submission of a grant to the New Jersey Historic Trust.

Commissioner Avery made a motion To Authorize the Executive Director to Submit an Application to the New Jersey Historic Trust for a 2023 Preserve New Jersey Historic

Preservation Fund Grant and to Certify the Availability of Matching Funds (See Resolution # PC4-23-15). Commissioner Lohbauer seconded the motion.

The resolution was adopted by a vote of 9 to 0.

General Public Comment

No one from the public provided comment.

Chair Matos said that a member of the public emailed comment to the Commission and paper copies have been shared with Commissioners participating in-person. She said an email copy will be sent to Commissioners who are participating remotely and the comments will be attached to the minutes.

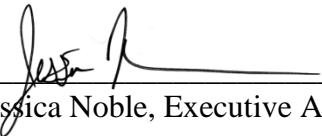
Adjournment

Commissioner Lohbauer said he attended a recent enduro event and would like to share the photographs at a future meeting.

Chair Matos requested that the photographs be shared with her and ED Grogan.

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Asselta seconded the motion. The Commission agreed to adjourn at 10:35 a.m.

Certified as true and correct:









Jessica Noble, Executive Assistant

Date: April 20, 2023

Waterford Township

Haines Boulevard Redevelopment Area

-  Planned Industrial Overlay Zone
-  Redevelopment Area
-  Pinelands Management Area
-  Existing Zoning
-  Regional Growth Area
-  Lots

Executive Director's Report
Waterford Twp Ord. 2023-1 and -2
3/31/2023
Exhibit #1



Berlin
Borough

73

30

73

0 500 1,000 2,000 Feet

30

PHB

R4

Utility

TOD

RD-1

R4

ID

RD-2

CC

R2

From: Bill WOLFE <bill_wolfe@comcast.net>

Sent: Friday, March 24, 2023 1:05 PM

To: Info, PC [PINELANDS] <info@pinelands.nj.gov>; Grogan, Susan [PINELANDS] <Susan.Grogan@pinelands.nj.gov>; Mark Lohbauer <mlohbauer@jgscgroup.com>; LaTourette, Shawn [DEP] <Shawn.LaTourette@dep.nj.gov>; Cecil, John [DEP] <John.Cecil@dep.nj.gov>; eileen.murphy@njudubon.org; carleton@pinelandsalliance.org; Jason Howell <jason@pinelandsalliance.org>; Anjuli Ramos <anjuli.amos@sierraclub.org>; emile@njconservation.org; tom@njconservation.org; Moran, Tom <tmoran@starledger.com>; Taylor McFarland, NJ Sierra Club <taylor.mcfarland@sierraclub.org>; Tittel, Jeff <jeff.tittel@verizon.net>; senbsmith <SenBSmith@njleg.org>; sengreenstein <sengreenstein@njleg.org>; fkummer@inquirer.com; Hurdle, Jon <jonhurdle@gmail.com>; Robert Hennelly <rhennelly55@gmail.com>; domalley <domalley@environmentnewjersey.org>; Matthew Smith <msmith@fwwatch.org>; Margo Pellegrino <outriggerone@me.com>; Silvia Solaun <ssolaun@gmail.com>; Shanley, Georgina <shanleyg2001@yahoo.com>; Ken Dolsky <kdolsky@optonline.net>; Agnes <agdrums@verizon.net>; SUSAN RUSSELL <selizabethrussell@verizon.net>; jrsanchezphd@gmail.com; Albert Horner <hornerad2@verizon.net>; senscutari@njleg.org; kduhon@njleg.org; asmmckeon <asmmckeon@njleg.org>; wparry (ap.org) <wparry@ap.org>; Jeff Pillets <jeffpillets@icloud.com>

Subject: [EXTERNAL] Testimony to the Pinelands Commission

Dear Pinelands Commission -

Please accept the following public testimony and distribute it to all Commissioners and enter it into the record at your next public meeting as public comments.

You may find a link to this testimony, with the referenced maps here:

<http://www.wolfenotes.com/2023/03/the-dep-considers-virtually-the-entire-nj-pinelands-as-a-military-influence-area/>

The DEP Considers Virtually The Entire NJ Pinelands As A “Military Influence Area”

- **DEP Logging Plan Only The Beginning – A Model For Fake Climate & Wildfire Solutions**
- **Pinelands Commission Caves To Military Priorities Over Pinelands Forest Preservation**
- **Military And DEP Funded So Called “Preservation” Groups Lack The Integrity To Fight**

For anyone who cares about preserving the Pinelands, the map above should scare the hell out of you.

The DEP considers huge portions of the Pinelands – a designated World Biosphere Reserve due to its unique ecology – as a “Military Influence Area”.

The US military's objectives – particularly in managing wildfires that impede its military training mission – appear to over-ride all other considerations, including the Pinelands Comprehensive Management Plan (CMP) and its protections of forests and the plants and animals that live there.

The US military has unlimited funds and political power to advance that mission.

The recent experience with a military “REPI” Program funded DEP “Wildfire” and “Carbon Defense” and “Habitat” “Forestry” plan should absolutely terrify you. The negative implications are stunning in scope and severity in terms of the integrity of the Pinelands region.

That experience – as [my 5 part series as demonstrated](#) – reveals deeply troubling facts:

- 1) The Pinelands Commission can not stand up to the military and DEP to enforce the CMP and block extremely damaging military funded DEP “forestry” plans.
- 2) The so called “conservation” groups (i.e. NJCF, Sierra Club) and “preservation” (PPA) groups that are supposed to watch out for the Pinelands and rally the public to defend and preserve the Pinelands are corrupted by military and DEP funding and/or lack the spine to oppose the military and DEP.

In fact, they all SUPPORTED this REPI DEP “forestry” plan.

- 3) The DEP is totally captured and corrupted by their funding sources, in this case the military. They literally will do anything for money to fund their programs and well paid staff.

In fact, in the DoD REPI grant application documents, DEP defined the eligible military funded land area as **1.3 MILLION ACRES**, a land area larger than the entire Pinelands.

- 4) This particular military REPI DEP “forestry” plan was sold to the Pinelands Commission and the public under obviously false pretexts and rationales, while it's true propose was hidden.

Yet the NJ media, like the cowards in the conservation groups, refused to tell the public the truth; refused to skeptically interrogate DEP spin and lies; and refused to print the facts, even when they were given those facts in writing in government documents and could see them in the forest with their own eyes (e.g. the DEP lies that all the cut trees were 2 inches or less in diameter and the DEP lies about maintaining the existing canopy cover).

- 5) The DEP manufactured a deeply cynical and false justification of this military REPI logging project as advancing climate goals via a “carbon defense” strategy. The

essence of that strategy is the absurd contradiction that recalls the Vietnam War's "we must burn the village to save the village".

This DEP "carbon defense" lie says that we must log the forest to prevent wildfire from releasing even more carbon than the logging creates.

This lie must not become the model for forest management for climate carbon sequestration and storage.

It is even MORE dangerous and destructive than the "young forest" sham DEP uses to log forests under the pretext of forest health or creating of habitat for endangered species.

6) DEP also used manufactured fear of wildfire to promote this scam. Again, no one will call that out.

7) The public was kept in the dark and completely shut out of this entire process. The public was blatantly lied to and misled by all institutions involved: the military, the DEP, the Pinelands Commission, the conservation groups and the media.

This means that the military and military objectives are shaping and even actually dictating the management of our public lands – not the Pinelands CMP, DEP plans and regulations, and public preferences – and with absolutely no resistance, transparency, or public participation. That alone is terrifying and totally unacceptable.

With all these destructive dynamics illustrated by the recent REPI DEP Pinelands logging fiasco – and the unlimited money, political power, and complete institutional failures (i.e. by the Pinelands Commission, the DEP, the conservation groups and the media) to stand up to the military – the Pinelands forests and ecology are highly at risk.

Word.

Respectfully submitted,
Bill Wolfe

From: Bill WOLFE <bill_wolfe@comcast.net>

Sent: Saturday, April 1, 2023 2:57 PM

To: Info, PC [PINELANDS] <info@pinelands.nj.gov>; Roth, Stacey [PINELANDS] <Stacey.Roth@pinelands.nj.gov>; Mark Lohbauer <mlohbauer@jgscgroup.com>; Grogan, Susan [PINELANDS] <Susan.Grogan@pinelands.nj.gov>; wparry (ap.org) <wparry@ap.org>; fkummer@inquirer.com; Hurdle, Jon <jonhurdle@gmail.com>

Subject: [EXTERNAL] Commission comments on DEP rules

Dear Pinelands Commission:

Please consider the following as public comments during your upcoming public meeting.

I just read the Pinelands Commission's 2/2/23 written comments submitted by Stacey Roth on proposed DEP stormwater management and Flood Hazard Act regulations.

The Commission supported those proposed rules on the following basis:

"Development within the State of New Jersey must be designed and constructed to manage not only for today's flood conditions but for the significantly higher precipitation level anticipated to occur in the future."

Yet, according to the DEP proposal itself, the proposed rule's precipitation, runoff, flood elevation, and storm frequency data do not reflect current conditions and do not reflect projected (modeled) conditions.

Accordingly, as explained below, the Commission's comments are not accurate.

1. DEP based the rule on the 100 year storm event, despite the fact that NJ already has experienced several far more severe 500 year storm events.

DEP's proposal documents the fact that NJ has suffered 500 year (or more) Storm events and flooding (proposal [@ page 10](#)):

Specifically, the remnants of Tropical Storm Ida resulted in flooding significantly more severe than FEMA's published 100-year flood at various locations in New Jersey:

Raritan River at Bound Brook:

- Flooding during Tropical Storm Ida equaled 1999's Hurricane Floyd, which was the highest elevation ever recorded at Bound Brook.
- Including Floyd, flooding at this location in the past 23 years has equaled or **exceeded FEMA's 500-year flood elevation three times.**
- The Raritan River during Tropical Storm Ida peaked at 42.13 ft NGVD (41.21 ft NAVD) which is 3.01 feet above FEMA's 100-year elevation (38.2 ft NAVD) and **0.21 ft above FEMA's 500-year flood elevation** (41.0 ft NAVD).

Raritan River at Bridgewater

- Flooding during Tropical Storm Ida **peaked at roughly FEMA’s 500-year flood elevation** (41.0 ft NAVD) which is 2.8 ft above FEMA’s 100-year flood elevation (38.2 ft NAVD)

Millstone River at Manville:

- Flooding during Tropical Storm Ida **peaked at roughly one foot above FEMA’s 500-year flood elevation** (43.5 ft NAVD) which is 2.5 ft above FEMA’s 100-year flood elevation (41.0 ft NAVD). Thus, flooding at this location peaked at approximately 3.5 feet above FEMA’s 100-year flood elevation.

DEP then explains the significance of the 500 year flood event: [\(@page 11\)](#)

These examples illustrate not only that Ida was a significant flood event that **exceeded the anticipated flooding depicted on available flood mapping products, upon which many roads and buildings were financed, constructed, and insured in the impacted communities, but also that there is an upward trend in the number and severity of flood events in the State.** As noted above, **flooding in Bound Brook has exceeded FEMA’s 100-year flood elevation four times and FEMA’s 500-year flood elevation three times since 1999, which leads to the conclusion that we are already experiencing increased flooding as compared with past recurrence interval calculations.**

Despite the facts that NJ is **already experiencing 500 year floods and that climate science projects that extreme storms will significantly increase in rainfall amount, rainfall intensity (short severe bursts of rainfall that create floods), and extreme rainfall frequency, the DEP did not even use the 500 year storm.**

Instead, DEP merely added a 25% “safety factor” addition to the current 100 year storm event they’ve been using for decades.

And look how they then falsely stated that it would be adequate – a statement made before the facts on 500 year storms are summarized on page 10-11: [\(@page 5\)](#):

This rulemaking incorporates anticipated greater depths of **precipitation for the two, 10, and 100-year storm events for the purposes of stormwater management.** These proposed amendments are necessary **to ensure that buildings, roads, stormwater management features and other structures are designed and constructed to manage and be protective for today’s flood conditions and precipitation as well as anticipated future conditions and precipitation. [...]**

Specifically, **the flood hazard area design flood elevation is based on a flood that is 25 percent greater than the 100-year peak flow rate in the stream or river being analyzed and mapped.**

The technical regulatory fine print for this standard is on page 102:

6. Table 3.6B below sets forth the change factors to be used in determining the projected 100-year storm event for use in this chapter,

The 100 year storm – even with an additional 25% “safety factor” increment – can not **“ensure that buildings, roads, stormwater management features and other structures are designed and constructed to manage and be protective for today’s flood conditions and precipitation as well as anticipated future conditions and precipitation.”**

That proposed new standard is already exceeded now, never mind projected climate driven increases.

DEP admits this multiple times in the proposal:

“More than 12 rivers exceeded their 100-year flood levels”

“On August 27 and 28, 2011, Hurricane Irene resulted in record breaking floods on many New Jersey streams, with 33 USGS stream gauges recording peak flows equal to or greater than the 100-year recurrence interval (USGS, 2011).”

DEP exposed the inadequacy of the 100 year design storm for the purpose of justifying their new 25% “safety factor”.

But, ironically, in doing so, DEP also exposed the flaws in relying on the 100 year flood.

2. DEP Ignores Land Use Increases In Development. DEP’s proposed new standards are obsolete for the same reasons that DEP correctly rejects current rainfall methods

Just some basic observations make it obvious that, in addition to underestimating extreme rainfall amounts and flood elevations, DEP is failing to consider a basic driver of increased flood impacts.

Flooding is a combination of the amount and timing of rainfall and the ability of the landscape to absorb that rainfall.

NJ is a highly developed state.

Development destroyed forests, wetlands, and natural landscapes that absorb rainfall and dampen flooding. It also puts people and property at risk when located in areas prone or vulnerable to flooding.

Development also increases impervious surfaces that dramatically increase the generate stormwater runoff volumes.

Yet the DEP proposal ignores the changes in land use and impervious surfaces that generated huge volumes of stormwater that contribute to bad land use decisions that result in devastating deadly flooding.

The proposal ignores existing development, it will influence new development at the margin, and it therefore depends on market forces, not any overarching State Land use and climate plan or infrastructure investment program.

A critical [Star ledger editorial got that:](#)

“A lot of New Jersey was developed prior to the stormwater regulations,” Obropta said. **“The state needs to require municipalities to [begin retrofitting existing development](#) with stormwater management if we have any hope to reduce flooding.”**

The proposal ignores existing development.

The proposal does very little to cap or reduce impervious surfaces or stop the loss of natural lands like forests, wetlands and stream buffers. It guarantees that the flooding problems will get worse.

I urge the Commission to conduct technical reviews and submit technical comments on DEP regulatory proposals, instead of vague and misleading political endorsements.

Bill Wolfe



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-23-11

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 1981-0809.010)

Commissioner Avery moves and Commissioner Lohbauer 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:

1981-0809.010

Applicant:	New Jersey Department of Transportation
Municipality:	Jackson Township
Management Area:	Pinelands Forest Area
Date of Report:	March 24, 2023
Proposed Development:	Replacement of an existing access road bridge at the NJDEP Forest Resource Education Center.

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 1981-0809.010 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*
Asselta	X				Lettman	X				Pikolycky			X	
Avery	X				Lloyd	X				Wallner	X			
Christy			X		Lohbauer	X				Matos	X			
Holroyd	X				Mauriello	X								
Irick			X		Meade			X						

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: April 14, 2023

Susan R. Grogan
Executive Director

Laura E. Matos
Chair



State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

March 24, 2023

John Mikusa (via email)
New Jersey Department of Transportation
1035 Parkway Avenue
P.O. Box 600
Trenton, NJ 08625-0600

Re: Application # 1981-0809.010
Block 16001, Lot 1
Jackson Township

Dear Mr. Mikusa:

The Commission staff has completed its review of this application for the proposed replacement of an existing bridge at the New Jersey Department of Environmental Protection Forest Resource Education Center located on the above referenced 124 acre parcel. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its April 14, 2023 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,

for Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Jackson Township Planning Board (via email)
Jackson Township Construction Code Official (via email)
Jackson Township Environmental Commission (via email)
Secretary, Ocean County Planning Board (via email)



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SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

March 24, 2023

John Mikusa (via email)
New Jersey Department of Transportation
1035 Parkway Avenue
P.O. Box 600
Trenton, NJ 08625-0600

Application No.: 1981-0809.010
Block 16001, Lot 1
Jackson Township

This application proposes the replacement of an existing bridge at the New Jersey Department of Environmental Protection (NJDEP) Forest Resource Education Center located on the above referenced 124 acre parcel in Jackson Township.

The NJDEP Forest Resource Education Center includes a state nursery and an interpretive center building which provides educational information on forest succession, forestry, forest fires and native wildlife. The bridge provides road access to the interpretive center building. The existing timber bridge is 27 feet in length and 12 feet wide. The applicant has indicated that the existing bridge is deteriorating and that the bridge replacement is necessary to provide for safe travel conditions. This application proposes to remove and replace the existing bridge with a concrete bridge. The concrete bridge will be 26 feet in length and 21 feet wide. The additional width will provide for a 12 foot single lane road and a five foot wide pedestrian walkway along the eastern side of the bridge. The proposed pedestrian walkway will tie into an existing path located on each side of the bridge.

There is an existing overhead electric utility line located on the west side of the bridge. This application proposes the re-routing of the existing electrical utility line (including four new utility poles) to the east side of the bridge.

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. 7:50-5.23)

The proposed development is located within a Pinelands Forest Area. The replacement of a bridge is permitted in a Pinelands Forest Area.

Wetlands Standards (N.J.A.C. 7:50-6.6)

The proposed bridge replacement and electric utility line relocation will be located entirely in wetlands and the required buffer to wetlands. The CMP permits bridges and utility lines (linear improvements) in wetlands and the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met.

The proposed bridge replacement will disturb approximately 1,830 square feet of wetlands and the proposed electric utility line relocation, including the four proposed utility poles, will disturb approximately 1,480 square feet of wetlands. In total, the proposed bridge replacement and electric utility line relocation will disturb approximately 3,310 square feet of wetlands.

The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in wetlands and the required buffer to wetlands or that will result in a less significant adverse impact to the wetlands and the required buffer to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetlands and the required buffer to wetlands. The applicant has represented that the proposed development is necessary to improve traffic and pedestrian safety. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetlands.

The proposed stormwater management infiltration facility will maintain a 220 foot buffer to wetlands. The stormwater management infiltration facility is proposed to be located in an area currently operating as a NJDEP tree nursery. The applicant has demonstrated that the proposed stormwater facility will not result in a significant adverse impact to wetlands (N.J.A.C. 7:50-6.7).

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

The proposed bridge replacement and electric utility line relocation will be located over existing gravel and grassed areas and within existing forested land. The proposed bridge replacement and electric utility line relocation will disturb approximately 14,810 square feet of forested land. All soil disturbance and clearing is limited to that which is necessary to accommodate the proposed development.

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

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

The applicant has demonstrated that the proposed development is consistent with the CMP stormwater management standards. To meet these standards, the application proposes to construct a stormwater infiltration facility.

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

A cultural resource survey was completed for the proposed development. The survey determined that no significant cultural resources exist within the project area.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on March 15, 2022. Newspaper public notice was completed on November 8, 2022. The application was designated as complete on the Commission's website on February 27, 2023. The Commission's public comment period closed on March 10, 2023. 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 68 sheets, prepared by Hardesty & Hanover, LLC and dated as follows:

Sheets 1-36 - November 3, 2022
Sheets 37-68 - undated
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
6. Prior to any wetland disturbance, the applicant shall obtain all necessary permits and approvals, including authorization pursuant to the New Jersey Freshwater Wetlands Protection Act.

