



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  
TAHESHA L. WAY  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

NEW JERSEY PINELANDS COMMISSION MEETING AGENDA  
Friday, July 12, 2024 - 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 via the following link:

<https://www.youtube.com/@PinelandsCommission>

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 839 4887 5494

1. Call to Order

- Open Public Meetings Act Statement
- Roll Call
- Pledge Allegiance to the Flag
- Election of Vice Chair
- Committee Assignments

2. Adoption of Minutes

- June 14, 2024

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. 1984-0036.017 - Stafford Township  
Demolition of a potable water storage standpipe, 50 years old or older, and the construction of a local communications facility (communications tower)  
Stafford Township

#### B. Planning Matters

- Municipal Master Plans and Ordinances
  - None
- 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. 1984-1306.002 – Hamilton Township  
Soil capping of an existing municipal landfill  
Hamilton Township
- Application No. 1991-0320.005 – Mullica Township  
Construction of a 4,473 square foot public safety building  
Mullica Township
- Application No. 1991-0484.006 – Medford Township Board of Education  
Construction of a 3,539 square foot classroom building at the Chairville Elementary School  
Medford Township

#### B. Waiver of Strict Compliance

- None

### 6. Master Plans and Ordinances Not Requiring Commission Action

- |                                            |                                            |
|--------------------------------------------|--------------------------------------------|
| • Barnegat Township Ordinance<br>2024-08   | • Eagleswood Township<br>Ordinance 2024-03 |
| • Berkeley Township Ordinance<br>24-19-OAB | • Galloway Township Ordinance<br>2136-2024 |

- Hamilton Township Ordinance 2076-2024
- Jackson Township Ordinance 17-24
- Manchester Township Ordinance 24-16
- Monroe Township Ordinance O:20-2024
- Plumsted Township Ordinances 2024-05 & 2024-06
- South Toms River Borough Ordinance 2024-07
- Barnegat Township Ordinance 2024-13
- Evesham Township Ordinance 8-5-2024
- North Hanover Township Ordinance 2024-08
- Waterford Township Ordinances 2024-6, 2024-7& 2024-9

7. Presentation: Long Term Economic Monitoring Program Five-Year Report (2018-2022)

8. General Public Comment

9. 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.)*

10. Adjournment

<b>Upcoming Meetings</b>	
Wed., July 17, 2024	Climate Committee Meeting (9:30 a.m.)
Fri., July 26, 2024	Policy & Implementation Committee Meeting (9:30 a.m.)
Fri., August 9, 2024	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/](http://www.nj.gov/pinelands/) for more information on agenda details, e-mail the [Public Programs Office](mailto:Info@pinelands.nj.gov) at [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov).

PINELANDS COMMISSION MEETING

MINUTES  
June 14, 2024

*All participants were either in-person or present via Zoom conference and the meeting was livestreamed through YouTube: <https://www.youtube.com/watch?v=IzLxbSam6Ss>*

Commissioners Participating in the Meeting

Nicholas Asselta, Alan W. Avery Jr., John Holroyd, Jerome H. Irick, Mark Lohbauer, Mark Mauriello, William Pikolycky, Jessica Rittler Sanchez, Douglas Wallner and Chair Laura E. Matos. Also participating were Executive Director Susan R. Grogan, Deputy Attorney General (DAG) Jay Stypinski and Governor's Authorities Unit representative Alexis Franklin.

Commissioners Absent

Dan Christy, Theresa Lettman & Jonathan Meade.

Call to Order

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

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

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

The Commission pledged allegiance to the Flag.

### Tribute to Albert Horner

Chair Matos said she noted the passing of Al Horner at the May Policy & Implementation Committee meeting. She said today Paul Leakan has put together a slideshow of some of Al's beautiful photography and will share briefly about his advocacy.

Mr. Leakan said Mr. Horner graciously donated high quality photographs for the exhibit center and donated 17 framed photographs of Pinelands scenery after his display at the State Museum was finished. Today those photos hang throughout the Commission's offices. Mr. Horner's goal was to create a greater appreciation of the Pinelands through his photography (slides are attached).

Commissioner Lohbauer said he was deeply saddened to hear of Mr. Horner's death. He said he was a champion for the Pinelands and his photography has inspired many people to explore and appreciate the Pinelands.

### Minutes

Chair Matos presented the minutes from the closed session portion of the Commission's March 8, 2024 meeting. Commissioner Pikolycky moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The closed session minutes from the March 8, 2024 Commission meeting were adopted by a vote of 8 to 0. Commissioner Holroyd and Commissioner Mauriello abstained from the vote.

Chair Matos presented the minutes from the Commission's May 10, 2024 meeting. Commissioner Irick moved the adoption of the minutes. Commissioner Asselta seconded the motion.

The minutes from the May 10, 2024 Commission meeting were adopted by a vote of 10 to 0.

### Committee Reports

Chair Matos provided a summary of the May 31, 2024 Policy and Implementation Committee meeting:

The Committee approved the minutes of the April 26, 2024 meeting.

The Committee heard and discussed a presentation from Legal and Legislative Affairs Chief, Stacey Roth, on the then pending Open Public Records Act (OPRA) Legislation. Ms. Roth outlined the anticipated changes and the potential impact on the Commission's processes and records custodians. Executive Director Susan R. Grogan stated that the proposed bill provides for potential grant funding to public agencies to help promote public access to records.

The Committee received a presentation from Chief Planner, Brad Lanute, providing an overview of the New Jersey Department of Environmental Protection (NJDEP) Model Tree Removal

Ordinance and the effect of the required adoption on Pinelands municipalities. Mr. Lanute said the Land Use Programs Office will be reviewing municipal ordinances to ensure consistency with Pinelands Comprehensive Management Plan (CMP) regulations and offer best practices suggestions regarding criteria.

