



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

**NO. PC4-22- 31**

**TITLE:** **Approving** With Conditions Applications for **Public Development** (Application Numbers 1984-1157.007, 1990-1104.003 & 1991-1291.002)

Commissioner Irick moves and Commissioner Lohbauer seconds the motion that:

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

**1984-1157.007**

|                       |  |
|-----------------------|--|
| <b>Applicant:</b>     | <b>Buena Regional Board of Education</b>   |
| Municipality:         | Buena Vista Township   |
| Management Area:      | Pinelands Rural Development Area   |
| Date of Report:       | August 18, 2022  |
| Proposed Development: | Construction of a 6,500 square foot building addition at the Buena Regional High School; |

**1990-1104.003**

|                       |   |
|-----------------------|---|
| <b>Applicant:</b>     | <b>Buena Regional Board of Education</b>  |
| Municipality:         | Buena Vista Township  |
| Management Area:      | Pinelands Rural Development Area  |
| Date of Report:       | August 17, 2022   |
| Proposed Development: | Construction of a 48 space parking lot and a 280 linear foot access driveway at the Collings Lakes Elementary School; and |

**1991-1291.002**

|                       |  |
|-----------------------|--|
| <b>Applicant:</b>     | <b>Buena Regional Board of Education</b>   |
| Municipality:         | Buena Vista Township   |
| Management Area:      | Pinelands Town<br>Pinelands Rural Development Area   |
| Date of Report:       | August 18, 2022  |
| Proposed Development: | Construction of a 10,780 square foot addition to the Milanese Elementary School and the expansion of an existing parking area. |

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

**WHEREAS**, the Pinelands Commission hereby adopts the Conclusion of the Acting 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 Acting 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.

**PINELANDS COMMISSION  
OPERATING BUDGET REVENUES  
GENERAL FUND  
FISCAL YEAR 2023**

| Revenue Source                               | FY2020<br>Audited | FY2021<br>Unaudited | FY2022<br>Unaudited | FY2023<br>Anticipated | Notes |
|--|-------------------|---------------------|---------------------|-----------------------|-------|
| State Appropriation                          | 2,949,000         | 3,099,000           | 3,249,000           | 3,399,000             | 1     |
| State Supplemental Funding (Fringe Benefits) | 687,000           | 687,000             | 687,000             | 687,000               | 2     |
| Miscellaneous Income                         | 40                | 0                   | 0                   | 0                     |       |
| Interest Income                              | 50,000            | 4,000               | 4,000               | 6,500                 | 3     |
| NPS - Long Term Environmental Monitoring     | 192,000           | 144,000             | 155,400             | 145,055               | 4     |
| NPS - Long Term Economic Monitoring          | 191,000           | 156,000             | 142,600             | 152,945               | 4     |
| EPA - Micro                                  | 100,000           | 125,000             | 95,000              | 0                     |       |
| EPA - Kingsnake                              | 0                 | 160,000             | 225,000             | 85,000                | 5     |
| Wetlands Permitting                          | 4,000             | 1,000               | 1,000               | 6,000                 | 6     |
| Pinelands Application Fees                   | 690,000           | 380,000             | 500,000             | 650,000               | 7     |
| <b>TOTAL REVENUE</b>                         | <b>4,863,040</b>  | <b>4,756,000</b>    | <b>5,059,000</b>    | <b>5,131,500</b>      |       |
| Microfilm Reserve Anticipated                | 3,650             | 3,650               | 3,650               | 0                     |       |
| Computer Reserve Anticipated                 | 18,420            | 18,420              | 18,420              | 0                     |       |
| Fenwick Manor Painting Reserve Anticipated   | 120,000           | 120,000             | 120,000             | 120,000               | 8     |
| Energy Conservation Reserve                  | 0                 | 0                   | 0                   | 500,000               | 9     |
| Administrative Assessment (PCF)              | 60,000            | 60,000              | 60,000              | 60,000                | 10    |
| Undesignated Fund Balance Anticipated        | 849,964           | 957,004             | 705,132             | 688,078               | 11    |
| <b>TOTAL OTHER INCREASES</b>                 | <b>1,052,034</b>  | <b>1,159,074</b>    | <b>907,202</b>      | <b>1,368,078</b>      |       |
| <b>TOTAL REVENUE AND OTHER INCREASES</b>     | <b>5,915,074</b>  | <b>5,915,074</b>    | <b>5,966,202</b>    | <b>6,499,578</b>      |       |

**PINELANDS COMMISSION  
OPERATING BUDGET EXPENDITURES  
GENERAL FUND  
FISCAL YEAR 2023**

| Expenditure Account                             | FY2020<br>Audited | FY2021<br>Unaudited | FY2022<br>Unaudited | FY2023<br>Anticipated | Notes      |
|---|-------------------|---------------------|---------------------|-----------------------|------------|
| <b>PERSONNEL</b>                                |                   |                     |                     |                       |            |
| Salaries & Wages                                | 3,094,758         | 3,050,972           | 3,021,984           | 3,374,398             | 12         |
| Fringe Benefits                                 | 1,822,822         | 1,904,593           | 1,910,905           | 2,188,901             | 13, 14     |
| <b>TOTAL PERSONNEL</b>                          | 4,917,580         | 4,955,565           | 4,932,889           | 5,563,299             |            |
| <b>SUPPLIES</b>                                 |                   |                     |                     |                       |            |
| Printing & Office Supplies                      | 28,705            | 35,275              | 26,420              | 34,040                | 15         |
| Vehicular Supplies                              | 7,525             | 6,900               | 10,900              | 11,400                | 16         |
| Household Supplies                              | 9,300             | 10,800              | 10,400              | 18,420                | 17         |
| Fuel & Utilities                                | 43,000            | 42,500              | 42,500              | 47,500                | 18         |
| Other Supplies                                  | 14,503            | 33,309              | 41,492              | 36,842                | 19         |
| <b>TOTAL SUPPLIES</b>                           | 103,033           | 128,784             | 131,712             | 148,202               |            |
| <b>SERVICES</b>                                 |                   |                     |                     |                       |            |
| Travel  | 6,350             | 4,445               | 5,925               | 4,190                 | 20         |
| Telephone                                       | 36,800            | 40,500              | 45,120              | 46,120                | 21         |
| Postage   | 6,150             | 3,650               | 2,175               | 1,725                 | 22         |
| Insurance                                       | 61,225            | 55,136              | 59,225              | 64,260                | 23, 24     |
| Information Processing                          | 77,325            | 85,082              | 108,861             | 126,835               | 25         |
| Household Services                              | 2,600             | 2,600               | 2,600               | 4,600                 | 26         |
| Professional Services                           | 541,333           | 485,652             | 462,728             | 222,500               | 27         |
| Other Services                                  | 30,558            | 24,901              | 35,717              | 35,147                | 28         |
| <b>TOTAL SERVICES</b>                           | 762,341           | 701,966             | 722,351             | 505,377               |            |
| <b>MAINTENANCE &amp; RENT</b>                   |                   |                     |                     |                       |            |
| Maintenance - Buildings & Grounds               | 46,500            | 47,000              | 94,000              | 75,500                | 29         |
| Maintenance - Equipment                         | 21,250            | 21,850              | 21,350              | 23,500                | 30         |
| Maintenance - Vehicular                         | 5,720             | 6,720               | 6,720               | 9,720                 | 31         |
| Rent - Other                                    | 8,050             | 8,050               | 10,550              | 10,350                | 32         |
| <b>TOTAL MAINTENANCE &amp; RENT</b>             | 81,520            | 83,620              | 132,620             | 119,070               |            |
| <b>IMPROVEMENTS &amp; ACQUISITIONS</b>          |                   |                     |                     |                       |            |
| Acquisitions - Equipment                        | 28,600            | 20,730              | 10,130              | 106,630               | 33         |
| Acquisitions - Information Processing Equipment | 22,000            | 24,408              | 36,500              | 57,000                | 34         |
| <b>TOTAL IMPROVEMENTS &amp; ACQUISITIONS</b>    | 50,600            | 45,138              | 46,630              | 163,630               |            |
| <b>TOTAL EXPENDITURES</b>                       | 5,915,074         | 5,915,074           | 5,966,202           | 6,499,578             | 35, 36, 37 |

**PINELANDS COMMISSION  
OPERATING BUDGET  
FISCAL YEAR 2023 NOTES  
August 23, 2022**

1. The Governor's budget includes a FY 2023 State Appropriation to the Commission in the amount of \$3,399,000.
2. State Supplemental Funding (Fringe Benefits) totaling \$687,000 helps to offset the Commission's health and pension costs. Since FY 2004, the Department of the Treasury agreed to help the Commission finance its escalating health benefits premiums through an Interdepartmental Account. Beginning in FY 2009, the amount of assistance was calculated using projected health and pension costs not funded through other sources. Using this calculation, the Commission requested \$838,218 in FY 2012, \$837,927 in FY 2013, \$844,809 in FY 2014 and \$840,455 in FY 2015 but was only approved to receive \$687,000. No increase in funding occurred between FY2016-FY2022. The FY2023 budget once again anticipates receipt of only \$687,000.
3. Interest Income is earned in the Commission's checking account and the cash management fund designated for general use. Interest income for the Pinelands Conservation Fund is reflected in the budgets for those programs. Interest rates have fluctuated in recent years and have greatly affected interest income over several years. FY 2023 will see an increase in interest due to the Federal Reserve's recent rate increases during June and July of 2022.
4. The Commission is entering its 27<sup>th</sup> year of the Environmental and Economic Long Term Monitoring programs. This anticipated revenue from the National Park Service is based upon that program's projected expenses during the fiscal year and unspent funds from prior years, which are reimbursed in full.
5. The EPA Kingsnake Study remains an active grant; staff will continue their work in Fiscal Year 2023.
6. The anticipated revenue from the NJDEP Wetlands Permitting program that the Commission helps to administer reflects the estimated permit fees to be received and is authorized through language in the Appropriations Act.
7. Application Fees of \$650,000 are anticipated to be received during FY 2023, based on an average of the past five years of application fee revenue. This important component of the Commission's Operating Budget fluctuates tremendously from month to month. This funding source will be closely monitored throughout the fiscal year.
8. The Fenwick Manor Painting Reserve was established in FY2015 to earmark funds for exterior painting of Fenwick Manor. Funds were added annually as follows: \$40,000 in FY 2015; \$40,000 in FY 2016; \$20,000 in FY 2017 and \$20,000 in FY 2018. A total of \$120,000 remains available in the reserve for the painting project.

9. FY 2023 will be the inaugural year of the Commission's Energy Conservation Reserve. This reserve will be for projects and capital expenditures that foster the Commission's mission toward energy conservation and sustainability. Some of the projects earmarked are: installation of an electric vehicle charging station; retention of a solar facility expert to assess the feasibility of installing a solar energy facility on the Commission's property; purchase of two electric/hybrid field vehicles; purchase of energy efficient lawn maintenance and other office equipment; development of a long-term plan for replacement of the Commission's existing HVAC systems; and other initiatives recommended in the Local Government Energy Audit reports or by the Pinelands Climate Committee. Grants available to state agencies will also be pursued.

10. In April 2005, the Commission adopted a financial plan for the Pinelands Conservation Fund, which was amended in 2014. Included in the plan is an annual assessment of \$20,000 from three of the programs in the Fund (see Pinelands Conservation Fund budget note #3). This \$60,000 administrative assessment will finance costs associated with cash management activities, accounting services, procurement services and centralized support services.

11. The projected amount needed from the Undesignated Fund Balance to balance the FY2023 budget deficit is \$688,078.

12. The Commission's authorized staffing level is 66 full time equivalent positions (FTEs). Since FY 2007, unfilled vacancies have steadily increased to a total of 22 unfilled full time equivalent positions, or more than 35% of the authorized staffing level. The FY 2023 salaries and wages budgets (Operating and Pinelands Conservation Fund) finance only 44 of the 66 authorized full time equivalent positions.

13. The fringe benefits budget includes expenditures for the employer's share of Social Security (\$225,000), Medicare (\$65,000), disability insurance (\$1,000), flexible savings accounts (\$1,500) and miscellaneous administrative charges (\$500). The employer liability of pension related funds is estimated at \$550,000. The Commission's escalating health benefit premiums for active and retired employees are estimated at \$1,550,000 with a \$160,000 reduction for coinsurance payments from staff members. Also included is \$18,000 for dental insurance premiums and \$900 for participation in the Employee Advisory Service. Lastly, \$233,247 of the total fringe benefits budget is projected to be funded by the Pinelands Conservation Fund as shown in those budgets.

14. Upon Commission approval of the FY 2023 Operating Budget, the Executive Director will be authorized to pay the employer share of Social Security and Medicare at an amount not to exceed the budgeted funding of \$290,000.

15. The printing and office supplies budget includes expenditures for printing; office, computer, mailing, copying, and meeting supplies; office and computer equipment with an item cost of less than \$1,000; reference materials; scientific report printing/publication; and staff and Commissioner service awards. Grant-related expenses account for \$9,740 of this budget.

16. The majority of the vehicular supplies budget covers gasoline for Commission vehicles. Other costs budgeted in this account include replacement tires, supplies used for routine vehicular maintenance and other miscellaneous supplies such as keys, mats, scrapers and first aid kits.
17. The household supplies budget provides for the purchase of materials to perform minor buildings and grounds maintenance, cleaning supplies, household paper products, basic kitchen supplies, household equipment costing less than \$2,000 and other operating supplies.
18. The fuel and utilities budget covers expenditures for heating fuel, electricity, water and sewer.
19. The other supplies budget covers expenditures for supplies and equipment (less than \$1,000) supporting map-making, scientific research, fieldwork, and photographic needs. Grant related expenditures are a significant portion (over 98%) of this account, totaling \$36,142 for FY 2023.
20. The travel budget covers reimbursements to the staff for business mileage on their personal vehicles, tolls and parking, and meal allowances.
21. The telephone budget includes basic service, toll charges, the service cost of a data circuit, conference calls, and cellular phone service.
22. The postage budget finances general postage fees, parcel delivery charges and post office box rental charges. Over the last several years, this account has decreased as more correspondence is sent electronically, including letters, reports and public outreach materials.
23. The insurance budget covers estimated premiums for automobiles, general liability, fire, theft, workers compensation, volunteers, and the umbrella liability policy. Through the years, the Commission has realized premium savings by participating in the States Tort Claims Fund and by including the Commission's buildings under the State's property insurance.
24. Upon Commission approval of the FY 2023 Operating Budget, the Executive Director will be authorized to pay the State's insurance broker an amount not to exceed the budgeted funding of \$64,260 to cover the Commission's insurance premiums.
25. The FY 2023 budget for information processing includes \$115,835 for software maintenance agreements and data purchases, \$6,000 for payroll processing, \$3,000 for database administration services and \$1,000 for online legal services and \$1,000 for hardware maintenance. Over \$8,539 of this budget is reimbursable through grants or special revenue.
26. The household services budget covers trash removal, alarm (security and fire) monitoring, and exterminating services.
27. The professional services account covers expenditures for legal fees, technical and consulting services, and other miscellaneous services. Estimated costs include \$100,000 for legal fees associated with DAG services; \$50,000 for labor counsel and \$6,000 for publication of the

Commission's rulemaking documents by the Office of Administrative Law. Grant related technical services totaling \$36,000 are budgeted.

