



Motion Failed

RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 22A

TITLE: Approving With Conditions an Application for Public Development and Certificate of Appropriateness (Application Number 1990-0868.029)

Commissioner Avery moves and Commissioner Barr seconds the motion that:

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

1990-0868.029

Applicant:	NJDEP, Division of Parks and Forestry
Municipality:	Bass River Township
Management Area:	Pinelands Preservation Area District
Date of Report:	June 22, 2018
Proposed Development:	Tree clearing to restore visibility from the Bass River State Forest fire tower.

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

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

WHEREAS, the Pinelands Commission hereby determines that the proposed public development and Certificate of Appropriateness both conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 and the standards for approving a Certificate of Appropriateness set forth in N.J.A.C. 7:50-6.156 if the conditions recommended by the Executive Director are imposed; and

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1990-0868.029 for public development and a Certificate of Appropriateness is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 23

TITLE: Approving With Conditions Applications for Public Development (Application Numbers 1985-0160.011, 1985-1053.008 & 1989-0781.005)

Commissioner Lohbauer moves and Commissioner Lloyd seconds the motion that:

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

1985-0160.011
Applicant: NJ Department of Environmental Protection
Municipality: Washington Township
Management Area: Pinelands Preservation Area District
Date of Report: July 19, 2018
Proposed Development: Demolition of the Grist Mill Lean-To, 50 years old or older, at Batsto Village;

1985-1053.008
Applicant: NJ Army National Guard
Municipality: Springfield Township
Borough of Wrightstown
Management Area: Pinelands Military/Federal Installation Area
Date of Report: July 19, 2018
Proposed Development: Installation of a 17,856 square foot elevated solar panel canopy above an existing stone parking area; and

1989-0781.005
Applicant: Medford Township
Municipality: Medford Township
Management Area: Pinelands Preservation Area District
Pinelands Special Agricultural Production Area
Date of Report: July 19, 2018
Proposed Development: Reconstruction of Carol Ida Dam.

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

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

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

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

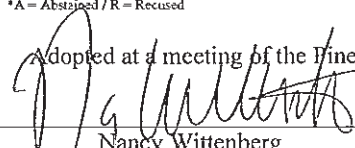
NOW, THEREFORE BE IT RESOLVED that Application Numbers 1985-0160.011, 1985-1053.008 & 1989-0781.005 for public development are hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*						
Ashmun	X				Howell	X				Prickett	X			
Avery	X				Janmarone			X		Quinn			X	
Barr	X				Lloyd	X				Rohan Green			X	
Chila	X				Lohbauer	X				Earlen	X			
Galletta			X		Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission


 Nancy Wittenberg
 Executive Director

Date:


 Sean W. Earlen
 Chairman



State of New Jersey

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

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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

July 19, 2018

William White (via email)
NJ Department of Environmental Protection
31 Batsto Road
Hammonton, NJ 08037

Re: Application # 1985-0160.011
Block 8, Lot 1
Washington Township

Dear Mr. White:

The Commission staff has completed its review of this application for demolition of the Grist Mill Lean-To, 50 years old or older, at Batsto Village. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 10, 2018 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

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





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

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SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

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

PUBLIC DEVELOPMENT APPLICATION REPORT

July 19, 2018

William White (via email)
NJ Department of Environmental Protection
31 Batsto Road
Hammonton, NJ 08037

Application No.: 1985-0160.011
Block 8, Lot 1
Washington Township

This application proposes demolition of the Grist Mill Lean-To, 50 years old or older, at Batsto Village located on the above referenced 1962.4 acre parcel in Washington Township.

The lean-to occupies 460 square feet and is an open sided roof structure supported by approximately six posts and attached to an existing building.

STANDARDS

The Commission staff has reviewed the proposed demolition 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. 7:50-5.22)

The parcel is located in the Pinelands Preservation Area District. An application to the Commission is required for the demolition of any structure 50 years old or older. The CMP permits the demolition of structures anywhere in the Pinelands Area.

