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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

September 19, 2017

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



Dear Mr. Lupp:

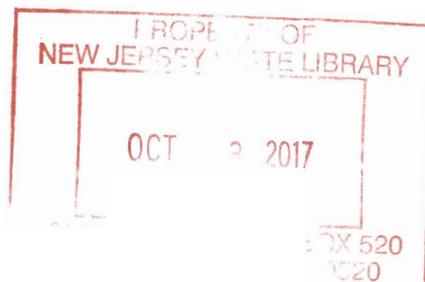
Enclosed is the Pinelands Commission meeting minutes and attachments for August 11, 2017 for your information.

Sincerely,

A handwritten signature in blue ink that reads "Teri Melodick".

Teri Melodick
Principal Clerical Assistant

PC1
Enclosure: Minutes



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

MINUTES

August 11, 2017

Commissioners Present

Alan W. Avery Jr., Bob Barr, Paul E. Galletta, Ed Lloyd, Mark Lohbauer, Ed McGlinchey, Richard Prickett, and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Nicholas Kant and Deputy Attorney General (DAG) Bruce Velzy.

Commissioners Participating by Phone

Bill Brown, Candace Ashmun and D'Arcy Rohan Green.

Commissioners Absent

Giuseppe Chila, Gary Quinn and Jane Jannarone.

Chairman Earlen called the meeting to order at 9:40 a.m.

DAG Velzy read the Open Public Meetings Act Statement.

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 11 Commissioners who participated in the meeting.)

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

Annual Re-organization

Chairman Earlen said the Commission will vote on a new Vice-Chair and review Committee assignments at the next Commission meeting.

Minutes

Chairman Earlen presented the open and closed session minutes from the July 14, 2017 Commission meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Barr seconded the motion.

The open and closed session minutes of the July 14, 2017 Commission meeting were adopted by a vote of 9 to 0, with Commissioner Ashmun and Commissioner Rohan Green abstaining from the vote.

The July 26, 2017 Special Commission meeting minutes were voted on later during the meeting.

Committee Chairs' Reports

Chairman Earlen said the July 28, 2017 Policy and Implementation Committee meeting and the August 8, 2017 Personnel and Budget Committee meeting were canceled.

Executive Director's Reports

ED Wittenberg updated the Commission on the following:

- It has been noted in the past that staff has been working on a response to the periodic review process for UNESCO's Biosphere Reserve designation. The Commission was recently notified that the Pinelands has been re-designated as a Biosphere Reserve.
- The National Park Service has notified the Commission that John Anfinson will be assigned to the Commission for the next 120 days until a permanent representative can be placed.
- Comment from the New Jersey Natural Gas pipeline application has been provided to the Commissioners, along with the transcript from the July 26th Special Commission meeting, where about 45 members of the public spoke. Staff is preparing a report on the application.
- The Commission property is currently undergoing tree work to remove unsafe and unhealthy trees.

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

- Staff met with three utility companies (PSE&G, JCPL&L and Atlantic City Electric) to discuss the use of herbicides within rights of way.
- Staff met with Viking Yacht about a development proposal at the former Ocean Yacht facility in Mullica Township.

Communications Officer Paul Leakan provided an update on the following:

- On July 25th, about 40 municipal and county officials attended the Pinelands Orientation. He said a special presentation regarding local communication facilities was delivered, and was very well received.
- The first-ever Summer Short Course was held on July 27th. Among the courses and tours was a visit to Atlantic Blueberry Company, guided by Commissioner Galletta.
- Documents are being re-submitted to the state for the issuance of a permit for the visitor center.

Chief Planner Susan Grogan said that this past Wednesday, a re-examination of the Long Term Economic Monitoring (LTEM) program was initiated with the convening of a public users group. The attendees consisted of mostly county and municipal representatives, along with staff members from the Department of Community Affairs and Commissioner McGlinchey. She said the group discussed ways to make the program more useful and whether there should be changes to the distribution of the LTEM report. She added that in September, staff is scheduled to meet with a group of economists to look at the technical side of the data used by the Commission. She said lastly, the Commission has contracted with Rutgers University to help with the re-examination of the program.

Director Horner said that two Environmental Specialists have been hired.

Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending the approval of two public development applications. He said the Borough of Lakehurst is proposing a four lot subdivision and the development of three single family dwellings and Manchester Township is proposing the construction of a 150 foot high cell tower.

Commissioner McGlinchey moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 2013-0170.002 & 2015-0116.001)(See Resolution # PC4-17-23A). Commissioner Lohbauer seconded the motion.

The Commission adopted the resolution by a vote of 11 to 0.

Chairman Earlen presented a resolution recommending the approval for the construction of a 32-space parking lot and sidewalk in Egg Harbor City.

Commissioner Galletta moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 2015-0087.001) See Resolution # PC4-17-24). Commissioner Barr seconded the motion.