28. Expenditures in the other services budget include annual subscriptions (\$2,800), required memberships and professional licenses (\$5,930); meeting expenses (\$1,500); advertising (\$4,255), research related fees (\$1,362), training (\$17,300), and banking fees (\$1,200).

29. The maintenance buildings and grounds budget for FY 2023 includes an estimated cost for implementation of Energy Efficiency measures and installation of an Electric Vehicle Charging Station (the cost of which may be partially offset by grant funding). The remaining amount is available for minor maintenance services (plumbing, electrical, HVAC, Tree Trimming, etc.). Interior upgrades for enhanced security of the Commission's offices will be installed and monitored for effectiveness.

30. The maintenance - equipment budget provides for the inspection, maintenance and repair of certain building systems and other equipment.

31. The maintenance vehicular budget finances routine maintenance, vehicular fees, and repairs, including any needed body work not performed by the Commission's Maintenance Technician.

32. The FY 2023 budget includes \$200 for the postage meter, \$7,200 for the lease of (2) black and white copiers, \$100 for excess copy charges, and \$250 for the safe deposit box. Leasing of a Large Format Scanner for \$2,500 per year is also included to facilitate scanning and saving of site plans and zoning maps.

33. The acquisitions - equipment budget contains \$6,630 for scientific equipment supporting grant related projects and \$2,000 for unanticipated telephone system expenses. Also included are estimated costs associated with purchase of two electric/hybrid field vehicles, one of which will replace an existing 2008 hybrid vehicle that proved to be unsuitable for field work.

34. The acquisitions - information processing equipment budget includes the replacement of outdated computers, servers and additional laptops needed to support the workSmart Telework Pilot program initiated on July 1, 2022, by the State of New Jersey.

35. The total estimated Operating Budget expenditures for FY 2023 equal \$6,499,578. During the fiscal year, certain unforeseen and/or emergency expenditures may become necessary. The Personnel and Budget Committee has discussed this issue and recommends that the Executive Director be authorized to exceed the budget of an expenditure category (personnel, supplies, services, maintenance/rent, improvements/acquisitions) by no more than 10% provided that funds are available in other expenditure categories to ensure that the total Operating Budget is not exceeded and provided further that the combined salary budgets for the Operating Fund and the Pinelands Conservation Fund do not exceed \$3,883,014.

36. Several expenditure account budgets include funding for various services and benefits that are reimbursed to the State of New Jersey and are over the Executive Director's authorized

contracting limit of \$150,000 (OMB 22-09-DPP). These consist of employee health benefits; the employer liability assessed by the Division of Pensions and the Commission's attorney (DAG) fees.

37. Upon Commission approval of the FY 2023 Operating Budget, the Executive Director will be authorized to pay the State of New Jersey for the aforementioned items in an amount not to exceed the budgeted funding.



**PINELANDS COMMISSION  
PINELANDS CONSERVATION FUND  
FISCAL YEAR 2023 BUDGET**

| Revenue Source                                     | FY2020<br>Audited | FY2021<br>Unaudited | FY2022<br>Unaudited | FY2023<br>Anticipated | Notes |
|--|-------------------|---------------------|---------------------|-----------------------|-------|
| Interest Income - Land Acquisition                 | 15,000            | 1,640               | 1,050               | 5,100                 | 1     |
| Interest Income - Conservation Planning & Research | 47,255            | 3,200               | 1,800               | 5,000                 | 1     |
| Interest Income - Community Planning & Design      | 34,000            | 1,600               | 900                 | 2,800                 | 1     |
| Interest Income - Education & Outreach             | 22,000            | 620                 | 1,100               | 950                   | 1     |
| SJTA - MOA   | 500,000           | 500,000             | 500,000             | 500,000               | 2     |
| <b>Total Revenue</b>                               | <b>618,255</b>    | <b>507,060</b>      | <b>504,850</b>      | <b>513,850</b>        |       |
| Cancellation of Prior Year Encumbrances            | 0                 | 0                   | 0                   | 0                     |       |
| Reserves for Pinelands Conservation Activities     | 0                 | 323,556             | 538,782             | 446,981               |       |
| <b>Total Revenue/Other Sources Anticipated</b>     | <b>618,255</b>    | <b>830,616</b>      | <b>1,043,632</b>    | <b>960,831</b>        |       |

| Expenditure Account                        | FY2020<br>Unaudited | FY2021<br>Unaudited | FY2022<br>Unaudited | FY2023<br>Anticipated | Notes |
|--|---------------------|---------------------|---------------------|-----------------------|-------|
| <b><u>Land Acquisition</u></b>             |                     |                     |                     |                       |       |
| Salaries & Wages                           | 5,750               | 16,800              | 20,000              | 5,000                 |       |
| Fringe Benefits                            | 2,875               | 7,896               | 10,600              | 2,650                 |       |
| Land Acquisition                           | 0                   | 0                   | 0                   | 0                     |       |
| Printing & Office Supplies                 | 0                   | 0                   | 0                   | 600                   |       |
| Travel                                     | 0                   | 0                   | 0                   | 100                   |       |
| <b>Total Land Acquisition Expenditures</b> | <b>8,625</b>        | <b>24,696</b>       | <b>30,600</b>       | <b>8,350</b>          | 4     |

**Conservation Planning and Research**

|  |                |                |                |                |   |
|--|----------------|----------------|----------------|----------------|---|
| Salaries & Wages   | 207,133        | 232,346        | 363,812        | 372,616        |   |
| Fringe Benefits  | 103,566        | 109,203        | 192,820        | 191,937        |   |
| Printing & Office Supplies                               | 0              | 0              | 0              | 0              |   |
| Other Supplies   | 17,872         | 15,125         | 15,500         | 35,150         |   |
| Travel   | 2,227          | 3,100          | 5,421          | 7,421          |   |
| Information Processing                                   | 728            | 1,410          | 500            | 1,110          |   |
| Technical Services                                       |                | 5,300          | 5,300          | 0              |   |
| Professional Services                                    |                | 90,868         | 88,199         | 67,647         |   |
| Other Services   | 200            | 100            | 75             | 330            |   |
| Acquisitions - Equipment                                 |                | 3,000          | 3,400          | 6,800          |   |
| Administrative Assessment                                | 20,000         | 20,000         | 20,000         | 20,000         | 3 |
| <b>Total Conservation Planning/Research Expenditures</b> | <b>351,726</b> | <b>480,452</b> | <b>695,027</b> | <b>703,011</b> | 5 |

**Community Planning and Design**

|   |                |                |                |                |   |
|---|----------------|----------------|----------------|----------------|---|
| Salaries & Wages                                    | 85,000         | 129,000        | 101,000        | 90,000         |   |
| Fringe Benefits                                     | 42,500         | 60,630         | 53,530         | 42,370         |   |
| Printing & Office Supplies                          | 500            | 100            | 100            | 200            |   |
| Travel  | 54             | 0              | 0              | 0              |   |
| Postage   | 500            | 500            | 500            | 500            |   |
| Information Processing                              | 500            | 618            | 250            | 750            |   |
| Other Services                                      | 550            | 300            | 275            | 250            |   |
| Administrative Assessment                           | 20,000         | 20,000         | 20,000         | 20,000         | 3 |
| <b>Total Community Planning/Design Expenditures</b> | <b>149,604</b> | <b>211,148</b> | <b>175,655</b> | <b>154,070</b> | 6 |

**Education and Outreach**

|                                     |                |                |                |               |   |
|-------------------------------------|----------------|----------------|----------------|---------------|---|
| Salaries & Wages                    | 55,000         | 60,000         | 75,000         | 40,000        |   |
| Fringe Benefits                     | 27,500         | 28,200         | 39,750         | 21,200        |   |
| Printing & Office Supplies          | 500            | 0              | 0              | 2,000         |   |
| Travel                              | 0              | 100            | 100            | 100           |   |
| Other Supplies                      | 500            | 1,320          | 1,600          | 4,500         |   |
| Other Services                      | 4,800          | 4,700          | 5,000          | 7,600         |   |
| Acquisitions - Equipment            |                |                | 900            | 0             |   |
| Administrative Assessment           | 20,000         | 20,000         | 20,000         | 20,000        | 3 |
| <b>Total Education and Outreach</b> | <b>108,300</b> | <b>114,320</b> | <b>142,350</b> | <b>95,400</b> | 7 |

|                           |                |                |                  |                |  |
|---------------------------|----------------|----------------|------------------|----------------|--|
| <b>Total Expenditures</b> | <b>618,255</b> | <b>830,616</b> | <b>1,043,632</b> | <b>960,831</b> |  |
|---------------------------|----------------|----------------|------------------|----------------|--|

**PINELANDS COMMISSION**  
**PINELANDS CONSERVATION FUND**  
**FISCAL YEAR 2023 BUDGET NOTES**  
**August 23, 2022**

1. The funds provided from Atlantic City Electric (formerly Conectiv) and other related revenue sources are kept in four separate cash accounts, one for each program of the Fund. The FY 2023 estimated interest income totals are anticipated to reach \$13,850 and are comprised of interest income from the four cash accounts. All interest income stays within the particular program and is available to help fund the associated projects. The Federal Reserve recently issued two interest rate increases during June and July of 2022; thus, higher interest revenue is projected for FY2023.
2. This revenue results from the SJTA MOA Amendment executed in April of 2019, under which SJTA is required to contribute a total of \$3,000,000 for land acquisition in the Pinelands Area. The Pinelands Commission will receive six annual payments of \$500,000.00. Payment #5 will be made in FY2023.
3. The financial plan that designated the three original programs within the Fund (Land Acquisition, Conservation Planning & Research and Community Planning & Design) was approved by the Commission in April 2005 and included a \$20,000 annual assessment from each program to cover administrative expenses as described in Operating Budget note #10. The Commission amended the PCF policies in 2014 to include a fourth program, Education & Outreach, from which a \$20,000 annual administrative assessment is also drawn. The annual assessment from the Land Acquisition program has been eliminated.
4. The Land Acquisition program budget for FY 2023 totals \$8,350. Personnel costs (salaries/wages and fringe benefits) are estimated at \$7,650 in support of the Commission's permanent land protection initiatives.
5. The Conservation Planning and Research program budget for FY 2023 totals \$703,011. Personnel costs (salaries/wages and fringe benefits) are estimated at \$564,553 to support the following initiatives and special projects: the landfill closure assessment; continued implementation of the alternate septic system pilot program; rulemaking associated with the Kirkwood-Cohansey aquifer water management amendments; rulemaking related to the Electric Transmission Right of Way Maintenance Pilot Program; rulemaking associated with the Black Run Watershed; maintenance of threatened and endangered species data and associated data sharing agreements; and data maintenance and reporting related to permanent land protection. In addition, the Science Office will be continuing to conduct Corn Snake and King Snake research, in partnership with EPA and Herpetological Associates. In FY2023, the Science Office's research related to box turtles will also be funded from this account. Miscellaneous expenses (software, supplies, travel and legal advertisements) supporting the program total \$42,900. Additional expenses for the Corn and King Snake research include \$67,647 in Professional Services and \$6,800 in fixed assets. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

6. The Community Planning and Design program budget for FY 2023 totals \$154,070. Personnel costs (salaries/wages and fringe benefits) are estimated at \$132,370 to support the following initiatives and special projects: review and proposal of CMP amendments related to Forest and Rural Development Area clustering, solar energy facilities and the use of Pinelands Development Credits; preparation of updated PDC supply and demand estimates; administrative responsibilities supporting the Pinelands Development Credit Bank; administration of the Pinelands Infrastructure Trust Fund; and support for the Pinelands Climate Committee and related initiatives. Miscellaneous expenses (software, postage, printing, supplies, meeting expenses and legal advertisements) supporting the program equal \$1,700. Rounding out the budget is the \$20,000 administrative assessment mentioned above.
  
7. The Education and Outreach program budget for FY 2023 totals \$95,400. Personnel costs (salaries/wages and fringe benefits) are estimated at \$61,200 to support the two annual Pinelands Short Courses, the World Water Monitoring Challenge and other Outreach programs. Also included is a total of \$6,500 for supplies related to the Visitors Center, the World Water Monitoring Challenge and maintenance of the bog garden, as well as \$5,000 for services and supplies to launch the Commission's on-line store. Miscellaneous expenses (honoraria for participants in the Pinelands Speakers Series and mileage) supporting the program equal \$2,700. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

**PINELANDS COMMISSION**  
**Fenwick Manor Preservation Budget**  
**FISCAL YEAR 2023 BUDGET**

| Revenue                   | FY 2023<br>Anticipated | Notes |
|---------------------------|------------------------|-------|
| State Aid Anticipated     | 500,000                | 1     |
| Total Reserve Anticipated | 500,000                |       |

| Expenditure Account                  | FY 2023<br>Anticipated | Notes |
|--------------------------------------|------------------------|-------|
| Preservation Plan                    | 50,000                 | 2     |
| Exterior Painting                    | 250,000                | 3     |
| Structural Engineer                  | 20,000                 | 4     |
| Structural Reinforcement/Maintenance | 165,000                | 5     |
| Interior Modifications               | 15,000                 | 6     |
| Total Expenditures                   | 500,000                |       |

**PINELANDS COMMISSION  
FENICK MANOR PRESERVATION  
FISCAL YEAR 2023 BUDGET NOTES  
August 23, 2022**

1. This is the anticipated State Aid provided by the State of New Jersey FY 2023 Budget. (Pages 79-80 of P.L. 2022, Chapter 49).
2. The Commission previously solicited quotes (through RFP) for the preparation of a Historic Preservation Plan for Fenwick Manor. The budgeted amount reflects the likely total cost for the plan. Should the Commission receive grant funding through the New Jersey Historic Trust, we would be responsible for only 25% of the cost. The remaining funds would then become available for structural repairs and long-term maintenance.
3. Fenwick Manor remains in dire need of exterior painting. Two rounds of RFPs have been issued in the past, with bids starting at \$245,000. Upon completion of the Preservation Plan noted in #2 above, we will once again apply to the New Jersey Historic Trust for a Capital Level I Grant, which would offset a portion of the cost.
4. The main chimney in Fenwick Manor is structurally compromised, leading to growing cracks in the walls and ceiling running from the basement to the attic. This is the core structure of the foundation affecting all surrounding levels. A Structural Engineer will need to be retained to assess existing conditions and safety concerns and identify appropriate measures to repair the structure.
5. This total represents all remaining funds, which will be used for structural repairs and reinforcements, improvements recommended in the Preservation Plan, and long-term maintenance of the building.
6. Offices surrounding the structurally compromised chimney will need interior modifications and repair once the reinforcements are completed.