CONCLUSION

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



State of New Jersey

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Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
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 and received by the Commission's office no later than 5:00 PM on April 11, 2023 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-23-12

TITLE: **Approving** With Conditions Applications for **Waivers of Strict Compliance** (Application Numbers 1988-1096.001 & 2000-0528.001)

Commissioner Asselta moves and Commissioner Avery seconds the motion that:

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

1988-1096.001

Applicant:	Ian Wildman
Municipality:	Pemberton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	March 16, 2023
Proposed Development:	Single family dwelling; and

2000-0528.001

Applicant:	Alex Berilla/ Golden Bison Investment
Municipality:	Pemberton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	March 16, 2023
Proposed Development:	Single family dwelling.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1988-1096.001 & 2000-0528.001 for Waivers of Strict Compliance are hereby **approved** subject to the conditions recommended by the Executive Director.

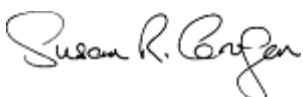
Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta	X				Lettman	X				Pikolycky			X	
Avery	X				Lloyd	X				Wallner	X			
Christy			X		Lohbauer	X				Matos	X			
Holroyd	X				Mauriello	X								
Irick			X		Meade			X						

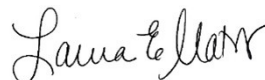
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: April 14, 2023



Susan R. Grogan
Executive Director



Laura E. Matos
Chair



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 Governor
 SHEILA Y. OLIVER
 Lt. Governor

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

LAURA E. MATOS
 Chair
 SUSAN R. GROGAN
 Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

March 16, 2023

Ian Wildman (via email)
 221 Dennis Avenue
 Browns Mills NJ 08015

Re: Application # 1988-1096.001
 Block 78, Lot 21 (formerly Lots 21-29)
 Pemberton Township

Dear Mr. Wildman:

The Commission staff has completed its review of the above referenced application for a Waiver of Strict Compliance (“Waiver”) based upon an extraordinary hardship for the development of one single family dwelling on the above referenced 0.46 acre parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission’s Executive Director, I am recommending that the Pinelands Commission approve this application for a Waiver with conditions at its April 14, 2023 meeting.

FINDINGS OF FACT

This application is for the development of one single family dwelling serviced by public sanitary sewer on the above referenced 0.46 acre parcel in Pemberton Township. The parcel is located in a Pinelands Regional Growth Area and in Pemberton Township’s R-80 zoning district. In this zoning district, Pemberton Township’s land use ordinance, certified by the Commission, establishes a minimum lot size of 8,000 square feet to develop a single family dwelling serviced by public sanitary sewer.

The Pemberton Township tax map indicates that original Block 78, Lots 21-29 have been consolidated into one parcel, now known as Block 78, Lot 21.

An application for a Waiver based upon extraordinary hardship (N.J.A.C. 7:50-4.63) for the development of one single family dwelling on original Block 78, Lots 21-29 was approved by the Pinelands Commission on March 10, 2000 (App. No. 1988-1096.001). A development application for the proposed dwelling was subsequently completed with the Commission and a Certificate of Filing, denoting completion of that development application, was issued on February 21, 2001.

The Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.70(c)) provides that any Waiver based upon an extraordinary hardship (N.J.A.C. 7:50-4.63) shall expire five years after the

Waiver is approved by the Commission unless all necessary construction permits have been issued and other CMP specified requirements are met. Based on the submitted information, all necessary construction permits were not received for the proposed development and the Waiver approval expired on March 10, 2005, five years after Commission approval.

A second application for a Waiver based upon extraordinary hardship (N.J.A.C. 7:50-4.63) for the development of one single family dwelling on original Block 78, Lots 21-29 was approved by the Pinelands Commission on January 11, 2008. Based on the submitted information, all necessary construction permits were not received for the proposed development within five years of Commission approval of the Waiver and the second Waiver approval expired on January 11, 2013.

A third application for a Waiver based upon extraordinary hardship (N.J.A.C. 7:50-4.63) for the development of one single family dwelling on current Block 78, Lot 21 was approved by the Pinelands Commission on September 12, 2014. Based on the submitted information, all necessary construction permits were not received for the proposed development within five years of Commission approval of the Waiver and the third Waiver approval expired on September 12, 2019.

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

The CMP (N.J.A.C. 7:50-6.14) requires that the development proposed in this application maintain a 300 foot buffer to wetlands unless the applicant demonstrates that a lesser buffer to wetlands will not result in a significant adverse impact on wetlands. A portion of the parcel is wetlands as defined in the CMP (N.J.A.C. 7:50-6.5(a)2). The wetlands continue onto adjacent lands. Any development of the parcel would be located within 300 feet of these wetlands. The applicant has submitted no information to demonstrate that the proposed development will not cause a significant adverse impact on wetlands. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetlands. As there will be a significant adverse impact on wetlands located within 300 feet of the proposed development, the applicant is requesting a Waiver from the buffer to wetlands standard contained in the CMP (N.J.A.C. 7:50-6.14).

The CMP (N.J.A.C. 7:50-4.65(b)6) requires that for an applicant to qualify for a Waiver to develop a single family dwelling in a Pinelands Regional Growth Area, it must be demonstrated that no development, including clearing and land disturbance, will be located on wetlands. The application proposes a variable buffer to wetlands. The proposed buffer to wetlands ranges in width from 50 feet to approximately 115 feet. No development, including clearing and land disturbance, will be located on wetlands.

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the entire contiguous parcel. The development of a single family dwelling on the parcel will not require any lot area or residential density variances pursuant to Pemberton Township's certified land use ordinance. The development of a single family dwelling on the parcel will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP. The proposed single family dwelling will not result in a substantial impairment of the resources of the Pinelands Area as required by the CMP (N.J.A.C. 7:50-4.65(b)).

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on October 22, 2022. Public notice to all property owners within 200 feet of the parcel was completed on February 23, 2023. The application was designated as complete on the Commission's website on February 27, 2023. The Commission's public comment period closed on March 10, 2023. No public comment was received by the Commission for this application.

CONCLUSION

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

N.J.A.C. 7:50-4.63(a) sets forth five conditions which must be met to qualify for a Waiver based on an extraordinary hardship.

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain specified development. One of the specified types of development is a single family dwelling on a parcel within a Pinelands Regional Growth Area, Pinelands Town or Pinelands Village which will be serviced by a centralized wastewater treatment system (public sanitary sewer). This application is for a Waiver from the buffer to wetlands standard contained in N.J.A.C. 7:50-6. The applicant is proposing to develop a single family dwelling serviced by public sanitary sewer on a 0.46 acre parcel located in a Pinelands Regional Growth Area. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)iv.

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

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

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinance have been certified by the Pinelands Commission. Pemberton Township's master plan and land use ordinance have been certified by the Pinelands Commission. In the Township's R-80 zoning district, Pemberton Township's certified land use ordinance establishes a minimum lot size of 8,000 square feet to develop a single family dwelling serviced by public sanitary sewer. This application proposes to develop a single family dwelling serviced by public sanitary sewer on a 0.46 acre (20,177 square foot) parcel. No municipal lot area or density variance is required to develop the proposed single family dwelling. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

The fifth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which permits a parcel

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

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

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

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

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

The CMP (N.J.A.C. 7:50-4.62(d)1iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits (PDCs) whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. This Waiver provides relief from the buffer to wetlands standard of N.J.A.C. 7:50-6. The Waiver requires the acquisition and redemption of 0.25 PDCs. As the application is obtaining a Waiver from the minimum buffer to wetlands standard (N.J.A.C. 7:50-6.14), a condition is included in this Report to require the applicant to acquire and redeem the requisite 0.25 PDCs.

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

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan prepared by Navier Engineering, LLC, undated and last revised on November 8, 2022.
2. The proposed dwelling shall be serviced by public sanitary sewer.
3. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.
4. No development, including clearing and land disturbance, shall extend beyond the "proposed wetlands buffer" as depicted on the above referenced plan.
5. Prior to construction, silt fencing, hay bales or other appropriate measures shall be installed to preclude sedimentation from entering wetlands. The proposed sedimentation barrier shall be maintained in place until all development has been completed and the area has been stabilized.

6. Drywells, pervious pavement, small scale infiltration basin(s) or comparable alternative designed in accordance with the New Jersey Department of Environmental Protection, Best Management Practice shall be installed to retain and infiltrate stormwater runoff generated from the total roof area of the single family dwelling by a 10-year, 24-hour storm.
7. The driveway shall be constructed of crushed stone or other permeable material.
8. Access to the parcel shall be limited to Dogwood Street.
9. Prior to the Commission issuance of a letter advising that any municipal or county permit or approval may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 Pinelands Development Credits have been acquired and submitted to the Pinelands Development Credit Bank for redemption.
10. This Waiver shall expire April 14, 2028 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after April 14, 2028, or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
11. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to Commission issuance of a letter advising that any submitted municipal or county permit or approval may take effect. The deed shall specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance approved by the Pinelands Commission on April 14, 2023 for App. No. 1988-1096.001. The deed shall also indicate that the conditions previously required by Commission approval of a Waiver on March 10, 2000, a Waiver approval on January 11, 2008 and a Waiver approval on September 12, 2014, all three Waivers now expired, are superseded by the conditions required by the April 14, 2023 Waiver approval. The deed shall also indicate that the conditions are enforceable by the Pinelands Commission, Pemberton Township and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver of Strict Compliance from the requirements of N.J.A.C. 7:50-6.14.

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


APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on April 3, 2023 and include the following information:

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

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

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

Recommended for Approval by: 
Charles M. Horner, P.P., Director of Regulatory Programs

- c: Secretary, 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)
Josef Argenio (via email)



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

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

March 16, 2023

Alex Berilla (via email)
Golden Bison Investment
36 Mega Way
Furlong PA 18925

Re: Application # 2000-0528.001
Block 517, Lot 5
Pemberton Township

Dear Mr. Berilla:

The Commission staff has completed its review of the above referenced application for a Waiver of Strict Compliance (“Waiver”) based upon an extraordinary hardship proposing the development of one single family dwelling on the above referenced 1.0 acre parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission’s Executive Director, I am recommending that the Pinelands Commission approve this application with conditions at its April 14, 2023 meeting.

FINDINGS OF FACT

This application is for the development of one single family dwelling, serviced by an on-site septic wastewater treatment system (“alternate design septic system”) intended to reduce the level of nitrate/nitrogen in the wastewater on the above referenced 1.0 acre parcel. The parcel is located in a Pinelands Regional Growth Area and in Pemberton Township’s R-1 zoning district. In this zoning district, Pemberton Township’s land use ordinance, certified by the Commission, establishes a minimum lot size of one acre to develop a single family dwelling serviced by an alternate design septic system.

The parcel has been site inspected by a member of the Commission’s staff. In addition, the appropriate resource capability maps and data available to the staff have been reviewed.

The CMP (N.J.A.C. 7:50-6.84(a)5vi) requires that a septic system be located in an area where the depth to the seasonal high water table is at least five feet below the natural ground surface. The Burlington County Soils Survey indicates that there are Lakehurst soils on this parcel. These soils may have a seasonal high water table of less than five feet below the natural ground surface. Three soil borings were performed by the applicant’s consultant for the Waiver application. The soil borings confirmed a seasonal high water table of less than five feet below the natural ground surface at the location of the borings. The applicant has submitted no information to demonstrate that the septic system could be located in an area on the parcel where the seasonal high water table is at least five feet below the natural

ground surface. Since available information indicates the seasonal high water table on the parcel is less than five feet below the natural ground surface, the applicant is requesting a Waiver from the seasonal high water table requirement contained in N.J.A.C. 7:50-6.84(a)5vi.

The CMP (N.J.A.C. 7:50-6.14) requires that the development proposed in this application maintain a 300 foot buffer to wetlands unless the applicant demonstrates that a lesser buffer to wetlands will not result in a significant adverse impact on wetlands. A portion of the parcel is wetlands as defined in the CMP (N.J.A.C. 7:50-6.5(a)2). The wetlands continue onto adjacent lands. Any development of the parcel would be located within 300 feet of these wetlands. The applicant has submitted no information to demonstrate that the proposed development will not cause a significant adverse impact on the wetlands. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetlands. As there will be a significant adverse impact on wetlands located within 300 feet of the proposed development, the applicant is requesting a Waiver from the buffer to wetlands standard contained in N.J.A.C. 7:50-6.14.

The CMP (N.J.A.C. 7:50-4.65(b)6) requires that to qualify for a Waiver to develop a single family dwelling in a Pinelands Regional Growth Area, it must be demonstrated that any required wastewater disposal field will be located in an area where the seasonal high water table is at least two feet (24 inches) below the natural ground surface. The wastewater disposal field proposed to service the single family dwelling subject of this application will be located in an area where the seasonal high water table is between 25 and 27 inches below the natural ground surface.

The CMP (N.J.A.C. 7:50-4.65(b)6) also requires that to qualify for a Waiver to develop a single family dwelling in a Pinelands Regional Growth Area, it must be demonstrated that no development, including clearing and land disturbance, will be located on wetlands. The application proposes a 30 foot buffer to wetlands. No development, including clearing and land disturbance, will be located on wetlands.

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the entire contiguous parcel. The development of a single family dwelling on the parcel will not require any lot area or residential density variances pursuant to Pemberton Township's certified land use ordinance. The development of a single family dwelling on the parcel will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP. The proposed single family dwelling will not result in a substantial impairment of the resources of the Pinelands Area as required by the CMP (N.J.A.C. 7:50-4.65(b)).

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Public notice to all property owners within 200 feet of the parcel was completed on February 1, 2023. Newspaper public notice was completed on February 3, 2023. The application was designated as complete on the Commission's website on February 15, 2023. The Commission's public comment period closed on March 10, 2023. One written public comment (attached) was received by the Pinelands Commission on February 15, 2023 regarding this application.

Written Public Comment: The commenter expressed concern that they did not receive public notice of the Waiver application. The commenter also indicated that the applicant should abide by Pinelands and wetlands restrictions.

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

The applicant provided the requisite public notice to all property owners within 200 feet of the parcel. Public notice was also published in the Burlington County Times newspaper on February 3, 2023. As part of the Waiver application process, the applicant is required to submit a copy of a certified list of property owners within 200 feet of the parcel prepared by the municipality. The certified list of property owners prepared by the municipality indicates that the commenter does not own property within 200 feet of the parcel.

The applicant has demonstrated that the proposed dwelling meets the minimum standards of the CMP to qualify for a Waiver. The Commission's Waiver regulations are designed to provide all property owners in the Pinelands Area with at least a minimum beneficial use of a parcel consistent with constitutional requirements. The proposed development will maintain a 30 foot buffer to wetlands.

CONCLUSION

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

N.J.A.C. 7:50-4.63(a) sets forth five conditions which must be met to qualify for a Waiver based on an extraordinary hardship.

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain specified development. One of the specified types of development is a single family dwelling on a parcel within a Pinelands Regional Growth Area, Pinelands Town or Pinelands Village which is at least 20,000 square feet, excluding road rights of way, in size and not serviced by public sanitary sewer. This application is for a Waiver from the minimum depth to seasonal high water table standard when utilizing an onsite septic system and the required buffer to wetlands standard contained in N.J.A.C. 7:50-6. The applicant is proposing to develop a single family dwelling serviced by an alternate design septic system on a 1.0 acre parcel. The parcel contains more than 20,000 square feet, excluding road rights of way, and is located in a Pinelands Regional Growth Area. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1v.

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

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

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. The Pemberton Township land use ordinances have been certified by the Pinelands Commission. In the R-1 zoning district, Pemberton Township's certified land use ordinance establishes a minimum lot size of 1.0 acre to develop a single family dwelling serviced by an alternate design septic system. This application proposes to develop a single family dwelling serviced by an alternate design septic system on a 1.0 acre lot. No municipal lot area or density variance is required to develop the proposed single family dwelling. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

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

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

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

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

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

The CMP (N.J.A.C. 7:50-4.62(d)1iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits (PDCs) whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the applicant is obtaining a Waiver from the minimum depth to seasonal high water table standard (N.J.A.C. 7:50-6.84(a)5vi) and the required buffer to wetlands standard (N.J.A.C. 7:50-6.14), a condition is included to require the applicant to acquire and redeem the requisite 0.25 PDCs.

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

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan prepared by Avila Engineering dated September 10, 2021 and last revised July 1, 2022.

2. No development, including clearing and land disturbance, shall be located outside of the 0.45 acre development envelope depicted on the above referenced plan.
3. Drywells, pervious pavement, small scale infiltration basin(s) or comparable alternative measures designed in accordance with the New Jersey Department of Environmental Protection, Best Management Practice shall be installed to retain and infiltrate stormwater runoff generated from the total roof area of the single family dwelling by a 10-year, 24-hour storm.
4. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
5. The driveway shall be constructed of crushed stone or other permeable material.
6. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 PDCs have been acquired and submitted to the PDC Bank for redemption.
7. The proposed dwelling must utilize an alternate design onsite septic system authorized by the CMP for use on 1.0 acre parcels and approved for use by the Pinelands Commission and the New Jersey Department of Environmental Protection.
8. The septic system shall be located in an area where the seasonal high water table is at least two feet below the natural ground surface. Sufficient fill shall be placed in the area of the septic system to meet the requirements of Chapter 9A.
9. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.
10. This Waiver shall expire April 14, 2028 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after April 14, 2028 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
11. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to completion of a development application with the Commission for the proposed dwelling. The deed shall specify that the conditions are being imposed pursuant to a March 16, 2023 Pinelands Commission Report on an Application for a Waiver of Strict Compliance for Application # 2000-0528.001. The deed shall also indicate that the conditions are enforceable by the Pinelands Commission, the Burlington County Health Department, Pemberton Township and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver from the requirements of N.J.A.C. 7:50-6.84(a)5vi and N.J.A.C. 7:50-6.14.

Since the applicant meets the provisions of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65 for the development of a single family dwelling on the parcel, it is recommended that the

Pinelands Commission **APPROVE** the requested Waiver of Strict Compliance subject to the above conditions.

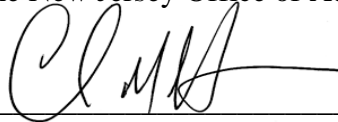
APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on April 3, 2023 and include the following information:

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

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

Recommended for Approval by: _____



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

- c: Secretary, 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)
 Burlington County Health Department (via email)
 Mike Avila (via email)
 Piero Benites (via email)
 Jonas Singer (via email)
 Madeline Ebet (via email)



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-23- 13

TITLE: Issuing an Order to Certify Waterford Township Ordinance 2023-1, Amending Chapter 176 (Land Use, Development and Zoning) of the Code of Waterford Township, and Ordinance 2023-2, Adopting the Second Amendment to the Haines Boulevard Redevelopment Plan

Commissioner Lohbauer moves and Commissioner Asselta seconds the motion that:

WHEREAS, on July 8, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Waterford Township; and

WHEREAS, Resolution #PC4-83-56 of the Pinelands Commission specified that any amendment to Waterford Township's certified Master Plan and 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 municipal 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 #PC4-83-56 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 January 25, 2023, Waterford Township adopted Ordinance 2023-1, amending Chapter 176 (Land Use, Development and Zoning) of the Code of Waterford Township by repealing Section 176-14D, which provided development application submission requirements applicable to the Haines Boulevard Redevelopment Area; and

WHEREAS, on January 25, 2023, Waterford Township also adopted Ordinance 2023-2, adopting the Second Amendment to the Haines Boulevard Redevelopment Plan; and

WHEREAS, the Pinelands Commission received certified copies of Ordinances 2023-1 and 2023-2 on January 26, 2023; and

WHEREAS, by letter dated February 10, 2023, the Executive Director notified Waterford Township that Ordinances 2023-1 and 2023-2 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinances 2023-1 and 2023-2 was duly advertised, noticed and remotely held on March 8, 2023 at 9:30 a.m. with live broadcast on the Pinelands Commission's public YouTube channel and opportunity for the public to call-in during the live broadcast; and

WHEREAS, the Executive Director has found that Ordinances 2023-1 and 2023-2 are 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 Ordinances 2023-1 and 2023-2 are 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 2023-1 and 2023-2 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinances 2023-1 and 2023-2 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 Waterford Township Ordinance 2023-1, amending Chapter 176 (Land Use, Development and Zoning) of the Code of Waterford Township, and Ordinance 2023-2, adopting the Second Amendment to the Haines Boulevard Redevelopment Plan, are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Waterford 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.