Commissioner Prickett asked if there is a register of municipalities that have committed violations.

Director Horner said that staff has the ability to determine if a municipality has had or currently has a violation by looking into the application database.

The Commission adopted the resolution by a vote of 11 to 0.

Chairman Earlen presented a resolution recommending the approval for a Waiver of Strict Compliance for the construction of one single family dwelling.

Commissioner McGlinchey moved the adoption of a resolution Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1983-6352.003)(See Resolution # PC4-17-25). Commissioner Lohbauer seconded the motion.

Commissioner Prickett questioned why no conditions were being imposed on the size, width and composition of the proposed driveway associated with the single family dwelling, because it goes through wetlands.

Director Horner explained that staff reviewed the issue and determined that it was not necessary to require a stone driveway, given the existing intervening development between the wetland (Indian Mills Lake) and the parcel proposed for development. He added that the septic system and the dwelling will be located 300ft from wetlands.

The Commission adopted the resolution by a vote of 11 to 0.

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

No comment was provided.

Ordinances Not Requiring Commission Action

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

- Berkeley Township Housing Element and Fair Share Plan
- Berkeley Township Ordinances 17-13-OAB and 17-14-OAB
- Egg Harbor Township 2017 Master Plan Re-Examination Report
- Ocean Township Housing Element and Fair Share Plan
- Ocean Township Ordinances 2017-3, 2017-4 and 2017-5
- Stafford Township Housing Element and Fair Share Plan
- Stafford Township Ordinance 2017-16

Chief Planner Grogan said that many of the ordinances are related to affordable housing and Fair Share Plans.

Chairman Earlen asked if any of the plans have raised concern.

Chief Planner Grogan said that many of the municipalities have chosen to locate the affordable housing sites outside the Pinelands Area or in Regional Growth Areas and Pinelands Towns. She added that this past week the Commission sent a letter to a

municipality in Atlantic County in response to a draft ordinance that transferred a portion of its affordable housing obligation to the Commission. She said the letter advised the municipality and the court that the Commission cannot accept a municipality's housing obligation.

Other Matters for Consideration

ED Wittenberg said at the July Commission meeting it was decided that before proceeding with the resolution on Wharton State Forest, the Commission should meet with Commissioner Bob Martin of the New Jersey Department of Environmental Protection (NJDEP). ED Wittenberg said prior to that meeting a draft Wharton resolution was shared with upper management within the Natural and Historic Resources office. She said at the meeting with Commissioner Martin, he did convey that he does not believe a resolution is necessary. ED Wittenberg said the Commissioner believes that the collaborative work between the Commission and the Department has been effective. She reminded the Commission members of the increased enforcement, signage and the initiative to protect the disturbed sites that has been implemented without an agreement. She added that the Commissioner was supportive of the intent of the resolution and the use of USGS maps as a guide, although the maps may depict roads that have since been closed and may not show newly created roads.

ED Wittenberg said she revised the resolution based on the meeting with the Commissioner. Unfortunately, because of the mailing date of the meeting packet it was not included in the August packet. (See attached Draft Resolution which was distributed to Commissioners at the meeting.) She explained the minor changes to the resolution. She said that a group of event users were concerned about certain language in a previous iteration of this resolution and that language was removed. In addition, she noted that language regarding comments received would be clarified to specify the comments were made at Commission meetings.

Most of the Commissioners present at the meeting expressed their support for the resolution to "Designate Existing Roads within Wharton State Forest that are Appropriate for Recreational Use by Motor Vehicles." ED Wittenberg said this resolution will be on next month's agenda for a vote.

General Public Comment

Chairman Earlen reminded the public that the public comment period for the New Jersey Natural Gas (NJNG) application has closed. In spite of the Chairman's reminder, the following people provided comment on this matter: Georgina Shanley, Micah Rasmussen, Doug O'Malley and Virginia Tamets.

Georgina Shanley of Ocean City, NJ said she was happy that the Pinelands remains a Biosphere Reserve.

Roy Howard said the NJDEP closed 275 miles of roads in Wharton State Forest which started the original Motorized Access Plan process. He said after a public process, the

NJDEP re-opened all the roads, dedicated a team of police officers to Wharton and posted signs and guidance related to road closures. He asked the Commission why they were revisiting the topic of road closures.

Joseph Springer of Southampton Township, NJ, said the resolution includes a list of organizations that provided input to the Commission. The list included the Enduro community, which he said he is very active in. He said the Enduro community did not meet with the Commission. He said he has reservations about the resolution and the use of the USGS maps. He suggested the Commission look at the Delaware Valley Regional Planning Commission and the maps it uses.

Micah Rasmussen of Upper Freehold, NJ spoke during public comment.

Doug O'Malley of Environment New Jersey said there needs to be a process and a map that protects Wharton State Forest.

Virginia Tamets of Mays Landing, NJ spoke during public comment.