**PINELANDS COMMISSION  
KATIE TRUST FUND  
FISCAL YEAR 2023 BUDGET**

| Revenue                              | FY 2020<br>Audited | FY 2021<br>Unaudited | FY 2022<br>Unaudited | FY 2023<br>Anticipated | Notes |
|--------------------------------------|--------------------|----------------------|----------------------|------------------------|-------|
| Katie Trust Fund Balance Anticipated | 15,000             | 15,000               | 20,000               | 500                    | 1     |
| Total Reserve Anticipated            | 15,000             | 15,000               | 20,000               | 500                    |       |

| Expenditure Account               | FY 2020<br>Audited | FY 2021<br>Unaudited | FY 2022<br>Unaudited | FY 2023<br>Anticipated | Notes |
|-----------------------------------|--------------------|----------------------|----------------------|------------------------|-------|
| Rain Garden Supplies              | -                  | -                    | 20,000               | 500                    | 2     |
|                                   | -                  | -                    | 20,000               | 500                    |       |
| Ground Supplies                   |                    |                      |                      |                        |       |
| Plants & Fencing                  | 4,000              | 4,000                | -                    | -                      |       |
| Total Supplies                    | 4,000              | 4,000                | -                    | -                      |       |
| Services                          |                    |                      |                      |                        |       |
| Professional Services             | 10,000             | 10,000               | -                    | -                      |       |
| Total Services                    | 10,000             | 10,000               | -                    | -                      |       |
| Improvements & Acquisitions       |                    |                      |                      |                        |       |
| Acquisitions - Furniture          | 1,000              | 1,000                | -                    | -                      |       |
| Total Improvements & Acquisitions | 1,000              | 1,000                | -                    | -                      |       |
| Total Expenditures                | 15,000             | 15,000               | 20,000               | 500                    |       |

**PINELANDS COMMISSION  
KATIE TRUST FUND  
FISCAL YEAR 2023 BUDGET NOTES  
August 23, 2022**

1. This is the anticipated Fund Balance after design and installation of the Commission's Rain Garden, which serves as an extension of the Visitors Center.
2. Supplies and replacement plants that may be needed to foster the first year of the Rain Garden's growth until it become self-sustaining.



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

**NO. PC4-22- 37**

**TITLE:** To Adopt the Pinelands Commission's Fiscal Year 2023 Budgets for the Operating Fund, Katie Trust Fund, Fenwick Manor Preservation Fund, and the Pinelands Conservation Fund

**Commissioner Avery moves and Commissioner Irick seconds the motion that:**

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

**WHEREAS**, the State of New Jersey has appropriated \$3,399,000 to support the Commission's operations during Fiscal Year 2023; and

**WHEREAS**, the Department of the Treasury has informed the Commission that \$687,000 (31%) of budgeted health benefits and pension costs will be covered through the State's interdepartmental accounts in Fiscal Year 2023; and

**WHEREAS**, the Commission anticipates that additional funding sources of \$1,725,500 will be available to further support the Commission's operations; and

**WHEREAS**, as recommended by the Pinelands Climate Committee at its meeting of July 29, 2022, the Fiscal Year 2023 Operating Budget includes the establishment of a \$500,000 Energy Conservation Reserve to be used for projects and capital expenditures that foster the Commission's mission toward improved energy conservation, sustainability and mitigation of greenhouse gas emissions to the greatest extent feasible, consistent with Pinelands Commission Resolutions PC4-20-37 and PC4-22-15; and

**WHEREAS**, in order to accomplish these and other important initiatives and to continue to carry out the Commission's regulatory responsibilities, the Fiscal Year 2023 Operating Budget anticipates a \$688,078 draw from the Commission's unreserved, undesignated fund balance; and

**WHEREAS**, the Operating Budget for Fiscal Year 2023 totals \$6,499,578; and

**WHEREAS**, the remaining unreserved, undesignated fund balance amount is sufficient to cover unforeseen or emergency expenditures in the near future; and

**WHEREAS**, the Katie Trust Fund Budget for Fiscal Year 2023 anticipates expenditures of \$500, which will be drawn from the Fund Balance and used for maintenance of the new rain garden on the Commission's property; and

**WHEREAS**, adoption of a new Fenwick Manor Preservation Budget is necessary to recognize the \$500,000 special appropriation to the Pinelands Commission included in the State's Fiscal Year 2023 Budget for the refurbishment, maintenance and preservation of Fenwick Manor. Anticipated expenditures of \$500,000 will be drawn from this State Aid; and

**WHEREAS**, a financial plan for the Pinelands Conservation Fund (PCF), which includes four programs (Land Acquisition, Conservation Planning and Research, Community Planning and Design and Education and Outreach), was approved by the Commission in April 2005 and last revised in August 2014; and

**WHEREAS**, the Fiscal Year 2023 budget for the Land Acquisition program totals \$8,350; and

**WHEREAS**, the Fiscal Year 2023 budget for the Conservation Planning and Research program totals \$703,011; and



**WHEREAS**, the Fiscal Year 2023 budget for the Community Planning and Design program totals \$154,070; and

**WHEREAS**, the Fiscal Year 2023 budget for the Education and Outreach program totals \$95,400; and

**WHEREAS**, the total Fiscal Year 2023 budget for the Pinelands Conservation Fund is \$960,831; and

**WHEREAS**, the Commission’s Personnel & Budget Committee has reviewed the FY 2023 budgets for the Operating Fund, Katie Trust Fund, Fenwick Manor Preservation Fund and Pinelands Conservation Fund and has recommended their adoption by the Commission; and

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

**NOW, THEREFORE BE IT RESOLVED** that the Pinelands Commission hereby adopts the attached Fiscal Year 2023 Budgets for the Operating Fund totaling \$6,499,578, the Katie Trust Fund totaling \$500, the Fenwick Manor Preservation Fund totaling \$500,000 and the Pinelands Conservation Fund totaling \$960,831.

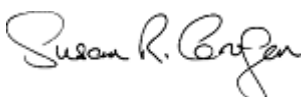
**Record of Commission Votes**

|           | AYE | NAY | NP | A/R* |          | AYE | NAY | NP | A/R* |           | AYE | NAY | NP | A/R* |
|-----------|-----|-----|----|------|----------|-----|-----|----|------|-----------|-----|-----|----|------|
| Avery     | X   |     |    |      | Lettman  |     |     | X  |      | Pikolycky | X   |     |    |      |
| Christy   | X   |     |    |      | Lloyd    | X   |     |    |      | Quinn     | X   |     |    |      |
| Holroyd   | X   |     |    |      | Lohbauer | X   |     |    |      | Wallner   | X   |     |    |      |
| Irick     | X   |     |    |      | McCurry  |     |     | X  |      | Matos     | X   |     |    |      |
| Jannarone | X   |     |    |      | Meade    |     |     | X  |      |           |     |     |    |      |


\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 9, 2022



Susan R. Grogan  
Acting Executive Director



Laura E. Matos  
Chair



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

**NO. PC4-22- 36**

**TITLE:** To Authorize an Additional Extension of the Time Period for Atlantic County to Complete its Obligations Under the Secondary Impacts Agreement for Interchange 44 of the Garden State Parkway

**Commissioner Irick moves and Commissioner Lloyd  
seconds the motion that:**

**WHEREAS**, on January 7, 2014, the Pinelands Commission (Commission) and Atlantic County (the County) entered into a Secondary Impacts Agreement (the Agreement) as a means of obviating the potential secondary impacts associated with the completion of Interchange 44 of the Garden State Parkway; and

**WHEREAS**, this Agreement obligated the County to limit the development potential of parcels located within 1.5 miles of Interchange 44 (356 acres) within the Pinelands Area; and

**WHEREAS**, the County had 3 years to obviate the secondary impacts within this 1.5 mile area, referred to in the Agreement as Tier 1; and

**WHEREAS**, the Agreement afforded the County the opportunity to request that the Executive Director extend the time period for completion of the County's obligations for a period of up to 18 months, upon the submission of documentation demonstrating that completion of the task to obviate secondary impacts in Tier 1 was imminent and would be completed within the extended time period; and

**WHEREAS**, the County has focused all of its efforts to obviate secondary impacts associated with the Interchange 44 project within Tier 1; and

**WHEREAS**, by letter dated March 5, 2020, the County advised the Commission that it had completed acquisition of 327 acres of lands within Tier 1 and would be closing on an additional 15 acres within the next thirty days, bringing the total amount of its acquisitions to 342 acres; and

**WHEREAS**, in that letter, the County also requested an additional extension to complete its acquisition of the remaining 29 acres required by the Agreement; and

**WHEREAS**, on May 8, 2020, the Pinelands Commission adopted Resolution PC4-20-14, granting the County a twenty-four (24) month extension from January 7, 2020 to January 7, 2022 to complete its obligations under the Agreement; and

**WHEREAS**, from March 9, 2020 through July 4, 2021, the State of New Jersey was under a public health emergency because of COVID-19; and

**WHEREAS**, by letter dated August 15, 2022, the County advised the Commission that it has acquired 342 of the 356 acres of lands within Tier 1 and requested an additional 12-month extension to complete acquisition of the 14 remaining acres; and

**WHEREAS**, the County noted that it had acquired the 15 acres of land within Tier 1 discussed in Resolution PC4-20-14 on December 20, 2020; and

**WHEREAS**, the County also advised that since the 2020 acquisition, it had continued its efforts to acquire the remaining 14 acres of land within Tier 1 to complete its obligation under the Agreement; and

**WHEREAS**, the County's efforts included identifying 110 privately held lots totaling approximately 95 acres for potential acquisition; sending letters of interest to the assessed owners of these lots; obtaining an appraisal for the overall parcel; and commencing title research on these lots; and

**WHEREAS**, based on landowner communications conducted to date, the County has executed agreements of sale with five (5) property owners, including the owner of a ten (10) acre lot; and

**WHEREAS**, the County anticipates closing on some of these lots prior to the end of the calendar year; and

**WHEREAS**, there are potential title issues associated with many of the lots that the County has identified for potential acquisition: and

**WHEREAS**, these title issues have complicated the County’s acquisition process; and

**WHEREAS**, on July 5, 2022, the Atlantic County Board of Commissioners adopted Ordinance #7 of 2022, which authorizes the acquisition of the 110 lots either through negotiation or the use of eminent domain for those lots where clear title cannot be established; and

**WHEREAS**, the extension granted by Resolution PC4-20-14 expired on January 7, 2022; and

**WHEREAS**, the Agreement contains a provision that requires the County to pay an amount equal to fair market value of any acreage that it fails to acquire within Tier 1 within six years from the effective date of the Agreement (January 7, 2020), to a non-profit, government entity or university or college to undertake the acquisition of Pinelands Development Credits from agricultural lands or other projects, including land acquisition, to improve water quality within the boundaries of Tiers 1 through 3 in Atlantic County; and

**WHEREAS**, the Commission believes it is preferable to allow the County to complete its acquisition of the remaining 14 acres rather than having the County provide funds to a non-profit, governmental entity or university for that purpose, given the County’s diligent effort to date to complete its obligations under the Agreement; and

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

**NOW, THEREFORE BE IT RESOLVED** that the Commission grants Atlantic County an additional extension from January 7, 2022 until September 7, 2023 to acquire the remaining 14 acres within Tier 1 to satisfy its obligations under the Secondary Impacts Agreement.

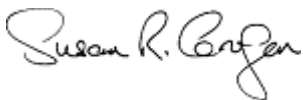
**Record of Commission Votes**

|           | AYE | NAY | NP | A/R* |          | AYE | NAY | NP | A/R* |           | AYE | NAY | NP | A/R* |
|-----------|-----|-----|----|------|----------|-----|-----|----|------|-----------|-----|-----|----|------|
| Avery     | X   |     |    |      | Lettman  |     |     | X  |      | Pikolycky | X   |     |    |      |
| Christy   | X   |     |    |      | Lloyd    | X   |     |    |      | Quinn     | X   |     |    |      |
| Holroyd   | X   |     |    |      | Lohbauer | X   |     |    |      | Wallner   | X   |     |    |      |
| Irick     | X   |     |    |      | McCurry  |     |     | X  |      | Matos     | X   |     |    |      |
| Jannarone | X   |     |    |      | Meade    |     |     | X  |      |           |     |     |    |      |

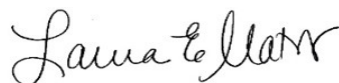
\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 9, 2022



Susan R. Grogan  
Acting Executive Director



Laura E. Matos  
Chair



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

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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

## Report on Pemberton Township Ordinance 11-2022, Adopting the Lakehurst Road Redevelopment Plan

July 29, 2022

Pemberton Township  
500 Pemberton-Browns Mills Road  
Pemberton, NJ 08068

### Findings of Fact

#### I. Background

The Township of Pemberton is located in eastern Burlington County, in the northwestern section of the Pinelands Area. Pinelands municipalities that abut Pemberton Township include the Townships of New Hanover, Springfield, Southampton and Woodland as well Wrightstown Borough in Burlington County and the Townships of Manchester and Plumsted in Ocean County.

On June 3, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Pemberton Township.

On May 19, 2022, Pemberton Township adopted Ordinance 11-2022, adopting the Lakehurst Road Redevelopment Plan, dated April 11, 2022. The Pinelands Commission received a certified copy of Ordinance 11-2022 on June 1, 2022.

By letter dated June 21, 2022, the Acting Executive Director notified the Township that Ordinance 11-2022 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 11-2022, adopting the Lakehurst Road Redevelopment Plan of Pemberton Township, introduced on April 20, 2021 and adopted on May 19, 2022.

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 (CMP). The findings from this review are presented below. The numbers used to designate the sections below correspond to the numbers used to identify the standards in N.J.A.C. 7:50-3.39.

**1. Natural Resource Inventory**

Not applicable.

**2. Required Provisions of Master Plans and Land Use Ordinances Relating to Development Standards**

Ordinance 11-2022 adopts the Lakehurst Road Redevelopment Plan. The redevelopment plan applies to an approximately 718-acre redevelopment area consisting of 66 lots in the vicinity of Lakehurst Road, Junction Road, and the existing Country Lakes Estates senior development (see Exhibit 1). There are some existing structures within the redevelopment area, but most of the area is vacant and wooded. The certified, underlying zoning of the redevelopment area is summarized in Table 1 below. The redevelopment area is located in a Pinelands Regional Growth Area and a Pinelands Forest Area.

The goal of the plan is to facilitate the development of an age-restricted community of single-family homes and townhouses in the Regional Growth Area portion of the redevelopment area. To that end, the plan establishes two new zoning districts: The Planned Community (PC) District and the Community Extension (CE) District (See Exhibit 2). The PC District accounts for approximately 692 acres of the redevelopment area, while the CE District contains approximately 27 acres. Both new zones include portions of RGA and Forest Area.

