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State of New Jersey

THE PINELANDS COMMISSION

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Chris Christie
Governor

Kim Guadagno
Lt. Governor

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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

May 26, 2015

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

Dear Mr. Lupp:

Enclosed are the Pinelands Commission meeting minutes for April 10, 2015 for your information.

Sincerely,

A handwritten signature in cursive script that reads "Melody Wood".

Melody A. Wood,
Receptionist

PC1
Enclosure: Minutes

PC2-24

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

MINUTES

April 10, 2015

Commissioners Present

Candace Ashmun, Bob Barr, Bill Brown, Joe DiBello, Sean Earlen, Paul E. Galletta, Jane Jannarone, Richard Prickett, Ed Lloyd, D'Arcy Rohan Green, and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Amy Herbold and Deputy Attorney General Helene Chudzik.

Commissioners Absent

Alan W. Avery Jr., Ed McGlinchey, Gary Quinn and Fran Witt.

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

DAG Chudzik read the Open Public Meetings Act Statement.

Ms. Wittenberg called the roll and announced the presence of a quorum. (There were 10 Commissioners present.)

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

DAG Chudzik administered the Oath of Office to Mr. Bob Barr.

Commissioner Barr thanked Commissioners, staff and members of the public for the warm welcome. He said it was an honor to be here. He thanked the Governor for the nomination and those who helped the nomination through. He said he has no preconceived notions or ill will for those who did not support his nomination. He said he looks forward to working with everyone.

Minutes

Chairman Lohbauer presented the minutes from the March 13, 2015 Commission meeting (open and closed session). He thanked Vice Chairman Avery for chairing that meeting. Commissioner Ashmun moved the adoption of the minutes. Commissioner Earlen seconded the motion.

The minutes of the March 13, 2015 Commission meeting were adopted by a vote of 10 to 0.

Commissioner Jannarone joined the meeting at 10:38 a.m.

Committee Chairs' Reports

Commissioner Ashmun said that the *ad hoc* Committee to review the Memorandum of Agreement process will meet after the April 24, 2015 Policy & Implementation Committee meeting.

Policy & Implementation Committee

Chairman Lohbauer provided an update on the March 27, 2015 Policy & Implementation Committee meeting.

The Committee adopted the minutes (open and closed sessions) of the January 30, 2015 meeting.

Chairman Lohbauer created an *ad hoc* Committee to evaluate policy related to Memoranda of Agreement, and he initiated discussion of the creation of an Agriculture Committee.

The Committee recommended that the Commission conditionally approve Franklin Township Ordinance O-6-14, a comprehensive sign ordinance. The conditions require that changeable message signs/light emitting diode signs be prohibited in the Pinelands Area portion of the Township, which includes only Rural Development and Agricultural Production Areas.

The Committee received a presentation on the Black Run watershed, an environmentally sensitive area in the Rural Development Area of Evesham Township. Protection of this area was addressed in the 2006 report A Sub-regional Resource Protection Plan for Southern Medford/Evesham Townships and included in the Fourth Progress Report on Plan Implementation. Among the options included in the 2006 report are a rule proposal that would re-designate a 4,000-acre Forest Area in Evesham and Medford townships and an

off-site clustering pilot program to direct development away from these ecologically valuable lands. A follow up discussion will be held at the next P&I Committee meeting.

The Committee reviewed a schedule for a pilot program for special events and expanded economic opportunities in the Agricultural Production Area. Ms. Wittenberg will be providing an update on these efforts to State Senator Ray Lesniak, Chair of the Senate Economic Growth Committee, in June.

The Committee learned that the New Jersey Conservation Foundation has combined funds from a variety of sources including the final remaining Pinelands Conservation Funds, allowing it to purchase a 475 acre portion of the Zemel property in Woodland Township. Closing is anticipated for May 2015.

Commissioner Galletta said he spoke with Commissioner McGlinchey this week and he asked about the status of the Agriculture Committee.

Commissioner Galletta asked for clarification as to what Commissioners will be on the Agriculture Committee.

Commissioners Earlen, Prickett, Lloyd, McGlinchey and Galletta will serve on the Committee. Chairman Lohbauer said he would serve as an alternate. The Committee needs one more alternate.

Chairman Lohbauer said he would ask Commissioner McGlinchey (who will Chair that Committee) to discuss a schedule with its members and Director Wittenberg.

Commissioner Ashmun clarified that the Agriculture Committee would be composed only of Commission members.

Executive Director's Reports

Mr. Larry Liggett updated the Commission on the following:

- Last month Mr. Liggett advised the Commission that Hammonton had to discharge treated wastewater into Hammonton Creek. Currently, Hammonton is back to completely using ground recharge. The overland/surface drip irrigation should be operational by the end of May. The underground/ subsurface drip irrigation should be completed by this fall.
- About five years ago, the Commission and the New Jersey Department of Environmental Protection (NJDEP) agreed to share threatened and endangered (T&E) species data. The Commission's T&E data has been updated electronically. Now the NJDEP and the Commission can work from the same maps.