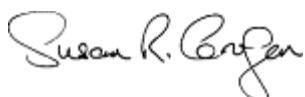
Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta	X				Lettman	X				Pikolycky			X	
Avery	X				Lloyd	X				Wallner	X			
Christy			X		Lohbauer	X				Matos	X			
Holroyd				A	Mauriello	X								
Irick			X		Meade			X						

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: April 14, 2023



Susan R. Grogan
Executive Director



Laura E. Matos
Chair



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

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

Report on Waterford Township Ordinance 2023-1, Amending Chapter 176 (Land Use, Development and Zoning) of the Code of Waterford Township, and Ordinance 2023-2, Adopting the Second Amendment to the Haines Boulevard Redevelopment Plan

March 31, 2023

Waterford Township
2131 Auburn Avenue
Atco, NJ 08004

Findings of Fact

I. Background

The Township of Waterford is located in the western portion of the Pinelands Area, in eastern Camden County. Pinelands municipalities that abut Waterford Township include the Boroughs of Berlin and Chesilhurst and the Townships of Berlin and Winslow in Camden County, the Townships of Evesham, Medford and Shamong in Burlington County and the Town of Hammonton in Atlantic County.

On July 8, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Waterford Township.

On January 25, 2023, Waterford Township adopted Ordinance 2023-1, amending Chapter 176 (Land Use, Development and Zoning) of the Code of Waterford Township, and Ordinance 2023-2, adopting the Second Amendment to the Haines Boulevard Redevelopment Plan. The Pinelands Commission received certified, adopted copies of Ordinances 2023-1 and 2023-2 on January 26, 2023.

By letter dated February 10, 2023, the Executive Director notified Waterford Township that Ordinances 2023-1 and 2023-2 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following documents have been submitted to the Pinelands Commission for certification:

- * Ordinance 2023-1, amending Chapter 176 (Land Use, Development and Zoning) of the Code of Waterford Township, introduced on January 1, 2023, and adopted on January 25, 2023; and
- * Ordinance 2023-2, adopting the Second Amendment to the Haines Boulevard Redevelopment Plan, introduced on January 1, 2023, and adopted on January 25, 2023.

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

1. Natural Resource Inventory

Not applicable.

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

Previously Certified Haines Boulevard Redevelopment Plan

In 2001, Waterford Township adopted a Redevelopment Plan for the Haines Boulevard Redevelopment Area, an area encompassing approximately 142 acres of land at the intersection of State Highway 73 and U.S. Highway 30 in the Regional Growth Area (see Exhibit #1). At that time, the Redevelopment Area was already substantially developed with a mixture of residential and commercial uses. The original Haines Boulevard Redevelopment Plan, adopted by Ordinance 2001-30, permitted a variety of nonresidential uses including commercial retail centers, conference centers, hotels, theaters, warehousing, research and design laboratories and light manufacturing facilities. Ordinance 2001-30 was reviewed by the Commission and found to raise no substantial issues with respect to conformance with the CMP.

In 2016, after many years with no redevelopment activity, the Township adopted the first amendment to the Haines Boulevard Redevelopment Plan via Ordinance 2016-25. The Commission certified the amendment in 2017. The amendment added residential and mixed-use development within the Redevelopment Area and included provisions to promote the development of affordable housing. The amendment established six zoning districts within the existing Redevelopment Area (see Exhibit #1). The RD-1 District permits single family dwelling units at five units per acre. The RD-2 District permits single-family dwelling units, duplexes, and townhouses at six units per acre. The TOD/Mixed-Use District permits a variety of commercial retail and services along with mixed-use buildings with apartments over retail, duplexes, townhouses, and apartment buildings at 12 units per acre. The Community Commercial District permits a variety of commercial retail and services as well as mixed-use buildings with apartments over retail at a density of five units per acre. The Institutional Use District permits all

uses within the Community Commercial District in addition to various educational, healthcare, and civic uses as well as assisted living facilities, duplexes and townhomes at a density of 6 units per acre. Lastly, the Utilities District permits public service infrastructure such as the existing water tower, electric transmission lines and electric substation. To promote the development of affordable housing, the amended Redevelopment Plan requires a 20 percent affordable housing set aside for projects of five or more residential units. Additionally, projects composed entirely of affordable units are permitted to be developed at a density of eight units per acre in the RD-1, RD-2, CC, and ID districts.

The Second Amendment to the Haines Boulevard Redevelopment Plan

Ordinance 2023-2 adopts the second amendment to the Haines Boulevard Redevelopment Plan. The amendment establishes a Planned Industrial (PI) Overlay District within the existing Redevelopment Area. The PI Overlay District is approximately 63.5 acres and spans the entirety of three lots (Block 204, lots 1, 2, and 3) within the Redevelopment Area (see Exhibit #1). Portions of the overlay contain the site of a former drive-in movie theater and multi-plex movie theater, which ceased operation in 1991 and 2009, respectively. The district overlays the following Redevelopment Area zoning districts: Community Commercial, Institutional Use, RD-2 Residential and TOD/Mixed-Use. Within the PI Overlay District development is permissible under either the permitted uses and standards of the underlying zoning district or the permitted uses and standards of the overlay district.

The PI Overlay District permits a variety of non-residential uses including office buildings, research facilities, warehousing, light manufacturing, online commerce businesses, mini warehousing and self-storage, indoor commercial health/recreational facilities, and flex space uses. The overlay district provides area and bulk standards for large tract development (tracts 10 acres or greater) and small tract development (tracts less than 10 acres). Additional development standards are also provided for maximum building height, outdoor storage, parking and loading, and landscaped buffers. For large tract development, a 100-foot buffer is required when abutting an existing residential use or residential zone. The development standards also require that all buildings of 100,000 square feet or more must be designed and constructed to support rooftop solar installation in accordance with P.L. 2021, c.290. Lastly, any non-residential development permitted under the provisions of the PI Overlay District is required to redeem Pinelands Development Credits (PDCs) at a rate of one quarter (1/4) PDC for every 17,000 square feet of gross floor area within principal use buildings.

Ordinance 2023-2 also revises the development review process applicable to the entirety of the Redevelopment Area (see Section 3) and modifies provisions exempting affordable housing from PDC requirements (see Section 8).

Impacts to the Residential Zoning Capacity of the Redevelopment Area

Because the PI Overlay District provides an alternative set of permitted uses and standards to the existing underlying zoning, the residential zoning capacity of the Redevelopment Area theoretically remains unchanged. The previously certified Redevelopment Plan established a residential zoning capacity that allowed for a maximum of 792 new residential units, which equates to a gross density of 5.6 units per acre in the Redevelopment Area as a whole. Such a density is significantly higher than that prescribed by the CMP for Waterford Township's Regional Growth Area. The CMP requires the Township to zone for a density of only 3.375 units

per upland acre in its Regional Growth Area, which translates to 479 units in the redevelopment area (N.J.A.C. 7:50-5.28(a)1 and 3). In certifying the first amendment to the Haines Boulevard Redevelopment Plan, the Commission found that the Redevelopment Plan met the CMP criteria for increased residential densities in the Regional Growth Area (N.J.A.C. 7:50-5.28(a)7).

However, based on information provided by the Township and information submitted by a prospective redeveloper (see Exhibits # 2 and #3), there is a strong likelihood that the PI Overlay District will be developed exclusively for non-residential use if Ordinance 2023-2 is certified. Given these facts, Commission staff has evaluated whether the area included in the new overlay district is appropriate for non-residential development, whether the remainder of the redevelopment area outside the overlay district is meeting the CMP-prescribed residential density requirements, and whether the PDC program is negatively impacted by the expected loss in residential development potential within the PI Overlay District.

The surrounding highways, existing development patterns and prior zoning and uses support the appropriateness of this area for non-residential development. The PI Overlay District has access to State Highway 73 and U.S. Highway 30. Existing non-residential development is found along Highway 73 in nearby Berlin Borough and Berlin Township as well as north of the Redevelopment Area within Waterford Township. Furthermore, since the Township's original certification in 1983, these lots were previously included in the Township's Planned Industrial (PI) and Planned Highway Business (PHB) Districts, both non-residential zones. The PI Overlay District permits similar uses to the existing PHB Zone. Lastly, there are remaining impervious surfaces, underground utilities, and stormwater management facilities from the prior drive-in movie theater and multi-plex theater.

The remainder of the Redevelopment Area continues to not only meet but exceed the CMP's prescribed residential density for that area. If the PI Overlay District is developed exclusively for non-residential use, the residential zoning capacity of the Redevelopment Area would be reduced from 792 units to 349 units. This equates to a gross density of 3.99 units per acre for the remainder of the Redevelopment Area outside of the PI Overlay District, which is still exceeding the 3.375 units per upland acre minimum established by the CMP.

Importantly, the PI Overlay District includes a PDC requirement for permitted non-residential development in recognition of the potential elimination of up to 443 residential units and opportunities for the use of up to 133 PDC rights if the area is developed for nonresidential use. When a municipality has determined that an area is appropriate for residential development in its Regional Growth Area, zoned for residential uses and established a PDC obligation, the Commission must carefully evaluate proposals to rezone for strictly non-residential uses with a careful eye to the impacts to the Pinelands Development Credit Program. As discussed in Section 8 below, the PDC requirements for the PI Overlay District, in addition to the revised PDC exemption for affordable housing units, ensure that the PDC Program is not negatively impacted by these amendments.

Ordinances 2023-1 and 2023-2 are consistent with CMP goals and objectives for the Regional Growth Areas. Therefore, this standard for certification is met.

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

Ordinance 2023-1 amends Chapter 176 (Land Use, Development and Zoning) of the Code of Waterford Township by repealing the simplified permitting system for the Haines Boulevard Redevelopment Area. The simplified permitting system was adopted by Ordinance 2011-19 and amended by Ordinance 2017-6. Both ordinances were certified by the Commission in 2012 and 2017, respectively.

The simplified permitting system allowed applicants proposing development served by sewer and consistent with the approved Haines Boulevard Redevelopment Plan to forego submission of delineated wetlands mapping, threatened and endangered species surveys, cultural resource surveys (with the exception of Block 301, Lot 13), and a Certificate of Filing from the Pinelands Commission. Provided that the proposed development was found to be consistent with the Redevelopment Plan by the Township's Local Review Officer, the applicant could apply directly to the Township Joint Land Use Board without first receiving a Certificate of Filing from the Pinelands Commission. The Local Review Officer was required to transmit certain information about the proposed development, including anticipated water demand, to the Commission when the application was deemed complete. All subsequent local development approvals were required to be submitted to the Commission for review as required by the CMP.

The first local development approval to be granted under the simplified permitting system did not occur until November of 2021. To date, the Commission has received local development approvals related to three development applications. Given the increased complexity of the Haines Boulevard Redevelopment Plan and the challenges realized in the administration of the simplified permitting system, the Township has opted to repeal these provisions.

As noted above, Ordinance 2023-2 adopts the second amendment to the Haines Boulevard Redevelopment Plan. The amendment, among other things, establishes a revised development review process for the entirety of the Redevelopment Area. All development applications deemed complete or substantially modified after January 25, 2023 are required to adhere to the Township's standard development review process. This will include application to the Pinelands Commission and receipt of a Certificate of Filing prior to an application being deemed complete by the Township Land Use Board.

A few aspects of the prior simplified permitting system are maintained in this revised development review process for the Redevelopment Area. Applicants will not be required to submit mapping of delineated wetlands nor will they be required to submit any cultural resource surveys (with the exception of Block 203, Lot 1 where a cultural resource survey is required). They will also continue to be required to submit information describing anticipated water needs of the proposed development and the proposed source for necessary water supply. Notably, the development review process does not expressly waive the need for threatened and endangered species surveys when deemed necessary during the Commission's review of an application.

It is important to note that field work by Commission staff previously verified that there are no wetlands in the Redevelopment Area or within 300 feet of the Redevelopment Area. Therefore, it is unnecessary for development applications in the Redevelopment Area to include mapping of delineated wetlands. Likewise, through site visits and research, the Commission's archaeologist previously concluded that, with the exception of Block 203, Lot 1, cultural resource surveys are not necessary within the Redevelopment Area.

This standard for certification is met.

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

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 (PDCs) as provided for in N.J.A.C. 7:50-5.28(a)3.

The first amendment to the Haines Boulevard Redevelopment Plan required that PDCs be acquired and redeemed for 30 percent of all market-rate residential units in projects of five units or more in the Redevelopment Area. Affordable housing units were excluded from the PDC requirement until such time as the number of affordable units proposed in the Redevelopment Area exceeded 240, at which point PDCs would be required for all future units at the 30 percent rate, whether they are affordable or market-rate. This provided for the opportunity for the use of up to 165 rights (41.25 full PDCs) in the Haines Boulevard Redevelopment Area.

Ordinance 2023-2 maintains these PDC requirements with one exception: the number of affordable units exempt from the 30 percent PDC requirement is reduced from 240 units to 140 units. This reduced figure recognizes the Township's latest plan for affordable housing targeted for the redevelopment area based on its court-ordered settlement agreement with the Fair Share Housing Center.

Additionally, Ordinance 2023-2 requires that any non-residential development permitted under the provisions of the PI Overlay District redeem Pinelands Development Credits (PDCs) at a rate of one quarter (1/4) PDC for every 17,000 square feet of gross floor area within principal use buildings. The Township included these provisions in recognition of the significant reduction in

potential residential units and potential use of PDCs if the PI Overlay District were developed exclusively for non-residential uses.

To evaluate whether the PDC requirements of the PI Overlay District adequately protect the Pinelands Development Credit Program, staff evaluated the potential PDC yield for the three lots in the overlay district under the minimum residential density requirements prescribed by the CMP. If these three lots were zoned for residential development, the CMP would require that they allow for a minimum base density of 2.25 units per acre with a bonus density achieved through PDC use of an additional 1.125 units per acre. This would result in the opportunity for the use of 71 rights.

Commission staff evaluated the potential level of PDC redemption under the PI Overlay provisions based on information provided by the Township. A prospective redeveloper has proposed a warehouse facility on Block 204, Lots 1 and 2 with a gross square footage of approximately 955,500 square feet. This equates to a PDC obligation of 57 PDC rights under the PI Overlay provisions. Additionally, a prospective redeveloper has proposed an approximately 15,000 square foot commercial sports flooring and manufacturing building on Block 204, Lot 3, which would require the redemption of a single PDC right. Therefore, under the PI Overlay District there is a potential for the redemption of approximately 58 PDC rights, which is comparable to imposing a 27 percent mandatory PDC requirement for this area if zoned for the minimum density permitted by the CMP.

While 27 percent is not as high a number as would be provided through the more traditional zoning approach where Pinelands Development Credits 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 Pinelands Development Credits. There is no requirement under the traditional approach that any credits be used in any particular development project. Ordinance 2023-2 *guarantees* that Pinelands Development Credits will be purchased and redeemed as part of the approval of any non-residential development within the PI Overlay District.

The CMP focuses on the use of PDCs as a means of increasing permitted residential densities in Regional Growth Areas. However, N.J.A.C. 7:50-5.28(a)7i expressly authorizes municipalities to adopt bonus or incentive programs for Regional Growth Area that go beyond the minimum required by the CMP, provided that such programs do not interfere with or otherwise impair the municipality's obligation to provide sufficient opportunities for the use of PDCs. While this provision has not often been used in association with nonresidential development, two other municipalities (Berlin and Winslow townships) previously adopted PDC requirements applicable to nonresidential uses in their commercial and industrial zones. The Commission found that the Berlin and Winslow Township ordinances represented an appropriate exercise of municipal flexibility that did not interfere with any other CMP standards and certified them on that basis. Waterford Township Ordinance 2023-2 adopts a similarly creative approach, one that facilitates the municipality's redevelopment goals while ensuring that all CMP standards, particularly those related to the PDC program, continue to be met.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Waterford Township Ordinances 2023-1 and 2023-2, amending Chapter 176 (Land Use, Development and Zoning) of the Code of Waterford Township and adopting the Second Amendment to the Haines Boulevard Redevelopment Plan, are consistent with the 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

Waterford Township Ordinances 2023-1 and 2023-2, amending Chapter 176 (Land Use, Development and Zoning) of the Code of Waterford Township and adopting the Second Amendment to the Haines Boulevard Redevelopment Plan, are consistent with the 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

The new PI Overlay District abuts Berlin Borough's Regional Growth Area. In Berlin Borough, the adjacent lands straddle State Highway 73 and are included in the PC-2 (Neighborhood Commercial) Zone, where a wide variety of retail and service uses are permitted, as well as offices, restaurants, health clubs, child care centers and animal hospitals. Preexisting residential uses are also permitted. Additionally, the ordinance requires a minimum buffer of 100 feet from existing residential uses and residential zones. Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

Public Hearing

A public hearing to receive testimony concerning Waterford Township's application for certification of Ordinances 2023-1 and 2023-2 was duly advertised, noticed and held on March 8, 2023, at 9:30 a.m. Mr. Lanute conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call-in during the public hearing to provide testimony. No testimony was received.