The Committee also received a presentation from Director of Land Use Programs, Gina Berg, regarding the Long-term Economic Monitoring Work Plan for the National Park Service Task Agreement. Director Berg reviewed the proposed projects and their anticipated schedules and reporting.

Commissioner Irick expressed concerns regarding the Model Tree Removal Ordinance. He shared written comments with staff. He said the ordinance does not mention certain activities being exempt from review. He said the lack of exemptions in the model ordinance could result in negative impact on farmers, solar installation, cemeteries and cell towers. He suggested that the Commission provide guidance to its municipalities to ensure more uniformity.

### Executive Director's Report

ED Grogan provided information on the following matters:

- The Land Use programs office is closely tracking the Model Tree Removal Ordinances that Pinelands municipalities have submitted. Unfortunately, at this stage, the NJDEP is encouraging towns to adopt the ordinance as quickly as possible, which does not leave much time to alter or modify the ordinance. The model ordinance requires that a tree survey be performed prior to development and replanting must occur. There is an extra cost associated with requirements in the ordinance and additional work for towns that are already understaffed. The ordinance is vague, and staff members hope to meet with NJDEP staff in order to receive clarification on the matter.

Commissioner Mauriello said he hopes that the process can be simple without becoming a burden for applicants and towns to implement.

ED Grogan said staff wants to ensure that whatever permitting process the town chooses is clear and straightforward.

- Two new staff members were introduced to the Commission. Lori Fridell joined the Land Use Programs office in May, and Morgan Foley joined the Information Systems office in June. Recruitment efforts continue to fill two vacancies.
- The Governor signed the OPRA bill, which will change how state agencies administer requests for public records. The Department of Community Affairs will allocate funding for scanning documents and working to make documents available electronically.
- The NJDEP has released its Resilient Environments and Landscapes (REAL) rule proposal. The proposal is very extensive and is almost 1,000 pages. It includes amendments to water quality, flood hazard, freshwater wetlands and stormwater. The rule

proposal will most likely require action by the Commission since the CMP adopts NJDEP stormwater management rules by reference. The REAL rules also propose standards and procedures related to Horizontal Directional Drilling (HDD). The NJDEP held four webinars reviewing different topics of the rule proposal during the month of May that Commission staff members attended. The NJDEP will provide a 90-day public comment period and three scheduled public hearings. Briefings on the rule proposal will be provided to Committees.

- Staff continues to coordinate with the Division of Property Management and Construction and the NJ Historic Trust regarding the scope of work for the rehabilitation of Fenwick Manor.
- The Commission held its municipal training session at Stockton University's Kramer Hall in Hammonton. The training session was tailored to municipal zoning officers, construction code officials and other municipal representatives who work with Commission staff on a daily basis. Staff conducted presentations on the application process, Commission regulatory requirements and commonly asked questions to approximately 70 participants. A link to the presentations can be found here: <https://www.nj.gov/pinelands/home/presentations/Training%20Session%20Presentation%20complete.pdf>

Commissioner Wallner asked if a written report was available for the staff site inspection at the Black Run Preserve that was noted in the May Management Report.

ED Grogan said there is no report. She said a Commission staff member met with Evesham Township employees on-site to get a better understanding of the trail proposal and exact locations.

Chuck Horner, Director of Regulatory Programs, provided information on two types of development that are presenting a challenge for staff: solar facilities on landfills and communications towers.

- Pemberton Township is proposing to install a soil cap on a former landfill located along the southside of Route 70 to facilitate future development of a solar facility. The landfill was not active as of 1981, so based on the CMP's regulation for landfill closure, it does not require an impermeable cap. There are Threatened and Endangered (T&E) animal species present at the landfill. Staff advised the applicant of the need to pursue a compelling public need waiver.
- Ocean Township is proposing to place a solar facility on its previously capped landfill. The presence of T&E species has been documented at the Ocean Township landfill as well.

Director Horner said the Commission has a comprehensive wireless plan that designates the placement of communications facilities in the Pinelands Area. He said communication facilities exceeding 35 feet in height are permitted in Regional Growth Areas and Pinelands Towns. He

said in all other management areas, such communication facilities must be part of the plan or the applicant must demonstrate that the tower is an accessory use serving a specific purpose. He said staff is currently reviewing two applications for communication towers, one of which is in Washington Township and the other in Dennis Township. He said both applications are outlined in the May Management Report.

Commissioner Irick asked if the T&E species at the Pemberton landfill site could be relocated.

Director Horner said that could be considered during the waiver process.

Commissioner Asselta asked if the Board of Public Utilities (BPU) and the Pinelands Commission have a coordination process in place for siting solar facilities in the Pinelands Area, specifically on sites that have environmental constraints. He said there is no reason for money to be unnecessarily spent on studies and surveys if a site cannot meet CMP requirements so it would be best if issues were identified well in advance.

ED Grogan said the BPU does reach out to the Commission when there is a potential community solar site in question. Staff provide information about existing applications on the site, any issues and previous approvals.

Director Horner added that in the instance of the Pemberton Township landfill, approximately two years ago the Commission approved an application for soil disturbance to determine the limits of the trash at the landfill. He said at that time it was known by both staff and the applicant that T&E species were present at the landfill.

Mr. Lanute described an instance where the BPU contacted the Commission about a solar project at the Whiting landfill in Manchester Township and staff were able to provide relevant details about the application status, which ultimately facilitated BPU's approval of an extension.