Ms. Wittenberg noted that as part of Hammonton's Long Term Comprehensive Wastewater Plan, no additional flow is permitted until both the overland and underland drip irrigations systems are operational.

Mr. Chuck Horner provided an update on the following:

- The Commission has received an appeal of the Buena Vista Township application (application # 2009-0089.001) originally on today's agenda. Ms. Stacey Roth is in the process of reviewing the appeal. The Mayor of Buena Vista Township has requested that the application be postponed until the May Commission meeting.
- Staff will be meeting with the Burlington County Engineer's office on April 29 to discuss the Taunton Lakes Road widening project.
- A pre-application meeting was held with Atlantic City Electric to discuss an electric transmission line that would cross the Mullica River in the vicinity of the Garden State Parkway and on through New Gretna. The poles have already been installed as part of another project.

Commissioner Ashmun asked if the line would be attached to the bridge across the Mullica River.

Mr. Horner said that the line will be attached to poles that were previously installed for another transmission line.

- Staff continues to meet with the owners of a large mining operation in Maurice River Township to discuss a habitat conservation plan in order to address the threatened and endangered species standards of the Comprehensive Management Plan (CMP).

Commissioner Earlen said he read the article in the newspaper about a New Jersey Natural Gas (NJNG) pipeline proposed through Burlington County. He asked Ms. Wittenberg if our staff has had any conversations with representatives from NJNG.

Ms. Wittenberg said some time ago NJNG advised the Commission of its plans. At this time no application has been submitted.

Commissioner Earlen asked about the status of Jackson Township's rezoning.

Ms. Wittenberg said the issue is ongoing. She said Jackson Township is evaluating the best option for a specific portion of the Regional Growth Area.

Commissioner Lloyd said he had heard that the NJNG application was filed with the Board of Public Utilities this week.

Ms. Roth reminded Commissioners it is time to file Financial Disclosure Statements. The deadline is May 15.

Public Development Projects and Other Permit Matters

Chairman Lohbauer said Buena Vista Township has requested that its public development application that was on today's agenda be postponed until the May Commission meeting.

Resolutions Relating to Municipal Ordinances

Commissioner Earlen moved the adoption of a resolution Issuing an Order to Conditionally Certify Ordinance O-6-14, Amending Chapter 253 (Land Development) of the Code of Franklin Township (See Resolution # PC4-15-07). Commissioner Brown seconded the motion.

Commissioner Galletta said that there are about 10 businesses that could be affected by this ordinance and he will be voting no. He said the CMP needs to be amended to address electronic signs.

The Commission adopted the resolution by a vote of 9 to 2. Commissioner Galletta and Commissioner Jannarone voted no.

Public Comment on Agenda Items and Pending Public Development Applications

No members of the public offered comment.

Ordinances Not Requiring Commission Action

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

- Shamong Township Ordinance 2014-5
- Tabernacle Township Ordinance 2015-2

No members of the Commission had questions.

Public Comment on Any Matter Relevant to the Commission's Statutory Responsibilities

Chairman Lohbauer requested that the public focus their comments on issues rather than judge members of the staff and the Commission.

Denise Garner of Jackson Township congratulated Commissioner Barr on his appointment. She said she was here to provide comments on Jackson's rezoning proposal from residential to commercial that the Town Council did not vote to approve. She said commercial development would not be a good idea because of the area's close proximity to the base. She said many residents are upset about the rezoning possibility. She said that keeping the area as open space would be ideal.

Tim Mead, a Winslow Township resident, provided comment about youth soccer at Tuckahoe Turf Farms. See attached comments.

Allen Carter of Tuckahoe Turf Farms provided comment on marketing his turf. See attached comments.

Josephine Sienkiewicz of Jackson Township said that she and her husband own a small farm in Jackson in the area proposed for rezoning. She said she does not support changing the zone from residential to industrial.

Fran Brooks of Tabernacle Township welcomed Commissioner Barr. She requested an explanation of the pilot project connected to the Tuckahoe Turf matter.

Ms. Wittenberg said the CMP allows for pilot programs. She said the program would be independent of the Tuckahoe Turf matter. She said the pilot would allow the Commission to evaluate non-agriculture activities on agricultural lands. Depending on the outcome of the pilot, the Commission might propose rule changes.

Ms. Roth added that the CMP at 7:50-10.1 authorizes the Commission to go through a rule making process if the pilot warrants such a decision. The Commission has received a number of applications for "events" on agricultural lands that are not currently addressed in the CMP. She said rather than deal with these types of applications on a case-by-case basis, the pilot would address them as a whole.