Written comments on Waterford Township Ordinances 2023-1 and 2023-2 were accepted through March 10, 2023 and were received from the following individuals:

Michael Ward, Community Development Director, and Robert Scott Smith, P.L.S., P.P., Land Use Board Planner, Waterford Township (see Exhibit #2)

David Roberts, AIPC/PP, on behalf of AASMWF Property, LLC (see Exhibit #3)







Conclusion

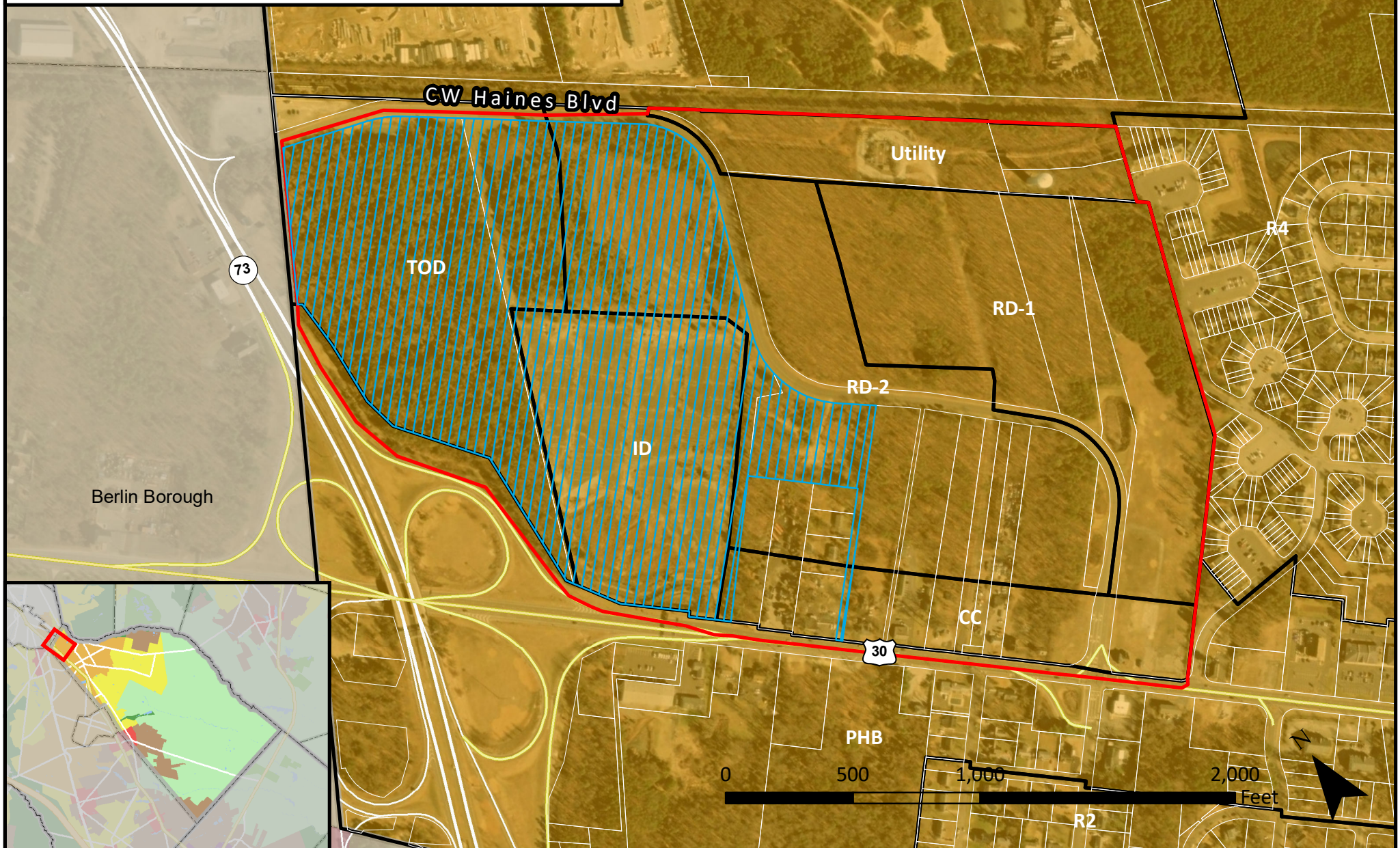
Based on the Findings of Fact cited above, the Executive Director has concluded that Waterford Township Ordinances 2023-1 and 2023-2 comply with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinances 2023-1 and 2023-2 of Waterford Township.

SRG/DBL/KLE/CWT
Attachments

Waterford Township Haines Boulevard Redevelopment Area

Executive Director's Report
Waterford Twp Ord. 2023-1 and -2
3/31/2023
Exhibit #1

-  Planned Industrial Overlay Zone
-  Redevelopment Area
-  Pinelands Management Area
-  Existing Zoning
-  Regional Growth Area
-  Lots



**WATERFORD TOWNSHIP
OFFICE OF
COMMUNITY DEVELOPMENT**
2131 Auburn Avenue
Atco, New Jersey 08004

March 9, 2023

via e-mail Susan.Grogan@pinelands.nj.gov

and regular mail

Susan R. Grogan, P.P., AICP

Executive Director

Pinelands Commission

15 Springfield Road/P.O. Box 359

New Lisbon, NJ 08064

RE: Narrative Support For Waterford Township Ordinance #2023-2

Dear Ms. Grogan:

Kindly allow this letter to set forth the factual historical basis, and confirm municipal support, for Waterford Township's adoption of Ordinance #2023-2 on January 25, 2023. Ordinance #2023-2 was intended to constitute Amendment No. 2 to the Haines Boulevard Redevelopment Plan that was originally adopted on October 16, 2001. The intent of Ordinance #2023-2 is to spur the development of various commercial industrial uses within specified areas of the previously designated Haines Boulevard Redevelopment Area. This Ordinance creates an overlay known as the Planned Industrial Overlay District. The Planned Industrial Overlay District will consist solely of an approximately 66 acre tract of vacant land located at the western most edge of the Township's Regional Growth Area, at the intersection of State Highway 73 and US Highway Route 30.

Lot 1 in the District consists of 23 acres of "scrub trees" and vines, with no physical access along its primary frontage on Route 73. Today, the only roadway access is from Haines Boulevard. The property was once cleared but has naturally revegetated over the last 50 years of vacancy and disuse.

Lot 2 in the District was the site of the Atco Drive-In Movie Theater. The Drive-In opened in 1955, and it's still very visible in aerial photos. In 1991, the Atco Multiplex opened on the property offering a 14 screen theater complex. The Multiplex was successful for a short period but closed in 2009. All buildings were demolished in 2011 but the paving and subsurface utilities, including an elaborate stormwater management system remain.

The lengthy vacancy and disuse of the affected Lots has contributed to a moribund economic atmosphere that has long pervaded the entire Haines Boulevard Redevelopment Area.

The Lots in question are within the limits of the Haines Boulevard Redevelopment Plan ("HBRP"). The HBRP was initially adopted in October 2001 to stimulate interest and (it was hoped) redevelopment of approximately 146 acres of

both vacant and developed lands that were under the private ownership of nineteen (19) individual property owners. Some of these properties were large and had limited access or exposure to the adjoining US 30, the White Horse Pike. The original planners of Haines Boulevard reasonably believed that its connection to two (2) major four lane highways would be a stimulus for development.

Much to the disappointment of Township officials and residents alike, virtually no interest was generated over the subsequent two (2) decades. For many reasons, including the lack of adequate sanitary sewer and public water infrastructure within the Haines Boulevard right-of-way, and the continually financially ailing New Jersey Transit Atlantic City Rail Line (which maintains a station on Haines Boulevard), the land within the Redevelopment Area has remained largely vacant and undeveloped.

The initial 2001 HBRP utilized a 1997 Township Zoning District designated as "Planned Highway Business" for the entire mapped area. That Zoning authorized a broad list of allowed commercial uses, including warehousing, light manufacturing, assembly and wholesale.

A 2016 amendment (Amendment No. 1) to the HBRP, proposed five (5) new "Land Use Areas" that encouraged mixed uses, many of which contemplated retail and market rate and affordable residential uses at varying densities. However, that Amendment still resulted in very little interest from prospective builders and developers.

An approved residential project proposed by Conifer Realty LLC shall eventually bring ninety-five (95) Affordable Housing apartment units to the easterly portion of the Redevelopment Area. However, most parcels included in the HBRP remain vacant and undeveloped today.

In May 2022, Township Officials were approached by representatives of Active Acquisitions, LLC. They expressed interest in developing a large scale warehousing facility at the westerly edge of the HBRP. Their proposal did not meet any of the standards of the five (5) "Land Use Areas" contained in the HBRP.

Their proposal would be situated within the "Land Use Areas" identified as "TOD/Mixed Use" and "ID Institutional". TOD/Mixed Use Standards include retail and personal service uses, eating establishments, child care centers, two (2) family dwellings and townhomes and other mixed uses. The ID Institutional "Land Use Area" includes uses such as educational facilities, assisted living facilities, community centers, hotels and conference centers along with two (2) family dwellings and townhouses.

After a meeting between Active Acquisitions, LLC and Township Officials, the Township initiated several meetings with the Pinelands Commission's Acting Director, Ms. Susan Grogan, and the Commission's Planner, Mr. Brad Lanute. The Township presented their desire to amend the HBRP with respect to Block 204, Lots 1 and 2 to permit the construction of the two (2) warehouses on those Lots.

Several additional meetings occurred, and to assist the Township, the Pinelands Commission supplied a draft Ordinance for the Township's review and consideration. The Township reviewed the draft and utilized it to prepare Township Ordinance No. 2022-20. That Ordinance was then reviewed by the Planning Board and on October 17, 2022 the Planning Board found that the Ordinance was consistent with the Township's Master Plan. The Ordinance was then considered and adopted by the Township on October 26, 2022. It was submitted to the Pinelands Commission for review, which recommended further amendment.

Susan R. Grogan, P.P., AICP
RE: Waterford Township Ordinances #2023-2
March 9, 2023
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Ordinance No. 2022-20 affirmed the Township's intent to amend the HBRP with respect to Block 204, Lots 1, 2 and 3 to permit "Alternative Industrial Development." The Ordinance also established a new list of permitted uses, which include the proposed warehousing, shipping and receiving, cold storage, light manufacturing and assembly, e-commercial sales operations and other specific, non-residential uses. All of the allowed uses in the Ordinance strongly resemble those originally permitted under the Planned Highway Business (PHB) zoning.

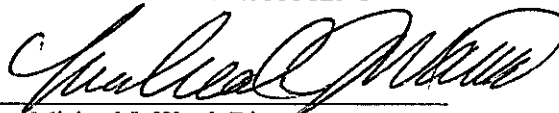
Significantly, Ordinance #2023-2 amended certain provisions of Ordinance #2022-20, as requested by the Pinelands Commission. The Township submits that the amendments in Ordinance #2023-2 create flexibility and enhanced opportunity, by enabling a prospective redeveloper to develop either under the standards of the Overlay District or under the criteria established by the 2016 Redevelopment Plan for the underlying districts. The Plan Standards also ensure that sufficient Pinelands Development Credits are redeemed for all commercial uses in the Planned Industrial Overlay Districts and in the 2016 Redevelopment Plan's "RD1" and "RD2" Districts.

More importantly, the Overlay District is contiguous to commercial and industrial uses and zones located in the immediately adjacent, non-Pinelands municipalities of Berlin Borough and Berlin Township. The subject tract is not located in any preserved or environmentally sensitive areas, and is not in proximity to any residential area. All vehicles from within the District must exit onto two State Highways, thus minimizing the opportunity for adverse traffic impact from all redevelopment efforts.

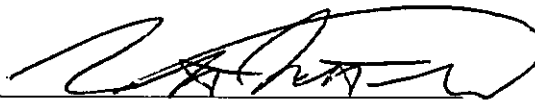
In conclusion, the Township Committee looks forward with great anticipation to the Commission's approval of Ordinance #2023-2. The Township will then be able to welcome the groundbreaking on Block 204 Lots 1 and 2 for the Active Acquisitions project, the first substantial site development within the Haines Boulevard Redevelopment Area since the HBRP's creation in 2001. With 100 percent of its land area subject to the rules set forth in Pinelands Comprehensive Management Plan, the Township has always struggled to stimulate any level of growth in the various management areas affecting its lands, even in its Regional Growth area. This Ordinance adoption is key to the future economic well-being of the Township and its residents.

Very truly yours,

WATERFORD TOWNSHIP OFFICE OF
COMMUNITY DEVELOPMENT



By: Michael J. Ward, Director



By: Robert Scott Smith, P.L.S., P.P.
Land Use Board Planner

cc: Brad Lanute, P.P. (via e-mail only)
David Patterson, Esquire
Waterford Township Clerk, Dawn Liedtka



DAVID GLYNN ROBERTS, AICP/PP, LLA, LEED AP ND
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MEMORANDUM

DATE: 3/10/2023

TO: Planning Office
Pinelands Commission
PO Box 359
New Lisbon, NJ 08064
VIA Email: planning@pinelands.nj.gov

FROM: David Glynn Roberts, AICP/PP, LLA, LEED AP ND
For AASMWF Property, LLC (Designated Redeveloper of Block 204, Lots 1 & 2)

SUBJECT: COMMENTS OF DESIGNATED REDEVELOPER IN SUPPORT OF WATERFORD
ORDINANCES 2023-1 and 2023-2

This memorandum provides professional planning comments regarding the consistency of Waterford Township Ordinances 2023-1 and 2023-2 with the New Jersey Pinelands Commission's adopted Comprehensive Management Plan (CMP) and to offer support of approval by the Commission on behalf of the Township's Redeveloper for a proposed project on Block 204, Lots 1 & 2, designated as such by Township of Waterford Resolution #2022-324 adopted on December 14, 2022. The Redeveloper has been working with the Township and Commission's professional staff to develop ordinance standards that incorporate the goals and objectives of the CMP.

The Township of Waterford's Haines Boulevard Redevelopment Area (the "Area") consists of 146 acres in the northwest corner of the Township and shares a municipal border with Berlin Borough. The tract is proximate to mass transit and has available potable water, stormwater, and sanitary sewer infrastructure. There are several commercially developed properties along the Area's southern edge on Route 30, but the Area is largely vacant land, including an abandoned former movie theater site (Block 204, Lot 2) and adjacent vacant land (Block 204, Lot 1) that comprise the southwest corner of the Redevelopment Area at the interchange of US Route 30 and NJ Route 73. The Redevelopment Area is also adjacent to the Atco train station on NJ Route 73. Atco is a stop on the Atlantic City Rail Line that travels between Atlantic City and Philadelphia.

In 2001, the Township Committee declared the Area an "Area in Need of Redevelopment" as defined in the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 et seq. On October 16, 2001 a Redevelopment Plan for the Area was recommended by the Planning Board and subsequently adopted by the Township Committee. The current Haines Boulevard Redevelopment Plan (HBRP)



replaced the original redevelopment plan in April of 2016 and was subsequently amended (Amendment #1) in October of 2016, 15 years after the original redevelopment plan was adopted. The 2016 HBRP introduced the concept of Transit-Oriented Development (TOD) to the entire Redevelopment Area, including a variety of residential uses and densities “to incentivize development and widen the Township’s economic base. This Plan considers opportunities and revised land use standards that will promote development within the Haines Boulevard Redevelopment Area”.

Despite the amendment to the HBRP to incentivize residential development near the Atco train station, there was no response to the Plan from the development community in the more than five years that passed. As a result, the Township Committee determined that it was in the public interest to amend the Haines Boulevard Redevelopment Plan to permit alternative commercial development on Block 204, Lots 1, 2 and 3, among the largest parcels within the Redevelopment Area, and the parcels with direct access to two major highways (Routes 30 and 73). That amendment to the HBRP (Amendment #2) is the purpose of Waterford Ordinance 2023-2, while the purpose of Waterford Ordinance 2023-1 is to refine the streamlining of the review and approval of redevelopment projects within an ordinance that already exists.

The properties affected by Ordinance 2023-2 (Block 204, Lots 1-3) are located within a Regional Growth Area under the Pinelands CMP, which is described as “an area of existing development and adjacent lands capable of accommodating growth while protecting the essential character and environment of the Pinelands”. Lots 1 and 2 are within 1 mile of developed sites such as the former Kmart shopping center, former Owens Corning site, Tractor Supply Company, and the recently approved Capital Flooring building within the Redevelopment Area on Lot 3. As noted in a letter to the Redeveloper dated December 15, 2022, the Pinelands Commission has determined that no wetlands exist on Block 204, Lots 1 & 2. In addition, an ecological analysis of Lots 1 and 2 determined that development would have no impact on critical habitat for threatened and endangered species because the property is located within three major roadways, is previously developed and underutilized, the surrounding landscape includes significant human disturbance, and because the site is absent of water sources.

The proposed ordinance does not replace the TOD land uses previously approved by the Commission in the 2016 HBRP, but is substantially consistent with the underlying zoning within the Redevelopment Area, which permits warehousing and other commercial uses in the subject Ordinance. Ordinance 2023-2 amends the HBRP to allow for a variety of commercial uses as an alternative on the large parcels situated between Haines Boulevard and Routes 30 and 73. Given the economic forces that have emerged and driven the increase in national and regional demand for domestic delivery of goods purchased online, the Township, using the tools provided in the Local Redevelopment and Housing Law (NJSA 40A:12A, et. seq.), has brought about the best opportunity to finally see redevelopment of a portion of

the Redevelopment Area with uses that will provide immediate economic benefits, including employment, with minimal impacts given their access to existing major highways.

With regard to the potential for the subject ordinance to enable a redevelopment project involving warehousing, statewide guidance for the siting of various forms of warehouses, including “last mile” facilities was provided by the Office Of Planning Advocacy (OPA) in a document entitled: “*Distribution Warehousing and Goods Movement Guidelines Policy*”, adopted September 7, 2022. The document states the following regarding the siting of last mile facilities, as an example: “*accommodation should be made for customers in more rural and less suburban areas, where smaller last-mile facilities may be needed to address the final leg of the delivery system or for purposes of cold storage, and generally involve less noxious equipment, comprising a greater proportion of delivery vans than tractor-trailers. It should be noted that last-mile facilities, can, however, still generate high levels of traffic, and should be located in State-designated Centers, Cores, Nodes, Redevelopment Areas, and other formerly developed and underutilized sites, proximate to appropriately scaled interchanges, highways (including along highways), and other transportation infrastructure*”. The properties that are the subject of the proposed ordinances are in a designated redevelopment area within a Regional Growth Area in the CMP and are also “formerly developed and underutilized sites, proximate to appropriately scaled interchanges, highways (interchange of Routes 30 and 73) and other transportation infrastructure” (Atco Train Station).

Finally, Ordinance 2023-2 has incorporated provisions and recommendations from Commission professional staff related to PDCs, as well as refinements to provisions for buffering between commercial and residential uses. As proposed, Ordinance 2023-2 offers a balanced and desirable redevelopment opportunity for properties that were considered “blighted” 22 years ago and have remained vacant despite attempts to incentivize redevelopment of various uses. There would be no detrimental impacts on the purpose or intent of the Commission’s CMP as a result of the approval of Ordinance 2023-2 or Ordinance 2023-1. Implementation of both ordinances will foster development within the Regional Growth Area of the Pinelands where infrastructure can support it, while generating PDC revenue for preservation of lands elsewhere in the Pinelands Area.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-23- 14

TITLE: To Authorize the Executive Director to Establish an Additional Account at The Bank of Princeton for Purposes of Accepting Application Fees Through a Third-Party Payment Module

Commissioner Lloyd moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, the Pinelands Commission wishes to provide applicants with the option of paying all required application fees on-line through a third-party payment module; and

WHEREAS, the Pinelands Commission has engaged Edmunds GovTech as the third party to host the Commission’s on-line fee payment module; and

WHEREAS, in order to ensure that the security of the Commission’s current Operating Account is not compromised, the Executive Director has recommended establishment of a separate bank account to accept the automatic deposits from the third party; and

WHEREAS, the Bank of Princeton requires an authorizing resolution of the Commission in order to create such an additional account; and

WHEREAS, the Commission’s Personnel & Budget Committee has reviewed the proposed on-line payment plan and recommends the establishment of an additional, separate bank account; and

WHEREAS, the Pinelands Commission concurs with 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 the Executive Director is hereby authorized to establish an additional account at The Bank of Princeton for purposes of accepting application fees through the Edmunds GovTech third party payment module.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta	X				Lettman	X				Pikolycky			X	
Avery	X				Lloyd	X				Wallner	X			
Christy			X		Lohbauer	X				Matos	X			
Holroyd	X				Mauriello	X								
Irick			X		Meade			X						

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: April 14, 2023

Susan R. Grogan
Executive Director

Laura E. Matos
Chair



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-23- 15

TITLE: To Authorize the Executive Director to Submit an Application to the New Jersey Historic Trust for a 2023 Preserve New Jersey Historic Preservation Fund Grant and to Certify the Availability of Matching Funds

Commissioner Avery moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, the New Jersey Historic Trust is offering Capital Level II matching grants through the Preserve New Jersey Historic Preservation Fund in 2023 for a wide range of historic preservation projects; and

WHEREAS, agencies and entities of the State government are eligible to apply for grants through this program; and

WHEREAS, to be eligible for a grant, a property must be listed in or eligible to be listed in the New Jersey Register of Historic Places and/or the National Register of Historic Places; and

WHEREAS, Fenwick Manor is listed in both the New Jersey and National Registers of Historic Places; and

WHEREAS, Capital Level II grant applicants may apply for grants of \$150,001 - \$750,000; and

WHEREAS, Capital Level II grants require the recipient to provide matching funds on a 1:1 basis, with the Historic Trust funding 50 percent of the total project cost and the grantee responsible for the remaining 50 percent; and

WHEREAS, the New Jersey Historic Trust requires an applicant to obtain the formal authorization of its governing body for submission of the grant application and to document the availability and commitment of matching funds; and

WHEREAS, the New Jersey Historic Trust requires that all grant funds be used for work conforming to the *Secretary of the Interior's Standards*; and

WHEREAS, through a Historic Site Management grant awarded to the Commission by the New Jersey Historic Trust in 2022, a Preservation Plan has been completed detailing the exterior and interior rehabilitation needs of Fenwick Manor in accordance with the *Secretary of the Interior's Standards*; and

WHEREAS, the Commission wishes to apply for a Capital Level II grant which will be used to complete much of the rehabilitation work required for Fenwick Manor defined in the Preservation Plan; and

WHEREAS, in its Fiscal Year 2016-2022 adopted budgets, the Pinelands Commission reserved funding for repainting of the exterior of Fenwick Manor, \$75,000 of which is available to match a Capital Level II grant; and

WHEREAS, in Fiscal Year 2022, the State of New Jersey made a special \$500,000 appropriation to the Pinelands Commission for the rehabilitation and long-term maintenance of Fenwick Manor, all of which is being made available to match a Capital Level II grant; and

WHEREAS, the total available match for a Capital Level II grant is therefore \$575,000; and

WHEREAS, the Commission's Personnel & Budget Committee has reviewed the Fenwick Manor Preservation Plan and has recommended the Commission's submission of an application to the New Jersey Historic Trust for a Capital Level II grant; 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 Pinelands Commission hereby approves and endorses an application for a Capital Level II grant through the New Jersey Historic Trust and the Preserve New Jersey Historic Preservation Fund for the rehabilitation and preservation of Fenwick Manor.
2. The Pinelands Commission hereby certifies that it will provide all necessary matching funds, up to a maximum of \$575,000.
3. The Executive Director is hereby authorized to submit the grant application and confirm and sign all assurances associated with that application.