Gina Berg, Director of Land Use Programs, provided an update on the following items:

- Staff attended a meeting of the New Jersey Conservation Blueprint, which consists of multiple groups interested in conservation. At that meeting, the discussion centered around the following topics: timing discrepancies for funding sources, lack of opportunities for good acquisition projects and stewardship issues. The outgoing Executive Director of the State Agricultural Development Committee presented the formula for farmland preservation that was recently adopted and that are modeled after the Pinelands formula for evaluating farmland easements. SADC is looking at other aspects of the farm, such as water quality contributions, watershed and habitat diversity.
- Staff will be participating in a technical advisory committee of SADC and in an upcoming Federal Emergency Management Agency-led meeting to discuss hazard mitigation at both the state and national level.
- As the fiscal year closes, staff has begun to work on annual reports for Permanent Land Protection and the Pinelands Development Credit (PDC) programs.

- Staff issued nine Letter of Interpretations for PDCs during the month of May.
- Some staff members attended the Pinelands Preservation Alliance science forum that focused on forest management practices as it relates to climate change impacts. A demonstration on mapping tools for carbon sequestration created by the Nature Conservancy was provided.
- The Commission was not a recipient of grant funding from the America the Beautiful Challenge.

Brad Lanute, Chief Planner, said Pinelands municipalities are actively adopting the model ordinances that staff distributed in late March. These ordinances respond to the CMP water management amendments that the Commission adopted last December and the stormwater management amendments that the NJDEP adopted last July. Fifteen municipalities have submitted adopted ordinances so far. Most of the remaining municipalities have either already introduced the ordinance or provided timelines to meet the July deadline for adopting the stormwater amendments. Staff will continue to monitor the progress of those remaining municipalities.

Paul Leakan, Communications Officer, said the 8<sup>th</sup> annual Pinelands Short Course is scheduled for Friday, June 28<sup>th</sup> in Hammonton. He said there is still time to sign up. He noted that staff educated approximately 640 people during Pinelands-specific programs and that staff shared 263 photos on Instagram and 61 tweets on the Commission's X site in May.

#### Public Development Projects and Other Permit Matters

Chair Matos introduced a resolution approving two Public Development Applications: one for the realignment of Route 530 and Route 70 in Pemberton Township and the other for a State Police barracks and helicopter pad at the Celia Cruz Service Area on the Garden State Parkway.

Commissioner Irick made a motion Approving With Conditions Applications for Public Development (Application Numbers 1990-0445.028 & 1990-0450.008) (See Resolution # PC4-24-11). Commissioner Asselta seconded the motion.

Director Horner said the Department of Transportation is proposing the realignment of an existing dangerous intersection where Lakehurst Road intersects with Route 70 in Pemberton Township. He said wetlands are present to the north and west of the intersection. An aerial was displayed depicting the general location of the wetlands (attached). He said the 90-degree realignment will remove pavement from the existing roadway. The proposed intersection will be closer to the wetlands located to the west.

He said the other application is for the construction of a state police barracks and helicopter pad on Lacey Township along the Garden State Parkway.

Commissioner Rittler Sanchez asked how many feet the new intersection would be from the existing intersection.

Mr. Ernest Deman of the Regulatory Programs office said that in order for the road to be realigned at a 90-degree angle, the new intersection will be approximately 50 to 75 feet west of the current intersection. He added that no tree clearing is proposed.

The resolution was adopted by a vote of 10 to 0.

#### Ordinances Not Requiring Commission Action

Mr. Lanute said this month's memo was quite lengthy. He said given the length, the memo was organized by topic area.

Mr. Lanute said staff reviewed five ordinances that responded to the CMP and NJDEP amendments that he discussed earlier.

Staff reviewed two ordinances that responded to the Tier A MS4 Permit requirement to adopt a community tree removal and replacement ordinance.

Probably the most notable aspect of the memo were the 12 items from Berlin Borough that were reviewed. As described in the memo, sometime last year, the Commission received an ordinance from the Borough. During the course of review, it was discovered that a number of Borough ordinances and master plans had not received a final determination from the Pinelands Commission.

Katie Elliott of the Land Use Programs office carefully reviewed all of these items and was able to piece together the history and issues of concern that led to those delays. Most of the issues that were raised by staff at the time had since been resolved by other subsequent ordinances that the Commission had previously reviewed and approved. It was determined that only a minor ordinance amendment would allow for the Executive Director to make a finding of no substantial issue on all of these items. Commission staff discussed this with the Borough, and the municipality adopted that required amendment in a timely manner. In sum, the master plan and ordinance changes listed make fairly minor changes to the Borough's ordinances.

Commissioner Irick asked if the towns that adopted the Model Tree Ordinance made changes.

Mr. Lanute said both municipalities tailored the model ordinance to fit their needs. He said both towns had ordinances in place that addressed trees and vegetation. He noted that the no substantial issue letter was issued to the towns prior to the P&I discussion on the Model Tree Ordinance.

#### Other Resolutions

Chair Matos introduced the next resolution.

Commissioner Avery made a motion To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2025 at the Same Level of Expenditures as Fiscal Year 2024 until the Adoption of the Fiscal Year 2025 Budgets (See Resolution #PC4-24-12). Commissioner Irick seconded the motion.

ED Grogan explained that this resolution is adopted annually by the Commission so it can continue to pay its expenses until the next Fiscal Year Budget is adopted. She said the anticipated state appropriation is listed in the resolution.

The resolution was adopted by a vote of 10 to 0.

### General Public Comment

Richard Dann, staff representative from the Communication Workers of America (CWA), spoke about the status of the current contract negotiations. (full comments are attached).