Toni Granato, of the NJ Sierra Club said she was disappointed that the Commission did not adopt the Wharton State Forest resolution today. She said the off-road vehicle damage continues to occur because the Commission delayed action. She said the map will help park police enforce the rules.

Marilyn Miller of Toms River, NJ expressed how much she cares about the Pinelands.

Jack O'Connor of Point Pleasant, NJ, and Pine Barrens Adventure Camp, said his camp teaches responsible Enduro riding. He said he spends a lot of time in Wharton State Forest and does not see the damage. He would like to look at the list of the damaged areas that ED Wittenberg mentioned.

Peter Ferwerda of Warren Grove, NJ, asked what the recourse is if an applicant submits false information or knowingly omits information from their application.

Commissioner Brown signed off from the meeting at 10:55 a.m.

Rocky Spano of Jacobstown, NJ, said Enduro riders leave a 4-inch track. He said most of the damage occurring at Wharton is from bigger trucks. He said it is important for people to have a place to recreate.

Jason Howell of the Pinelands Preservation Alliance said he believes the Wharton resolution is a good compromise for all parties.

Harriet Rola of Haddon Township, NJ said the Pinelands are her wilderness and the Commission should do all it can to protect it, especially in such a densely-developed state like New Jersey.

Other

ED Wittenberg said she wanted to clarify something that Mr. Springer brought up during public comment. She said the Commission did not meet with any groups as part of the Wharton State Forest process but rather heard public comment from a host of user groups at Commission meetings and Committee meetings. She said she would include additional language in the resolution to make it clearer.

Commissioner Lloyd said he would like to correct the record. He said he has recused himself from the NJNG pipeline matter and Counsel pointed out that he inadvertently participated in the vote to approve the July 26, 2017 minutes. He noted that he did not attend the meeting nor were the minutes included in his packet.

Chairman Earlen presented the minutes from the July 26, 2017 Special Commission meeting. Commissioner Avery moved the adoption of the minutes. Commissioner Barr seconded the motion.

The minutes of the July 26, 2017 Special Commission meeting were adopted by a vote of 9 to 0, with Commissioner Lloyd recusing from the vote.

Adjournment

Commissioner McGlinchey moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 11:02 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: August 21, 2017



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17-_____

TITLE: Designate Existing Roads within Wharton State Forest that are Appropriate for Recreational Use by Motor Vehicles.

Commissioner _____ **moves and Commissioner** _____
seconds the motion that:

WHEREAS, Wharton State Forest consists of approximately 125,000 acres of state-owned land within the Pinelands Preservation Area, the most ecologically sensitive portion of the Pinelands National Reserve; and

WHEREAS, Wharton State Forest provides extensive public recreational opportunities, including canoeing, hiking, biking, horseback riding, camping, hunting and motorized vehicle recreation; and

WHEREAS, the Comprehensive Management Plan ("CMP") at N.J.A.C. 7:50-6.143(a)(2) allows for the use of motor vehicles on public lands for recreational purposes; and

WHEREAS, in accordance with N.J.A.C. 7:50-6.143(a)3, the Pinelands Commission may, from time to time, designate areas on public lands, that are inappropriate for use of motor vehicles; and

WHEREAS, N.J.A.C. 7:50-6.143(a)3 also provides that such designation shall be done in consultation with the New Jersey Department of Environmental Protection; and

WHEREAS, from January 15, 2016 through May 12, 2017, the Commission heard extensive public comment concerning the damage being done to ecologically sensitive areas within Wharton State Forest as a result of motorized vehicles being operated off-road within the forest and the need to preserve these areas; and

WHEREAS, these concerns were expressed by the various users of Wharton State Forest including, but not limited to, environmental groups, hikers, hunters, enduro groups and off-road vehicle riders; and

WHEREAS, the Commission also heard public comment concerning the importance of having a map of Wharton State Forest that depicts the roads located therein for use by emergency responders, law enforcement officials and the public; and

WHEREAS, based on the public comment it has received, the Commission recognizes that the use of motorized vehicles off-road within Wharton State Forest is resulting in significant damage to the ecological and cultural resources of the Pinelands; and

WHEREAS, from October 2016 through May 2017, Commission staff has provided information to the Department of Environmental Protection concerning sites within Wharton State Forest that have been damaged by off-road motor vehicle use and met with the Department to discuss the development of guidance to identify areas where recreational motor vehicle use would be appropriate; and

WHEREAS, after consideration of the extensive public comment and review of available mapped information, the Commission has assembled sections of various federal USGS Topological maps from 1972, 1981, 1995 and 1997 in order to establish a map depicting the existing roads located within Wharton State Forest; and

WHEREAS, the Commission believes the above-described USGS map will serve as a guide for the public and others to use to identify areas within Wharton State Forest that are appropriate for recreational use by motor vehicles; and

WHEREAS, the Commission recommends that any changes to the USGS map regarding motor vehicle use be made in consultation with the DEP and be limited to those CMP provisions established for

consideration to designate areas inappropriate for use by motor vehicles. Such provisions at Section 7:50-6.143(a)(3)(i-ix) are,

- i. A need to protect a scientific study area;
- ii. A need to protect the location of threatened or endangered plant or animal species;
- iii. A need to provide a wilderness recreational area;
- iv. A need to prevent conflicts with adjoining intensively used recreational areas;
- v. A need to protect historic or archaeological sites;
- vi. A need to protect critical wildlife habitats;
- vii. A need to address a situation of public health and safety;
- viii. A need to protect extensively disturbed areas from further impact; and
- ix. The extent to which such road closure would substantially impair recreation access to and uses of surrounding resources.