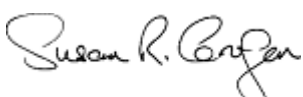
Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta	X				Lettman	X				Pikolycky			X	
Avery	X				Lloyd	X				Wallner	X			
Christy			X		Lohbauer	X				Matos	X			
Holroyd	X				Mauriello	X								
Irick			X		Meade			X						

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: April 14, 2023



Susan R. Grogan
Executive Director



Laura E. Matos
Chair



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-23- _____

TITLE: Approving With Conditions an Application for Public Development (Application Number 1981-0462.007)

Commissioner _____ moves and Commissioner _____ 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:

1981-0462.007

Applicant:	Shamong Township Board of Education
Municipality:	Shamong Township
Management Area:	Pinelands Village
Date of Report:	April 19, 2023
Proposed Development:	Installation of a fire suppression system well at the Indian Mills Elementary School.

WHEREAS, the fire suppression system well was installed on the parcel without application to, and approval by, the Commission and constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP); and

WHEREAS, the applicant proposes to address this violation by completing this application; and

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 1981-0462.007 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*
Asselta					Lettman					Pikolycky				
Avery					Lloyd					Wallner				
Christy					Lohbauer					Matos				
Holroyd					Mauriello									
Irick					Meade									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Executive Director

Laura E. Matos
Chair



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

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(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

April 19, 2023

Laura Archer, School Business Administrator (via email)
Shamong Township Board of Education
295 Indian Mills Road
Shamong NJ 08088

Re: Application # 1981-0462.007
Block 19.02, Lot 4.01
Shamong Township

Dear Ms. Archer:

The Commission staff has completed its review of this application for the installation of a fire suppression system well at the Indian Mills 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 May 12, 2023 meeting.

The fire suppression system well was installed on the parcel without application to the Commission. The installation of the well constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan. Completion of this application is intended to address the violation.

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, Shamong Township Planning Board (via email)
Shamong Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)



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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 19, 2023

Laura Archer, School Business Administrator (via email)
Shamong Township Board of Education
295 Indian Mills Road
Shamong NJ 08088

Application No.: 1981-0462.007
Block 19.02, Lot 4.01
Shamong Township

This application proposes the installation of a 110 foot deep fire suppression system well at the Indian Mills Elementary School located on the above referenced 16 acre parcel in Shamong Township.

The fire suppression well was installed on the parcel without application to the Commission. The installation of the well constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP). Completion of this application is intended to address the violation.

CMP REVIEW STANDARDS

The Commission staff has reviewed the proposed development for consistency with all standards of the CMP. The following reviews the CMP standards that are relevant to this application.

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

The above referenced parcel is located in the Pinelands Village of Indian Mills. A proposed well to service the existing school is a permitted accessory use in a Pinelands Village.

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

The proposed development will be located within an existing maintained non-native grassed area. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

Water Management Standards (N.J.A.C. 7:50-6.86)

The CMP requires that proposed water supply diversions from the Kirkwood-Cohansey aquifer of over 100,000 gallons per day demonstrate consistency with certain water management standards.

There is an existing 150 foot deep potable water well on the parcel that provides water to the school. The existing potable water well utilizes the Kirkwood-Cohansey aquifer. The existing potable water well is subject of a New Jersey Department of Environmental Protection (NJDEP) Water Use Registration. A NJDEP Water Use Registration is required for wells pumping less than 100,000 gallons per day.

The proposed fire suppression system well will also use the Kirkwood-Cohansey aquifer. Together, the existing potable water well and the proposed fire suppression system do not result in a total water supply diversion of more than 100,000 gallons per day from the Kirkwood-Cohansey aquifer. Therefore, the proposed fire suppression system well is not subject to CMP standards for the use of the Kirkwood-Cohansey aquifer. The proposed fire suppression well is consistent with the CMP water management standards.

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on April 3, 2023. The Commission’s public comment period closed on April 14, 2023. 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 on January 30, 2023.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
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 and received by the Commission's office no later than 5:00 PM on May 8, 2023 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-23- _____

TITLE: Approving With Conditions an Application for Public Development (Application Number 1982-3256.011)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

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

1982-3256.011

Applicant:	Shamong Township Board of Education
Municipality:	Shamong Township
Management Area:	Pinelands Regional Growth Area Pinelands Rural Development Area
Date of Report:	April 19, 2023
Proposed Development:	Installation of an irrigation well at the Indian Mills Memorial School.

WHEREAS, the irrigation well subject of this application was installed on the parcel without application to, and approval by, the Commission and constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP); and

WHEREAS, the applicant proposes to address this violation by completing this application; and

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1982-3256.011 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*
Asselta					Lettman					Pikolycky				
Avery					Lloyd					Wallner				
Christy					Lohbauer					Matos				
Holroyd					Mauriello									
Irick					Meade									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Executive Director

Laura E. Matos
Chair



State of New Jersey

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PHILIP D. MURPHY
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SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

April 19, 2023

Laura Archer, School Business Administrator (via email)
Shamong Township Board of Education
295 Indian Mills Road
Shamong NJ 08088

Re: Application # 1982-3256.011
Block 7, Lot 21.02
Shamong Township

Dear Ms. Archer:

The Commission staff has completed its review of this application for the installation of an irrigation well at the Indian Mills Memorial 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 May 12, 2023 meeting.

The irrigation well was installed on the parcel without application to the Commission. The installation of the irrigation well constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan. Completion of this application is intended to address the violation.

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, Shamong Township Planning Board (via email)
Shamong Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)



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Lt. Governor

General Information: Info@pinelands.nj.gov

Application Specific Information: AppInfo@pinelands.nj.gov

LAURA E. MATOS

Chair

SUSAN R. GROGAN

Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 19, 2023

Laura Archer, School Business Administrator (via email)
Shamong Township Board of Education
295 Indian Mills Road
Shamong NJ 08088

Application No.: 1982-3256.011
Block 7, Lot 21.02
Shamong Township

This application proposes the installation of an 80 foot deep irrigation well at the Indian Mills Memorial School located on the above referenced 38 acre parcel in Shamong Township.

The irrigation well was developed on the parcel without application to the Commission. The development of the irrigation well constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP). Completion of this application is intended to address the violation.

CMP REVIEW STANDARDS

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

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

The above referenced parcel is located in a Pinelands Rural Development Area and a Pinelands Regional Growth Area. The existing school is located on the portion of the parcel within the Pinelands Regional Growth Area. The proposed irrigation well will be located within the Pinelands Regional Growth Area. A proposed irrigation well to service the existing school is a permitted 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 an existing maintained grass athletic field. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

Water Management Standards (N.J.A.C. 7:50-6.86)

There is an existing 468 foot deep potable water well on the parcel that provides water to the school. The potable water well utilizes the Wenonah-Mt. Laurel aquifer. The existing potable water well is subject of a New Jersey Department of Environmental Protection (NJDEP) Water Use Registration. An NJDEP Water Use Registration is required for wells pumping less than 100,000 gallons per day.

The proposed irrigation well will utilize the Kirkwood-Cohansey aquifer. Because the proposed irrigation well will not result in a water supply diversion of more than 100,000 gallons per day from the Kirkwood-Cohansey aquifer, it is not subject to CMP standards for use of the Kirkwood-Cohansey aquifer. The proposed irrigation well is consistent with the CMP water management standards.

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on April 3, 2023. The Commission’s public comment period closed on April 14, 2023. 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 on January 30, 2023.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



State of New Jersey

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SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
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 and received by the Commission's office no later than 5:00 PM on May 8, 2023 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-23-_____

TITLE: Approving With Conditions an Application for Public Development (Application Number 1986-0122.024)

Commissioner _____ moves and Commissioner _____ 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:

1986-0122.024

Applicant:	New Jersey Department of Human Services
Municipality:	Woodland Township
Management Area:	Pinelands Preservation Area District
Date of Report:	April 19, 2023
Proposed Development:	Construction of six exterior emergency stairway exits for six buildings at the New Lisbon Developmental Center.

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 1986-0122.024 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*
Asselta					Lettman					Pikolycky				
Avery					Lloyd					Wallner				
Christy					Lohbauer					Matos				
Holroyd					Mauriello									
Irick					Meade									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Executive Director

Laura E. Matos
Chair



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

April 19, 2023

Christian Casteel, Director (via email)
New Jersey Department of Human Services
222 South Warren Street
P.O. Box 700
Trenton NJ 08625

Re: Application # 1986-0122.024
Block 601, Lots 1 - 6, 8 - 12, 14 & 16
Woodland Township

Dear Mr. Casteel:

The Commission staff has completed its review of this application for construction of six exterior emergency stairway exits for six buildings at the New Lisbon Developmental Center. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its May 12, 2023 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, Woodland Township Planning Board (via email)
Woodland Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
Adam Warburton (via email)



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

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 19, 2023

Christian Casteel, Director (via email)
New Jersey Department of Human Services
222 South Warren Street
P.O. Box 700
Trenton NJ 08625

Application No.: 1986-0122.024
Block 601, Lots 1 - 6, 8 - 12, 14 & 16
Woodland Township

This application proposes construction of six exterior emergency stairway exits for six buildings at the New Lisbon Developmental Center located on the above referenced 1,349 acre parcel in Woodland Township.

Each emergency exit will be a stairway to provide for emergency egress from the second story of each building to ground level. The applicant also proposes the installation of a total of approximately 136 linear feet of concrete landing pads, ranging from four to five feet in width, at the base of the proposed stairways.

CMP REVIEW 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. 7:50-5.2(b))

The above referenced parcel is located in the Pinelands Preservation Area District. The New Lisbon Developmental Center is a nonconforming use that existed prior to the 1981 adoption of the Pinelands Comprehensive Management Plan. The CMP allows for a 50 percent expansion of the area of a nonconforming use existing as of January 14, 1981. The six exterior emergency stairway exits comply with this expansion provision.

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

The proposed development will be located within existing maintained lawn areas. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes to utilize grasses that meet that recommendation.

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on March 20, 2023. The Commission’s public comment period closed on April 14, 2023. 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 11 sheets, prepared by Colliers Engineering, dated February 23, 2022 and revised to February 20, 2023.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



State of New Jersey

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PHILIP D. MURPHY
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SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
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 and received by the Commission's office no later than 5:00 PM on May 8, 2023 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-23-_____

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 1986-0257.003)

Commissioner _____ moves and Commissioner _____
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:

1986-0257.003

Applicant:	Nexamp on behalf of the Borough of Woodbine Woodbine Borough
Municipality:	Borough of Woodbine
Management Area:	Pinelands Town
Date of Report:	April 20, 2023
Proposed Development:	Soil capping of a closed municipal landfill.

WHEREAS, the CMP requires that a landfill that ceased operation on or after January 14, 1981 be capped with an impermeable material or subject of an alternative landfill treatment, and the CMP further requires that a plan for such an impermeable landfill cap or for an alternative landfill treatment be submitted to the Commission by May 20, 1997: and

WHEREAS, available information indicates that the Borough of Woodbine landfill ceased operation in 1986, and

WHEREAS, a plan for an impermeable landfill cap or alternative landfill treatment of this landfill was not submitted to the Commission by May 20, 1997, which constitutes a violation of the requirements of the CMP.

WHEREAS, the applicant proposes to address this violation by completing this application; and

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 1986-0257.003 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*
Asselta					Lettman					Pikolycky				
Avery					Lloyd					Wallner				
Christy					Lohbauer					Matos				
Holroyd					Mauriello									
Irick					Meade									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Executive Director

Laura E. Matos
Chair



State of New Jersey

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

April 20, 2023

Dallas Manson (via email)
Nexamp on behalf of the Borough of Woodbine
101 Summer Street, 2nd Floor
Boston, MA 02110

Re: Application # 1986-0257.003
Block 117, Lot 1
Borough of Woodbine

Dear Ms. Manson:

The Commission staff has completed its review of this application for soil capping of a closed municipal landfill. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its May 12, 2023 meeting.

Available information indicates that the landfill ceased operation in 1986. The CMP requires that a landfill that ceased operation on or after January 14, 1981 be capped with an impermeable material or subject of an alternative landfill treatment. The CMP further requires that a plan for an impermeable landfill cap or for an alternative landfill treatment be submitted to the Commission by May 20, 1997 and that the capping or alternative landfill treatment begin immediately following Commission approval of such a plan. A plan for an impermeable landfill cap or alternative landfill treatment of this landfill was not submitted to the Commission by May 20, 1997. This constitutes a violation of the requirements of the CMP. Completion of this application is intended to resolve the violation.

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)
Eduardo Ortiz, Borough of Woodbine (via email)
Chad Gaulrapp (via email)



State of New Jersey

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SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 20, 2023

Dallas Manson (via email)
Nexamp on behalf of the Borough of Woodbine
101 Summer Street, 2nd Floor
Boston, MA 02110

Application No.: 1986-0257.003
Block 117, Lot 1
Borough of Woodbine

This application proposes a soil cap on a closed 53 acre municipal landfill located on the above referenced 115.6 acre parcel in the Borough of Woodbine. The parcel is owned by the Borough of Woodbine.

The applicant proposes the removal of all forest and shrub vegetation from within the 53 acres comprising the limits of the closed landfill to accomplish the soil capping. The existing landfill will then be graded to final design grades. Any waste or existing cover soils disturbed during the proposed grading will remain within the limits of the existing landfill and ultimately be placed under the soil cap. The soil cap will be comprised of 18 inches of cover soil topped with 6 inches of topsoil. The soil capped landfill will then be revegetated with native Pinelands grasses.

Available information indicates that the landfill ceased operation in 1986. The CMP requires that a landfill that ceased operation on or after January 14, 1981 be capped with an impermeable material or subject of an alternative landfill treatment. The CMP further requires that a plan for an impermeable landfill cap or for an alternative landfill treatment be submitted to the Commission by May 20, 1997 and that the capping or alternative landfill treatment begin immediately following Commission approval of such a plan. A plan for an impermeable landfill cap or alternative landfill treatment of this landfill was not submitted to the Commission by May 20, 1997. This constitutes a violation of the requirements of the CMP. Completion of this application is intended to resolve the violation.

The CMP (N.J.A.C. 7:50-4.2(c)1.ii) provides that, except for an application made exclusively to resolve an outstanding violation, no other application shall be deemed complete by the Executive Director if there are outstanding unresolved violations of the CMP on the parcel until such time as the violator has specifically agreed in writing to take all measures that have been specified by the Executive Director as being necessary to eliminate the violation in a time period acceptable to the Executive Director.

The Commission staff deemed an application complete for a proposed 39 acre solar energy facility on the parcel (App. No. 1986-0257.002). On January 27, 2022, the Commission issued a Certificate of Filing for the proposed solar energy facility. The solar energy facility will be located on the landfill soil cap proposed in this application. The Executive Director determined that the application for the solar energy facility could be deemed complete based upon the filing of this application for the capping of the landfill and imposition of a condition on the solar energy facility Certificate of Filing specifying that no development of the solar energy facility could occur prior to Commission approval and the subsequent development of either an impermeable landfill cap or an alternative treatment method. The Executive Director determined that the filing of an application for the capping of the landfill in combination with the conditions specified in the Certificate of Filing for the solar energy facility fulfilled the CMP requirement to eliminate the violation in a time period acceptable to the Executive Director.

CMP REVIEW STANDARDS

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

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

The parcel is located in the Pinelands Town of Woodbine. The capping of a closed landfill is permitted in all Pinelands land management areas.

Wetlands Standards (N.J.A.C. 7:50-6.6)

There are wetlands located on the parcel. All development associated with the soil capping of the closed landfill will be located at least 300 feet from the wetlands.

Available generalized wetlands mapping depicts wetlands within the limits of the closed landfill. The plan submitted to the Pinelands Commission for this application depicts small depressional areas on the surface of the closed landfill. These depressional areas were formed when soil cover was placed over areas of the landfill after disposal of solid waste after the January 14, 1981 effective date of the CMP. Upland areas that have been excavated or graded after the January 14, 1981 effective date of the CMP in such a manner as to retain or trap water and possibly support wetlands vegetation are not considered wetlands by the Commission. To do so would result in such development as stormwater management basins, agricultural irrigation ponds and mining areas developed in uplands after the January 14, 1981 effective date of the CMP, being considered wetlands.

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

The proposed development will be located within the limits of the existing landfill. The existing landfill has naturally revegetated with pine and hardwood trees. The proposed development will result in the clearing of approximately 53 acres of forest. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development associated with the soil capping of the closed landfill.

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 revegetate the soil cap with a grass seed mixture which meets that recommendation.

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

In 2008, a threatened and endangered (T&E) species survey was completed on the parcel. The survey included searches for Northern pine snake, Barred owl, Southern gray treefrog, Slender nut rush and Pine Barrens reedgrass. A Barred owl was heard calling on the parcel on one night during a call-playback survey. Based upon the absence of suitable nesting trees and plucking stations, the survey concluded that the parcel did not contain critical habitat for Barred owl. Upon review of the 2008 T&E species survey, the Commission staff requested a supplemental Northern pine snake visual survey in 2010. During the 2010 visual survey, a Northern pine snake was observed, but not tracked, on the parcel. No further survey work was completed at that time.