Dr. Amy Golden expressed her condolences to the family of Al Horner. She said she was friends with Al and his protégé, learning the art of photography, processing and printing an image and organizing a photography show. She said Al Horner fought to protect the Pinelands from off-road vehicle damage and his book and DVD are a testament to the beauty of the Pinelands. She said she supports the Commission's zoning change for the Black Run watershed. She said 59 acres that abuts the Sturbridge Lake development is under contract. She said if a housing development is built on this parcel, it will threaten the Black Run Stream and wildlife.

Emile DeVito of the New Jersey Conservation Foundation commented on the importance of updating the CMP's protected plant list. (comments and photographs are attached.) He added that he was saddened to hear of Al Horner's passing, noting that Mr. Horner was a champion for the Pinelands. He said the material where the illegal dumping occurred on Magnolia Road continues to sit on the property and wash into Stop the Jade Run, the Ong's Hat Preserve and into the Dot and Brooks Evert Trail. He said wetlands have been filled, and he wishes that the process to determine what is in the fill and remove it from the property could happen more quickly. Lastly, he noted that the critical habitat at the Pemberton Township landfill cannot be mitigated. He added that rare species are present at the Southern Ocean landfill.

Jason Howell of the Pinelands Preservation Alliance suggested emailing NJDEP Commissioner Shawn LaTourette in support of developing a map for Wharton State Forest. He said this is something Al Horner felt very strongly about. He commended the Commission for its siting of communication towers. He said the absence of towers has added scenic value to the land and helped Al capture the beautiful scenery through his photography. He said that he supported moving forward quickly with rulemaking to protect the Black Run.

Harry Harper of Pemberton Township said the landfill in Pemberton has been untouched for 60 years, and the site is covered in natural vegetation. He said he does not support placing a solar facility on the landfill.

Michelle Forman of Pemberton Township said she has paperwork on an application proposing solar on a landfill that is surrounded on three sides by state forest. She said she does not support placing solar in the middle of a forest. She said she has information that there were 1,500 drums of unidentified, toxic chemicals located at the landfill at some point. Lastly, she said she cannot fathom the idea of relocating the endangered species from the site. She also said that she does not understand why the type of species cannot be shared with the public.

Adjournment

Commissioner Rittler Sanchez suggested that when the Commission is voting on more than one public development application that they each have a separate resolution and vote.

Commissioner Avery offered the suggestion of reaching out to Burlington County on the matter of the Magnolia Road wetlands filling violation. He said maybe the county has the ability to test the materials. He said it doesn't seem acceptable that nothing is happening at the site considering the magnitude of the materials that were dumped.

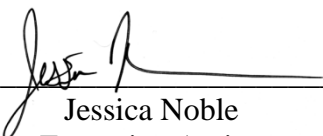
Director Horner said staff will follow up with the NJDEP and the Burlington County Health Department to try and expedite the testing and cleanup of the Magnolia Road site.

Commissioner Asselta said in 1999, New Jersey chose to deregulate energy production, and that meant the state would rely mostly on its then two existing nuclear plants Oyster Creek and Salem & Hope Nuclear Generating Stations and coal plants in West Virginia and Ohio for electricity. He said the need for electricity in New Jersey continues to grow. He said in the future, as the United States Government and Federal Energy Regulatory Commission (FERC) deregulate coal generated electricity, New Jersey will receive less and less. He said solar- and wind-powered energy will be necessary to provide clean energy to New Jersey and sacrifices will have to occur. He said it may mean placing solar on a defunct landfill.

Commissioner Lohbauer, in response to the last public commenter, said the reason staff cannot disclose the type of T&E animal is for the protection of the species.

Commissioner Irick moved to adjourn the meeting. Commissioner Pikolycky seconded the motion. The Commission agreed to adjourn at 11:10 a.m.

Certified as true and correct:

  
\_\_\_\_\_  
Jessica Noble  
Executive Assistant

Date: June 20, 2024



# Albert D. Horner

August 7, 1946 – May 29, 2024

© *Albert D. Horner*™

## More than just pines

### Discover the secrets of the Pinelands

It may look like just pine trees and sand, but investigate a little further and you'll encounter a fascinating natural and cultural landscape. The Pinelands is a vast mosaic of forests, streams, and wetlands, plus farms, villages, and homes—some long abandoned and some modern and vibrant.

We invite you to discover what's beneath the surface.

Photo: Tom Appleby, Pinelands Foundation



Proceeds from all sales of Pinelands merchandise benefit the Kathleen M. Lynch-Van de Sande Fund for the Reforestation of the New Jersey Pinelands.

The fund was established in memory of Mr. Lynch-van de Sande, a Pinelands Commission Environmental Specialist who died in a car accident in June 1986. Proceeds from merchandise sales and/or donations to the fund support the planting of native Pinelands plants and projects that raise awareness about native Pinelands plants.



Mr. Horner donated his photo of sunrise over Wharton State Forest for the Commission's exhibit

In 2022, Mr. Horner donated 17 of his framed photos of the Pinelands for display at the Pinelands Commission's Offices. In 2023, he gave the Commission dozens of additional photos to be displayed at our office.







*Winter 2011*



8/50

Woodward



*Woodbridge*



*Woodbridge*

Mr. Horner's donated photos can now be enjoyed in the Commission's buildings, where they will help to raise awareness and appreciation of the extraordinary beauty of the Pinelands.

The Commission plans to frame more of his donated photos in the coming months.