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

NOW, THEREFORE BE IT RESOLVED that:

- (1) The Pinelands Commission has identified the roads on the assembled federally prepared USGS Topographical maps, attached Exhibit A, as the baseline of existing roads in Wharton State Forest; and
- (2) The Pinelands Commission finds that recreational use of motor vehicles in Wharton State Forest should be limited to the roads marked on the attached USGS Topographical maps. From time to time, the Pinelands Commission may identify any of these or other roads unsuitable for motor vehicle passage based on the criteria set forth in the CMP at N.J.A.C.7:50-6.143(a)3. Any future changes shall be the subject of consultation between the Pinelands Commission and the NJDEP; and
- (3) The Executive Director shall forward this Resolution to the New Jersey Department of Environmental Protection and to consult with the Department regarding the areas designated in Paragraph (1) above; and
- (4) The Executive Director shall update the Commission on the use of the USGS Topographical Maps and other efforts to protect Wharton State Forest from further off-road motorized vehicle damage on an ongoing basis.

Record of Commission Votes

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

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 23A

TITLE: Approving With Conditions Applications for Public Development (Application Numbers 2013-0170.002 & 2015-0116.001)

Commissioner McBlinchey moves and Commissioner Lohbauer 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:

2013-0170.002

Applicant:	Borough of Lakehurst
Municipality:	Borough of Lakehurst
Management Area:	Pinelands Town
Date of Report:	July 21, 2017
Proposed Development:	Four lot subdivision and the development of three single family dwellings; and

2015-0116.001

Applicant:	Manchester Township
Municipality:	Manchester Township
Management Area:	Pinelands Town
Date of Report:	July 21, 2017
Proposed Development:	Construction of a 150 foot high local communication facility (tower).

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 2013-0170.002 & 2015-0116.001 for public development are hereby approved subject to the conditions recommended by the Executive Director.

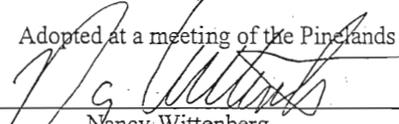
Record of Commission Votes

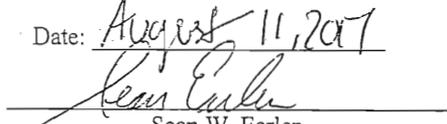
AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*
Ashmun	<input checked="" type="checkbox"/>			Galletta	<input checked="" type="checkbox"/>			Prickett	<input checked="" type="checkbox"/>		
Avery	<input checked="" type="checkbox"/>			Jannarone		<input checked="" type="checkbox"/>		Quinn			<input checked="" type="checkbox"/>
Barr	<input checked="" type="checkbox"/>			Lloyd	<input checked="" type="checkbox"/>			Rohan Green	<input checked="" type="checkbox"/>		
Brown	<input checked="" type="checkbox"/>			Lohbauer	<input checked="" type="checkbox"/>			Earlen	<input checked="" type="checkbox"/>		
Chila			<input checked="" type="checkbox"/>	McGlinchey	<input checked="" type="checkbox"/>						

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 11, 2017


 Nancy Wittenberg
 Executive Director


 Sean W. Earlen
 Chairman



State of New Jersey

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

July 21, 2017

Harry Robbins, Mayor
Borough of Lakehurst
5 Union Avenue
Lakehurst, NJ 08733

Re: Application # 2013-0170.002
Block 46, Lot 3
Borough of Lakehurst

Dear Mayor Robbins:

The Commission staff has completed its review of this application for a four lot subdivision and the development of three single family dwellings. 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 first meeting on or after August 11, 2017.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Borough of Lakehurst Planning Board (via email)
Borough of Lakehurst Construction Code Official (via email)
Secretary, Ocean County Planning Board (via email)
Alan Dittenhofer





Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

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

PUBLIC DEVELOPMENT APPLICATION REPORT

July 21, 2017

Harry Robbins, Mayor
Borough of Lakehurst
5 Union Avenue
Lakehurst, NJ 08733

Application No.: 2013-0170.002
Block 46, Lot 3
Borough of Lakehurst

This application proposes a four lot subdivision and the development of three single family dwellings on the above referenced 1.15 acre parcel in the Borough of Lakehurst. The parcel is owned by the Lakehurst Board of Education. There is an existing school bus parking lot located on the parcel.