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

The proposed demolition was reviewed by both the Commission staff cultural resource planner and the New Jersey Historic Preservation Office (NJHPO).

The Grist Mill Lean-To is located in the Batsto Historic Village. The Batsto Historic Village is listed on both the State and National Registers of Historic Places.

The lean-to is attached to a building known as the Grist Mill. The Grist Mill was built in 1825 and used to process grain into flour for Village residents. The lean-to was subjected to significant structural repair and maintenance modifications in the 1960's and the 1980's and does not retain its original historic integrity. Based upon these repair and maintenance modifications, the lean-to does not constitute a significant historic resource.

A cultural resource survey was not required for the proposed demolition because it does not retain its original historic integrity. The lean-to was previously documented in accordance with the Secretary of the Interior's Standards and Guidelines for Archeological and Engineering Documentation and extensively photo-documented by a consultant retained by Batsto Village at the request of NJHPO.

As part of the demolition plan, the applicant proposes to identify any surviving 19th century material that may remain on the lean-to, such as nails and hardware, and store that material in the event of future reconstruction.

PUBLIC COMMENT

The CMP defines the proposed demolition as "minor" development. The CMP does not require notice for minor public development applications. The application was designated as complete on the Commission's website on June 27, 2018. The Commission's public comment period closed on July 13, 2018. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Disposal of any demolition debris may only occur at an appropriately licensed facility.
2. Prior to any demolition, the applicant shall obtain any other necessary permits and approvals.
3. Prior to any demolition, the applicant shall identify and preserve all surviving 19th century material on the lean-to.
4. Any proposed reconstruction of the lean-to shall require the completion of an application with the Commission.

CONCLUSION

As the proposed demolition 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 demolition subject to the above conditions.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

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 at the Commission's offices no later than 4:00 PM on August 6, 2018 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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PHILIP D. MURPHY
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 SHEILA Y. OLIVER
 Lt. Governor

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

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

July 19, 2018

Michael Lyons, Col., LG (via email)
 NJ Army National Guard
 NJARNG 101 Eggerts Crossing Road
 Lawrenceville, NJ 08648


Re: Application # 1985-1053.008
 Block 1802, Lot 1
 Springfield Township
 Block 201, Lot 1
 Borough of Wrightstown

Dear Mr. Lyons:

The Commission staff has completed its review of this application for installation of a 17,856 square foot elevated solar panel canopy above an existing stone parking area. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 10, 2018 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Springfield Township Planning Board (via email)
 Springfield Township Construction Code Official (via email)
 Secretary, Borough of Wrightstown Planning Board (via email)



Borough of Wrightstown Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
Harry Strano (via email)



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General Information: Info@pinelands.nj.gov
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SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

July 19, 2018

Michael Lyons, Col., LG (via email)
 NJ Army National Guard
 NJARNG 101 Eggerts Crossing Road
 Lawrenceville, NJ 08648

Application No.: 1985-1053.008
 Block 1802, Lot 1
 Springfield Township
 Block 201, Lot 1
 Borough of Wrightstown

This application proposes installation of a 17,856 square foot elevated solar panel canopy above an existing stone parking area at Joint Base McGuire Dix Lakehurst located on the above referenced 66.14 acre parcel in Springfield Township and the Borough of Wrightstown.

The proposed solar energy facility will provide power to an existing New Jersey Army National Guard building located 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. 7:50-5.29)

The Pinelands Protection Act designates the boundaries of the 938,000 acre Pinelands Area. Within the boundaries of the Pinelands Area, the Pinelands Protection Act also designates the 366,000 acre Pinelands Preservation Area and the 572,000 acre Pinelands Protection Area. The CMP then establishes Management Areas such as Regional Growth Management Areas, Rural Development Management Areas and Military and Federal Installation Management Areas that overlay the entire Pinelands Area.