Commissioner Earlen said the Pilot Programs sounds like something the Agricultural Committee should work on.

Fred Akers of the Great Egg Harbor Watershed Association said he attended the Pinelands Short Course and it was great. He referred to the process of Buena Vista Township applying to the Commission after development occurred as a charade. He said the Commission should find a mechanism to retain a licensed engineer to review certain types of development. He also recommended an independent, third-party peer review so there is some certainty that the proposed stormwater system will work.

Chairman Lohbauer said there is almost always no guarantee.

Margit Meissner-Jackson said that there are three pipelines making their way into New Jersey: New Jersey Natural Gas, South Jersey Gas and Pilgrims. She said she is not in favor of pipelines in the Pinelands or elsewhere in the state.

Carol Gay of the New Jersey State Industrial Union Council thanked the Commissioners for voting against the South Jersey Gas pipeline. She said she is against any pipelines in the Pinelands. She said it is imperative that we move away from fossil fuels and turn to renewable resources. She said fracking is a dangerous and harmful process that needs to end.

Marianne Clemente welcomed Commissioner Barr. She asked if there was any new information regarding the South Jersey Gas litigation matter.

Chairman Lohbauer said there is nothing to report.

Bill Wolfe of Bordentown welcomed Commissioner Barr. He said planning and regulatory rules need to be based on the CMP, science and law, not compelling personal interests. He said some of the public comment offered today was outside of the Commission's realm. He said he received a response from the Chairman on climate change and how it relates to the Commission. He reviewed the reasons why he was disappointed with the Chairman's response.

Paul Dietrich of Dennis Township said that his daughter has been playing with the Barons at Tuckahoe Turf Farm for many years. He said there is a need for the fields and there is support for the continued soccer activities there.

Jim Rapp of Jackson Township said he was happy with the outcome of the South Jersey Gas matter and, if it returns to the Commission, he hopes for the same conclusion. He welcomed Commissioner Barr. He said he was in Trenton and rallied against the nomination. He thanked Commissioner Jackson for his service on the Commission. He said that President Obama has endorsed natural gas as the petroleum of choice. He said this is a national issue. He offered Commissioner Barr support.

Jeff Tittel, Director of the NJ Sierra Club, thanked Robert Jackson for his dedication to the Pinelands. He said Boards go through cycles, Commissioners come and go and it is important to remember why we are here. He said the Pinelands are unique, home to plant species only found in this area and the largest freshwater aquifer on the eastern seaboard. He said the Commission, staff and public need to work together to deal with MOAs, sewer plants, climate change, the southern pine beetle, political pressure and large scale housing developments.

Lee Rosenson of Pinelands Preservation Alliance (PPA) and New Jersey Audubon Society commended former Commissioner Jackson for his work at the Commission and welcomed Commissioner Barr. He said the flow of information between staff and Commissioners has room for improvement. He said that every year he raises his concern over T&E consultants, and every year nothing is done. He said it is a conflict of interest when an applicant pays a T&E consultant to do a study on their property. He believes the Commission should hire the consultant in order to get unbiased results.

Chairman Lohbauer said staff would add the T&E discussion to the next P&I agenda.

Michael Gross, environmental counsel to the New Jersey Builders Association, said he appreciated hearing the Chair's request to keep personal attacks out of the public comment portion. He said after reviewing minutes from the last couple of meetings he was shocked to read the negative comments about staff. He said he has worked with numerous staff members through the years and has the utmost respect for them. He asked

Commissioners to keep in mind that interactions between the applicant and staff are essential to achieve a compliant application. He said in every regulatory process that he has been involved in there has always been conversations that took place between the two.

Doug O'Malley of Environment New Jersey welcomed Commissioner Barr and thanked Bob Jackson for his service. He thanked Chairman Lohbauer for looking at the MOA process. He said the relationship between staff and the applicant during the South Jersey Gas pipeline matter was not typical, as portrayed through emails obtained by PPA. He said the Commission needs to work more on climate change-related issues such as the Southern Pine Beetle.

Closed Session Resolution

DAG Chudzik read a resolution to retire into closed session to discuss pending litigation matters.

Commissioner moved to retire into closed session. Commissioner seconded the motion. The Commission agreed to retire into closed session by a vote of 11 to 0, beginning at 11:15 a.m.

Return to Open Session

Commissioner Lloyd made a motion to return to open session. Commissioner Earlen seconded the motion. The meeting resumed at 12:03 p.m.

DAG Chudzik said pending and anticipated litigation were discussed in closed session and no action was taken.

DAG Chudzik requested a motion to allow the Executive Director to continue to negotiate and resolve the Murphy v Medford matter consistent with the discussion that took place in closed session. The motion was moved by Commissioner Lloyd and seconded by Commissioner Earlen. All were in favor. The motion passed by a vote of 11 to 0.