This application proposes to create three 7,500 square foot lots for residential development and a 27,500 square foot lot to contain the existing school parking lot.

STANDARDS

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

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

The parcel is located in the Pinelands Town of Lakehurst. The proposed development is a permitted use in a Pinelands Town.

The parcel is located in the Borough's R-2 zoning district. The Commission certified Borough of Lakehurst land use ordinance requires a 7,500 square foot minimum lot size for the development of a single family dwelling serviced by public sanitary sewer in the R-2 zoning district.

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

The proposed development will be located within an existing wooded area. All clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are

tolerant of, droughty, nutrient poor conditions. The applicant does not propose any revegetation.

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

The proposed single family dwellings will be serviced by public sanitary sewer.

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on June 14, 2017. The Commission’s public comment period closed on July 14, 2017. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan prepared by Remington & Vernick Engineers, dated May 17, 2017 and revised to June 1, 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. A copy of each municipal construction permit for the three single family dwellings subject of this application shall be submitted to the Commission office within five days of issuance. Because this application for Public Development was approved by the Commission, it is not necessary to obtain a letter from the Commission staff indicating whether each construction permit may take effect.

CONCLUSION

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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing and received at the Commission office no later than 5:00 PM on August 8, 2017 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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General Information: Info@njpines.state.nj.us
 Application Specific Information: ApplInfo@njpines.state.nj.us

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

July 21, 2017

Donna Markulic, Business Administrator
 Manchester Township
 1 Colonial Drive
 Manchester, NJ 08759

Re: Application # 2015-0116.001
 Cabot Avenue
 Manchester Township

Dear Ms. Markulic:

The Commission staff has completed its review of this application for construction of a 150 foot high local communication facility (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 first meeting on or after August 11, 2017.

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

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

Sincerely,

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

Enc: Appeal Procedure

- c: Secretary, Manchester Township Planning Board (via email)
- Manchester Township Construction Code Official (via email)
- Manchester Township Environmental Commission (via email)
- Secretary, Ocean County Planning Board (via email)
- Jacqueline McCort (via email)





State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

July 21, 2017

Donna Markulic, Business Administrator
Manchester Township
1 Colonial Drive
Manchester, NJ 08759

Application No.: 2015-0116.001
Cabot Avenue
Manchester Township

This application proposes construction of a 150 foot high local communication facility (tower) within the unimproved and forested Cabot Avenue right-of-way in Manchester Township. The applicant also proposes a 1,250 square foot equipment compound and an access driveway.

STANDARDS

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

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

The proposed development is located in the Pinelands Town of Whiting. Local communication facilities (towers) are a permitted land use in a Pinelands Town and are not required to be included in a Commission certified comprehensive plan for the siting of local communications facilities.

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

The proposed development will be located in an existing forested area. The proposed development will disturb approximately 4,725 square feet of forest. The proposed vegetation 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. To stabilize the disturbed areas, 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)

Information available to the Commission staff indicated the presence of Northern pine snake in the vicinity of the proposed development. The applicant completed a habitat assessment and visual survey for the presence of critical habitat for Northern pine snake on and in the immediate vicinity of the proposed development. The habitat assessment determined that the concerned area did not contain critical habitat for Northern pine snake. No nests or hibernacula or potential nests or potential hibernacula were identified by the visual survey. The applicant has demonstrated that the proposed development will not have an irreversible adverse impact on habitat that is critical to the survival of Northern pine snake.

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor development applications. The application was designated as complete on the Commission’s website on June 22, 2017. The Commission’s public comment period closed on July 14, 2017. No public comment was submitted to the commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of two sheets, prepared by Maser Consulting, P.A and dated as follows:

Sheet 1 - November 18, 2016; revised to May 16, 2017
Sheet 2 - November 18, 2016
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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Governor

Kim Guadagno
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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission no later than 5:00 pm on August 8, 2017. The appeal must include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 24

TITLE: Approving With Conditions an Application for Public Development (Application Number 2015-0087.001)

Commissioner Galletta moves and Commissioner Earlen seconds the motion that:

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

2015-0087.001

Applicant: Egg Harbor City
Municipality: Egg Harbor City
Management Area: Pinelands Town
Date of Report: July 21, 2017
Proposed Development: Construction of a 32 space parking lot and 1,140 linear feet of sidewalk.