The parcel subject of this application is located in a Military and Federal Installation Management Area. The CMP permits any proposed use associated with the function of a federal installation in a Military and Federal Installation Management Area provided four conditions are met. The first condition is that, where feasible, proposed development in a Military and Federal Installation Management Area shall be located in the Pinelands Protection Area portion of the Pinelands Area. The proposed solar energy

facility will be located in the Pinelands Protection Area portion of the Pinelands Area. The second condition is the use shall not require any development, including public service infrastructure, in the Preservation Area District or in a Forest Management Area. The proposed solar energy facility use will not require any development in a Forest Management Area or the Preservation Area District. The third condition is not applicable to the proposed solar energy facility. The fourth condition is that any proposed development by the Federal government must substantially meet the standards of the CMP. The solar energy facility is proposed by the New Jersey Army National Guard, a State agency, and meets all standards of the CMP.

Wetlands Standards (N.J.A.C. 7:50-6.14)

There are wetlands located on the parcel. The proposed solar energy facility will be located approximately 290 feet from wetlands and no closer to wetlands than an existing stone parking area. The proposed development will not result in a significant adverse impact on the wetlands.

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

The proposed development will be located above an existing stone parking area. 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. As the proposed development will be located above an existing stone parking area, no revegetation is proposed.

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

The State of New Jersey enacted legislation in 2010 to prohibit the Pinelands Commission from including the actual solar panels as impervious surface or impervious cover in any stormwater management calculation in the Pinelands Area. The solar panel mounting posts and associated development will disturb less than 5,000 square feet. Based upon this limited disturbance, the application is not required to address the CMP stormwater management standards.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on June 20, 2018. The application was designated as complete on the Commission's website on June 26, 2018. The Commission's public comment period closed on July 13, 2018. 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 ARMM Associates, Inc., all sheets dated July 24, 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. 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.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 4:00 PM on August 6, 2018 and include the following information:

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

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



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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

July 19, 2018

Kathy Burger, Clerk (via email)
Medford Township
17 North Main Street
Medford, NJ 08055

Re: Application # 1989-0781.005
Jackson Road
Block 6802, Lot 1
Medford Township

Dear Ms. Burger:

The Commission staff has completed its review of this application for reconstruction of Carol Ida Dam. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 10, 2018 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Medford Township Planning Board (via email)
Medford Township Construction Code Official (via email)
Medford Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Chris Noll, PE, PP, CME (via email)





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

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

July 19, 2018

Kathy Burger, Clerk (via email)
 Medford Township
 17 North Main Street
 Medford, NJ 08055

Application No.: 1989-0781.005
 Jackson Road
 Block 6802, Lot 1
 Medford Township

This application proposes reconstruction of Carol Ida Dam located within the above referenced right-of-way in Medford Township. The Jackson Road right-of-way, containing an existing sand road, crosses the crest of the dam embankment. The proposed improvements to the dam within the Jackson Road right-of-way include the replacement of the existing weir, construction of a 25 square foot concrete pad, regrading of the dam embankment and the placement of rip-rap on both sides of the dam.

An existing pipe passes under the dam and discharges water from Lady Lake onto Block 6802, Lot 1. This water discharge has created soil erosion on Block 6802, Lot 1. To address this existing soil erosion, the application also proposes to place approximately 180 square feet of rip-rap on Block 6802, Lot 1.

The Pinelands Development Credits (PDCs) allocated to Block 6802, Lot 1 have been severed and a PDC deed restriction has been imposed on the lot limiting the future use of the lot to agriculture, forestry, and low intensity recreational uses. The proposed rip-rap on Block 6802, Lot 1 is addressing a pre-existing soil erosion condition on the lot.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.22 & 5.25)

The proposed development will be located partially in the Preservation Area District and partially in a Special Agricultural Production Area. The CMP permits the reconstruction of existing structures in the Pinelands Area.