# ***RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION***

**NO. PC4-24- 11**

**TITLE:** **Approving** With Conditions Applications for **Public Development** (Application Numbers 1990-0445.028 & 1990-0450.008)

Commissioner Irick moves and Commissioner Asselta seconds the motion that:

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

**1990-0445.028**

<b>Applicant:</b>	<b>New Jersey Department of Transportation</b>
Municipality:	Pemberton Township
Management Area:	Pinelands Preservation Area District
Date of Report:	May 22, 2024
Proposed Development:	Realignment of the County Route 530 and State Route 70 intersection; and

**1990-0450.008**

<b>Applicant:</b>	<b>NJ Turnpike Authority</b>
Municipality:	Lacey Township
Management Area:	Pinelands Garden State Parkway Overlay District
Date of Report:	May 23, 2024
Proposed Development:	Construction of a 2,000 square foot State Police barracks and a 3,844 square foot helicopter pad at the Celia Cruz Service Area

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

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

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

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

**NOW, THEREFORE BE IT RESOLVED** that Application Numbers 1990-0445.028 and 1990-0450.008 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

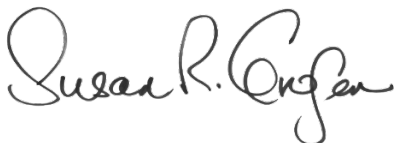
**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta	x				Lettman			x		Rittler Sanchez	x			
Avery	x				Lohbauer	x				Wallner	x			
Christy			x		Mauriello	x				Matos	x			
Holroyd	x				Meade			x						
Irick	x				Pikolycky	x								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: June 14, 2024



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

May 22, 2024

Brendan Brock (via email)  
New Jersey Department of Transportation  
1035 Parkway Ave.  
P.O. Box 600  
Trenton NJ 08625

Re: Application # 1990-0445.028  
Burlington County Route 530 and State Route 70  
Pemberton Township

Dear Mr. Brock:

The Commission staff has completed its review of this application proposing the realignment of the Burlington County Route 530 and State Route 70 intersection. 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 June 14, 2024 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

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



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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

May 22, 2024

Brendan Brock (via email)  
New Jersey Department of Transportation  
1035 Parkway Ave.  
P.O. Box 600  
Trenton NJ 08625

Application No.: 1990-0445.028  
Burlington County Route 530 and State Route 70  
Pemberton Township

This application proposes the realignment of the Burlington County Route 530 and State Route 70 intersection located within the above referenced rights-of-way in Pemberton Township.

Burlington County Route 530 currently intersects State Route 70 at an angle which creates safety concerns and difficulty turning for larger vehicles. The proposed realignment will create an intersection angle closer to 90 degrees to improve vehicle safety. The proposed development will result in the removal of 14,805 square feet of existing impervious surfaces. The applicant proposes to revegetate that area with native Pinelands grasses.

### **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 proposed development is located in the Pinelands Preservation Area District. The CMP limits the development of new public service infrastructure, including roads, in the Pinelands Preservation Area District to that infrastructure necessary to serve only the needs of Preservation Area District uses.

The existing road intersection predates the January 14, 1981 effective date of the Commission's regulations. The Commission's regulations permit up to a 50 percent expansion of the area of a nonconforming use, including roads, that existed prior to January 14, 1981. The intersection improvement proposed in this application results in an overall reduction of the area of the intersection existing as of January 14, 1981. Therefore, the proposed intersection improvement is permitted by the CMP.

### Wetlands Linear Improvement Standards (N.J.A.C. 7:50-6.6 & 6.13)

No development is proposed in wetlands. The CMP requires a buffer of up to 300 feet to wetlands.

There is a wetland area located to the north of the existing intersection of Burlington County Route 530 and State Route 70. The existing intersection is located within 115 feet of this wetland area. The proposed development will be located no closer to this wetland area than the existing intersection. The application proposes to remove 14,805 square feet of existing road pavement that is located within the 300 feet of this wetland area.

There is a second wetland area located approximately 290 feet to the west of the existing intersection. The proposed development will be located approximately 85 feet from this wetland area. The proposed development will be located within the required buffer to wetlands for this wetlands area. The CMP permits linear improvements, including roads and road intersections, in the required buffer to wetlands provided certain CMP specified conditions are met. Those CMP conditions include demonstrating that there is no feasible alternative to the proposed development which will result in a less significant adverse impact to wetlands and 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 of the proposed development on the required buffer to wetlands. The proposed development within the required buffer to wetlands is necessary to improve traffic safety. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the required buffer to wetlands.

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

The proposed development will be located within existing paved areas and grassed road shoulders. All 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.

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

The applicant performed a threatened and endangered plant survey for the presence of American chaffseed and Slender rattlesnake root. The results of the threatened and endangered plant survey indicated that no threatened or endangered plant species were present on or in the vicinity of the proposed development.

The applicant has demonstrated that the proposed development will not have an irreversible adverse impact on local populations of American chaffseed and Slender rattlesnake root or on any other local populations of threatened or endangered plant species.

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

The application proposes to remove 14,805 square feet of existing pavement. The application proposes 5,544 square feet of new pavement and a 1,161 square foot concrete traffic island. The proposed development will result in a decrease of 8,100 square feet of impervious surface. There will be no

increase in the volume and rate of stormwater runoff after the development than occurred prior to the proposed development. The proposed development is consistent with the CMP stormwater standards.

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

The Commission staff reviewed available information to determine the potential for any significant cultural resources that could be affected by the proposed development. Based upon the lack of potential for significant cultural resources within the area to be developed, a cultural resource survey was not required.