In 2009, a T&E species survey for Northern pine snake was completed on the contiguous 659 acre Woodbine Airport parcel. That survey identified two Northern pine snakes on the Woodbine Airport parcel. Both a Northern pine snake winter den and a Northern pine snake nest were located on the cleared infield area of the Woodbine Airport. The cleared infield area of the Woodbine Airport is located approximately 1,250 feet from the disturbance associated with the soil capping of the closed landfill. One of the Northern pine snakes was tracked throughout the 2009 field season. The tracked Northern pine snake spent 90 percent of its time on the Woodbine Airport parcel, 0.5 percent of its time in a railroad right of way located between the Airport parcel and the landfill parcel and 9.5 percent of its time on the landfill parcel. The 2009 T&E species survey concluded that the Northern pine snake winter den and Northern pine snake nest locations on the Airport parcel were critical habitat. The survey further concluded that 7.63 acres on the Airport parcel were important habitat.

In 2022, another T&E species survey was completed on the landfill parcel for Northern pine snake, Cope's grey treefrog, Slender nut rush and Pine Barrens reedgrass. No Northern pine snake or other targeted T&E plant or animal species were documented on the parcel.

The CMP requires that development be designed to avoid irreversible adverse impacts on habitats critical to the survival of any local population of T&E animal species. A Barred owl was heard calling during the 2008 survey. The area where the Barred owl was observed is located to the south of the limits of the closed landfill. That area will not be disturbed by the proposed soil capping of the landfill. Two Northern pine snakes were located on the landfill parcel during surveys conducted in 2008 and 2009. Based upon historical aerial photography, at the time of those prior surveys, the closed landfill was mostly comprised of open sandy areas and native grassed areas. Currently, the closed landfill is mostly comprised of successional pitch pine forest. No Northern pine snakes were identified during the 2022 survey of the landfill parcel. That survey included the monitoring of 90 shelter boards placed on the landfill.

Critical habitat for Northern pine snake exists on the adjacent Airport parcel. Based upon the totality of the available information regarding Northern pine snake, it is the Commission staff's opinion that, while foraging habitat for Northern pine snake exists on the landfill parcel, no critical habitat for Northern pine snake exists on the portion of the landfill parcel proposed to be disturbed by the soil capping. After the 53 acre soil cap is completed, 62.6 acres of the 115.6 acre landfill parcel will continue to be available for Northern Pine snake foraging habitat. Based on the facts set forth above, it has been demonstrated that the proposed soil capping will not result in an irreversible adverse impact on habitats that are critical to the survival of any local population of Barred owl or Northern pine snake.

Landfill Standards (N.J.A.C. 7:50-6.75)

The CMP requires that all landfills located in a Pinelands Town that ceased operation on or after January 14, 1981 be capped with an impermeable material unless it can be clearly demonstrated that one of four CMP specified conditions can be met. If one of those four conditions can be met, the landfill can be subject of an alternative treatment, other than an impermeable cap. One of the four CMP specified conditions that can be met to allow for an alternative landfill treatment is that if a leachate plume associated with the landfill exists, it poses no significant ecological risk to wetlands.

There is a leachate plume associated with this landfill. The nearest downgradient wetland in the path of the leachate plume is located approximately 300 feet south of the landfill. To demonstrate that the leachate plume poses no significant ecological risk to that wetland, the applicant prepared and submitted a detailed conceptual site model that depicts and evaluates the landfill and its surrounding environs, a hydrogeologic framework model, groundwater monitoring data, New Jersey Department of Environmental Protection ecological screening criteria and an ecotoxicology report. The applicant also evaluated the hydraulic conditions of the water table and submitted information demonstrating that a diving plume exists due to a slight hydraulic gradient present at this location. A diving plume refers to a gradual downward vertical migration of a contaminant plume. In this case, the diving plume prevents landfill leachate constituents detected in the plume from having a migration pathway to the wetland. A certification was submitted by the applicant's New Jersey Licensed Site Remediation Professional indicating that the landfill does not pose a significant ecological risk to wetlands and may be closed by using a soil cap. The applicant has demonstrated that the proposed soil cap is consistent with the landfill closure standards of the CMP.

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

The applicant has demonstrated that the proposed development is consistent with CMP stormwater management standards. To meet the stormwater management standards, the applicant will be constructing two stormwater infiltration basins.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on November 22, 2022. Newspaper public notice was completed on November 23, 2022. The application was designated as complete on the Commission's website on March 24, 2023. The Commission's public comment period closed on April 14, 2023. 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 two sheets (Sheets 9 & 10 of 38), prepared by Pennoni Associates Inc., and dated December 4, 2020.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP.

Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.

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

CONCLUSION

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



State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY
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SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
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 and received by the Commission's office no later than 5:00 PM on May 9, 2023 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-23-_____

TITLE: Approving With Conditions an Application for Public Development (Application Number 1991-1291.003)

Commissioner _____ moves and Commissioner _____ 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:

1991-1291.003

Applicant:	Buena Regional Board of Education
Municipality:	Buena Vista Township
Management Area:	Pinelands Town Pinelands Rural Development Area
Date of Report:	April 20, 2023
Proposed Development:	Expansion of an existing school bus student drop off area at the Milanese 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 1991-1291.003 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*
Asselta					Lettman					Pikolycky				
Avery					Lloyd					Wallner				
Christy					Lohbauer					Matos				
Holroyd					Mauriello									
Irick					Meade									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Executive Director

Laura E. Matos
Chair



State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

April 20, 2023

David Cappuccio, Superintendent (via email)
Buena Regional Board of Education
P.O. Box 309
Buena NJ 08310

Re: Application # 1991-1291.003
Current Block 5301, Lot 1
Former Block 5301, Lots 1 & 35
Former Block 5402, Lot 11
Buena Vista Township

Dear Mr. Cappuccio:

The Commission staff has completed its review of this application for expansion of an existing school bus student drop off area at the Milanese 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 May 12, 2023 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, Buena Vista Township Planning Board (via email)
Buena Vista Township Construction Code Official (via email)
Buena Vista Township Environmental Commission (via email)
Atlantic County Department of Regional Planning and Development (via email)

Atlantic County Division of Public Health (via email)
David Scheidegg, PE (via email)



State of New Jersey

THE PINELANDS COMMISSION

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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 20, 2023

David Cappuccio, Superintendent (via email)
Buena Regional Board of Education
P.O. Box 309
Buena NJ 08310

Application No.: 1991-1291.003
Current Block 5301, Lot 1
Former Block 5301, Lots 1 & 35
Former Block 5402, Lot 11
Buena Vista Township

This application proposes expansion of an existing school bus student drop off area at the Milanese Elementary School located on the above referenced 133.49 acre parcel in Buena Vista Township.

The application also proposes the realignment of an existing driveway that services the existing school bus student drop off area. The applicant has indicated that the proposed development will improve student and vehicle safety.

CMP REVIEW 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(a))

The parcel is located partially within the Pinelands Town of Buena (13.75 ac) and partially within a Pinelands Rural Development Area (119.74 ac). The proposed development is located within the portion of the parcel located in the Pinelands Town of Buena. The proposed development is a permitted land use in a Pinelands Town.

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

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be constructing two stormwater management basins and enlarging an existing stormwater management basin.

Wetlands Standards (N.J.A.C. 7:50-6.6, 6.7 & 6.13)

There are wetlands located within 300 feet of the proposed development. The CMP prohibits most development in wetlands and requires a buffer of up to 300 feet to wetlands.

The CMP permits linear improvements (driveways) in the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The proposed realigned driveway will be located within the required buffer to wetlands. The realigned driveway will be located in an existing maintained lawn area. The applicant has demonstrated that there is no feasible alternative to the proposed realigned driveway that does not involve development in the required buffer to wetlands or that will result in a less significant adverse impact to the required buffer to wetlands. The proposed realigned driveway will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands. The applicant has represented that the realigned driveway is necessary to improve student and vehicle safety. The applicant has demonstrated that the need for the proposed realigned driveway overrides the importance of protecting the wetlands.

The existing school fronts on U.S. Route 40 (Harding Highway). The proposed expansion of the existing school bus student drop off area will be located approximately 175 feet from an existing maintained grassed wetland swale located along Harding Highway and approximately 225 feet from a forested wetlands located across Harding Highway from the school parcel. The expansion of the existing school bus student drop off area will be located in an existing maintained lawn area.

One proposed stormwater management basin will be located approximately 80 feet from the existing grassed wetland swale located along Harding Highway and approximately 130 feet from the forested wetlands located across Harding Highway from the school parcel. A second proposed stormwater management basin will be located approximately 20 feet from the existing grassed wetland swale located along Harding Highway and approximately 105 feet from the forested wetlands located across Harding Highway from the school parcel. These two proposed stormwater management basins will be located in existing maintained lawn areas.

A third existing stormwater basin, located behind the school, is proposed to be enlarged. This basin is located greater than 300 feet from wetlands.

The applicant has demonstrated that the proposed expansion of the existing school bus student drop off area and the two proposed stormwater management basins that will be located within 300 feet of wetlands will not result in a significant adverse impact to the wetlands (N.J.A.C. 7:50-6.7).

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

The proposed development will be located within existing paved and maintained grassed areas. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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 6, 2023. Newspaper public notice was completed on February 3, 2023. The application was designated as complete on the Commission's website on April 4, 2023. The Commission's public comment period closed on April 14, 2023. 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 seven sheets, prepared by Schaeffer Nassar Scheidegg Consulting Engineers, LLC and dated as follows:

Sheets 1, 6 & 7 - December 6, 2021; last revised April 11, 2023

Sheet 2 - December 6, 2021; last revised April 12, 2022

Sheets 3 & 4 - December 6, 2021; last revised April 17, 2023

Sheet 5 - December 6, 2021; last revised April 18, 2023

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

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



State of New Jersey

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
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 and received by the Commission's office no later than 5:00 PM on May 8, 2023 and include the following information:

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

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



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 THE PINELANDS COMMISSION
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PHILIP D. MURPHY
 Governor
 SHEILA Y. OLIVER
 Lt. Governor

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

LAURA E. MATOS
 Chair
 SUSAN R. GROGAN
 Executive Director

MEMORANDUM

To: Members of the Pinelands Commission

From: Charles M. Horner, P.P. *C.M.H.*
 Director of Regulatory Programs

Date: May 3, 2023

Subject: Application # 2005-0232.006
 Block 20, Lot 1
 Borough of South Toms River

The March 23, 2023 Public Development Application Report accompanying this memorandum was originally scheduled to be acted on at the Commission’s April 14, 2023 monthly meeting. At that meeting, a question was posed as to whether a portion of the 42.15 acre parcel may be encumbered by New Jersey Department of Environmental Protection (NJDEP) Green Acres Program restrictions. Commission action on the application was deferred to allow time for Commission staff to respond to that question.

By letter dated April 19, 2023 (attached), the Commission staff ask the applicant to provide certain information regarding NJDEP, Green Acres Program restrictions on the parcel.

The applicant responded that there is a 5.5 acre portion of the 42.15 acre parcel that is subject to NJDEP, Green Acres Program restrictions. However, the proposed addition to the public works garage and expanded parking area are not located in that 5.5 acre portion of the parcel. The applicant provided a plan delineating the portion of the parcel that is subject to the NJDEP, Green Acres Program restrictions.

We have provided the submitted information to the NJDEP, Green Acres Program. We anticipate written confirmation of the applicant’s representation from the NJDEP, Green Acres Program by the May 12, 2023 monthly Commission meeting. Such confirmation would allow the Commission to act on the application at the May 12, 2023 meeting. At that meeting, we will display an aerial depicting the 42.15 acre parcel, the five proposed lots, the area subject of proposed development and the area of the 5.5 acre portion of the parcel encumbered by the NJDEP, Green Acres Program restrictions.

Please do not hesitate to contact me with any questions.

Attach (1) Commission 4/19/23 letter



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General Information: Info@pinelands.nj.gov
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LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

April 19, 2023

Chris Santiago, C.F.O. (via email)
Borough of South Toms River
19 Double Trouble Road
South Toms River NJ 08757

Re: Application # 2005-0232.006
Block 20, Lot 1
Borough of South Toms River

Dear Mr. Santiago:

The Borough of South Toms River applied to the Pinelands Commission for a four lot subdivision, a two lot subdivision, the construction of an 800 square foot addition to an existing 3,838 square foot public works garage and a 5,500 square foot expansion of an existing gravel parking lot, all on the above referenced 42.15 acre lot. The two proposed subdivisions will result in a total of five lots.

Although the proposed four lot subdivision has yet to be approved by the Commission, the Borough tax map currently reflects that the above referenced 42.15 acre lot is comprised of the following four proposed lots:

- Lot 1.02: There is an existing recreation building and recreation fields located on this lot.
- Lot 1.03: The existing public works garage and parking lot are located on this lot.
- Lot 1.04: A portion of an existing municipal landfill is located on this lot.
- Lot 1.05: An existing electric transmission line and a portion of the existing municipal landfill are located on this lot.

The proposed two lot subdivision will create new Lot 1.07 (containing 1.728 acres). New Lot 1.07 will be created by subdividing a 0.98 acre portion off from proposed Lot 1.02 and a 0.75 acre portion off from proposed Lot 1.03. An application has been initiated, but not completed, with the Pinelands Commission for the development of 30 dwelling units on proposed Lot 1.07.

Based upon our review of the online New Jersey Department of Environmental Protection (NJDEP) Green Acres Recreation Open Space Inventory, it is our understanding that proposed Lot 1.02 is currently encumbered by Green Acres restrictions.

Please submit each of the following:

1. Indicate whether all, or a portion, of proposed Lot 1.02 is currently encumbered by any Green Acres restrictions. If so, please provide information which describes the restrictions.
2. Indicate whether proposed Lots 1.03, 1.04, and/or 1.05 are encumbered by any Green Acres restrictions. If so, please provide information which describes the restrictions.
3. Indicate whether area within proposed Lot 1.07 is encumbered by any Green Acres restrictions. If so, please provide information which describes the restrictions.
4. Please revise the minor subdivision plan prepared by Van Cleef Engineering and dated November 15, 2022 to clearly identify and delineate any area(s) of the 42.15 acre lot subject of Green Acres restrictions.

Please submit all application-related materials, including large reports and plans, in digital format to appinfo@pinelands.nj.gov. All plans must be in .pdf format.

Please include your application number on any submitted information.

If you have any questions, please contact Brian Szura of our staff.

Sincerely,



Charles M. Horner, P.P.

Director of Regulatory Programs

- c: Chris Dasti, Jr., Municipal Attorney, South Toms River Borough (via email)
Nancy Lawrence, NJDEP Green Acres Program (via email)
F. William Groff, III, PE, CME (via email)
Robin La Bue, Esq. (via email)



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-23- _____

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 2005-0232.006)

Commissioner _____ **moves and Commissioner** _____ **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:

2005-0232.006

Applicant:

Borough of South Toms River

Municipality:

Borough of South Toms River

Management Area:

Pinelands Regional Growth Area

Date of Report:

March 23, 2023

Proposed Development:

A four lot subdivision, a two lot subdivision, the construction of an 800 square foot addition to an existing 3,838 square foot public works garage and a 5,500 square foot expansion of an existing gravel parking lot.

WHEREAS, all of the development, including the two subdivisions, subject of this application occurred prior to the completion of an application with the Commission in violation of the application requirements of the Borough of South Toms River and the Pinelands Comprehensive Management Plan; and

WHEREAS, the applicant has completed this application to address the violations associated with the two subdivisions and the construction of an 800 square foot addition to an existing 3,898 square foot public works garage; and

WHEREAS; the applicant proposes to address a 16,000 square foot gravel parking lot expansion that occurred by completing an application for a 5,500 square foot portion of the gravel parking lot expansion and removing and revegetating an approximately 10,500 square foot portion of the gravel parking lot; and

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 2005-0232.006 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*
Asselta					Lettman					Pikolycky				
Avery					Lloyd					Wallner				
Christy					Lohbauer					Matos				
Holroyd					Mauriello									
Irick					Meade									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Executive Director

Laura E. Matos
Chair



State of New Jersey

THE PINELANDS COMMISSION

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LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

March 23, 2023

Joseph Kostecki, Administrator (via email)
Borough of South Toms River
19 Double Trouble Road
South Toms River NJ 08757

Re: Application # 2005-0232.006
Block 20, Lot 1
Borough of South Toms River

Dear Mr. Kostecki:

The Commission staff has completed its review of this application for a four lot subdivision, a two lot subdivision, the construction of an 800 square foot addition to an existing 3,838 square foot public works garage and a 5,500 square foot expansion of an existing gravel parking lot. The two proposed subdivisions will result in a total of five lots. 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 April 14, 2023 meeting.

The development, including the two subdivisions, subject of this application occurred prior to the completion of an application with the Commission in violation of the application requirements of the Borough of South Toms River and the Pinelands Comprehensive Management Plan (CMP). The applicant proposes to remove and revegetate an approximately 10,500 square foot portion of a 16,000 square foot gravel parking lot expansion that occurred in violation of the application requirements of the Borough of South Toms River and the CMP. This will result in a 5,500 square foot expansion of the existing gravel parking lot.

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 South Toms River Planning Board (via email)
Borough of South Toms River Construction Code Official (via email)
Borough of South Toms River Environmental Commission (via email)
Secretary, Ocean County Planning Board (via email)
F. William Groff, III, PE, CME (via email)
Robin La Bue, Esq. (via email)
Marjorie Condren (via email)
Christina Fragoso (via email)



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LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

March 23, 2023

Joseph Kostecki, Administrator (via email)
Borough of South Toms River
19 Double Trouble Road
South Toms River NJ 08757

Application No.: 2005-0232.006
Block 20, Lot 1
Borough of South Toms River

This application proposes a four lot subdivision, a two lot subdivision, the construction of an 800 square foot addition to an existing 3,838 square foot public works garage and a 5,500 square foot expansion of an existing gravel parking lot located on the above referenced 42.15 acre parcel in the Borough of South Toms River. The two proposed subdivisions will result in a total of five lots. There is also an existing municipal landfill and an 11,132 square foot recreation center building and athletic fields located on the parcel.

The development, including the two subdivisions, subject of this application occurred prior to the completion of an application with the Commission in violation of the application requirements of the Borough of South Toms River and the Pinelands Comprehensive Management Plan (CMP). The applicant proposes to remove and revegetate an approximately 10,500 square foot portion of a 16,000 square foot gravel parking lot expansion that occurred in violation of the application requirements of the Borough of South Toms River and the CMP. This will result in a 5,500 square foot expansion of the existing gravel parking lot.

Available information indicates that the existing municipal landfill on the parcel accepted waste until 1986. The CMP requires that the existing landfill be capped with an impermeable material or be subject of an alternative landfill treatment. The CMP requires that plans for an impermeable landfill cap or for an alternative landfill treatment be submitted to the Commission by May 20, 1997 and that the capping or alternative landfill treatment begin immediately following Commission approval of such a plan. A plan for an impermeable landfill cap or alternative landfill treatment at the existing landfill was not submitted to the Commission by May 20, 1997. This constitutes a violation of the requirements of the CMP. By letter dated January 5, 2023, an attorney representing the Borough of South Toms River advised the Commission that, in fiscal year 2023, the Borough received a \$5 million dollar state appropriation to fund the capping of the landfill. By letter dated February 3, 2023, the Commission staff requested that the Borough submit a schedule for the completion of an application for the capping of the landfill.

The CMP (N.J.A.C. 7:50-4.2(c)1.ii) provides, in part, that, except for an application made exclusively to resolve an outstanding violation, no other application shall be deemed complete by the Executive Director if there are outstanding unresolved violations of the CMP on the parcel which is subject of the application. This application is made exclusively to resolve the four outstanding violations on the parcel subject of this application.