DAG Chudzik requested a motion to authorize the Executive Director to continue to negotiate and settle the Tuckahoe Turf Farm matter consistent with the terms discussed in closed session. The motion was moved by Commissioner Barr and seconded by Commission Prickett. Commissioner Rohan Green voted no. The motion passed by a vote of 10 to 1.

Commissioner Barr thanked everyone for the warm welcome.

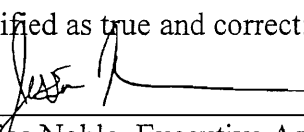
Chairman Lohbauer requested that staff craft a resolution to recognize Commissioner Jackson. He also congratulated staff on another successful Pinelands Short Course.

PC2-32

Adjournment

Commissioner Ashmun moved to adjourn the meeting. Commissioner Barr seconded the motion. The Commission agreed to adjourn at 12:09 p.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: April 24, 2015



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 07

TITLE: Issuing an Order to Conditionally Certify Ordinance O-6-14, Amending Chapter 253 (Land Development) of the Code of Franklin Township

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

WHEREAS, on November 5, 1982, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Franklin Township; and

WHEREAS, Resolution #PC4-82-82 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and codified Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-82-82 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 July 22, 2014, Franklin Township adopted Ordinance O-6-14, amending Chapter 253 (Land Development) of the Township's Code by adopting revised standards for signs, including digital message boards and changeable message signs; and

WHEREAS, within the Pinelands Area, Ordinance O-6-14 permits digital message boards and changeable message signs in the Rural Development and Agricultural Production Areas; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance O-6-14 on January 2, 2015; and

WHEREAS, by letter dated February 2, 2015, the Executive Director notified the Township that Ordinance O-6-14 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony Ordinance O-6-14 was duly advertised, noticed and held on February 25, 2015 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Ordinance O-6-14 is not fully 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 with conditions that Ordinance O-6-14, amending Chapter 253 (Land Development) of the Code of Franklin Township, 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 Ordinance O-6-14 be conditionally certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance O-6-14 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

NOW, THEREFORE BE IT RESOLVED that

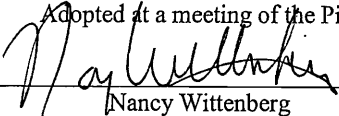
1. An Order is hereby issued to certify with conditions that Ordinance O-6-14, amending Chapter 253 (Land Development) of the Code of Franklin Township, is in conformance with the Pinelands Comprehensive Management Plan. To obtain full certification of Ordinance O-6-14 by the Pinelands Commission, Franklin Township must amend Chapter 253 in accordance with Attachment A of this Order.
2. Franklin Township shall have until August 8, 2015 to adopt and submit the revisions to Chapter 253 to the Pinelands Commission for approval pursuant to N.J.A.C. 7:50-3.45 and Attachment A hereto.
3. If the Township fails to submit the revisions to Chapter 253 pursuant to N.J.A.C. 7:50-3.45 and Attachment A hereto by August 8, 2015, or if such a submission is not fully certified by the Pinelands Commission, Ordinance O-6-14 shall be disapproved.
4. Any additional amendments to Franklin 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

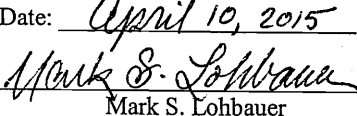
AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS			
Ashmun	X			Earlen	X			Prickett	X		
Avery			X	Galletta		X		Quinn			X
Barr	X			Jannarone		X		Rohan Green	X		
Brown	X			Lloyd	X			Witt			X
DiBello	X			McGlinchey			X	Lohbauer	X		

Adopted at a meeting of the Pinelands Commission

Date: April 10, 2015



Nancy Wittenberg
 Executive Director



Mark S. Lohbauer
 Chairman

ATTACHMENT A TO EXECUTIVE DIRECTOR'S REPORT, DATED MARCH 27, 2015,
ON FRANKLIN TOWNSHIP'S ORDINANCE O-6-14

Adoption of the following amendments will make Ordinance O-6-14 consistent with the standards and provisions of the Pinelands Comprehensive Management Plan:

§ 253-183 – Signs in R-A, ~~PR-R, PA-P~~, I, ~~P-I~~, and Medium-density Residential Zone.

The following sign regulations shall apply to single-family residential and institutional uses within R-A, ~~PR-R, PA-P~~, I, ~~P-I~~, and Medium-density Residential Zone.

§ 253-185 – Signs in Zones B, [and] NC, ~~and PN-C~~.

The following sign regulations shall apply in Zones B, [and] NC, ~~and PN-C~~:

§ 253-185.1 – Signs in HC ~~and PH-C~~ Highway Commercial Districts.