**PUBLIC COMMENT**

The applicant has provided the requisite public notice. Newspaper public notice was completed on August 10, 2023. The application was designated as complete on the Commission's website on April 30, 2024. The Commission's public comment period closed on May 10, 2024. 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 four sheets, prepared by the New Jersey Department of Transportation and dated as follows:  
  
Sheets 1-3 - April 18, 2024  
Sheet 4 - February 7, 2024
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

THE PINELANDS COMMISSION

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[www.nj.gov/pinelands](http://www.nj.gov/pinelands)



PHILIP D. MURPHY  
Governor

TAHESHA L. WAY  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto: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 June 10, 2024 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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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

May 23, 2024

Michael Garofalo (via email)  
NJ Turnpike Authority  
P.O. Box 5042  
Woodbridge NJ 07095

Re: Application # 1990-0450.008  
Garden State Parkway  
Celia Cruz Service Area  
Lacey Township

Dear Mr. Garofalo:

The Commission staff has completed its review of this application for construction of a State Police barracks and helicopter pad at the Celia Cruz Service Area. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its June 14, 2024 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Lacey Township Planning Board (via email)  
Lacey Township Construction Code Official (via email)  
Lacey Township Environmental Commission (via email)  
Secretary, Ocean County Planning Board (via email)  
Ocean County Health Department (via email)  
Elise Rodriguez (via email)



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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

May 23, 2024

Michael Garofalo (via email)  
NJ Turnpike Authority  
P.O. Box 5042  
Woodbridge NJ 07095

Application No.: 1990-0450.008

Location: Garden State Parkway  
Celia Cruz Service Area  
Lacey Township

This application proposes construction of a 2,000 square foot State Police barracks and a 3,844 square foot helicopter pad at the Celia Cruz Service Area within the Garden State Parkway right-of-way in Lacey Township.

### **STANDARDS**

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

#### **Land Use (N.J.A.C. 7:50-5.35)**

The proposed development is located in the CMP designated Parkway Overlay District and underlain by the Pinelands Preservation Area District. The proposed development constitutes accessory facilities associated with the operation of the Garden State Parkway. The proposed development is a permitted land use in the Parkway Overlay District.

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

The proposed development will be located primarily within existing maintained grassed areas and partially within a forested area. The proposed development will result in the clearing of approximately 1,000 square feet of trees. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

recommendation.

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

The existing Celia Cruz Service Area is serviced by public sanitary sewer. The proposed barracks will be serviced by public sanitary sewer.

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

The proposed development is consistent with the stormwater management standards of the CMP. To meet the stormwater management standards, the application proposes to construct a stormwater infiltration basin.

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

The Commission staff reviewed available information to determine the potential for any significant cultural resources that could be affected by the proposed development. Based upon the lack of potential for significant cultural resources within the area to be developed, a cultural resource survey was not required.

The New Jersey State Historic Preservation Office (SHPO) previously determined that the Garden State Parkway Historic District was eligible for the National Register of Historic Places. The Celia Cruz Service Area is located within the Garden State Parkway Historic District. The proposed State Police barracks will not affect any contributing resource to that National Register eligible Historic District. Therefore, no Certificate of Appropriateness is required for this application.

**PUBLIC COMMENT**

The applicant has provided the requisite public notice. Newspaper public notice was completed on December 14, 2023. The application was designated as complete on the Commission's website on April 29, 2024. The Commission's public comment period closed on May 10, 2024. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 22 sheets, prepared by Gannett Fleming, Inc. and dated as follows:
  - Sheet 1 - undated
  - Sheets 2-19 - February 2024
  - Sheet 20 - April 2009
  - Sheets 21 & 22 - April 2009; last revised March 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. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

### **CONCLUSION**

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



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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 June 10, 2024 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. PC4-24- 12**

**TITLE:** To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2025 at the Same Level of Expenditures as Fiscal Year 2024 until the Adoption of the Fiscal Year 2025 Budgets

Commissioner Avery moves and Commissioner Irick seconds the motion that:

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

**WHEREAS**, based on the Governor’s proposed budget, it is anticipated that the Commission will receive an appropriation of at least \$3,749,000 to support its operations during Fiscal Year 2025; and

**WHEREAS**, confirmation of the State appropriation is expected in July, after which the Commission will be able to finalize and adopt its Fiscal Year 2025 budgets; 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 actions shall become effective upon such approval.

**NOW, THEREFORE, BE IT RESOLVED** that the Executive Director is authorized to continue to expend funds during Fiscal Year 2025 at the same level of expenditures as Fiscal Year 2024 until the Commission’s adoption of the Fiscal Year 2025 Budgets.

**Record of Commission Votes**

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

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: June 14, 2024

\_\_\_\_\_  
 Susan R. Grogan  
 Executive Director

\_\_\_\_\_  
 Laura E. Matos  
 Chair

I am here to make the Commissioners aware of the difficulty faced by your employees in trying to obtain a new contract.

The last contract between the Pinelands Commission and CWA expired eleven and a half months ago, and management has constantly dragged its feet in negotiations. In fact, the Commission's negotiators did not even make counterproposals until more than seven months after the expiration date. As I stand here today, we are waiting once again for management to schedule another bargaining session, following several cancellations.

To make matters worse, management has repeatedly put obstacles in the way for no good reason.

The first problem arose last summer when management refused to pay annual merit increases, even though New Jersey labor law clearly requires such benefits to be continued during negotiations. After several months of litigation, the Public Employment Relations Commission (PERC) ordered management to pay the increases, but even then management requested PERC to reconsider. In January PERC unanimously rejected management's request, ruling that its refusal to pay the required increases wrongly disrupted negotiations.

Despite all this, management is still trying to prevent annual merit increases from continuing after the next contract expiration by proposing that the increases would sunset at the end of the contract. Given management's practice of dragging out negotiations, this is obviously intended to coerce the union by making employees wait months for their merit increases or possibly lose them altogether.