Table 1. Summary of Zoning Changes in Acres by Pinelands Management Area

| <b>Certified Zoning</b>  | <b>CE District</b> | <b>PC District</b> | <b>Total</b> |
|--|--------------------|--------------------|--------------|
| <b>Forest Area</b>   |                    |                    |              |
| Very Low Density Single-Family Residential (R-17)                        | 10                 | 329                | 339          |
| <b>Regional Growth Area</b>  |                    |                    |              |
| Infill Residential District with Planned Community Conditional Use (R-A) | 11                 | 354                | 366          |
| Infill Single-Family Residential (R-I)                                   | -                  | 7                  | 7            |
| Neighborhood Commercial Pinelands (NCP)                                  | 2                  | 1                  | 3            |
| General Commercial/Light Industrial (GCLI)                               | 3                  | -                  | 3            |
| Very High Density Single-Family Residential (R-96)                       | -                  | 1                  | 1            |
| <b>Total</b>   | <b>26</b>          | <b>692</b>         | <b>718</b>   |

Within the RGA portion of the new PC District, age-restricted, detached single-family dwellings and townhouses are permitted. The redevelopment plan requires that any planned community within the PC District contain a minimum 500-acre tract area and no more than 575 dwelling units. The RGA portion of the PC District also permits a variety of accessory uses complimentary to a planned community, including a community center, recreation areas, off-street parking, fences, storage sheds, decks, patios, porches, model homes, and sales offices. Planned communities within the PC District are also required to provide inclusionary housing affordable to low- and middle-income households. A minimum 20% of all for-sale dwellings must be set aside as affordable, and a minimum of 15% of all rental dwelling must be set aside as affordable. The plan includes a variety of bulk, yard, area and design standards, including a 100 foot minimum perimeter setback and 50 foot minimum perimeter landscaped buffer. In terms of site coverage, the redevelopment plan permits a maximum of 35% building coverage and 45% impervious coverage. The redevelopment plan also requires that requirement that at least 40% of the tract be set aside for open space and recreation. Notably, the redevelopment plan requires that where practical and feasible, all units should be designed to maximize passive solar heat gain through use of architectural treatments. In addition, the redeveloper is required to offer active solar photovoltaic energy system purchase and installation options for rooftop installation on single-family detached and townhouse units with appropriate solar orientation.

The redevelopment plan further specifies that primary vehicle access to the planned community is to be provided via a single egress driveway from Lakehurst Road (County Route 530). A secondary means of access is not required but, if necessary, may be permitted for temporary, permanent or emergency purposes only if fully consistent with all CMP environmental standards.

Within the Forest Area portion of the PC District, the redevelopment plan permits only accessory low intensity recreational facilities and necessary access/egress driveways. The plan expressly provides that all development of principal residences and accessory structures must be located within the RGA portion of the Redevelopment Area.

The new CE District contains various existing structures and uses. The redevelopment plan does not adopt any new standards applicable to this area; the CE District merely retains the permitted uses and requirements of the certified, underlying zoning.

As noted in the summary chart above, much of the RGA portion of the redevelopment area is currently located in the Township's R-A District. Residential development in the R-A District is permitted at a base net density of 0.33 units per acre. Pinelands Development Credits (PDC) may be used to increase this net density to 2.0 units per acre. Once all necessary PDCs have been used, age-restricted "bonus" density is permitted, up to a total maximum net density of 4.25 units per acre. This unique zoning plan was put in place 30 years ago with the hope of encouraging age-restricted housing and ensuring the use of Pinelands Development Credits. It allows for a total of 1,258 units, of which 181 are "base" units, 411 require the use of PDCs and 666 are age-restricted bonus units. The redevelopment plan establishes a maximum number of permitted units (575) that is well below what is permitted in the underlying R-A District. This represents a reduction in theoretical zoning capacity of 683 units. Ordinarily, a reduction of that magnitude might conflict with CMP requirements for RGAs and raise concerns. In this case, however, the R-A zoning plan provided an opportunity for nearly double the number of units required by the CMP. A strict application of CMP standards would require the Township to accommodate only

662 units, which is generally in keeping with the 575 units permitted under the redevelopment plan. It is also noteworthy that the Township has provided increased housing opportunities in other portions of its RGA over the past 30 years, largely through the adoption of redevelopment plans that permit higher density mixed use projects. This more than offsets the reduction in theoretical residential zoning capacity in the Lakehurst Road Redevelopment Area.

Ordinance 11-2022 is consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

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

The redevelopment plan adopted by Ordinance 11-2022 incorporates the development application submission requirements applicable to the underlying zoning districts. This includes the requirement that no local permitting agency shall determine an application for development in the Pinelands Area complete unless it is accompanied by a Certificate of Filing from the Pinelands Commission. Therefore, this standard for certification is met.

**4. Requirement for Municipal Review and Action on All Development**

The redevelopment plan adopted by Ordinance 11-2022 incorporates the development application review procedures applicable to the underlying zoning districts. This includes the review of all development within the redevelopment area by the Township Planning Board in accordance with the existing review procedures in the Township's certified land development regulations. Therefore, this standard for certification is met.

**5. Review and Action on Forestry Applications**

Not applicable.

**6. Review of Local Permits**

The redevelopment plan adopted by Ordinance 11-2022 incorporates the development application review procedures applicable to the underlying zoning districts..This includes the requirement that no local permit or approval shall be effective until it is reviewed by the Pinelands Commission in accordance with the CMP. Therefore, this standard for certification is met.

**7. Requirement for Capital Improvement Program**

Not applicable.

## 8. Accommodation of Pinelands Development Credits

Within Regional Growth Areas, Pinelands municipalities are required to provide a sufficient level of residentially zoned lands that are eligible for an increase in density through the use of Development Credits (N.J.A.C. 7:50-5.28(a)3).

In order to meet this requirement, Pemberton Township created its R-A District in 1992 and adopted zoning regulations that provided an opportunity for 1,258 total units, of which 411 would require the use of PDCs. These numbers, both in terms of total units and PDC opportunities, were well in excess of what the CMP required. In fact, it was recognized at the time that the Township's RGA was "overzoned"; however, the Township believed the higher permitted densities were necessary in order to facilitate development of a planned retirement community. For its part, the Commission determined that the number of permitted units was acceptable, largely because an extremely low threshold for PDC use had been incorporated into the R-A District regulations. For a planned retirement community, a base density of only 0.33 units per acre was established, effectively guaranteeing that PDC use would be necessary for the development of any sizeable project. If proposed at the maximum permitted density of 4.25 units per acre, a planned retirement community would have been entitled to 181 base units and 666 age-restricted bonus units. An additional 411 units would have been permitted through the use of PDCs, which equates to nearly 33% of the total.

The Lakehurst Road Redevelopment Plan retains the same goals as the underlying R-A District zoning plan: to facilitate development of a planned, age-restricted community while at the same time providing guaranteed PDC use. However, in recognition of the now known environmental limitations of portions of the zone, the redevelopment plan reduces the number of permitted residential units from 1,258 to 575. PDC use is accommodated through incorporation of a requirement for redemption of PDCs for 25% of the market-rate residential units within the redevelopment area, rather than through the retention of the low base density and bonus age-restricted housing density in the prior zoning plan. Furthermore, an exemption from the 25% PDC requirement is provided for residential units developed onsite and made affordable to low- and moderate-income households, up to the required set-aside percentages in the redevelopment plan. Any affordable units provided beyond the required set-aside amount will be required to redeem PDCs at the 25% rate. In addition, any units permitted above the 575 specified in the redevelopment plan will require the use of PDCs, as will any nonresidential development not permitted in the redevelopment plan.

Based on the standards adopted by the redevelopment plan, a maximum of 575 units will be permitted in the Lakehurst Road Redevelopment Area, of which as many as 20% will be affordable housing units. PDCs will be required for 25% of the market rate units, resulting in the need to redeem 115-122 rights (28.75-30.50 PDCs). While this is a significantly smaller number of PDC opportunities than was theoretically provided under the old R-A District requirements, it is also a much more reasonable and realistic obligation. Importantly, the redevelopment plan requires the use of PDCs in all projects, regardless of density, rather than leaving the use of PDCs to the option of a developer who may or may not choose to exceed permitted base density. This greater certainty, coupled with the adoption of more realistic requirements, offsets the loss of theoretical PDC opportunities. The Acting Executive Director therefore finds that the PDC requirements adopted by Ordinance 11-2022 are consistent with CMP standards.



This standard for certification is met.

**9. Referral of Development Applications to Environmental Commission**

Not applicable.

**10. General Conformance Requirements**

Ordinance 11-2022 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Therefore, this standard for certification is met.

**11. Conformance with Energy Conservation**

Not applicable.

**12. Conformance with the Federal Act**

Ordinance 11-2022 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

**13. Procedure to Resolve Intermunicipal Conflicts**

Ordinance 11-2022 does not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated. This standard for certification is met.

**Public Hearing**

A public hearing to receive testimony concerning Pemberton Township's application for certification of Ordinance 11-2022 was duly advertised, noticed and held on July 13, 2022, at 9:30 a.m. Mr. Lanute conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call-in during the public hearing to provide testimony. No testimony was received.

Written comments on Ordinance 11-2022 were accepted through July 15, 2022. However, no written comments were received.

## **Conclusion**

Based on the Findings of Fact cited above, the Acting Executive Director has concluded that Ordinance 11-2022, adopting the Lakehurst Road Redevelopment Plan of Pemberton Township, complies with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Acting Executive Director recommends that the Commission issue an order to certify Pemberton Township Ordinance 11-2022.

SRG/DBL/KLE/CPE

Attachments

# Pemberton Township

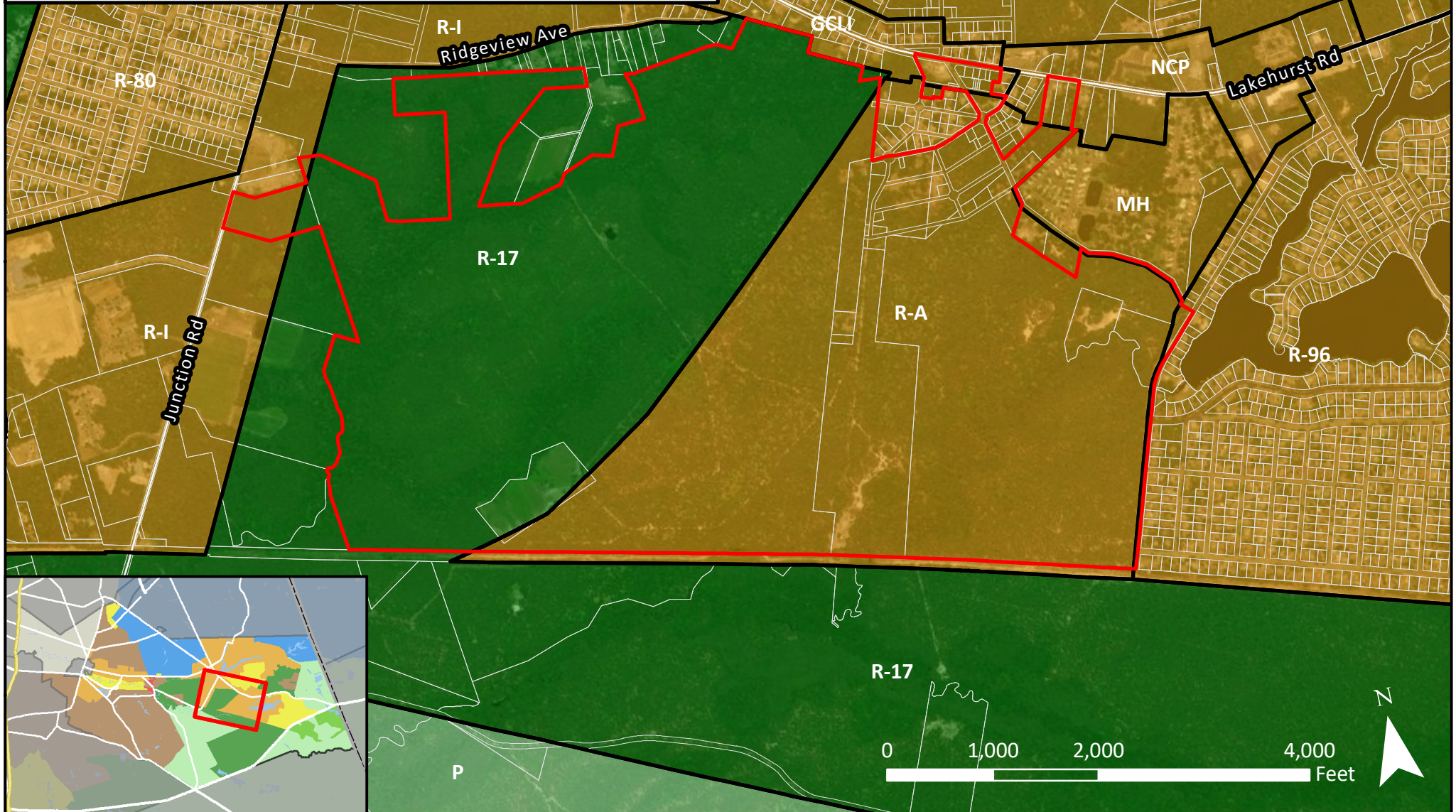
## Lakehurst Road Redevelopment Plan - Existing Zoning

### Pinelands Management Area

- Preservation Area District
- Forest Area
- Regional Growth Area
- Rural Development Area

- Redevelopment Area
- Existing Zoning
- Pemberton Twp Parcels










Executive Director's Report  
Pemberton Twp. Ord. 11-2022  
Exhibit 1  
7/29/2022