WHEREAS, the paving of a temporary stone parking lot and the installation of approximately 1,200 linear feet of sidewalk occurred on a parcel and within the Atlantic Avenue right-of-way without application to, and approved by, the Commission and constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP); and

WHEREAS, the applicant proposes to address this violation by submitting and completing an application for the paving of the concerned parking lot and the sidewalk installation by December 31, 2017; and

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 2015-0087.001 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*
Ashmun	<input checked="" type="checkbox"/>			Galletta	<input checked="" type="checkbox"/>			Prickett	<input checked="" type="checkbox"/>		
Avery	<input checked="" type="checkbox"/>			Jannarone		<input checked="" type="checkbox"/>		Quinn			<input checked="" type="checkbox"/>
Barr	<input checked="" type="checkbox"/>			Lloyd	<input checked="" type="checkbox"/>			Rohan Green	<input checked="" type="checkbox"/>		
Brown	<input checked="" type="checkbox"/>			Lohbauer	<input checked="" type="checkbox"/>			Earlen	<input checked="" type="checkbox"/>		
Chila			<input checked="" type="checkbox"/>	McGlinchey	<input checked="" type="checkbox"/>						

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 11, 2017

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



15-0087

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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

July 21, 2017

Lisa Jampetti, Mayor
 Egg Harbor City
 500 London Avenue
 Egg Harbor, NJ 08215

Re: Application # 2015-0087.001
 Atlantic Avenue ROW
 Block 957, Lot 1
 Egg Harbor City

Dear Mayor Jampetti:

The Commission staff has completed its review of this application for construction of a 32 space parking lot and 1,140 linear feet of sidewalk. 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 first meeting on or after August 11, 2017.

Development was previously undertaken on the above referenced parcel and within the Atlantic Avenue right-of-way prior to completion of an application with the Commission. This constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP). As required by the CMP, the City has specifically agreed in writing to take all measures necessary to eliminate the violation in a time period acceptable to the Commission's Executive Director.

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



Encl. (2): 6/26/14 public comment letter
Appeal Procedure

c: Secretary, Egg Harbor City Planning Board (via email)
Egg Harbor City Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)
Linda L. Carney (via email)
Ryan McGowan (via email)



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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

July 21, 2017

Lisa Jampetti, Mayor
 Egg Harbor City
 500 London Avenue
 Egg Harbor, NJ 08215

Application No.: 2015-0087.001
 Atlantic Avenue ROW
 Block 957, Lot 1
 Egg Harbor City

This application proposes construction of a 32 space parking lot and 1,140 linear feet of sidewalk located on the above referenced 2.01 acre parcel and within the Atlantic Avenue right-of-way in Egg Harbor City.

On August 4, 1989, the Commission approved the development of a temporary stone parking lot located partially on the above referenced parcel and partially within the Atlantic Avenue right-of-way (App. No. 1981-2075.006). New Jersey Transit was the applicant for App. No. 1981-2075.006 and is the owner of Block 957, Lot 1. The temporary stone parking lot was paved without completion of an application with the Commission. In addition, approximately 1,200 linear feet of sidewalk was installed within the Atlantic Avenue right-of-way between Route 50 and Chicago Avenue without application to the Commission. This development constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan. By letter dated June 21, 2017, the applicant has agreed to address and resolve this outstanding violation by submitting and completing an application for the paving of the concerned parking lot and the sidewalk installation by December 31, 2017.

STANDARDS

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

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

The parcel is located in the Pinelands Town of Egg Harbor City. The proposed development is a permitted use in a Pinelands Town Management Area.

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

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

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to use grass species that meet this recommendation

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on March 14, 2017. Notice to required land owners within 200 feet of the above referenced parcel was completed on June 26, 2017. The application was designated as complete on the Commission's website on June 30, 2017. The Commission's public comment period closed on July 14, 2017. The Commission received one written public comment (enclosed) regarding this application.

Public Comment One: The commenter is the owner of a business located near the proposed development. The commenter supports the proposed development and believes that the sidewalk and parking improvements will provide a safer passageway for is employees.

Staff Response: The Commission staff appreciates the commenter's interest in the Pinelands and support of the application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 9 sheets, prepared by Remington, Vernick & Walberg Engineers and dated as follows:
 Sheets 1, 3, 4, & 7 - dated May 23, 2016 and revised to April 12, 2017;
 Sheets 2, 5, 8 & 9 - dated May 23, 2016 and revised to November 23, 2016;
 Sheets 6 - dated May 23, 2016 and revised to July 20, 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission no later than 5:00 PM on August 8, 2017. The appeal must include the following information:

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

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



Career Opportunity Development, Inc.

901 Atlantic Avenue
Egg Harbor City, NJ 08215-1810
609 965-6871 -- www.njcodi.org -- Fax: 609 965-3099

Linda L. Carney
President/CEO

June 26, 2014

Ryan A. McGowan, P.E., P.P., C.M.E.
Remington, Vernick, & Walberg Engineers
845 North Main Street
Pleasantville, New Jersey 08232

Dear Mr. McGowan:

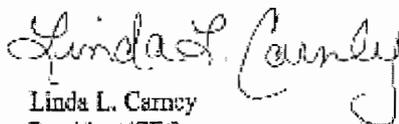
Career Opportunity Development, Inc. (CODI) is a 501(c)(3) nonprofit organization located at 901 Atlantic Avenue in Egg Harbor City, New Jersey. CODI's mission is to motivate, inspire, and support individuals with disabilities and disadvantages to optimize potential and maximize independence. CODI advances its mission through its broad array of programs, annually serving in excess of 1,500 individuals. Some of the groups CODI serves include individuals with developmental disabilities, individuals with mental illness, individuals with substance use disorders, ex-offenders, and individuals transitioning from welfare to work.