Another problem is the cost of health benefits. For the past few months, we have tried to persuade management to make changes to employee health benefits in order to reduce premiums and decrease employee contributions, while making the contribution levels more equitable and consistent. The union's proposal would even save money for the Pinelands Commission. A key part of the union's proposal is to replace the old Chapter 78 brackets that are currently being used to calculate employee contributions.

For a long time, management refused to even consider any changes at all with respect to health benefits, then eventually offered to make an annual payment to employees who switch to a less expensive plan.

Despite this, however, management still insists on keeping the old Chapter 78 brackets, even though the union has pointed out the inequities and has shown that

its proposal would be less costly to management than the current arrangements. When asked why it rejects the union's proposal, management says only that it is concerned about future costs, even though the union has thoroughly analyzed future costs and management does not challenge the union's figures.

In short, management is rejecting the union's proposal for no reason at all, other than its apparent aversion to change. I can't begin to tell you how frustrating it is to negotiate when the other side refuses to change but can't articulate any factual basis for its refusal. It seems that management simply isn't willing to negotiate in good faith on reasonable terms.

I ask that the Commission instruct its negotiators to return to the bargaining table and consider the union's proposals in good faith with the aim of reaching a fair agreement as quickly as possible.



# Partnerships for New Jersey

## Plant Conservation

Scientists, Advocates, Educators and Citizens

Working Towards Protection of New Jersey's Rare Flora

---

### **Testimony to the Pinelands Commission, June 14, 2024, concerning the CMP list of protected plant species.**

Thank you for the opportunity to remind the Pinelands Commission again that its list of protected plant species has been obsolete for many years and thus is in serious need of updating.

We do understand that the Commission staff has limited resources and a full agenda. However, we believe that the Commission could take advantage of some readily available resources to use in updating its protected plant list.

For example, we recently got reports from the New Jersey Natural Heritage Program listing all the plant species of conservation concern that occur in the Pinelands, and we're in the process of studying those reports in order to make sensible specific recommendations to the Commission.

In the meantime, we want to share a few examples of some of the plants of conservation concern that occur within the Pinelands but that currently have no official protection.

*Agalinis fasciculata*

Pine Barren Foxglove



*Asclepias lanceolata*

Smooth Orange Milkweed



Lupinus perennis  
Sundial Lupine



*Polygala polygama*

Racemed Milkwort



*Sabatia campanulata*

Slender Marsh-pink



Stylosanthes biflora

Pencil Flower

Pencil Flower  
*Stylosanthes biflora*



*Gentiana saponaria*  
Soapwort Gentian



*Spiranthes odorata*

Fragrant Ladies-tresses



Eupatorium coelestinum

Mist-flower



*Arethusa bulbosa*

Dragon-mouth







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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

May 29, 2024

Matthew von der Hayden, Administrator  
Stafford Township (via email)  
260 East Bay Ave.  
Manahawkin NJ 08050

Re: Application # 1984-0036.017  
Block 29, Lot 13  
Stafford Township

Dear Mr. von der Hayden:

The Commission staff has completed its review of this application for demolition of a potable water storage standpipe, 50 years old or older, and the construction of a local communications facility (communications tower).

Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its July 12, 2024 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, Stafford Township Planning Board (via email)  
Stafford Township Construction Code Official (via email)  
Stafford Township Environmental Commission (via email)  
Secretary, Ocean County Planning Board (via email)  
Troy Dittenhofer, PE (via email)



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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

May 29, 2024

Matthew von der Hayden, Administrator  
Stafford Township (via email)  
260 East Bay Ave.  
Manahawkin NJ 08050

Application No.: 1984-0036.017  
Block 29, Lot 13  
Stafford Township

This application proposes demolition of a potable water storage standpipe, 50 years old or older, and the construction of a local communications facility (communications tower) located on the above referenced one acre parcel in Stafford Township.

The Pinelands Comprehensive Management Plan (CMP) defines a local communications facility as an antenna and supporting structure which is intended to serve a limited localized audience through point to point communication, including cellular telephones and dispatch communications.

There are existing communication antennae and public safety communication equipment located on the existing potable water storage standpipe. The application proposes to construct a temporary 130 foot high communications tower prior to demolition of the standpipe. The existing communication antenna and equipment will be relocated to the temporary tower. Once the standpipe is demolished, the proposed 130 foot high permanent tower will be constructed. Upon completion of the construction of the permanent tower, the communication antenna and equipment will be relocated from the temporary tower to the permanent tower. Upon completion of the relocation of the communication antenna and equipment, the temporary tower will be removed from the parcel.

### **STANDARDS**

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

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

The parcel is located in a Pinelands Regional Growth Area. The proposed demolition of the potable water storage standpipe, 50 years old or older, and construction of the communications tower are 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 in an existing grassed area. The proposed soil disturbance is limited to that which is necessary to accommodate the 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.

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

The Commission staff reviewed available information to determine whether any significant cultural resources exist on the parcel. The existing potable water storage standpipe was constructed in 1973. Based upon the lack of potential for significant cultural resources, a cultural resource survey was not required.

**PUBLIC COMMENT**

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The Commission’s public comment period closed on May 10, 2024. 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 six sheets, prepared by Remington & Vernick Engineers and dated as follows:  
  
Sheets 1-3 & 6 - August 28, 2023  
Sheets 4 & 5 - August 28, 2023; last revised January 10, 2024.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. The proposed temporary communications tower shall be removed from the parcel within 90 days of the completion of the permanent communications tower.

**CONCLUSION**

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



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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 June 17, 2024 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.