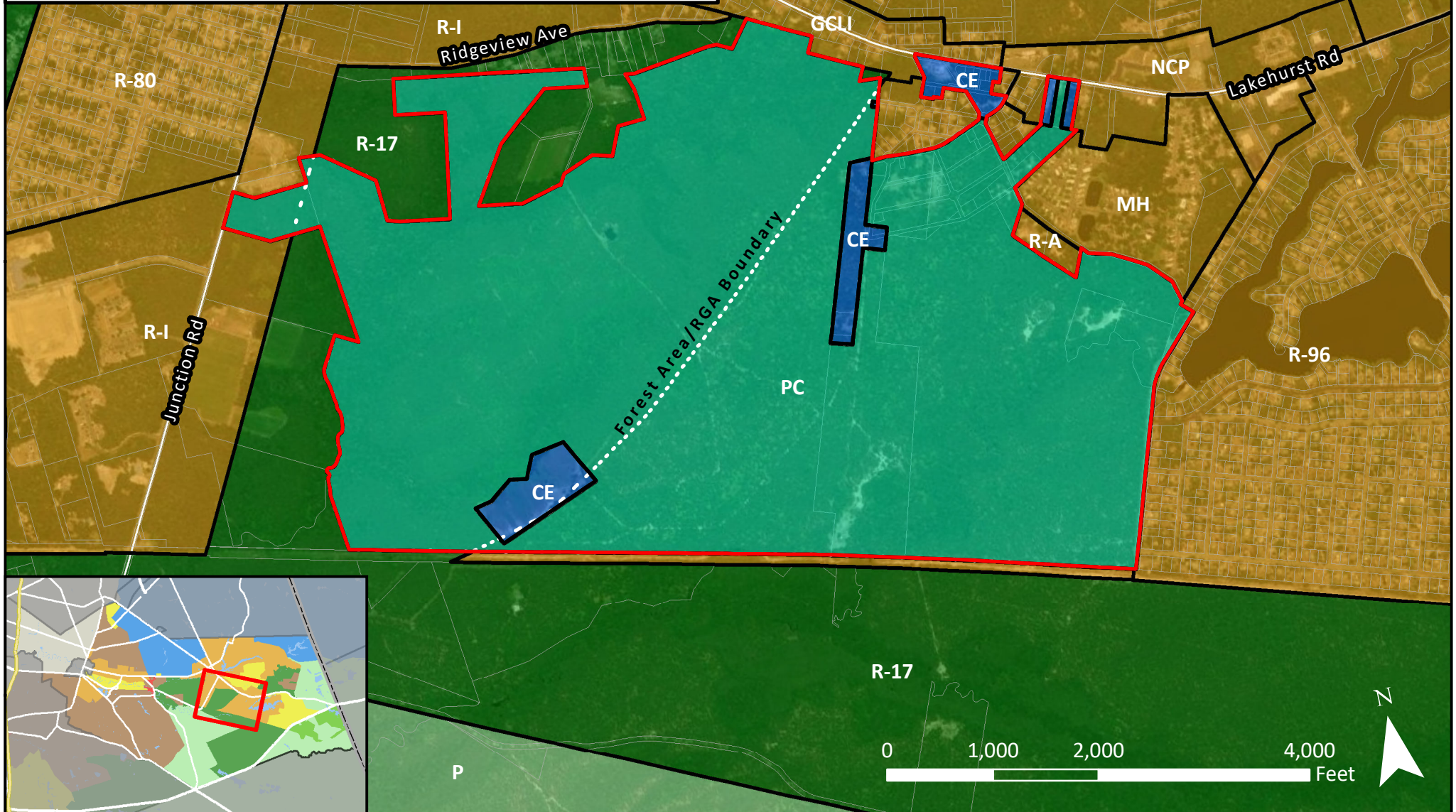


# Pemberton Township

## Lakehurst Road Redevelopment Plan - Proposed Zoning

Executive Director's Report  
Pemberton Twp. Ord. 11-2022  
Exhibit 2  
7/29/2022

- |   |  |
|---|--|
|  Preservation Area District |  Redevelopment Area       |
|  Forest Area                |  Community Extension Zone |
|  Regional Growth Area       |  Planned Community Zone   |
|  Rural Development Area     |  Existing Zoning          |
|   |  Pemberton Twp Parcels    |





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

**NO. PC4-22- 35**

**TITLE:** Issuing an Order to Certify Pemberton Township Ordinance 11-2022, Adopting the Lakehurst Road Redevelopment Plan

**Commissioner Avery moves and Commissioner Pikolycky seconds the motion that:**

**WHEREAS**, on June 3, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Pemberton Township; and

**WHEREAS**, Resolution #PC4-83-52 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and review of amendments to the certified municipal master plans and land use ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, Resolution #PC4-83-52 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 May 19, 2022, Pemberton Township adopted Ordinance 11-2022, adopting the Lakehurst Road Redevelopment Plan, dated April 11, 2022; and

**WHEREAS**, the Pinelands Commission received a certified copy of Ordinance 11-2022 on June 1, 2022; and

**WHEREAS**, by letter dated June 21, 2022, the Acting Executive Director notified Pemberton Township that Ordinance 11-2022 would require formal review and approval by the Pinelands Commission; and

**WHEREAS**, a public hearing to receive testimony on Ordinance 11-2022 was duly advertised, noticed, and remotely held on July 13, 2022 at 9:30 a.m. with live broadcast on the Pinelands Commission's public YouTube channel and opportunity for the public to call-in during the live broadcast; and

**WHEREAS**, the Acting Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 11-2022 is in conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Commission's CMP Policy and Implementation Committee has reviewed the Acting Executive Director's report and has recommended that Ordinance 11-2022 be certified; and

**WHEREAS**, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 11-2022 and has reviewed the Acting Executive Director's report; and

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

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

**NOW, THEREFORE BE IT RESOLVED** that

1. An Order is hereby issued to certify that Ordinance 11-2022, adopting the Lakehurst Road Redevelopment Plan is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Pemberton Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

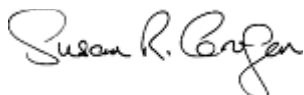
**Record of Commission Votes**

|           | AYE | NAY | NP | A/R* |          | AYE | NAY | NP | A/R* |           | AYE | NAY | NP | A/R* |
|-----------|-----|-----|----|------|----------|-----|-----|----|------|-----------|-----|-----|----|------|
| Avery     | X   |     |    |      | Lettman  |     |     | X  |      | Pikolycky | X   |     |    |      |
| Christy   | X   |     |    |      | Lloyd    | X   |     |    |      | Quinn     | X   |     |    |      |
| Holroyd   | X   |     |    |      | Lohbauer | X   |     |    |      | Wallner   | X   |     |    |      |
| Irick     | X   |     |    |      | McCurry  |     |     | X  |      | Matos     | X   |     |    |      |
| Jannarone | X   |     |    |      | Meade    |     |     | X  |      |           |     |     |    |      |

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 9, 2022



Susan R. Grogan  
Acting Executive Director



Laura E. Matos  
Chair



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



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

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

LAURA E. MATOS  
 Chair  
 SUSAN R. GROGAN  
 Acting Executive Director

**REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE**

August 17, 2022

Wrazen Homes, LLC (via email)  
 3062 Wilbur Avenue  
 Manchester NJ 08753

Re: Application # 2020-0195.001  
 Block 44.119, Lot 12  
 Stafford Township

Dear Applicant:

The Commission staff has completed its review of the above referenced application for a Waiver of Strict Compliance (“Waiver”) proposing the development of one single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission’s Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 9, 2022 meeting.

**FINDINGS OF FACT**

This application is for the development of one single family dwelling, serviced by public sanitary sewer, on the above referenced 15,956 square foot parcel. The parcel is located in a Pinelands Regional Growth Area and in Stafford Township’s R-90 zoning district. In this zoning district, Stafford Township’s certified land use ordinance establishes a minimum lot size of 9,000 square feet to develop a single family dwelling serviced by public sanitary sewer.

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

There are wetlands within 300 feet of the proposed development. The wetlands are associated with a stormwater basin that was constructed in approximately 1972 as part of the Ocean Acres residential development.

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

will not cause a significant adverse impact on the wetlands. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetlands. As there will be a significant adverse impact on wetlands located within 300 feet of the proposed development, the applicant is requesting a Waiver from the buffer to wetlands standard contained in the CMP (N.J.A.C. 7:50-6.14).

The CMP (N.J.A.C. 7:50-4.65(b)6) requires that for an applicant to qualify for a Waiver to develop a single family dwelling in a Pinelands Regional Growth Area, it must be demonstrated that no development, including clearing and land disturbance, will be located on wetlands. The application proposes a variable buffer to wetlands. The proposed buffer to wetlands ranges in width from 55 feet to 85 feet. No development, including clearing and land disturbance, will be located on or within 55 feet of wetlands.

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the parcel. The development of a single family dwelling on the parcel will not require any lot area or residential density variances pursuant to Stafford Township's certified land use ordinance. A single family dwelling can be developed on the parcel without violating any of the substantial impairment of the resources of the Pinelands Area criteria contained in the CMP (N.J.A.C. 7:50-4.65(b)) if the conditions recommended below are imposed.

### **PUBLIC COMMENT**

The applicant has provided the requisite public notice. Newspaper public notice was completed on June 23, 2022. Public notice to all property owners within 200 feet of the parcel was completed on June 15, 2022 and July 19, 2022. The application was designated as complete on the Commission's website on August 1, 2022. The Commission's public comment period closed on August 12, 2022. One written public comment (attached) was received by the Pinelands Commission on August 11, 2022 regarding this application.

Written Public Comment: The commenter expressed concern regarding the negative effects of the proposed development on wildlife habitat. The commenter provided photographs of four different animal species.

Commission Staff Response: The Commission staff appreciates the commenter's interest in the Pinelands. Three of the four photographs depict common animal species. One of the four photographs depicts a treefrog species that may be either a Northern grey treefrog or a Southern grey treefrog. Southern grey treefrog is an endangered animal species. Northern grey treefrog and Southern grey treefrog can only be distinguished based upon their vocalizations or chromosomal analysis.

The Township land use ordinance and the CMP provide that no development shall be carried out unless it is designed to avoid irreversible adverse impact on habitats that are critical to the survival of any local population of threatened and endangered animal species as designated by the New Jersey Department of Environmental Protection.

The single family dwelling is proposed on a vacant "infill" lot in a densely developed residential area known as Ocean Acres. The Ocean Acres development contains thousands of existing single family dwellings. The concerned 15,956 square foot parcel backs up to a wetland associated with a stormwater basin that was constructed in approximately 1972. There are existing single family



dwellings on both sides of the proposed dwelling. These two existing single family dwellings are maintaining a 65 foot buffer and a 140 foot buffer to the wetland associated with the stormwater basin. In total, there are approximately 34 existing dwellings that back up to the wetlands associated with the stormwater basin. There are three additional remaining vacant lots that back up to the wetlands associated with the stormwater basin.

The Commission staff reviewed the proposed development for consistency with the T&E species protection standards. The Commission staff concluded that even if the photograph is of an endangered Southern grey treefrog, based upon the existing land development pattern in the area, the proposed development will not result in an irreversible adverse impact on habitat that is critical to the survival of a local population of Southern grey treefrog.

### 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 an extraordinary hardship, the applicant must demonstrate that the conditions of either N.J.A.C. 7:50-4.63(a) or (b) of the CMP have been met.

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

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 development specified in N.J.A.C. 7:50-4.63(a)1. This application is only for a Waiver from the wetlands buffer standard contained in N.J.A.C. 7:50-6. One of the specified types of development in N.J.A.C. 7:50-4.63(a)1 is a single family dwelling on a parcel within a Pinelands Regional Growth Area which will be serviced by a centralized wastewater treatment system (“public sanitary sewer”) This application proposes a single family dwelling in a Pinelands Regional Growth Area that will be serviced by public sanitary sewer. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1iv.

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 residential density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Stafford Township’s master plan and land use ordinances have been certified by the Pinelands Commission. In the R-90 zoning district, Stafford Township’s certified land use ordinance establishes a minimum lot size of 9,000 square feet for a single family dwelling serviced by public sanitary sewer. This application proposes to develop a single family dwelling serviced by public sanitary sewer on a 15,956 square foot parcel. No municipal lot area or density variance is required to develop the proposed single family dwelling. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

The fifth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which permits a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, Section 502 of the National Parks and Recreation Act of 1978 (PL 95-625) (“Federal Act”) and the CMP and will not result in a substantial impairment of the resources of the Pinelands Area. The CMP (N.J.A.C 7:50-4.65(b)) sets forth the circumstances which do not comply with N.J.A.C 7:50-4.65(a). With the conditions recommended below, the proposed development will not violate any of the circumstances contained in N.J.A.C. 7:50-4.65(b). As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)5.

Since the applicant meets all five conditions set forth in N.J.A.C. 7:50-4.63(a), the applicant has demonstrated that an extraordinary hardship exists pursuant to N.J.A.C. 7:50-4.62(a)1.

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

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

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

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

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

1. Except as modified by the below conditions, the proposed development shall adhere to the plan prepared by Professional Design Services, LLC, dated September 8, 2021 and last revised July 28, 2022.
2. Appropriate measures shall be taken prior to construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
3. Sufficient dry wells or a comparable alternative shall be installed to contain all stormwater runoff from the house.
4. The driveway shall be constructed of crushed stone or other permeable material.

5. All development associated with the single family dwelling, including clearing and land disturbance, shall maintain at least a 55 foot buffer to wetlands.
6. 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.
7. Prior to Commission issuance of a letter advising that any county or municipal approval or permit may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 Pinelands Development Credits have been acquired and submitted to the Pinelands Development Credit Bank for redemption.
8. This Waiver shall expire September 9, 2027 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 September 9, 2027, or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
9. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to completing an application for development. The deed shall also specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance referring to the application number. The deed shall state that the conditions are enforceable by the Pinelands Commission, Stafford Township, the Ocean County Health Department, and any other party of interest.

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

Since the applicant meets the CMP Waiver 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 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 and received by the Commission's office no later than 5:00 PM on September 6, 2022 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and

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

If no appeal is received, the Pinelands Commission may either approve the determination of the Acting 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

Attach (1) Written Public Comment

- c: Secretary, Stafford Township Planning Board (via email)
- Stafford Township Construction Code Official (via email)
- Stafford Township Environmental Commission (via email)
- Secretary, Ocean County Planning Board (via email)
- Mike Suter (via email)
- Rocco Cassarino

Pinesland Commission  
15 Springfield Road  
Pemberton Township NJ 08068

APP # 20200195.w  
Doc Type 100  
AUG 11 2022  
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Dear commissioners,

I am writing this letter with great concern for the proposed development and wildlife displacement on Block 44.119 Lot 12 on Breakers drive in Stafford township NJ. I recieved a letter on June 13, 2022 about pinelands application # 0202-0195.001 regarding this matter.