The following sign regulations shall apply in the HC ~~and PH-C~~ Highway Commercial Districts:

§ 253-185.2 – Signs in IC, [and] LM, ~~and PLM-I~~ Districts.

The following sign regulations shall apply in Zones B, [and] NC, ~~and PN-C~~:



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

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

REPORT ON ORDINANCE O-6-14, AMENDING CHAPTER 253 (LAND DEVELOPMENT) OF THE CODE OF FRANKLIN TOWNSHIP

March 27, 2015

Franklin Township
1571 Delsea Drive
Franklinville, NJ 08322

FINDINGS OF FACT

I. Background

The Township of Franklin is located in the southwestern Pinelands in Gloucester County. Pinelands municipalities adjacent to Franklin Township include Monroe Township, also in Gloucester County; as well as Buena Borough and Buena Vista Township in Atlantic County.

On November 5, 1982, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Franklin Township.

On July 22, 2014, Franklin Township adopted Ordinance O-6-14, amending Chapter 253 (Land Development) of the Township's Code by revising various standards related to signs, including digital message boards and changeable message signs. More specifically, Ordinance O-6-14 permits digital message boards and changeable message signs within the Township's Rural Development and Agricultural Production Areas. The Pinelands Commission received a certified copy of Ordinance O-6-14 on January 2, 2015.

By letter dated February 2, 2015, the Executive Director notified the Township that Ordinance O-6-14 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-6-14, amending Chapter 253 (Land Development) of the Code of Franklin Township, introduced on March 11, 2014 and adopted on July 22, 2014.

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 Land Use Ordinance Relating to Development Standards

Ordinance O-6-14 amends Chapter 253 (Land Development) of the Code of Franklin Township by revising various standards related to signs. Ordinance O-6-14 establishes what kinds of signs are permitted within the Township's various zoning districts as well as the number and size of signs permitted at each use. Additionally, Ordinance O-6-14 adopts standards for LED (light-emitting diode) or LCD (liquid-crystal display) digital message boards, illuminated and changeable message signs, including restrictions on their location. LED (light-emitting diode) or LCD (liquid-crystal display) digital message boards are defined by Ordinance O-6-14 as digital signs with changeable content, designed such that the content can be changed a limitless number of times. Pursuant to Ordinance O-6-14, digital message boards and changeable message signs would be restricted to the PR-R, P-I, PH-C, PN-C, and PLM-I Districts in the Township's Rural Development Area and the PA-P District in the Township's Agricultural Production Area.

The scenic management standards of the CMP include a prohibition on signs that are designed to attract attention by physical or lighting change in the Pinelands Area. However, by their very nature, changeable message signs and digital message boards involve messages and advertisements that move or change on a regular basis. This presents a potential conflict with the CMP, which also requires that the character and composition of signs in the Pinelands Area be harmonious with the scenic values of the Pinelands, to the maximum extent practical. But, it is important to note that the sign standards set forth in the CMP were written in 1980, prior to the use of digital or LCD/LED technology in advertising signs. Also noteworthy is the fact that the CMP does not dictate the type of lighting (internal or external) that signs in the Pinelands Area must use. Thus, it is not the use of LCD/LED technology (internal illumination) itself that raises an issue. Rather, it is the fact that digital or LCD/LED signs often involve the changing of one static image to another, or even the use of video, to attract attention. It is the Commission's position that municipal ordinances that adequately address scenic management in their sign ordinances can, in fact, be consistent with the CMP. Indeed, it is the Commission's position that, within development-oriented management areas (Pinelands Regional Growth Areas, Pinelands Towns, and Pinelands Villages), where virtually all types of residential and nonresidential development are permitted by the CMP, it is entirely consistent with the CMP for a municipality to permit the use of digital signs.

While Ordinance O-6-14 does prohibit scrolling, flashing, blinking, and other similar lighting effects, maximum luminance levels are not among the standards adopted by Ordinance O-6-14 to regulate changeable message signs or digital message boards. Nor, does Ordinance O-6-14 require that all changeable message signs or digital message boards be equipped with automatic

dimming controls so that the light emitted by such signs can be adjusted appropriately depending upon ambient lighting conditions. Ordinance O-6-14 also does not regulate how long each message on a changeable message sign or digital message board must remain before a different message is displayed. Although Ordinance O-6-14 incorporates some standards to control the location, size and appearance of changeable message signs and digital message board signs, the Ordinance's language, as adopted, inadequately addresses the scenic values of the Pinelands. But, even if Ordinance O-6-14 had properly addressed the CMP's scenic standards, digital signs are inappropriate within Agricultural Production Areas; they are particularly inappropriate in Rural Development Areas, where the CMP designates all public, paved roads as scenic corridors. Changeable message signs and digital message boards are simply not appropriate outside of the designated development areas of the Pinelands.