CODI's Egg Harbor City location is the central hub of its many programs. The outsource center which houses CODI's Extended Employment and Adult Day Services programs is routinely populated by 100 or more individuals with disabilities, many of who walk to CODI from a nearby bus or rail station, and also walk to nearby businesses during lunch and breaks.

CODI's main facility also houses all administrative staff and routinely receives visitors who live locally and reach CODI on foot, or who travel by NJ Transit bus or rail, and complete the last leg of their trip to CODI on foot.

As reaching the local bus or rail stations and many local stores – or reaching CODI from one of its local residential facilities – involves crossing busy roads and intersections such as US Route 30, the lack of properly demarcated pedestrian routes presents safety issues and challenges for CODI's consumers. The installation of crosswalks and sidewalks along the most commonly used pedestrian routes to and from the CODI facility would greatly enhance our consumers' safety, and help further CODI's mission of supporting these individuals.

Sincerely,


Linda L. Carney
President/CEO



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 25

TITLE: Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1983-6352.003)

Commissioner McGlinchey moves and Commissioner Lohbauer seconds the motion that:

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

1983-6352.003
Applicant: Ernest J. Barrett
Municipality: Shamong Township
Management Area: Pinelands Village
Date of Report: July 21, 2017
Proposed Development: Single family dwelling.

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

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for the requested Waiver of Strict Compliance; and

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1983-6352.003 for a Waiver of Strict Compliance is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 11, 2017

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



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

Nancy Wittenberg
 Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

July 21, 2017

Ernest J. Barrett
 16 Utah Avenue
 Cherry Hill, NJ 08002

Re: Application # 1983-6352.003
 Block 19.02, Lots 6.15 & 6.16
 Shamong Township

Dear Mr. Barrett:

The Commission staff has completed its review of the above referenced application for a Waiver of Strict Compliance (“Waiver”) proposing the development of a single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission’s Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its next meeting occurring on or after August 11, 2017.

FINDINGS OF FACT

This application is for the development of a single family dwelling served by an alternate design onsite septic system on the above referenced 0.89 acre parcel in Shamong Township. The parcel is located in a Pinelands Village Management Area and in Shamong Township’s Village-Residential zoning district. In this zoning district, Shamong Township’s certified land use ordinance establishes a minimum lot size of 1.0 acres to develop a single family dwelling on an existing lot of record as of November 14, 1997. The parcel subject of this application existed on November 14, 1997.

The Burlington County Soils Survey indicates that there are Woodstown soils on this parcel. These soils have a seasonal high water table of less than 5 feet below the natural ground surface. The applicant has submitted no information to demonstrate that the septic system could be located in an area where the seasonal high water table is at least 5 feet below the natural ground surface. Since the available information indicates the seasonal high water table on the entire parcel is less than 5 feet below the natural ground surface, the applicant is requesting a Waiver from the seasonal high water table standard contained in the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50- 6.84(a)5vi.).

As no Commission accepted alternate design onsite septic system will meet the two parts per million average nitrogen concentration in the groundwater at the property line of the 0.89 acre parcel, the



applicant is also requesting a Waiver from the groundwater quality standard contained in the CMP (N.J.A.C. 7:50-6.84(a) 5iv).

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

On March 21, 2017, the Shamong Township Planning Board adopted Resolution #2017-7 approving the consolidation of the two existing lots subject of this application into one parcel and a bulk (lot area) variance to develop a dwelling on the parcel.

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the entire contiguous parcel. A single family dwelling can be developed on the parcel without violating any of the criteria contained in N.J.A.C. 7:50-4.65(b).

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Public notice to all property owners within 200 feet of the parcel was completed on April 4, 2017. Newspaper public notice was completed on April 7, 2017. The application was designated as complete on the Commission's website on June 8, 2017. The Commission's public comment period closed on July 14, 2017. One written public comment (attached) was received by the Commission regarding this application.

Written Public Comment: The commenter indicates that the concerned parcel was "non-buildable" when the residential subdivision in which the parcel is located was originally approved. The commenter also indicated that development of a dwelling on the parcel would be detrimental to the public good and will negatively impact the groundwater quality of the existing developed parcels in the surrounding area.