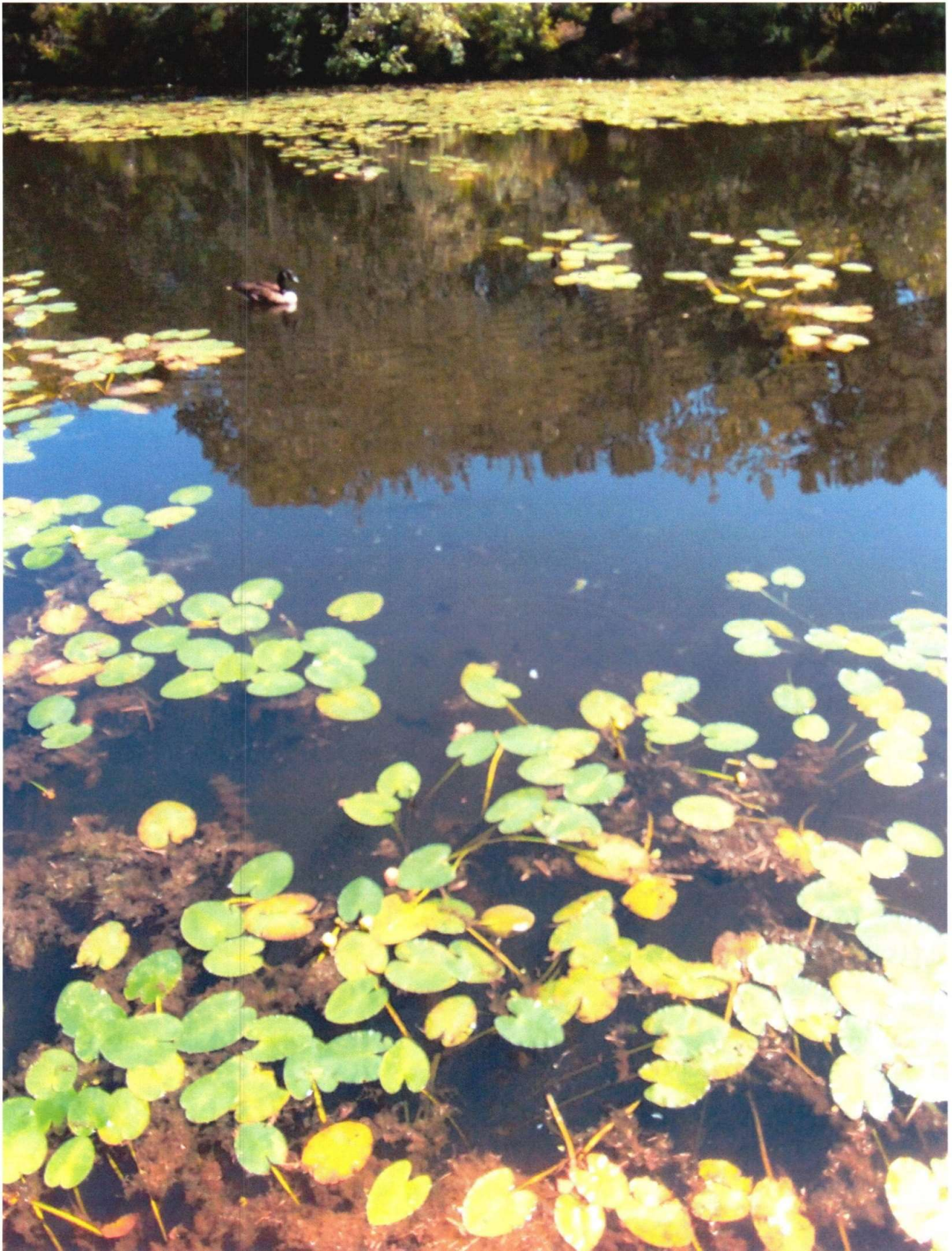
The property mentioned is one of the only lots that has not had any human traffic and has been vacant for decades. Because of this serenity, it has been a habitat and breeding area for many of the wild life in and around Forecastle Canal.

Examples of a few animails that I have discovered and enjoy are the grey tree frog, snakes, several different species of turtle and a variety of birds that migrate and nest in this area. Im sure there are alot more species that need protecting that, I have overlooked.

Please, consider

Thank you, for your continued mission in preserving our pinelands.

Rocco Cassarino  
1528 Breakers Drive  
Manahawkin, NJ 08050



AUG 11 2022

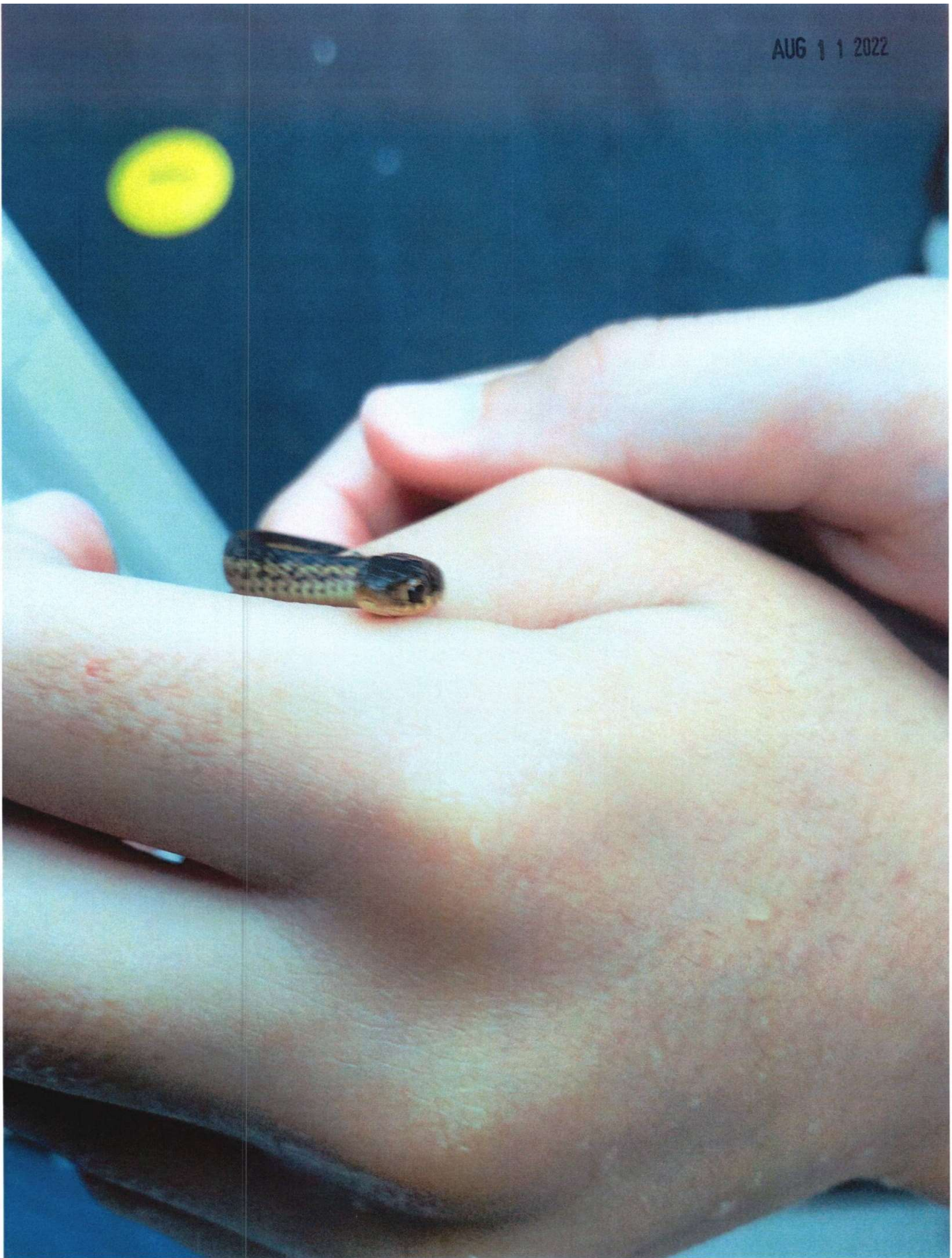








AUG 11 2022





# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22- 34

**TITLE:** **Approving** With Conditions an Application for a **Waiver of Strict Compliance** (Application Number 2020-0195.001)

Commissioner Pikolycky moves and Commissioner Christy seconds the motion that:

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

**2020-0195.001**

**Applicant:** **Wrazen Homes, LLC**  
**Municipality:** Stafford Township  
**Management Area:** Pinelands Regional Growth Area  
**Date of Report:** August 17, 2022  
**Proposed Development:** Single family dwelling.

**WHEREAS**, no request for a hearing before the Office of Administrative Law concerning the Acting 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 Acting 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 Acting 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 2020-0195.001 for a Waiver of Strict Compliance is hereby **APPROVED** subject to the conditions recommended by the Acting Executive Director.

### Record of Commission Votes

|           | AYE | NAY | NP | A/R* |          | AYE | NAY | NP | A/R* |           | AYE | NAY | NP | A/R* |
|-----------|-----|-----|----|------|----------|-----|-----|----|------|-----------|-----|-----|----|------|
| Avery     | X   |     |    |      | Lettman  |     |     | X  |      | Pikolycky | X   |     |    |      |
| Christy   | X   |     |    |      | Lloyd    | X   |     |    |      | Quinn     | X   |     |    |      |
| Holroyd   | X   |     |    |      | Lohbauer | X   |     |    |      | Wallner   | X   |     |    |      |
| Irick     | X   |     |    |      | McCurry  |     |     | X  |      | Matos     | X   |     |    |      |
| Jannarone | X   |     |    |      | Meade    |     |     | X  |      |           |     |     |    |      |

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 9, 2022

Susan R. Grogan  
Acting Executive Director

Laura E. Matos  
Chair



# State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

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PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

August 17, 2022

Craig Augustoni (via email)  
Pemberton Township Volunteer Fire Company  
15 Trenton Rd.  
Browns Mills NJ 08015

Re: Application # 2006-0440.001  
Block 732, Lots 1 - 4 & 10 - 13  
Pemberton Township

Dear Mr. Augustoni:

The Commission staff has completed its review of this application for construction of a 150 foot tall local communications facility (cell tower) at the Presidential Lakes Fire and Rescue Building. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 9, 2022 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

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





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LAURA E. MATOS  
 Chair  
 SUSAN R. GROGAN  
 Acting Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

August 17, 2022

Craig Augustoni (via email)  
 Pemberton Township Volunteer Fire Company  
 15 Trenton Rd.  
 Browns Mills NJ 08015

Application No.: 2006-0440.001  
 Block 732, Lots 1 - 4 & 10 - 13  
 Pemberton Township

This application proposes construction of a 150 foot tall local communications facility (cell tower) at the Presidential Lakes Fire and Rescue Building located on the above referenced 3.5 acre parcel in Pemberton Township. This application also proposes a 1,600 square foot equipment compound and a 125 linear foot access drive accessory to the tower.

A portion of the 3.5 acre parcel is subject to a deed restriction that was required pursuant to a Waiver of Strict Compliance approved by the Commission in 1988 for the development of 103 single family dwellings on certain other blocks and lots in the Presidential Lakes section of Pemberton Township (App. No. 1982-2969.002). The proposed cell tower, equipment compound and access drive will be located outside the deed restricted area.

**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. 7:50-5.23(b)17)

The proposed development is located in a Pinelands Forest Area. The proposed development is a permitted land use in a Pinelands Forest Area provided the proposed cell tower meets the CMP height limitation standards (N.J.A.C. 7:50-5.4(c)). The CMP height limitation standards specify that cell towers in the Forest Area may not exceed a height of 35 feet unless a comprehensive plan for siting such facilities in the Pinelands Area has been certified (approved) by the Pinelands Commission.

The 150 foot high cell tower is proposed in the search area associated with Site #90 as identified in the August 1, 2011 Pinelands Commission approved "Amendment to the Comprehensive Plan for PCS Communications Facilities in the Pinelands on Behalf of T-Mobile Northeast LLC doing business as T-

Mobile.” In accordance with the height limitation standards of the CMP, the applicant has demonstrated that the need for cellular service cannot be met by locating an antenna on an existing suitable structure. The applicant has further demonstrated that the proposed cell tower will be sited in a manner that minimizes visual impacts. Development of the proposed cell tower on the parcel of an existing fire station is therefore consistent with the approved cellular facilities plan and the height limitations of the CMP.

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

The proposed development will be primarily located within an existing gravel parking area. A portion of the proposed access road will be located over an existing impervious access drive. No vegetation clearing is proposed. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development. No revegetation or landscaping is proposed.

#### **PUBLIC COMMENT**

The CMP defines the proposed development as “minor.” The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on July 26, 2022. The Commission’s public comment period closed on August 12, 2022. No public comment was submitted to the Commission regarding this application.

#### **CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of four sheets, prepared by Vallore, LLC, all sheets dated November 16, 2020 and revised to April 19, 2021.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

#### **CONCLUSION**

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



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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

### **PINELANDS COMMISSION** **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on September 6, 2022 and include the following information:

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

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





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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

August 19, 2022

Dan Hornickel (via email)  
Pemberton Township  
500 Pemberton-Browns Mills Road  
Pemberton NJ 08068

Re: Application # 1989-0349.022  
Pemberton-Browns Mills Road right-of-way  
Block 812, Lot 9.01  
Pemberton Township

Dear Mr. Hornickel:

This application proposes the installation of 2,464 linear feet of potable water main within the Pemberton-Browns Mills Road right-of-way and 2,407 linear feet of water main on 327.3 acre Block 812, Lot 9.01.

Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 9, 2022 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

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

Secretary, Burlington County Planning Board (via email)  
Marianne G. Risley (via email)



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LAURA E. MATOS  
 Chair  
 SUSAN R. GROGAN  
 Acting Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

August 19, 2022

Dan Hornickel (via email)  
 Pemberton Township  
 500 Pemberton-Browns Mills Road  
 Pemberton NJ 08068

Application No.: 1989-0349.022  
 Pemberton-Browns Mills Road right-of-way  
 Block 812, Lot 9.01  
 Pemberton Township

This application proposes the installation of 2,464 linear feet of potable water main within the Pemberton-Browns Mills Road right-of-way and 2,407 linear feet of potable water main on 327.3 acre Block 812, Lot 9.01.

This application also proposes the demolition of a 168 and 186 square foot well house, both 50 years old or older, and both located on Block 812, Lot 9.01. The application further proposes the construction of two replacement well houses. The two proposed replacement well houses will contain a total of 640 square feet and be located on Block 812, Lot 9.01.

**STANDARDS**

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

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

The 2,464 linear feet of potable water main proposed to be installed in the Pemberton-Browns Mills Road right-of-way is located in a Pinelands Regional Growth Area.

Block 812, Lot 9.01 is located partially in a Pinelands Regional Growth Area (75.89 acres) and partially in a Pinelands Agricultural Production Area (251.5 acres). The proposed 2,407 linear feet of potable water main, two well house buildings to be demolished and the two replacement well houses are located in the Pinelands Regional Growth Area portion of Block 812, Lot 9.01.

All of the proposed development is a permitted land use in a Pinelands Regional Growth Management Area.

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

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

Of the total proposed 4,871 linear feet of potable water main, 4,454 linear feet will be located under existing pavement or gravel surfaces.

Approximately 417 linear feet of proposed potable water main and a proposed access driveway will be located within the required 300 foot buffer to wetlands. The 417 linear feet of proposed potable water main and access driveway will be located approximately 80 feet from wetlands in an existing maintained grass area. This proposed development will provide access to one of the proposed replacement well houses that will contain an existing potable water well.

The CMP permits the installation of linear improvements (potable water main and access drive) in the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed development in an existing maintained grass area that does not involve development in the required buffer to wetlands that will result in a less significant adverse impact to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands. The development proposed within the required buffer to wetlands is necessary to provide water service from one of the proposed replacement well houses to existing development in the Township. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the required buffer to wetlands.

One of the existing well houses is located within the required 300 foot buffer to wetlands. To demonstrate consistency with the wetlands protection standards, the proposed replacement well house will be located no closer to wetlands than the previously existing well house.

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

The proposed potable water main will be located under existing pavement, gravel and maintained grass areas. The replacement well houses will be located within existing disturbed and maintained areas on Block 812, Lot 9.01. The proposed soil disturbance is limited to that which is necessary to accommodate the development.