Given the rural nature of the area in question and CMP standards and objectives for scenic management, Ordinance O-6-14 is not fully consistent with the land use and development standards of the Comprehensive Management Plan. However, with the adoption of the amendments set forth in Attachment A, or revisions comparable thereto, this standard for certification will be 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

Not applicable.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance O-6-14, amending Chapter 115 (Development Regulations) of the Code of Franklin Township, is not fully consistent with the standards and provisions of the Pinelands Comprehensive Management Plan.

With the adoption of the amendments set forth in Attachment A, this standard for certification will be met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

No special issues exist relative to the Federal Act. However, Ordinance O-6-14, amending Chapter 253 (Land Development) of the Code of Franklin Township, is not fully consistent with the standards and provisions of the Pinelands Comprehensive Management Plan.

With the adoption of the amendments set forth in Attachment A, this standard for certification will be met.

13. Procedure to Resolve Intermunicipal Conflicts

Not applicable.

PUBLIC HEARING

A public hearing to receive testimony concerning Franklin Township's application for certification of Ordinance O-6-14 was duly advertised, noticed and held on February 25, 2015 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which no testimony was received.

Written comments were accepted through March 4, 2015 and were received from the following:

March 4, 2015 letter from Theresa Lettman, Director of Monitoring Programs, Pinelands Preservation Alliance (see Exhibit #1)

March 4, 2015 email from Fran Brooks (see Exhibit #2)

EXECUTIVE DIRECTOR'S RESPONSE

Both Ms. Lettman's letter and Ms. Brooks' also express the opinion that digital signs violate N.J.A.C. 7:50-6.107(a). The scenic management standards of the CMP do indeed prohibit signs that are designed to attract attention by physical or lighting change. Since digital signs involve messages or advertisements that move or change on a regular basis, this presents a potential conflict with CMP provisions that require that the character and composition of signs in the Pinelands Area be harmonious with the scenic values of the Pinelands, to the maximum extent practical. However, it is important to note that the CMP's sign standards were written in 1980, well before the advent of digital or LED/LCD technology in advertising signs. Also noteworthy is the fact that the CMP does not dictate whether signs within the Pinelands should be lighted internally or externally. So, it isn't the use of LCD/LED technology (internal illumination) itself that raises an issue. Rather, it's that digital signs often involve the changing of one static image to another, or even the use of video, to attract attention. Thus, it is the Commission's position that municipal ordinances that adequately address scenic management in their sign ordinances can be consistent with the CMP. Indeed, it is the Commission's position that, within development-oriented management areas (Pinelands Regional Growth Areas, Pinelands Towns, and Pinelands Villages), where virtually all types of residential and nonresidential development are permitted by the CMP, it is entirely consistent with the CMP for a municipality to permit the use of digital signs.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance O-6-14 does not fully 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 conditionally certify Ordinance O-6-14 of Franklin Township.

PWT/SRG/CFR
Attachments

ATTACHMENT A TO EXECUTIVE DIRECTOR'S REPORT, DATED MARCH 27, 2015,
ON FRANKLIN TOWNSHIP'S ORDINANCE O-6-14

Adoption of the following amendments will make Ordinance O-6-14 consistent with the standards and provisions of the Pinelands Comprehensive Management Plan:

§ 253-183 – Signs in R-A, ~~PR-R, PA-P~~, I, ~~P-I~~, and Medium-density Residential Zone.

The following sign regulations shall apply to single-family residential and institutional uses within R-A, ~~PR-R, PA-P~~, I, ~~P-I~~, and Medium-density Residential Zone.

§ 253-185 – Signs in Zones B, [and] NC, ~~and PN-C~~.

The following sign regulations shall apply in Zones B, [and] NC, ~~and PN-C~~:

§ 253-185.1 – Signs in HC ~~and PH-C~~ Highway Commercial Districts.

The following sign regulations shall apply in the HC ~~and PH-C~~ Highway Commercial Districts:

§ 253-185.2 – Signs in IC, [and] LM, ~~and PLM-I~~ Districts.