Staff Response: The Commission staff appreciates the commenter's interest in the Pinelands. The proposed dwelling will be located on a 0.89 acre parcel within an existing residential subdivision. The subdivision was developed prior to the January 14, 1981 effective date of the CMP. The Shamong Township Planning Board found in approving the bulk (lot area) variance to develop a dwelling that the proposed lot size does not create any substantial detriment to the public good and that the proposed dwelling will be located on a much larger parcel than that of the surrounding development. The Commission staff is not aware of any "non-buildable" parcel restriction that would prohibit the development of a single family dwelling on the parcel. The commenter may wish to discuss this "non-buildable" parcel issue with an appropriate municipal official. The applicant has demonstrated that the proposed dwelling meets the minimum lot size and environmental standards of the CMP to qualify for a Waiver. The Commission's Waiver regulations are designed to provide all property owners with at least a minimum beneficial use of a parcel consistent with constitutional requirements.

CONCLUSION

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

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

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C.7:50-6 for certain specified development. One of the specified types of development is a single family dwelling on a parcel within a Regional Growth Area, Pinelands Town or Pinelands Village which is at least 20,000 square feet, excluding road rights-of-way, in size and is not served by a centralized waste water treatment system. This application is for a Waiver from the seasonal high water table and groundwater quality standards contained in N.J.A.C. 7:50-6. The applicant is proposing to develop a single family dwelling served by an alternate design onsite wastewater treatment system on a 0.89 acre (38,773 square feet) parcel. The parcel contains more than 20,000 square feet, excluding road rights-of-way and is located in a Pinelands Village Management Area. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1 v.

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

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

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinance have been certified by the Pinelands Commission. Shamong Township's master plan and land use ordinance have been certified by the Pinelands Commission. On March 21, 2017, the applicant obtained a municipal lot area variance from the Shamong Township Planning Board. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

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

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

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

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

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

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

The CMP (N.J.A.C. 7:50-4.62(d)1ii) also requires the acquisition and redemption of any PDCS that are otherwise required pursuant to N.J.A.C. 7:50-5.27, 5.28 or 5.32. The CMP (N.J.A.C. 7:50-5.27(c)) provides that any local approval in a Pinelands Village, including variances, which grants relief from density or lot area requirements shall require that PDCs be used for all dwelling units or lots in excess of that otherwise permitted, unless a Waiver for the dwelling unit or lot has been approved by the Commission. As indicated above, the applicant previously received a municipal variance granting relief from the lot area requirement for the proposed dwelling. However, since the applicant qualifies for a Waiver, no PDCs are required for the municipal lot area variance.

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

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan prepared by R.B.S. Engineering Co., dated July 20, 2015 and last revised December 8, 2015.
2. The septic system must be located in an area where the seasonal high water table is at least two feet below the natural ground surface.
3. The proposed dwelling must utilize an alternate design wastewater system authorized pursuant to the CMP on a 1.0 acre lot and approved for use by the Pinelands Commission and the New Jersey Department of Environmental Protection.
4. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.

5. All development, except the driveway, shall be located at least 300 feet from wetlands.
6. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, a recorded copy of a deed consolidating Block 19.02, Lots 6.15 and 6.16 into one lot must be submitted to the Pinelands Commission.
7. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 PDCs have been acquired and submitted to the PDC Bank for redemption.
8. This Waiver shall expire August 11, 2022 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after August 11, 2022 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
9. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, a copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission. The deed shall specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance referring to the application number. The deed shall also state that the conditions are enforceable by the Pinelands Commission, Shamong Township, the Burlington County Health Department and any other party of interest.

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

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

APPEAL

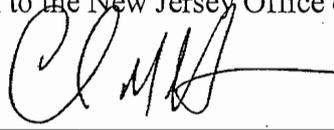
The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission no later than 5:00 PM on August 8, 2017 and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and

environmental commission with jurisdiction over the property which is subject of this decision.

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

Recommended for Approval by: _____



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

enc. Public Comment letter

c: Secretary, Shamong Township Planning Board (via email)
Shamong Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
Burlington County Health Department (via email)
Douglas & Michelle Umbehauer

APPE 19836352.003
 JAL Type 100

AUG 10 2015

To the Pinelands Commission:

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We, the undersigned own 30 Manitoba Trail in Shamong. Our property abuts the property before the Commission in Application #1983-6352.003.

We are strongly against any waiver of strict compliance being granted by the Pinelands Commission.

When the development was laid out by the developer it included this as a non-buildable lot in consideration for permitting of the other lots. There are a few of these lots in the development which were designed as open space. Granting this request would be detrimental to the public good and we believe would violate the land use approval granted when the development was created. Allowing this would unfairly permit the property owner a second bite at the land use apple.

We purchased our home in 2013 with the understanding that this would be an open, unbuildable lot. Permitting a home to be built on this lot would detrimentally impact our property and the surrounding properties including nearby well and septic systems.

The current owners purchased these lots with the understanding they were undersized and unbuildable. What is the hardship of the property owner to justify relief?

We ask you to deny this request.

Sincerely,


 Doug & Michelle Umbehauer