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

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

This application proposes the removal of 839 square feet of existing impervious surfaces associated with the two existing well houses and 4,351 square feet of impervious surface associated with an existing access driveway on the parcel. The total amount of impervious surfaces to be removed is 5,190 square feet. The proposed development will result in 5,157 square feet of new impervious surfaces associated with the two proposed replacement well houses and an access drive. The proposed development will result in a decrease of impervious surfaces by 33 square feet. There will be no increase in the volume

and rate of stormwater runoff from the project after the development than occurred prior to the proposed development. The proposed development is consistent with CMP stormwater management standards.

### **PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced project was completed on April 21, 2022. Newspaper public notice was completed on April 24, 2022. The application was designated as complete on the Commission's website on July 25, 2022. The Commission's public comment period closed on August 12, 2022. No public comment was submitted to the Commission regarding this application.

### **CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 22 sheets, prepared by Adams, Rehmann & Heggan and dated as follows:  
  
Sheet 1 - March 3, 2022; revised to June 27, 2022  
Sheets 2-16 & 18-22 - August 17, 2021  
Sheet 17 - March 3, 2022
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

### **CONCLUSION**

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



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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

### **PINELANDS COMMISSION** **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on September 6, 2022 and include the following information:

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

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



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LAURA E. MATOS  
 Chair  
 SUSAN R. GROGAN  
 Acting Executive Director

August 19, 2022

David Patriarca, Mayor (via email)  
 Pemberton Township  
 500 Pemberton-Browns Mills Road  
 Pemberton NJ 08068

Re: Application # 1984-0509.003  
 Block 621, Lot 9  
 Block 952, Lot 1.01  
 Pemberton Township

Dear Mayor Patriarca:

The Commission staff has completed its review of this application for construction of a playground and three docks at the Spring Lake Beach Park. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 9, 2022 meeting.

**The applicant previously placed 350 linear feet of rip-rap along the water line associated with Spring Lake on the above referenced parcel. The rip-rap is approximately 6 feet wide. By letter dated May 20, 2022, the Township's consultant represented that the purpose of the rip-rap was to prevent swimming at the site due to a lack of lifeguards. The placement of the stone rip-rap within wetlands and prior to the completion of an application with the Pinelands Commission constitutes a violation of the wetland protection standards and the application requirements of the Pemberton Township land use ordinance and the Pinelands Comprehensive Management Plan. The applicant proposes to remove the rip-rap to resolve the violation.**

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Acting 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  
Public Comments (2)

c: Secretary, Pemberton Township Planning Board (via email)  
Pemberton Township Construction Code Official (via email)  
Pemberton Township Environmental Commission (via email)  
Secretary, Burlington County Planning Board (via email)  
Marianne Risley (via email)  
Rick Brown (via email)  
Kevin Appelget, NJDEP (via email)





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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

August 19, 2022

David Patriarca, Mayor (via email)  
Pemberton Township  
500 Pemberton-Browns Mills Road  
Pemberton NJ 08068

Application No.: 1984-0509.003  
Block 621, Lot 9  
Block 952, Lot 1.01  
Pemberton Township

This application proposes construction of a playground and three docks at the Spring Lake Beach Park located on the above referenced 102.47 acre parcel in Pemberton Township.

This application proposes the construction of an approximately 3,700 square foot playground on a proposed pervious surface, 855 linear feet of a five foot wide pervious walking path, an approximately 54 foot by 36 foot T-dock and two 22.5 foot long docks. The three proposed docks will be 8.5 feet wide.

The applicant previously placed 350 linear feet of rip-rap along the water line associated with Spring Lake on the above referenced parcel. The rip-rap is approximately 6 feet wide. By letter dated May 20, 2022, the Township's consultant represented that the purpose of the rip-rap was to prevent swimming at the site due to a lack of lifeguards. The placement of the stone rip-rap within wetlands and prior to the completion of an application with the Pinelands Commission constitutes a violation of the wetland protection standards and the application requirements of the Pemberton Township land use ordinance and the Pinelands Comprehensive Management Plan (CMP). The applicant proposes to remove the rip-rap to resolve the violation.

### **STANDARDS**

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

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

The above referenced parcel is located within a Pinelands Regional Growth Area. The proposed development is a permitted land use in a Regional Growth Area.

### Wetlands Standards (N.J.A.C. 7:50-6.7, 6.12 & 6.14)

There are wetlands located on the above referenced parcel associated with Spring Lake. The CMP prohibits most development in wetlands.

The CMP (N.J.A.C. 7:50-6.14) also prohibits most development within 300 feet of wetlands unless it is demonstrated that such development will not result in a significant adverse impact on the wetlands as set for in the CMP (N.J.A.C. 7:50-6.7).

The proposed playground and walking path will be located approximately 30 feet from wetlands on an existing sand beach.

The CMP (N.J.A.C. 7:50-6.7) identifies nine specific criteria that must be addressed to determine whether a proposed buffer to wetlands of less than 300 feet will result in an irreversible adverse impact on the wetlands. Based upon existing site conditions and the design of the proposed development, including the proposed stormwater management plan, the applicant has demonstrated that the proposed playground and walking path will not result in a significant adverse impact on the wetlands.

The CMP (N.J.A.C. 7:50-6.12) permits water dependent recreational facilities, such as public docks, in wetlands and the required buffer to wetlands provided certain CMP specified conditions are met. One of those conditions requires that the proposed development not result in a significant adverse impact to wetlands. The three proposed docks have a combined surface area of 1,075 square feet. The proposed docks will extend a maximum of 54 feet from an existing sand beach into Spring Lake. Based upon the size of the proposed docks and their maximum extension of 54 feet into Spring Lake from the existing sand beach, the proposed docks will not result in a significant adverse impact to wetlands.

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

The proposed development will be located within an existing sand beach. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

### 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 three stormwater infiltration basins (rain gardens).

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

The Commission staff reviewed the application for evidence of cultural resources on the parcel. Based upon the lack of potential for significant cultural resources on the parcel, a cultural resource survey was not required.

## **PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on May 19, 2022. Newspaper public notice was completed on May 22, 2022. The application was designated as complete on the Commission's website on July 28, 2022. The Commission's public comment period closed on August 12, 2022. The Commission received two public comments from one individual regarding this application.

**Public Comments:** By email dated October 18, 2021, the commenter advised the Commission that development had occurred on the parcel.

By email dated December 1, 2021, the same commenter indicated to the Commission that the concerned area is incumbered as a New Jersey Department of Environmental Protection (NJDEP), Green Acres recreational area and that the Township could not destroy the use of the parcel as a beach without compensation.

**Response:** In response to the October 18, 2021 email, the Commission staff completed a site inspection of the parcel and determined that the Township had placed rip-rap on the parcel within Spring Lake (wetlands). The Commission staff discussed the rip-rap issue with the Township. Subsequently, the Township provided a conceptual plan to the Commission on October 20, 2021 and indicated that an application for the development of a playground and the placement of the rip-rap would be submitted to the Commission.

The Township now proposes to remove the rip-rap in Spring Lake from the parcel.

This approval is conditioned upon the applicant obtaining any other necessary permits and approvals. In consultation with the NJDEP, Green Acres Program, the applicant is responsible for determining whether there are any NJDEP Green Acres restrictions related to the recreational use of the parcel. A copy of this report is being sent to the NJDEP, Green Acres Program.

## **CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of eight sheets, prepared by Adams, Rehmann & Heggan Associates, Inc. and dated as follows:

Sheet 1 - July 18, 2022

Sheets 2, 5 & 6 - January 2022; revised to July 18, 2022

Sheet 3 - January 2022; revised to July 28, 2022

Sheet 4 - January 2022; revised to July 27, 2022

Sheets 7 & 8 - January 2022

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.

3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
6. Prior to any development of the proposed playground, walking path or docks, but no later than January 1, 2023, the applicant shall remove the concerned rip-rap from the parcel.

### **CONCLUSION**

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



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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

### **PINELANDS COMMISSION** **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on September 6, 2022 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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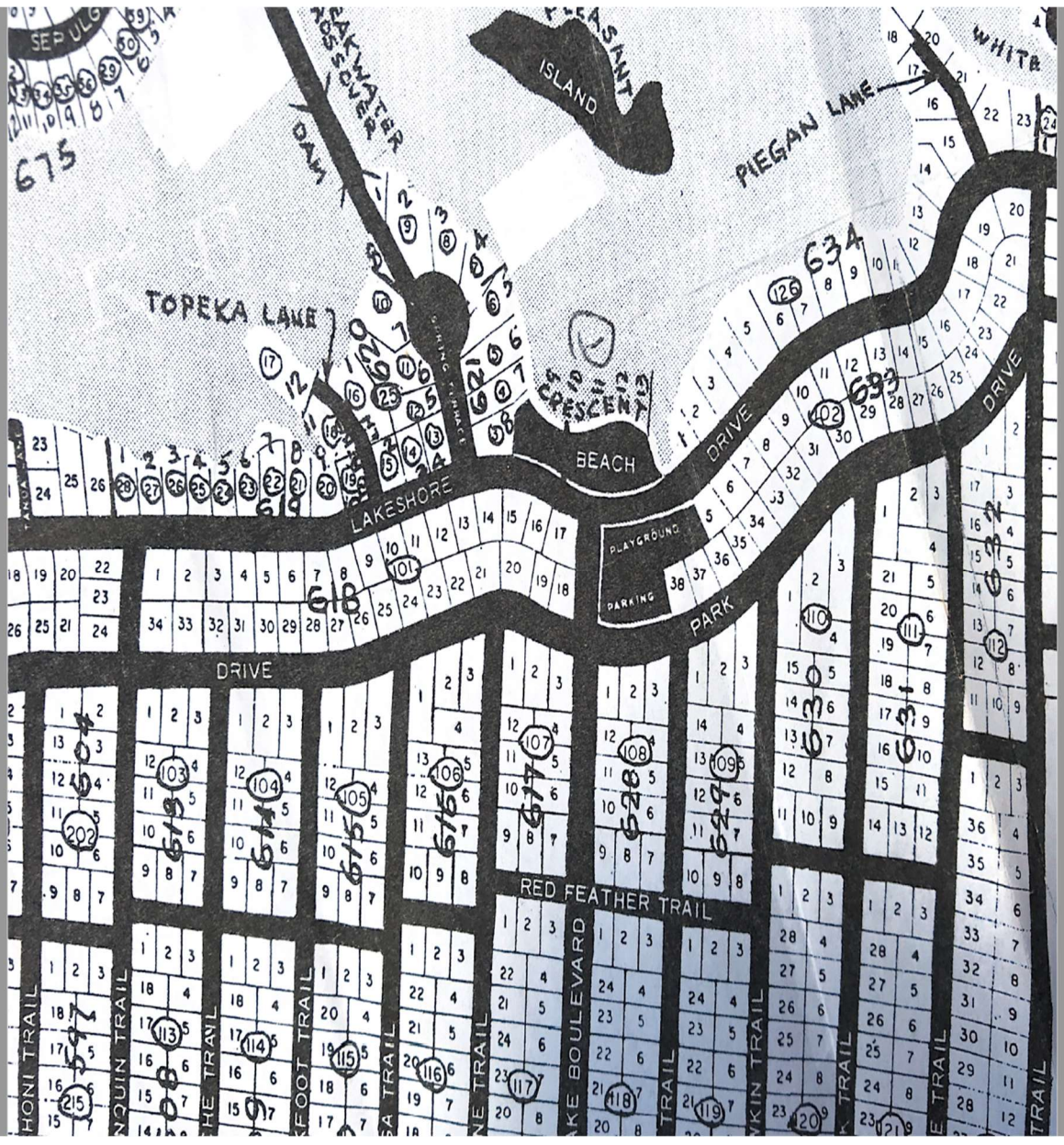
**From:** Rick Brown <pineyrick@hotmail.com>  
**Sent:** Monday, October 18, 2021 10:59 AM  
**To:** AppInfo, PC [PINELANDS]  
**Subject:** [EXTERNAL] Development in pinelands waters, buffers, by a public entity; clearing and grading over 5000 square feet  
**Attachments:** attachment 1.pdf

Please investigate the development the township has illegally engaged in at the location on the map labeled as Crescent Beach.

Thanks for your time and efforts

Rick Brown

Sent from me to you



---

**From:** Rick Brown (pineyrick@hotmail.com)  
**Received:** 12/1/2021 5:18:19 PM  
**To:** AppInfo, PC [PINELANDS] (AppInfo@pinelands.nj.gov)  
**CC:**  
**Subject:** [EXTERNAL] Re: Pinelands Application #1984-0509.003  
**Attachments:** Email-01-ConnectWithUs.png, Email-02-Facebook.png, Email-03-YouTube.png

Thanks for your reply

Be aware that the area is a Green Acres encumbered recreation area which is a designated beach and the township may not destroy the recreational use as a beach without compensation

I have an official  
Map which depicts the ROSI parcels in the township from 2004 and it clearly identifies the site as a beach  
and an encumbered property

Please coordinate any Review with Green Acres

Rick

Sent from my iPhone





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

**NO. PC4-22- 33**

**TITLE:** **Approving** With Conditions Applications for **Public Development** (Application Numbers 1984-0509.003, 1989-0349.022 & 2006-0440.001)

Commissioner Lohbauer moves and Commissioner Holroyd seconds the motion that:

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

**1984-0509.003**

**Applicant:** **Pemberton Township**  
Municipality: Pemberton Township  
Management Area: Pinelands Regional Growth Area  
Date of Report: August 19, 2022  
Proposed Development: Construction of a playground and three docks at the Spring Lake Beach Park;

**1989-0349.022**

**Applicant:** **Pemberton Township**  
Municipality: Pemberton Township  
Management Area: Pinelands Agricultural Production Area  
Pinelands Regional Growth Area  
Date of Report: August 19, 2022  
Proposed Development: Installation of 2,464 linear feet of potable water main within the Pemberton-Browns Mills Road right-of-way and 2,407 linear feet of water main on 327.3 acre Block 812, Lot 9.01

**2006-0440.001**

**Applicant:** **Pemberton Township Volunteer Fire Company**  
Municipality: Pemberton Township  
Management Area: Pinelands Forest Area  
Date of Report: August 17, 2022  
Proposed Development: Construction of a 150 foot tall local communications facility (cell tower) at the Presidential Lakes Fire and Rescue Building.

**WHEREAS**, Application No. 1984-0509.003 proposes the removal of approximately 350 linear feet of rip-rap that was placed along the edge of Spring Lake without application to, and approval by, the Pinelands Commission in violation of the application requirements of the Pinelands Comprehensive Management Plan; and

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

**WHEREAS**, the Pinelands Commission hereby adopts the Conclusion of the Acting 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 Acting 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 1984-0509.003, 1989-0349.022 & 2006-0440.001 for public development are hereby **approved** subject to the conditions recommended by the Acting Executive Director.