State of New Jersey  
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LAURA E. MATOS  
 Chair  
 SUSAN R. GROGAN  
 Executive Director

## MEMORANDUM

To: Members of the Pinelands Commission

From: Katie Elliott *KE*  
 Planning Specialist

Date: July 2, 2024

Subject: No Substantial Issue Findings

During the past month, the Land Use Programs Office reviewed 17 ordinance amendments that were found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan (CMP). They included the following:

### 2023 CMP Amendments/NJDEP Stormwater Management Amendments

The following ordinances responded to the New Jersey Department of Environmental Protection (NJDEP) amendments to the statewide stormwater management regulations at N.J.A.C. 7:8, adopted July 17, 2023 and the Pinelands Commission’s amendments to the CMP water management regulations, adopted December 4, 2023:

**Barnegat Township Ordinance 2024-08** – amends Chapter 55, Land Use, of the Code of Barnegat Township.

**Berkeley Township Ordinance 24-19-OAB** – amends Chapter 35, Land Development, of the Code of Berkeley Township.

**Eagleswood Township Ordinance 2024-03** – amends Chapter 295, Zoning, of the Code of Eagleswood Township.

**Galloway Township Ordinance 2136-2024** – amends Chapter 233, Land Management, of the Code of Galloway Township.

**Hamilton Township Ordinance 2076-2024** – amends Chapter 163, Excavations, and Chapter 203, Land Use and Development, of the Code of Hamilton.

**Jackson Township Ordinance 17-24** – amends Chapter 244, Land Use and Development Regulations, of the Code of Jackson Township.

**Manchester Township Ordinance 24-16** – amends Chapter 245, Land Use and Development, of the Code of Manchester Township.

**Monroe Township Ordinance O:20-2024** – amends Chapter 175, Land Management, and Chapter 245, Soil Removal, of the Code of Monroe Township.

**Plumsted Township Ordinance 2024-05** – amends Chapter 15, Zoning, of the Code of Plumsted Township.

**Plumsted Township Ordinance 2024-06** – amends Chapter 54, Soil Removal, Excavations and Mining, of the Code of Plumsted Township.

**South Toms River Borough Ordinance 2024-07** – amends Chapter 24, Stormwater Management, of the Code of South Toms River Borough.

### **Other Ordinances**

**Barnegat Township Ordinance 2024-13** – amends Chapter 55, Land Use, of the Code of Barnegat Township. The ordinance revises stormwater management regulations outside the Pinelands Area in response to the NJDEP amendments adopted July 17, 2023. The portion of the Township outside the Pinelands Area is within the Pinelands National Reserve (PNR). In 2013, the Pinelands Commission certified the Township’s land development regulations and zoning plan for the PNR portion of the Township.

**Evesham Township Ordinance 8-5-2024** – repeals and replaces Chapter 78, Flood Damage Prevention, of the Township Code. The ordinance provides updated flood damage prevention regulations. The regulations require the application and issuance of a floodplain development permit for any development within a flood hazard area. The ordinance contains administrative procedures for the submission and review of floodplain development applications as well as floodplain development standards. The ordinance also provides updated flood hazard maps and designates a floodplain administrator.

**North Hanover Township Ordinance 2024-08** – repeals and replaces the Township’s Floodplain Management Regulations with updated flood damage prevention regulations. The regulations require the application and issuance of a floodplain development permit for any development within a flood hazard area. The ordinance contains administrative procedures for the submission and review of floodplain development applications as well as floodplain development standards. The ordinance also provides updated flood hazard maps and designates a floodplain administrator.

**Waterford Township Ordinance 2024-6** – repeals and replaces Chapter 101, Cannabis, of the Code of Waterford Township. The ordinance adopts new regulations for the licensing and regulation of cannabis establishments. The ordinance requires all cannabis establishments to receive a local endorsement as well as a local license from the Township Committee. The ordinance provides cannabis license application procedures and standards, standards and requirements of license holders, performance standards and testing requirements for licensed cannabis establishments, transfer and user taxes and enforcement procedures. The ordinance includes the zoning districts in which specific cannabis classes are permitted, which align with the land development regulations contained in Ordinance 2024-7.

**Waterford Township Ordinance 2024-7** – amends Chapter 176, Land Use, of the Code of Waterford Township. The ordinance conditionally permits cannabis Classes 1-4 and 6 (cultivation, manufacture, wholesale, distribution, and delivery) in the Planned Highway Business (PHB) District and Planned Light Industrial (PI) Districts. Cannabis Class 5 (retail) is also permitted in the PHB District. The ordinance also conditionally permits cannabis Classes 1 and 2 (cultivation and manufacture) in the Agricultural (AG) District, provided that the use is limited to activities that are consistent with the definitions of “Agricultural or Horticultural Purpose or Use” and/or “Agricultural Products Processing Facility” as defined in Section 176-9 of the Township Code. The ordinance includes conditional use standards related to siting requirements, building design, security, odor and parking. The PHB District is located in a Regional Growth Area, the PI District is located in a Rural Development Area, and the AG District is located in an Agricultural Production Area.

**Waterford Township Ordinance 2024-9** – amends the Haines Boulevard Redevelopment Plan to clarify and confirm that convenience stores with retail fuel sales and electric vehicle charging stations are permitted in the Community Commercial (CC) District. The ordinance also specifies that the standards set forth at Section 176-104N for gas stations shall also apply to retail fuel sales. The Haines Boulevard Redevelopment Plan, as amended, was previously certified by the Pinelands Commission. The CC District was established by the Haines Boulevard Redevelopment Plan and is located in a Pinelands Regional Growth Area.