The following sign regulations shall apply in Zones B, [and] NC, ~~and PN-C~~:



PINELANDS PRESERVATION ALLIANCE

Bishop Farmstead ♦ 17 Pemberton Road ♦ Southampton, NJ 08088
Phone: 609-859-8860 ♦ ppa@pinelandsalliance.org ♦ www.pinelandsalliance.org

March 4, 2015

Susan Grogan
Pinelands Commission
15 Springfield Road
P.O. Box 359
New Lisbon, NJ 08064

Re: Franklin Township Ordinance - O-6-2014

Dear Ms. Grogan:

Franklin Township has passed Ordinance **O-6-2014** which allows for electronic message signs in the Pinelands Rural Development and Agricultural Production Management areas of the township. PPA believes this ordinance should not be certified because it is not in conformance with the CMP. Section 7:50-3.1 (d) states:

*A local authority **that incorporates all of the elements of this Plan** in its local plan and ordinances will be assured of certification. In contrast, municipal plans and ordinances that deviate from the essential nature of this Plan are unlikely to be certified. However, it is a policy of this Plan to allow municipalities the greatest degree of flexibility and discretion in the preparation of local plans and ordinances so **long as the plans and ordinances do not conflict with the ultimate objectives and minimum requirements of this Plan.***

Franklin's ordinance conflicts with the minimum requirements of Section 7:50-6.106 on signs which requires each municipality to adopt provisions in its ordinances that contain section 7:50-6.107 (a). This section states:

***No sign**, other than warning or safety signs, which is designed or intended to attract attention by sudden, intermittent or rhythmic movement, or physical or lighting change, shall be permitted in any area.*

Applying the Pinelands Commission's EIA scores to the PR-R and PA-P zones reveals that the area is largely made up of an 80% combined score.

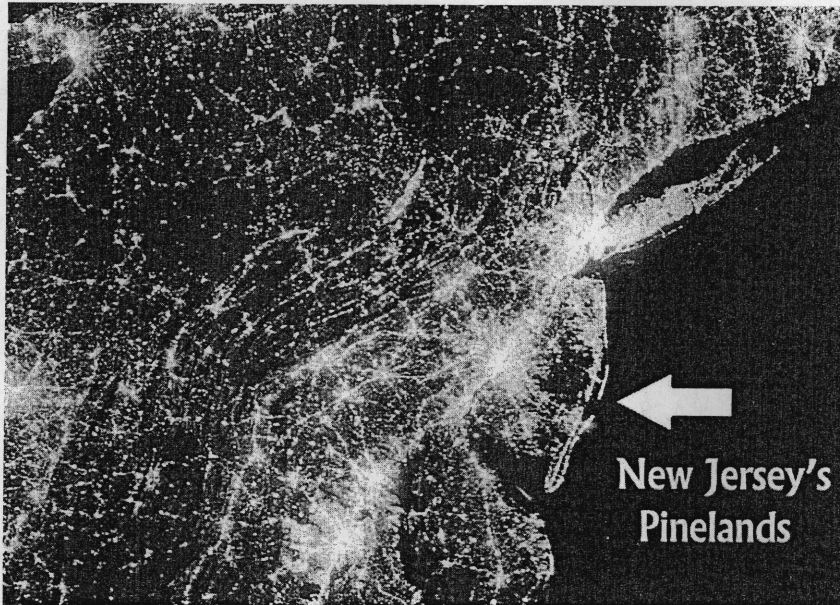


The dark rural areas of the New Jersey Pinelands will change quickly if these types of signs are allowed. The Comprehensive Management Plan got it right in 1980 when it wrote the sign section. The proof is the night sky of New Jersey. Allowing electronic messaging signs in the rural areas will not only allow for ecological light pollution but take away the view shed residents have of the sky.

Respectfully submitted,

A handwritten signature in cursive script that reads "Theresa Lettman".

Theresa Lettman
Director of Monitoring Programs



The dark rural areas of the New Jersey Pinelands will change quickly if these types of signs are allowed. The Comprehensive Management Plan got it right in 1980 when it wrote the sign section. The proof is the night sky of New Jersey. Allowing electronic messaging signs in the rural areas will not only allow for ecological light pollution but take away the view shed residents have of the sky.

Respectfully submitted,

Theresa Lettman

Theresa Lettman
Director of Monitoring Programs

From: Fran Brooks <brks627@gmail.com>
To: Betsy Piner <betsy.piner@njpinelands.state.nj.us>
Date: 3/4/2015 3:53 PM
Subject: Public Comments: Franklin Township Ordinance 0-6-14

Exhibit #2
Executive Director's Report on
Franklin Twp. Ordinance O-6-14
March 27, 2015

78 Moores Meadow Road
Tabernacle, NJ 08088

Ms. Betsy Piner
Principal Planning Assistant
New Jersey Pinelands Commission
15 Springfield Road
PO Box 359
New Lisbon, NJ 08064

Dear Ms. Piner,

I am writing to oppose the certification of the Franklin Township Ordinance O-6-14. This Ordinance will permit LED or LCD digital message boards (AKA digital signs) in the PR-P, P-I, PH-C Districts within the Rural Development Area and the PA-P District within the Agricultural Production Area. My opposition is based on the following reasons:

1) The Ordinance Violates Section 7:50-6.107 (a) of the Mandatory sign provisions.