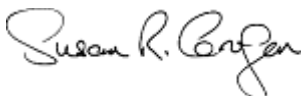
**Record of Commission Votes**

|           | AYE | NAY | NP | A/R* |          | AYE | NAY | NP | A/R* |           | AYE | NAY | NP | A/R* |
|-----------|-----|-----|----|------|----------|-----|-----|----|------|-----------|-----|-----|----|------|
| Avery     | X   |     |    |      | Lettman  |     |     | X  |      | Pikolycky | X   |     |    |      |
| Christy   | X   |     |    |      | Lloyd    | X   |     |    |      | Quinn     | X   |     |    |      |
| Holroyd   | X   |     |    |      | Lohbauer | X   |     |    |      | Wallner   | X   |     |    |      |
| Irick     | X   |     |    |      | McCurry  |     |     | X  |      | Matos     | X   |     |    |      |
| Jannarone | X   |     |    |      | Meade    |     |     | X  |      |           |     |     |    |      |


\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 9, 2022



Susan R. Grogan  
Acting Executive Director



Laura E. Matos  
Chair



# State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

August 17, 2022

Robert Fischer, PE (via email)  
NJ Turnpike Authority  
P.O. Box 5042  
Woodbridge NJ 07095

Re: Application # 1997-0257.020  
Garden State Parkway right-of-way  
Lacey Township

Dear Mr. Fischer:

The Commission staff has completed its review of this application for improvement to the southbound entrance ramp to the Celia Cruz Service Area (formerly Forked River Service Area) on the Garden State Parkway. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 9, 2022 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

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





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Lt. Governor

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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

August 17, 2022

Robert Fischer, PE (via email)  
NJ Turnpike Authority  
P.O. Box 5042  
Woodbridge NJ 07095

Application No.: 1997-0257.020  
Garden State Parkway right-of-way  
Lacey Township

This application proposes improvement to the southbound entrance ramp to the Celia Cruz Service Area (formerly Forked River Service Area) on the Garden State Parkway located in Lacey Township.

The southbound entrance ramp will be widened a maximum of 10 feet for approximately 500 linear feet. The applicant has indicated that the proposed widening is required to meet current roadway design standards.

### **STANDARDS**

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

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

The proposed development is located within the existing Garden State Parkway right-of-way. The Garden State Parkway right-of-way is located with the CMP designated Parkway Overlay District. The proposed improvement to the existing roadway is a permitted land use in the Parkway Overlay District.

#### **Wetlands Standards (N.J.A.C. 7:50-6.13)**

There are wetlands located within 300 feet of the proposed development. The proposed development will be located in the required buffer to wetlands.

The CMP permits roads (linear improvements) in the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in the required buffer to wetlands or that will result in a less significant adverse impact to the required buffer to wetlands. In addition, the proposed development will not result in a substantial impairment of the

resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands. The applicant has represented that the proposed widening of the entrance ramp is necessary to improve traffic safety. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetlands.

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

The proposed development will be located within a maintained grassed shoulder. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be constructing a stormwater infiltration basin.

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

The New Jersey State Historic Preservation Office previously determined that the Garden State Parkway was eligible for the National Register of Historic Places. The entrance ramp is not a contributing resource to the register eligible Garden State Parkway Historic District. A noncontributing resource means any structure which is not an integral component of an historic district because they neither date from a time period for which the historic district is significant, nor represent an architectural style, period or construction method for which the historic district is significant. Because the entrance ramp is not a contributing resource to the register eligible Garden State Parkway Historic District, no Certificate of Appropriateness is required for this application.

**PUBLIC COMMENT**

The applicant has provided the requisite public notice. Newspaper public notice was completed on April 14, 2022. The application was designated as complete on the Commission's website on July 27, 2022. The Commission's public comment period closed on August 12, 2022. 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 12 sheets, prepared by AECOM Technical Services, Inc. and dated as follows:
  - Sheet 1 - July 18, 2022
  - Sheets 2-12 - April 2022
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.

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

### **CONCLUSION**

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



## State of New Jersey

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SHEILA Y. OLIVER  
Lt. Governor

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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

### **PINELANDS COMMISSION** **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on September 6, 2022 and include the following information:

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

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





# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22- 32

**TITLE:** **Approving** With Conditions an Application for **Public Development** (Application Number 1997-0257.020)

Commissioner Pikolycky moves and Commissioner Avery seconds the motion that:

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

**1997-0257.020**

**Applicant:** NJ Turnpike Authority  
**Municipality:** Lacey Township  
**Management Area:** Parkway Overlay District  
**Date of Report:** August 17, 2022  
**Proposed Development:** Improvement to the southbound entrance ramp to the Celia Cruz Service Area (formerly Forked River Service Area) on the Garden State Parkway.

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

**WHEREAS**, the Pinelands Commission hereby adopts the Conclusion of the Acting 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 Acting 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 1997-0257.020 for public development is hereby **approved** subject to the conditions recommended by the Acting Executive Director.

### Record of Commission Votes

|           | AYE | NAY | NP | A/R* |          | AYE | NAY | NP | A/R* |           | AYE | NAY | NP | A/R* |
|-----------|-----|-----|----|------|----------|-----|-----|----|------|-----------|-----|-----|----|------|
| Avery     | X   |     |    |      | Lettman  |     |     | X  |      | Pikolycky | X   |     |    |      |
| Christy   | X   |     |    |      | Lloyd    | X   |     |    |      | Quinn     | X   |     |    |      |
| Holroyd   | X   |     |    |      | Lohbauer | X   |     |    |      | Wallner   | X   |     |    |      |
| Irick     | X   |     |    |      | McCurry  |     |     | X  |      | Matos     | X   |     |    |      |
| Jannarone | X   |     |    |      | Meade    |     |     | X  |      |           |     |     |    |      |

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 9, 2022

Susan R. Grogan  
Acting Executive Director

Laura E. Matos  
Chair



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-\_\_\_\_\_

**TITLE:** Approving With Conditions an Application for **Public Development** (Application Number 1997-0257.020)

**Commissioner** \_\_\_\_\_ **moves and Commissioner** \_\_\_\_\_ **seconds the motion that:**

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

**1997-0257.020**

|                       |  |
|-----------------------|--|
| <b>Applicant:</b>     | <b>NJ Turnpike Authority</b>   |
| Municipality:         | Lacey Township   |
| Management Area:      | Parkway Overlay District   |
| Date of Report:       | August 17, 2022  |
| Proposed Development: | Improvement to the southbound entrance ramp to the Celia Cruz Service Area (formerly Forked River Service Area) on the Garden State Parkway. |

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

**WHEREAS**, the Pinelands Commission hereby adopts the Conclusion of the Acting 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 Acting 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 1997-0257.020 for public development is hereby **approved** subject to the conditions recommended by the Acting Executive Director.

### Record of Commission Votes

|           | AYE | NAY | NP | A/R* |          | AYE | NAY | NP | A/R* |           | AYE | NAY | NP | A/R* |
|-----------|-----|-----|----|------|----------|-----|-----|----|------|-----------|-----|-----|----|------|
| Avery     |     |     |    |      | Lettman  |     |     |    |      | Pikolycky |     |     |    |      |
| Christy   |     |     |    |      | Lloyd    |     |     |    |      | Quinn     |     |     |    |      |
| Holroyd   |     |     |    |      | Lohbauer |     |     |    |      | Wallner   |     |     |    |      |
| Irick     |     |     |    |      | McCurry  |     |     |    |      | Matos     |     |     |    |      |
| Jannarone |     |     |    |      | Meade    |     |     |    |      |           |     |     |    |      |

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

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

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



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

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

LAURA E. MATOS  
 Chair  
 SUSAN R. GROGAN  
 Acting Executive Director

August 18, 2022

Pasquale Yacovelli (via email)  
 Buena Regional Board of Education  
 P.O. Box 309  
 Buena NJ 08310


Re: Application # 1991-1291.002  
 Block 5301, Lots 1 & 35  
 Block 5402, Lot 11  
 Buena Vista Township

Dear Mr. Yacovelli:

The Commission staff has completed its review of this application for construction of a 10,780 square foot addition to the Milanese Elementary School and the expansion of an existing parking area. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 9, 2022 meeting.

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

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

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

Enc: Appeal Procedure

c: Secretary, Buena Vista Township Planning Board (via email)  
 Buena Vista Township Construction Code Official (via email)  
 Buena Vista Township Environmental Commission (via email)  
 Atlantic County Department of Regional Planning and Development (via email)  
 Atlantic County Division of Public Health (via email)  
 David Scheidegg, PE (via email)





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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

August 18, 2022

Pasquale Yacovelli (via email)  
Buena Regional Board of Education  
P.O. Box 309  
Buena NJ 08310

Application No.: 1991-1291.002  
Block 5301, Lots 1 & 35  
Block 5402, Lot 11  
Buena Vista Township

This application proposes construction of a 10,780 square foot addition to the Milanesi Elementary School and the expansion of an existing parking area located on the above referenced 133.49 acre parcel in Buena Vista Township.

The proposed building addition will contain a new gymnasium and performing arts stage. The parking area will be expanded to include an additional 22 parking spaces.

### **STANDARDS**

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

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

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

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

There is an isolated wetland located on the northwest side of the parcel. The parcel fronts on Route 40. There is a grassed wetland located on the parcel on the easterly side of Route 40 and a wooded wetland located along the westerly side of Route 40. The CMP prohibits most development in wetlands and requires a buffer of up to 300 feet to wetlands.

The Commission staff has determined that a 110 foot buffer to the isolated wetlands would not result in a significant adverse impact to the isolated wetland. The proposed development will be located at least 110 feet from the isolated wetland and at least 300 feet from all other wetlands.

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

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

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

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

The school is serviced by an existing onsite septic system(s). On July 14, 2000, the Commission approved an application for 15,270 square feet of classroom and cafeteria additions to the school on a 133.49 acre parcel (App. No. 1991-1291.001). Based upon a maximum projected enrollment of 495 students, it was determined that the proposed development approved in App. No. 1991-1291.001 met the groundwater quality (septic dilution) standard. The applicant has represented that the current enrollment is 269 students. The proposed gymnasium and performing arts stage will not result in an increase in student enrollment. The proposed development is consistent with the groundwater quality (septic dilution) standard.

To ensure that the existing and proposed development maintains consistency with the groundwater quality (septic dilution) standard, a condition is included in this report requiring that the three existing lots subject of this application be consolidated into one 133.49 acre lot.

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

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

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on February 3, 2022. Newspaper public notice was completed on February 3, 2022. The application was designated as complete on the Commission's website on July 28, 2022. The Commission's public comment period closed on August 12, 2022. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of seven sheets, prepared by Schaeffer Nassar Scheidegg Consulting Engineers, all sheets dated December 6, 2021 and revised to July 19, 2022.

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. The proposed development shall be located at least 110 feet from the isolated wetland located northwest of the parcel and at least 300 feet from all other wetlands.
6. Prior to receipt of a certificate of occupancy for the proposed 10,780 square foot addition to the Milanesi Elementary School, a recorded copy of a deed consolidating the three existing lots into one lot shall be submitted to the Pinelands Commission.

### CONCLUSION

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



## State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

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



PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

### **PINELANDS COMMISSION** **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on September 6, 2022 and include the following information:

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

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





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LAURA E. MATOS  
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SUSAN R. GROGAN  
Acting Executive Director

August 17, 2022

Pasquale Yacovelli (via email)  
Buena Regional Board of Education  
P.O. Box 309  
Buena NJ 08310

Re: Application # 1990-1104.003  
Block 502, Lot 5  
Buena Vista Township

Dear Mr. Yacovelli:

The Commission staff has completed its review of this application for a 48 space parking lot and a 280 linear foot access driveway at the Collings Lakes Elementary School. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 9, 2022 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Buena Vista Township Planning Board (via email)  
Buena Vista Township Construction Code Official (via email)  
Buena Vista Township Environmental Commission (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
David Scheidegg, PE (via email)





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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

August 17, 2022

Pasquale Yacovelli (via email)  
Buena Regional Board of Education  
P.O. Box 309  
Buena NJ 08310

Application No.: 1990-1104.003  
Block 502, Lot 5  
Buena Vista Township

This application proposes a 48 space parking lot and a 280 linear foot access driveway at the Collings Lakes Elementary School located on the above referenced 19.88 acre parcel in Buena Vista Township. This application also proposes a 950 linear foot five foot wide paved walking path on the parcel.

### **STANDARDS**

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

#### **Land Use (N.J.A.C. 7:50-5.26)**

The parcel is located in a Pinelands Rural Development Area. The proposed development is a permitted land use in a Pinelands Rural Development Area.

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

There are wetlands located within 300 feet of the parcel. The CMP prohibits most development in wetlands and requires a buffer of up to 300 feet to wetlands. The Commission staff has determined that a 250 foot buffer to the wetlands would not result in a significant adverse impacts to the wetlands. The proposed development will be located at least 250 feet from wetlands.

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

The proposed parking lot and a majority of the proposed walking path will be located within existing maintained grassed areas. Approximately 220 linear feet of the proposed walking path will be located along the perimeter of an existing forested area. No forest clearing is proposed. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the development.

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

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

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

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced lot was completed on January 24, 2022. Newspaper public notice was completed on April 25, 2022. The application was designated as complete on the Commission's website on July 28, 2022. The Commission's public comment period closed on August 12, 2022. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of seven sheets, prepared by Schaeffer Nassar Scheidegg Consulting Engineers, LLC and dated as follows:  
  
 Sheets 1, 3 & 5 - November 10, 2021; revised to July 25, 2022  
 Sheets 2 & 6 - August 10, 2021; revised to July 25, 2022  
 Sheet 4 - November 10, 2021; revised to August 17, 2022  
 Sheet 7 - November 11, 2021; revised to August 17, 2022
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. All development, including clearing and land disturbance, shall be located at least 250 feet from wetlands.

**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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**NOW, THEREFORE BE IT RESOLVED** that Application Numbers 1984-1157.007, 1990-1104.003 & 1991-1291.002 for public development are hereby **approved** subject to the conditions recommended by the Acting Executive Director.

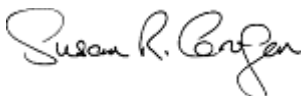
**Record of Commission Votes**

|           | AYE | NAY | NP | A/R* |          | AYE | NAY | NP | A/R* |           | AYE | NAY | NP | A/R* |
|-----------|-----|-----|----|------|----------|-----|-----|----|------|-----------|-----|-----|----|------|
| Avery     | X   |     |    |      | Lettman  |     |     | X  |      | Pikolycky | X   |     |    |      |
| Christy   | X   |     |    |      | Lloyd    | X   |     |    |      | Quinn     | X   |     |    |      |
| Holroyd   | X   |     |    |      | Lohbauer | X   |     |    |      | Wallner   | X   |     |    |      |
| Irick     | X   |     |    |      | McCurry  |     |     | X  |      | Matos     | X   |     |    |      |
| Jannarone | X   |     |    |      | Meade    |     |     | X  |      |           |     |     |    |      |

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 9, 2022



Susan R. Grogan  
Acting Executive Director



Laura E. Matos  
Chair