STANDARDS

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

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

The parcel is located in a Pinelands Regional Growth Area. The proposed four lot subdivision, two lot subdivision, the construction of an 800 square foot addition to an existing 3,838 square foot public works garage and a 5,500 square foot expansion of an existing gravel parking lot are all permitted 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 on existing gravel and disturbed soil areas. No clearing or soil disturbance will be located within the limits of the existing landfill on the parcel. The clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development associated with the building addition and expanded gravel parking lot.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to utilize a seed mixture which meets that recommendation. To resolve the violation associated with the gravel parking lot that was expanded without application to the Commission, a 10,500 square foot portion of the gravel parking lot will be removed, topsoiled and seeded with grass species that are tolerant of droughty, nutrient poor conditions.

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

The existing and proposed development is serviced by public sanitary sewer.

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on December 21, 2022. Newspaper public notice was completed on January 6, 2023. The application was designated as complete on the Commission's website on February 27, 2023. The Commission's public comment period closed on March 10, 2023. 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 following plans:
 - Site plan consisting of eight sheets, prepared by O'Donnell, Stanton & Associates, all sheets dated March 25, 2021 and revised to June 29, 2021
 - Minor subdivision plan prepared by Van Cleef Engineering and dated November 15, 2022
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. The applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



State of New Jersey

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LAURA E. MATOS
Chair
SUSAN R. GROGAN
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 and received by the Commission's office no later than 5:00 PM on April 10, 2023 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-23-_____

TITLE: Issuing an Order to Certify Monroe Township Ordinance O:04-2023, Adopting the Hexa Builders Redevelopment Plan

Commissioner _____ moves and Commissioner _____
seconds the motion that:

WHEREAS, on September 9, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Monroe Township; and

WHEREAS, Resolution #PC4-83-76 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and 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 municipal 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 #PC4-83-76 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 February 28, 2023, the Monroe Township Council adopted Ordinance O:04-2023, adopting the Hexa Builders Redevelopment Plan; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance O:04-2023 on March 1, 2023; and

WHEREAS, by letter dated March 6, 2023, the Executive Director notified the Township that Ordinance O:04-2023 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Monroe Township Ordinance O:04-2023 was duly advertised, noticed and remotely held on April 5, 2023 at 9:30 a.m. with live broadcast on the Pinelands Commission's public YouTube channel and opportunity for the public to call-in during the live broadcast; and

WHEREAS, the Executive Director has found that Monroe Township Ordinance O:04-2023 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 Monroe Township Ordinance O:04-2023 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 Monroe Township Ordinance O:04-2023 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Monroe Township Ordinance O:04-2023 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 Monroe Township Ordinance O:04-2023, adopting the Hexa Builders Redevelopment Plan, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Monroe 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*
Avery					Lettman					Pikolycky				
Asselta					Lloyd					Wallner				
Christy					Lohbauer					Matos				
Holroyd					Mauriello									
Irick					Meade									

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Executive Director

Laura E. Matos
Chair



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



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

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

Report on Monroe Township Ordinance O:04-2023, Adopting the Hexa Builders Redevelopment Plan

April 28, 2023

Monroe Township
125 Virginia Avenue
Williamstown, NJ 08094

Findings of Fact

I. Background

The Township of Monroe is located in the western section of the Pinelands Area in Gloucester County. Pinelands municipalities that abut Monroe Township include Franklin Township in Gloucester County, Winslow Township in Camden County and the Borough of Folsom and the Township of Buena Vista in Atlantic County.

On September 9, 1983, the Pinelands Commission fully certified the Master Plan and Comprehensive Land Management Ordinance of Monroe Township, now codified as Chapter 175 (Land Management) of the Township's Code.

On February 28, 2023, the Monroe Township Council adopted Ordinance O:04-2023, approving the Hexa Builders Redevelopment Plan, which is located in a Pinelands Regional Growth Area and a Pinelands Rural Development Area. The Pinelands Commission received a certified copy of Ordinance O:04-2023 on March 1, 2023.

By letter dated March 6, 2023, the Executive Director notified the Township that Ordinance O:04-2023 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 O:04-2023, adopting the Hexa Builders Redevelopment Plan, introduced on February 13, 2023, and adopted on February 28, 2023

This ordinance has been reviewed to determine whether it conforms with the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50-3.39 of the Pinelands Comprehensive Management Plan. 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 Master Plans and Land Use Ordinances Relating to Development Standards

Ordinance O:04-2023 adopts the Hexa Builders Redevelopment Plan, dated August 4, 2022. This new redevelopment area consists of three lots (Block 8401, Lots 8, 9, and 10) approximating 158 acres fronting the Black Horse Pike (U.S. Route 322) (see Exhibit #1). The redevelopment area is composed of undeveloped forested areas and agricultural lands. Approximately 127 acres are located within the Township's Regional Growth Mixed-Use (RG-MU) District and the remaining 31 acres (a portion of Lot 9) are located within the Rural Development Residential Receiving (RD-RR) District. The RG-MU District is located within a Pinelands Regional Growth Area and the RD-RR District is located within a Pinelands Rural Development Area.

In 2010, Monroe Township adopted, and the Commission certified, Ordinance O:07-2010 establishing the RG-MU District. The RG-MU District permits agriculture, public service infrastructure and planned development. Planned development within this district requires a minimum tract size of 100 acres, of which at least 15 acres, and up to 30 acres, must be devoted to community commercial uses. Planned development also requires at least one of the following uses: congregate care facility, long-term care facility, nursing home, assisted living facility, independent living facility or continuing care retirement community. The remaining residential component of the planned development must provide a minimum of 400 units and allows for up to six dwelling units per acre within the residential portion of the overall tract. A variety of housing types are permitted, including single-family detached dwellings, single-family semidetached dwellings, single-family attached dwellings, multifamily dwellings, apartments, independent living facilities and assisted living facilities. RG-MU District standards provide for a maximum lot coverage that ranges from 50% for single-family detached units up to 75% for townhouses and community commercial uses. Pinelands Development Credits (PDCs) must be used for 25% of market-rate units. Additionally, if a planned development fails to meet the 400-unit minimum requirement, one-quarter of a PDC must be purchased and redeemed for every residential unit less than 400 units.

The RD-RR District permits residential uses, agriculture, forestry, recreational facilities, public service infrastructure, and institutional uses. Residential dwelling units are permitted at one unit per 3.2 acres. Clustering of residential units on 1-acre lots is required whenever two or more units are proposed as part of a residential development. The municipal Density Transfer Program also permits residential development on lots as small as one acre, provided that sufficient land (either contiguous or noncontiguous) is purchased and deed restricted within the Rural

Development Residential Sending (RD-RS) District which, when combined with the acreage of the lot proposed for development, equals at least five acres.

The purpose of the Hexa Builders Redevelopment Plan is to fulfill a regional commercial need for warehousing and a local desire to develop the Township's Regional Growth Areas along U.S. Route 322. To that end, the redevelopment plan establishes new land development regulations for the Regional Growth Area portion of the redevelopment area that expressly supersede the RG-MU District regulations. However, if the redevelopment plan is not implemented by a redeveloper, the underlying RG-MU district remains in effect. In recognition of the minimal development potential in the Rural Development Area portion of the redevelopment area, due to wetlands and wetland buffers, the existing underlying RD-RR District regulations are maintained.

Within the Regional Growth Area, the redevelopment plan permits warehouse, storage, and distribution facilities as well as office space specific to warehouse operations. The plan provides area and bulk standards. Development standards are also provided for parking and loading, lighting, signage and landscaped buffers. The plan allows for a maximum lot coverage of 65% (the preliminary concept plan shared by the Township shows approximately 42% lot coverage). A 100-foot setback is required when abutting an existing residential use or residential zone. The residential setback is required to have adequate landscaping and screening to minimize visual and noise impacts. The development standards also require that all buildings of 100,000 square feet or more must be designed and constructed to support rooftop solar installation in accordance with P.L. 2021, c.290. The plan also requires PDCs to be acquired and redeemed for the development of any principal, non-residential use in the Regional Growth Area portion of the redevelopment area at a rate of one-quarter PDC for every 18,000 square feet of gross floor area. Lastly, the redevelopment plan expressly requires that any development within the redevelopment area meet the minimum environmental standards of the Pinelands Comprehensive Management Plan.

Impacts to the Residential Zoning Capacity of Monroe Township's Regional Growth Area

As noted above, if the Hexa Builders Redevelopment Plan is not implemented, the underlying RG-MU District regulations remain in effect. Therefore, the residential zoning capacity of the Township's Regional Growth Area theoretically remains unchanged. The previously certified RG-MU District established a residential zoning capacity that allowed for a maximum of 636 new residential units. Such a residential density is significantly higher than that prescribed by the CMP for Monroe Township's Regional Growth Area. The CMP requires the Township to zone for a density of only three units per upland acre in its Regional Growth Area, which translates to 357 units (N.J.A.C. 7:50-5.28(a)1 and 3). In certifying the RG-MU District, the Commission previously found that the area met the CMP criteria for increased residential densities in the Regional Growth Area (N.J.A.C. 7:50-5.28(a)7).

However, based on application information submitted to the Commission and information provided by the Township (see Exhibit #8), there is a strong likelihood that the Hexa Builders Redevelopment Area will be developed exclusively for non-residential use if Ordinance O:04-2023 is certified. Given these facts, Commission staff evaluated whether the Regional Growth Area portion of the redevelopment area is appropriate for non-residential development and whether the PDC program would be negatively impacted by the expected loss in residential development potential in that area.

It is important to note that Ordinance O:07-2010, which established the RG-MU District, was part of a larger Township-wide comprehensive rezoning involving Pinelands management area changes. The certification of the 127-acre RG-MU District necessitated a redesignation of the underlying lands from Rural Development Area to Regional Growth Area. (This was approved alongside other zoning changes that redesignated 2,785 acres from Rural Development Area to Forest Area within the Township). Prior to this zoning change, the Pinelands Commission's Ecological Integrity Assessment (EIA) Project had recommended this site as suitable for redesignation to Regional Growth Area. A number of contributing factors were considered in staff's recommendation, including the fact that most of the area has a relatively low ecological integrity assessment score; the fact that the area consists largely of non-habitat (i.e., agricultural fields); the fact that the area is contiguous with an existing Regional Growth Area; the area's proximity to a major public road and other infrastructure necessary to support growth; the lack of any public development plans for the area that would be inconsistent with additional development there; and, the lack of any data presently on hand that would indicate the presence of threatened and endangered species or their habitat. These findings are still valid, and it must be reiterated that U.S. Route 322 is a long-established, commercial corridor within the Township with a variety of non-residential uses fronting the highway within the Township's Regional Growth Area. The fronting highway, existing development patterns and prior zoning support the appropriateness of this area for non-residential development.

Importantly, the redevelopment plan includes a PDC requirement for permitted non-residential development in recognition of the potential elimination of up to 636 residential units and opportunities for the use of up to 127 PDC rights if the area is developed for nonresidential use. When a municipality has determined that an area is appropriate for residential development in its Regional Growth Area, zoned it for residential uses and established a PDC obligation, the Commission must carefully evaluate proposals to rezone for strictly non-residential uses with a careful eye to the impacts to the Pinelands Development Credit Program. As discussed in Section 8 below, the PDC requirements for the redevelopment area ensure that the PDC Program is not negatively impacted by these amendments.

Ordinance O:04-2023 is consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, 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

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 (PDCs) as provided for in N.J.A.C. 7:50-5.28(a)3.

The certified RG-MU District requires that PDCs be acquired and redeemed for 25% of all market-rate residential units. The use of PDCs is not required for those units made affordable to low- and moderate-income households. At least 20% of the units within the RG-MU District are required to be made affordable. Based on the six unit per acre maximum density and the 20% affordable housing set-aside, the RG-MU District provides an opportunity for the use of up to 127 rights (31.75 full Credits). If the Hexa Builders Redevelopment Plan is not implemented, these PDC provisions and PDC potential remain unchanged.

However, if the redevelopment plan is implemented, any non-residential development permitted under the Hexa Builders Redevelopment Plan must redeem Pinelands Development Credits (PDCs) at a rate of one quarter (1/4) PDC for every 18,000 square feet of gross floor area within principal use buildings. The Township included these provisions in recognition of the significant reduction in potential residential units and potential use of PDCs if the redevelopment plan is implemented.

To evaluate whether the PDC requirements of the Hexa Builders Redevelopment Plan adequately protect the Pinelands Development Credit Program, staff evaluated the potential PDC yield for the portion of the redevelopment area within the Regional Growth Area under the minimum residential density requirements prescribed by the CMP. If this 127-acre area were zoned for residential development, the CMP would require that it allow for a minimum base density of two units per upland acre with a bonus density achieved through PDC use of an additional one unit per upland acre. This would result in the opportunity for the use of 119 rights.

Commission staff evaluated the potential level of PDC redemption under the Hexa Builders Redevelopment Plan based on application information submitted to the Commission. A prospective redeveloper has proposed a warehouse facility within the Regional Growth Area portion of the redevelopment area with a gross square footage of approximately 1,632,000 square feet. This equates to a PDC obligation of 91 PDC rights under the redevelopment plan's PDC provisions, which is comparable to imposing a 25% mandatory PDC requirement for this area if zoned for the minimum density permitted by the CMP.

While 25% is not as high a number as would be provided through the more traditional zoning approach where Pinelands Development Credits would account for 33% 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 Pinelands Development Credits. There is no requirement under the traditional approach that any credits be used in any particular development project. Ordinance O:04-2023 *guarantees* that Pinelands Development Credits will be purchased and redeemed as part of the approval of any non-residential development within the Hexa Builders Redevelopment Area.

The CMP focuses on the use of PDCs as a means of increasing permitted residential densities in Regional Growth Areas. However, N.J.A.C. 7:50-5.28(a)7i expressly authorizes municipalities to adopt bonus or incentive programs for Regional Growth Area that go beyond the minimum required by the CMP, provided that such programs do not interfere with or otherwise impair the municipality's obligation to provide sufficient opportunities for the use of PDCs. While this provision has not often been used in association with nonresidential development, three other municipalities (Waterford, Berlin and Winslow townships) previously adopted PDC requirements applicable to nonresidential uses in their commercial and industrial zones. The Commission found that the Waterford, Berlin and Winslow Township ordinances represented an appropriate exercise of municipal flexibility that did not interfere with any other CMP standards and certified them on that basis. Monroe Township Ordinance O:04-2023 adopts a similarly creative approach, one that facilitates the municipality's redevelopment goals while ensuring that all CMP standards, particularly those related to the PDC program, continue to be met.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance O:04-2023 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Therefore, this standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Ordinance O:04-2023 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

The redevelopment plan related to Ordinance O:04-2023 does not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

Public Hearing

A public hearing to receive testimony concerning Monroe Township's application for certification of Ordinance O:04-2023 was duly advertised, noticed and held on April 5, 2023 at 9:30 a.m. Mr. Lanute conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call in during the public hearing to provide testimony. Oral testimony was provided as follows:

Michael Silvestra stated that the Pinelands just keep getting overdeveloped, and that developing 170 acres in an area that is mostly forest seems excessive when there is plenty of other land to develop. He also stated that it seemed a little biased that developers can get approvals to build all kinds of stuff when residents wanting to build a shed have to jump through hoops. He stated that he was hoping that the woods can stay there and that another location could be found for the mixed-use, residential, commercial zone.

Written comments on Ordinance O:04-2023 were accepted through April 7, 2023 and were received from the following individuals:

Tyler Boonstra (Exhibit #2)
 Robin Beeler (Exhibit #3)
 D. Papaneri (Exhibit #4)
 Nicole Ollek (Exhibit #5)
 Christine Friend (Exhibit #6)
 Debbi Baranski (Exhibit #7)
 Stephen Boraske, Esq., Monroe Township Solicitor (Exhibit #8)
 Brooke Handley, River Administrator, Great Egg Harbor Watershed Association (Exhibit #9)

Executive Director's Response

The oral testimony summarized above as well as the written comment attached in Exhibits 2-5 and 7 object to the development of the land within the Hexa Builders Redevelopment Area. The commenters express a variety of concerns, including the clearing of existing wooded areas and wildlife habitat and the environmental impacts of additional residential and commercial development within the Township. Another commenter (Exhibit 9) noted the presence of wetlands in the redevelopment area and requested that the maximum buffer to wetlands be maintained and that redevelopment comply with the most current stormwater management rules, with no waivers or variances provided.

Several important factors discussed above in the body of this report must be reiterated. First, the undeveloped portion of the redevelopment area that is located within the Rural Development Area will maintain its existing, underlying zoning and management area designation. This area has significant

wetlands and wetlands buffers and has minimal development potential that is in no way increased by the new redevelopment plan. This fact is expressly noted within the Hexa Builders Redevelopment Plan. It is highly unlikely that any clearing or development within this 31-acre portion of the area will occur or be permitted.

Second, within the Regional Growth Area portion of the redevelopment area, the existing, certified zoning (the Regional Growth Mixed-Use District) permits high-density, mixed-use development. The new redevelopment plan affords the opportunity for the area to be developed exclusively for nonresidential use, as opposed to a combination of single-family dwellings, townhouses, apartments, congregate-care facilities and community commercial uses. Provided all CMP environmental standards and PDC requirements are met, the CMP provides Pinelands municipalities broad discretion to determine which uses they believe are appropriate in their Regional Growth Areas and adopt and amend their zoning plans accordingly.

Third, the majority of the Regional Growth Area portion of the redevelopment area, where any new warehouses would have to be located, is comprised of old, cleared agricultural lands. This was one of the primary factors in the prior identification of the area as appropriate for designation as a Regional Growth Area as part of the Commission's Ecological Integrity Assessment (EIA) Project. The clearing of woods, particularly along the Route 322 frontage, may be necessary to accommodate the new uses permitted by the redevelopment plan as well as the mixed-use development permitted by the existing, certified zoning. In either case, the CMP provides that clearing and soil disturbance must be limited to that which is necessary to accommodate the permitted development.

Finally, any development or redevelopment of the area will be subject to all CMP environmental standards. This includes continued protection of the wetlands along the rear of site and in the Rural Development Area, imposition of the appropriate wetlands buffer requirement called for by N.J.A.C. 7:50-6.14, and compliance with the CMP's new stormwater management regulations. Under those stormwater rules, no variance or exception may be granted from the prohibition on direct discharge of runoff to wetlands, buffers or waterbodies.

Conclusion

Based on the Findings of Fact cited above, the Executive Director has concluded that Monroe Township Ordinance O:04-2023, adopting the Hexa Builders Redevelopment Plan, complies with the Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinance O:04-2023 of Monroe Township.