The CMP recognizes the importance of a static display to the visual character of the Pinelands by expressly prohibiting moving images except to provide for public safety. The enforcement of the letter and spirit of this requirement is particularly important because of the visual and spatial characteristics that were defined by a vernacular of past generations. That vernacular was static and relied on color and physical design to identify the land use.

Contrary to the CMP provision, the Commission has approved the use of digital signs in the Regional Growth Area (RGA) in Egg Harbor Township and in the RGA in Monroe Township (Minutes, Planning and Implementation Committee, May 30, 2014). It also approved digital signs in the Pinelands Towns and Village Areas in Buena Vista Township (Pinelands Commission, November 14, 2014). These approvals violate the current CMP standards.

2) Approval of the Franklin Township Ordinance violates the decision to prohibit digital signs in Rural Development Areas.

Approval of this ordinance will continue the pattern of digital sign creep into another Pinelands management areas, the Rural Development and Agricultural Production Areas. Certification is contrary to a decision that expressly prohibited such signs in the RDA (and FA). During the discussion of the Monroe Township sign ordinance (0:19-2013), at the May 30, 2014 Planning and Implementation Committee meeting, staff expressly stated that it "has included language in the Executive Director's report to both restore the mandatory CMP sign provisions and prohibit the changeable message signs in the FA and RDA" [emphasis added] (Minutes, May 30, 2014, page 4.).

3) The Pinelands Commission has not undertaken a study of digital signs as it said it would.

The Commission should not continue to interpret and re-interpret the CMP sign provisions each time it receives an individual municipal sign ordinance application that contains digital sign provisions. At the October 10, 2014 presentation on the 4th report on the implementation of the Pinelands CMP, staff recommended that the digital sign issue should be examined. Certifying the Franklin Township ordinance is wholly inconsistent with this recommendation. It is time for the Commission to undertake a re-examination of the CMP sign provisions and develop proper standards that address digital signs before it approves another sign ordinance.

Thank you for your attention to these comments.

SOUTH JERSEY ELITE BARON PARENT

Mr. Chairman and Pinelands Commissioners... My name is Tim Mead I am a resident of Winslow Township and parents of a 9 and 11 year old children who play for the ((South Jersey Elite Barons)). The Barons teams use the Tuckahoe Turf Farm for practice

Thank you for letting me speak.

I do not pretend to know about state regulations... but I do know first-hand what the events at Tuckahoe Turf Farm have meant to the Pinelands communities' children in terms of recreation and opportunity.

The South Jersey Elite Barons is a wonderful youth soccer organization and it is a great experience for Sara and Owen to be able to play on such good fields. But it is not only about recreation for our children. It is also opportunity to expose Pinelands kids to College soccer coach's. You may not think of it this way, but to college soccer coaches Pinelands kids live in the middle of nowhere.

Barons teams participate in the MSSSL (mid atlantic soccer showcase)events at the farm. Those games have been a Godsend for our youth players...the college showcase and the handful of other youth soccer events a year gives our kids a chance to be noticed.

We looked it up...for our 1995 and 1996 class...our now 18, 19 or 20 year old young men and women...We have 13 boys and 20 girls playing in college. The Most from Atlantic and Burlington counties but Camden and Gloucester as well....many if not most would not have been seen without these events. Some have gotten partial scholarships...all have gotten to live their dream thanks to the Tuckahoe Turf Farm and its ideal location and the quality of the MSSSL events.

Thank you and please on behalf of the soccer playing children of the Pinelands please say yes today and let us go forward.

Pinelands Commission April 10 Hearing Talking Points

Farm Representative:

Good morning Mr. Chairman and Commissioners. Thank you for the opportunity to speak today as this is vital to the survival of our farm. As the world changed in the past seven or eight years the Turf Farm has increasingly relied on sales to those looking to purchase sod for athletic playing fields.

Some of the best known stadiums in the country use Tuckahoe Turf. Our most effective marketing by far is ..."show me/feel me". What do I mean? We invite representatives of Athletic Venues such as the Pittsburgh Steelers, Washington Nationals or the University of Michigan to come and inspect the fields in Hammonton before and after a soccer tournament.

No ad, slogan or sales pitch could rival the effectiveness of this marketing. Those stadium representatives, or in other cases high school or municipal buying agents, can see the quality of our turf in action. By doing so it has directly resulted in sales we would otherwise not have had, we have kept all of our employees while other sod farms in the state have closed. Tuckahoe Turf is among the finest in the nation for growing quality turfgrass for athletic fields. Tuckahoe Turfs high quality mirrors that of our neighboring farmers who grow Blueberries, Cranberries and many types of Vegetables and specialty crops.

Over the past year, we have made many concessions and compromises to reach the interim agreement with your staff. We look forward to moving ahead in a positive manner with you as the Commission works towards a pilot program.

Thank you again.