SRG/DBL/KLE/CMO
Attachments

Monroe Township

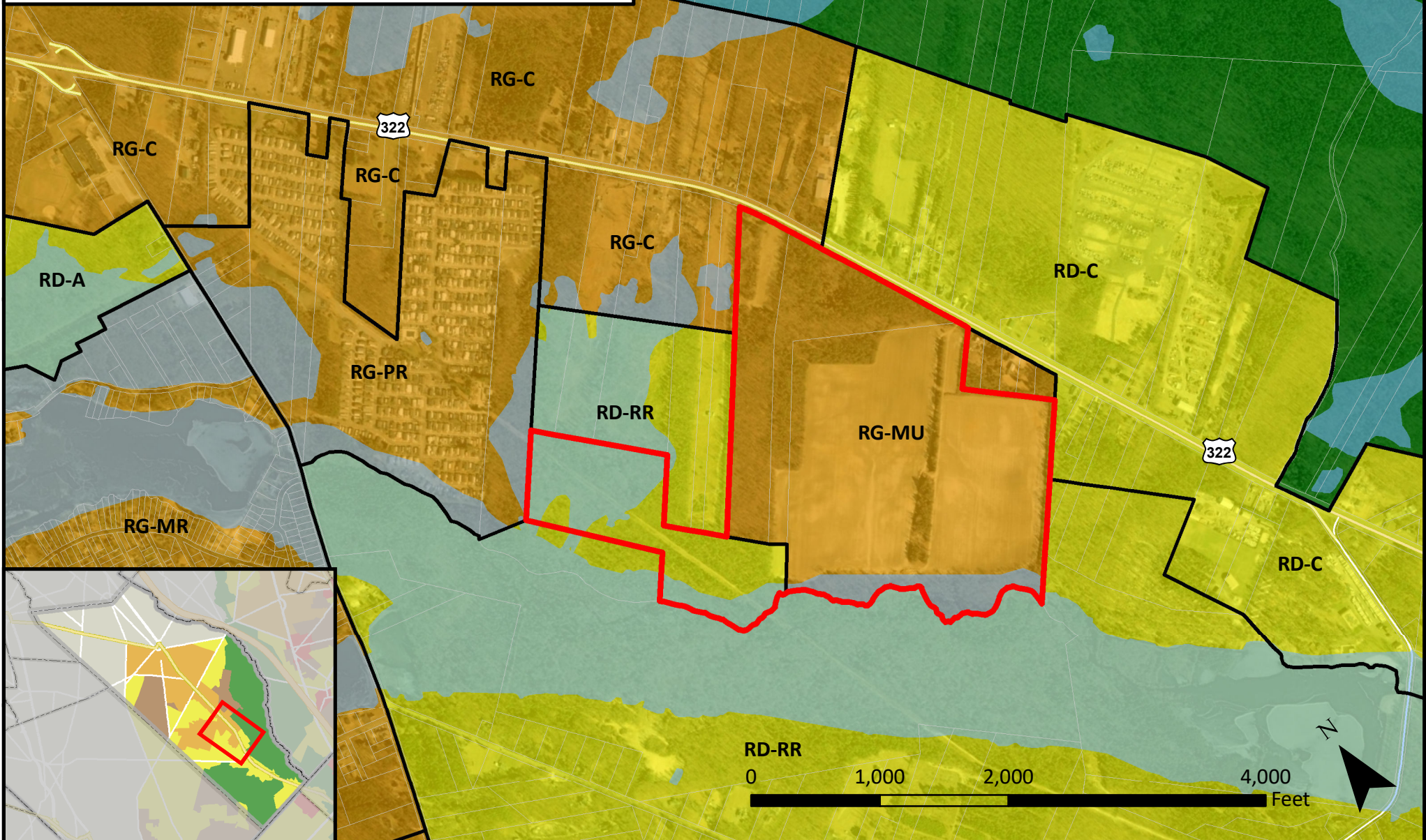
Hexa Builders Redevelopment Area

Executive Director's Report
Monroe Twp Ord. O:04-2023
4/28/2023
Exhibit #1

Pinelands Management Area

- Regional Growth Area
- Rural Development Area
- Forest Area

- Redevelopment Area
- Existing Zoning
- Lots
- Pinelands Wetlands



From: [Tyler Boonstra](#)
To: [Comments, PC \[PINELANDS\]](#)
Subject: Public Comment Submissions
Date: Tuesday, April 4, 2023 4:06:29 PM

Below is the result of your feedback form. It was submitted by
Tyler Boonstra (Tboon32@hotmail.com) on Tuesday, April 4, 2023 at 16:06:25

email: Tboon32@hotmail.com

subject: Public Comment Submissions

Name: Tyler Boonstra

Mailing Address: 153 E. Piney Hollow rd. Williamstown NJ

Comment Topic: selected=

Message: This ordinance can not pass. Okie e must preserve our forest and farmland area. Changing this land to houses and commercial buildings is bad for the environment and adds additional strain to our public area due to increased population.

Submit: Submit

From: [Robin Beeler](#)
To: [Comments, PC \[PINELANDS\]](#)
Subject: Public Comment Submissions
Date: Tuesday, April 4, 2023 9:14:17 PM

Below is the result of your feedback form. It was submitted by
Robin Beeler (Rbeelermoresales@comcast.net) on Tuesday, April 4, 2023 at 21:14:11

email: Rbeelermoresales@comcast.net

subject: Public Comment Submissions

Name: Robin Beeler

Mailing Address: 906 Whitehall Rd Williamstown NJ

Phone Number: 856-562-6263

Comment Topic: selected=

Message: No No No..stop the building. You are destroying all the natural habitats. Just because they are offering millions doesn't mean it needs to get done. Stop being bought! I want to know who's pockets are getting full on this deal. The twp needs to say no!

Submit: Submit

From: [D. Papaneri](#)
To: [Comments, PC \[PINELANDS\]](#)
Subject: Public Comment Submissions
Date: Tuesday, April 4, 2023 10:55:42 PM

Below is the result of your feedback form. It was submitted by
D. Papaneri (dpapaneri@aol.com) on Tuesday, April 4, 2023 at 22:55:36

email: dpapaneri@aol.com

subject: Public Comment Submissions

Name: D. Papaneri

Mailing Address: 652 Clayton Rd., Williamstown NJ 08094

Phone Number: 8562970386

Comment Topic: selected=

Message: As a long time resident of Monroe Twp., I oppose rezoning pinelands areas for other purposes, further destroying wildlife areas and their habitats. Our town has enough new buildings for commercial purposes and more homes in an area deemed to be protected by PINELANDS ACT. Do your job that you are supposed to. Protect our Pinelans and wetlands in Monroe Township. Pineland ends the protection originally outlined and intended should be upheld and this application denied!

Submit: Submit

From: [Nicole Ollek](#)
To: [Comments, PC \[PINELANDS\]](#)
Subject: Public Comment Submissions
Date: Wednesday, April 5, 2023 7:09:46 AM

Below is the result of your feedback form. It was submitted by
Nicole Ollek (ollekbusiness@gmail.com) on Wednesday, April 5, 2023 at 07:09:42

email: ollekbusiness@gmail.com

subject: Public Comment Submissions

Name: Nicole Ollek

Mailing Address: 310 Florence Blvd, 08094

Phone Number: 8567400212

Comment Topic: selected=

Message: The housing growth within the 08094 community has disappointed most. Despite the business model needs for tax revenue, there are many other areas which can be utilized for economic development (s). Irresponsible actions of human land treatments, continuing to disrupt and strip nature, its habitats, and nature's well necessary processes to add more housing, is a lose lose, when trees are continuing to be bulldozed down. I can't express how important trees are to our climate's environment and such. Responsible human actions would be to maintain our Pine lands and pur community's woods, land, forest, and habitats. Irresponsible building has and will create long term effects. Leave our woodlands alone, please. As as resident of over 50 years in 08094, it's more than irritating. Bottom lines can be reached with other plans of actions. Leave our woods , forests and trees alone. No more destruction and no more new construction plans should include bulldozing trees and forests. Despite it being he easier plan of developing, focus on the vacancies and the redevelopment procesd plan. Vote NO.

Submit: Submit

From: [Christine Friend](#)
To: [Comments, PC \[PINELANDS\]](#)
Subject: Public Comment Submissions
Date: Wednesday, April 5, 2023 7:09:56 PM

Below is the result of your feedback form. It was submitted by
Christine Friend (chris@friendfamily.us) on Wednesday, April 5, 2023 at 19:09:48

email: chris@friendfamily.us

subject: Public Comment Submissions

Name: Christine Friend

Mailing Address: 524 Schoolhouse Rd Williamstown nj 08094

Phone Number: 215-651-7535

Comment Topic: selected=

Message: Pls do not approve listing of restrictions for home or business development in Pinelands.

Submit: Submit

From: [Debbie](#)
To: [Comments, PC \[PINELANDS\]](#)
Subject: Public Comment Submissions
Date: Wednesday, April 5, 2023 11:36:33 PM

Below is the result of your feedback form. It was submitted by
Debbie (dbaranski151@gmail.com) on Wednesday, April 5, 2023 at 23:36:28

email: dbaranski151@gmail.com

subject: Public Comment Submissions

Name: Debbie

Mailing Address: 541 East Malaga Road

Comment Topic: selected=

Message: The wildlife in this area needs this preserved land more then ever! We do not need these commercial buildings in this area, but these animals NEED their home! I have seen such an increase in the amount of wildlife being hit by cars, because they are literally being forced out if their land.

Where are they to go?

I truly hope the approval for this project to be reconsidered.

Submit: Submit



STEINHARDT
CAPPELLI
TIPTON &
TAYLOR LLC

1010 Kings Highway South, Building 1, 2nd Floor
Cherry Hill, NJ 08034

856.853.5530
856.354.8318

Executive Director's Report
Monroe Township Ord. O:04-2023
4/28/2023
Exhibit #8

Stephen J. Boraske | Associate

201-373-8951
sboraske@floriolaw.com

April 7, 2023

VIA EMAIL

State of New Jersey Pinelands Commission
Attn: Susan R. Grogan, P.P., AICP, Executive Director
PO Box 359, New Lisbon, NJ 08064
(e): susan.grogan@pinelands.nj.gov

RE: Application for Certification of Ordinance O:04-2023 “An Ordinance of the Township of Monroe Adopting the Redevelopment Plan for a Portion of the Commercial Corridor Rehabilitation Area Pursuant to N.J.S.A. 40A:12-7”

Dear Ms. Grogan:

This office serves as Township Solicitor for the Township of Monroe (the “Township”). Please accept this letter in further support of the Township’s application to the New Jersey Pinelands Commission (the “Commission”) for CMP certification of Township Ordinance O:04-2023 “An Ordinance of the Township of Monroe Adopting the Redevelopment Plan for a Portion of the Commercial Corridor Rehabilitation Area Pursuant to N.J.S.A. 40A:12-7” (“Ordinance O:04-2023” or the “Ordinance”).

Ordinance O:04-2023 adopts the Hexa Builders Redevelopment Plan, dated August 4, 2022, prepared by Richard W. Hunt, PP, AICPA, of Alaimo Group (the “Redevelopment Plan”) as an explicit amendment to the Township Zoning Map. The three parcels included in the Redevelopment Plan are Block 8401, Lots 8, 9, and 10 as identified on the Township Tax Map (the “Property”). The Property is approximately 158.7 acres, with about 127.4 acres located within the Regional Growth Mixed-Use (RG-MU) District and about 31.3 acres located within the Rural Development Residential Receiving (RD-RR) District. The Redevelopment Plan proposes the following permitted principal uses for the RG-MU portion of the Property: (1) “warehouse, storage, and distribution facilities; and (2) office space specific to Warehouse operations” (collectively, “Warehouse Development”).

The Township’s reasons for adopting Ordinance O:04-2023 and for its determination that the Property is suitable for Warehouse Development are fully set forth within the Redevelopment Plan and all related Township Council and Township Planning Board resolutions thereto. The purpose of this letter is to briefly reiterate and emphasize some of the Township’s important findings as set forth on the following pages.

Reasons for Adopting Ordinance O:04-2023

1. The Redevelopment Plan fulfills a regional commercial need as the Property is proximate to the regional and national highway transportation systems.
2. The Redevelopment Plan implements the community's desire to develop regional growth areas along U.S. Route 322.
3. The Redevelopment Plan provides for employment opportunities in an existing developed area of Monroe Township consistent with Township's smart growth objectives. Most of the Township population lives near the Township's downtown area and are within easy driving and biking distance to the Property, providing conveniently located employment opportunities for Township residents. All employers are encouraged to hire locally.
4. The Planning Board unanimously found that the Redevelopment Plan is consistent with the Township's 2004 Comprehensive Master Plan, which provides a strategic vision for the Township, calling for economic redevelopment and encouraging "a pattern of compact and contiguous growth within appropriate areas of the Township;" (2004 Master Plan, II.A. p. 12 of 60).
5. The Redevelopment Plan is consistent with the New Jersey State Development and Redevelopment Plan (SDRP) and Pinelands Comprehensive Management Plan (CMP), and furthers the important policies therein for the Pinelands area.
6. The Redevelopment Plan is consistent with the goals, objectives, and policies of the Gloucester County 2040 Vision Plan and Delaware Valley Regional Planning Commission.
7. Adoption of Ordinance O:04-2023 and the Redevelopment Plan is in the best interest of the Township for rehabilitation of the Property.

Suitability of the Property for Warehouse Development

1. The Property is proximate to the regional and national highway transportation systems. The Property has immediate regional access via U.S. Route 322; is located within 10 miles of interchanges for the Atlantic City Expressway and U.S. Route 73. Access to the NJ Turnpike is via U.S. Route 322, approximately 25 miles west of the site. The Property is within an hour drive of the Philadelphia Airport and a 30 minute drive to the Atlantic City Airport. Access to these transit systems renders the Property well-suited for Warehouse Development.
2. The Property lies entirely within the Township's commercial corridor and has been determined to be an area in need of rehabilitation pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-14 et seq. The Township has determined that the designation of rehabilitation areas to allow for commercial development and uses, including Warehouse Development, will foster the investment of private capital, the

construction of commercial projects, and the rehabilitation of business that will benefit the Township, its residents, and property owners.

3. The Property is adequately serviced by water and sewer utilities owned by the Monroe Township Municipal Utilities Authority, as well as natural, electric, communications, and fiber optic utilities owned by other providers.
4. Permitting Warehouse Development on the Property will prevent further deterioration of the area and promote the overall development of the Township's commercial corridor, thereby benefitting the general welfare of the Township's citizens.

Thank you for your consideration of this correspondence. The Township respectfully requests that a copy of this letter be attached to your report for the Commission's consideration. If you have any questions regarding this letter or wish to discuss this matter further, please do not hesitate to contact me.

Very truly yours,

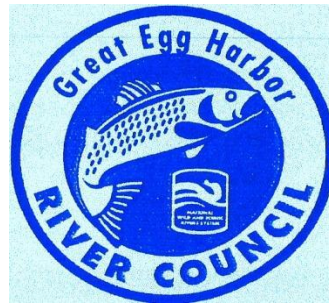
**FLORIO PERRUCCI STEINHARDT
CAPPELLI TIPTON & TAYLOR LLC**

By:



Stephen J. Boraske, Esquire
Monroe Township Solicitor

- cc. D. Brad Lanute, PP, AICP, Commission Planning Specialist (brad.lanute@pinelands.nj.gov)
Richard Hunt, PP, AICP, Planning Board Planner (rhunt@alaimogroup.com)
Ninette Orbaczewski, Planning Board Secretary (norbaczewski@monroetownshipnj.org)
Timothy Kernan, PP, AICP, Township Planner (tim.kernan@collierseng.com)
Aileen Chislenko, RMC, Township Clerk (achiselko@monroetownshipnj.org)



The Great Egg Harbor Watershed Association & River Council

**Brooke Handley – River
Administrator**

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Borough of Folsom
David Brown
Egg Harbor Twp.
William Handley
Upper Twp.
Dick Colby
GEHWA

RE: Monroe Twp Ord. O:04-2023

Dear Pinelands Commission,

The Great Egg Harbor Watershed Association and River Council manages and protects the Great Egg Harbor Watershed and 129 river miles of the federally designated scenic and recreational Great Egg Harbor River. The Great Egg Harbor River Council includes twelve municipalities including Monroe Township.

Since Block 8401, Lots 8,9,10 in Monroe are designated Regional Growth Mixed Use and Rural Development Residential Receiving, we do not oppose development. However, Block 8401, Lots 8, 9, and 10 in Monroe are adjacent to Hospitality Branch and contain wetlands, and wetlands buffers.

The Great Egg Harbor Watershed Association and River Council requests that maximum buffers to wetlands and the most current stormwater management rules be included in the redevelopment plans for Block 8401, Lots 8, 9, and 10 in Monroe Township. We would also ask that there are no waivers or variances in regards to the stormwater rules.

Thank you for your consideration of our request.

Respectfully,

Brooke Handley, River Administrator
Great Egg Harbor Watershed Association and River Council



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

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

LAURA E. MATOS
 Chair
 SUSAN R. GROGAN
 Executive Director

MEMORANDUM

To: Members of the Pinelands Commission

From: Katie Elliott *KE*
 Planning Specialist

Date: May 2, 2023

Subject: No Substantial Issue Findings

During the past month, the Planning Office reviewed eighteen ordinance amendments that were found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan (CMP). It included the following:

Barnegat Township Ordinance 2023-8 – amends Chapter 55, Land Use, of the Code of Barnegat Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

Berlin Township Ordinance 2023-4 – amends Chapter 340, Zoning, of the Code of Berlin Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

Eagleswood Township Ordinance 2023-02 – amends Chapter 295, Zoning, of the Code of Eagleswood Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

Egg Harbor City Ordinance 3-2023 – amends Chapter 170, Land Use and Development, of the Code of Egg Harbor City in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

Franklin Township Ordinance O-5-23 – amends Chapter 335, Stormwater Control Within and Outside Pineland Zones, of the Code of Franklin Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

Galloway Township Ordinance 2103-2023 – amends Chapter 233, Land Management, of the Code of Galloway Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area. Of note, new development within the infill area of Pinehurst is required to meet the revised stormwater management standards.

Hamilton Township Ordinance 2028-2023 – amends Chapter 203, Land Use and Development, of the Code of Hamilton Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

Lacey Township Ordinance 2023-10 – amends Chapter 292, Stormwater Regulations for Pinelands Areas, Chapter 335, Subdivision of Land, and Chapter 335, Zoning, of the Code of Lacey Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

Little Egg Harbor Township Ordinance 2023-07 – amends Chapter 215, Land Use and Development, of the Code of Little Egg Harbor Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

Manchester Township Ordinance 23-04 – amends Chapter 245, Land Use and Development, of the Code of Manchester Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

Medford Lakes Borough Ordinance 693 – amends Chapter 145, Land Development, of the Code of Medford Lakes Borough in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

Medford Township Ordinance 2023-5 – amends Section 509, Drainage, Floodwater Protection and Stormwater Management, of the Code of Medford Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

Plumsted Township Ordinance 2023-04 – amends Chapter 15, Zoning, of the Code of Plumsted Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

Port Republic City Ordinance 04-2023 – amends Chapter 160, Land Use, and Chapter 241, Stormwater Management in Pinelands Area, of the Code of Port Republic City in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

Southampton Township Ordinance 2023-04 – amends Chapter 19, Pinelands Development, and Chapter 21, Waste Disposal/Pollution Control/Stormwater Management, of the Code of Southampton Township in response to amendments to the CMP. The amendments incorporate revised stormwater management regulations applicable to development in the Pinelands Area.

Winslow Township Ordinance O-2023-009 – amends Chapter 296, Zoning Within Pinelands Area, of the Code of Winslow Township. The ordinance amends Schedule 2 (Area, Yard and Bulk Requirements for Residential Uses) by reinstating a footnote, which was inadvertently omitted by Ordinance O-2022-004, noting that a minimum lot area of one acre is required within the Low-Density Residential (PR-2) and Medium-Density Residential (PR-3) districts if the residential use is served by an on-site septic system. The PR-2 and PR-3 districts are located within a Regional Growth Area.

Winslow Township Ordinance O-2023-012 – repeals Chapter 228, Signs, and amends Chapter 294, Zoning, and Chapter 296, Zoning within Pinelands Area, of the Code of Winslow Township. The ordinance repeals and replaces Section 294-129, Signs, with revised signage regulations applicable throughout the Township. These regulations address prohibited signs, non-conforming signs, as well as locational and dimensional requirements for various sign types. The ordinance also repeals and replaces Section 296-80, Signs, with provisions requiring that signs within the Pinelands Area portion of the Township conform with Section 294-129.

Winslow Township Ordinance O-2023-014 – amends Chapter 296, Zoning Within Pinelands Area, of the Code of Winslow Township by amending the definition of the term “Wetlands” to align verbatim with N.J.A.C. 7:50-6.3.