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

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

The dam reconstruction will be located partially in wetlands and the required buffer to wetlands. The proposed development will result in the disturbance of approximately 0.019 acres of wetlands. The CMP permits linear improvements, such as dams supporting road crossings, in wetlands and the required buffer to wetlands provided an applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative for the proposed development that does not involve development in wetlands and the required buffer to wetlands or that will result in a less significant adverse impact to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions recommended below, all practical measures will be taken to mitigate the impact on wetlands and the required buffer to wetlands. The applicant has demonstrated that based upon the need to maintain the use of Jackson Road for vehicular traffic, the need for the proposed development overrides the importance of protecting the concerned wetlands.

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

The proposed development will be located within open water, developed areas, and vegetated areas. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on June 26, 2018. The Commission’s public comment period closed on July 13, 2018. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan prepared by Environmental Resolutions, Inc. and dated April 4, 2018.
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. Prior to the construction of any portion of the proposed development which will result in the disturbance of any wetland area, a Freshwater Wetland Permit shall be obtained pursuant to the New Jersey Freshwater Wetlands Protection Act.
6. 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.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

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 at the Commission office no later than 4:00 PM on August 6, 2018 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. PC4-18- 24

TITLE: Approving With Conditions Applications for Waivers of Strict Compliance (Application Numbers 2003-0456.001 & 2004-0352.001)

Commissioner Hayel moves and Commissioner Lehbauer seconds the motion that:

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

2003-0456.001

Applicant: Kenny Austin
Municipality: Lacey Township
Management Area: Pinelands Village
Date of Report: July 20, 2018
Proposed Development: Single family dwelling; and

2004-0352.001

Applicant: Lisa Gassert
Municipality: Evesham Township
Management Area: Pinelands Regional Growth Area
Date of Report: July 20, 2018
Proposed Development: Single family dwelling.

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

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

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

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

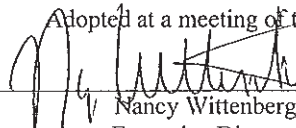
NOW, THEREFORE BE IT RESOLVED that Application Numbers 2003-0456.001 & 2004-0352.001 for Waivers of Strict Compliance are hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

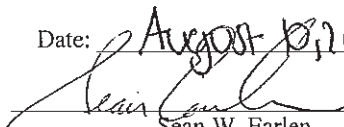
AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*						
Ashmun	X				Howell	X				Prickett	X			
Avery	X				Jannarone			X		Quinn			X	
Barr	X				Lloyd	X				Rohan Green			X	
Chila	X				Lohbauer	X				Earlen	X			
Galletta			X		Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission


 Nancy Wittenberg
 Executive Director

Date: August 10, 2018


 Sean W. Earlen
 Chairman



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

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

July 20, 2018

Kenny Austin
 2514 Hurry Road
 Bamber Lake, NJ 08731

Re: Application # 2003-0456.001
 Block 4108, Lot 5
 Lacey Township

Dear Mr. Austin:

The Commission staff has completed its review of the above referenced application for a Waiver of Strict Compliance (“Waiver”) proposing the development of a single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission’s Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 10, 2018 meeting.

FINDINGS OF FACT

This application is for the development of a single family dwelling served by an alternate design onsite septic system on the above referenced 0.46 acre parcel in Lacey Township. The parcel is located in a Pinelands Village Management Area and in Lacey Township’s Village Residential (VR) zoning district. In this zoning district, Lacey Township’s certified land use ordinance establishes a minimum lot size of 1.0 acre to develop a single family dwelling that is served by an alternate design onsite septic system.

As no Commission accepted alternate design onsite septic system will meet the two parts per million average nitrogen concentration in the groundwater at the property line of the 0.46 acre parcel, the applicant is requesting a Waiver from the groundwater quality standard contained in the CMP (N.J.A.C. 7:50-6.84(a)5iv).

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

On January 4, 2016, the Lacey Township Zoning Board of Adjustment adopted a Resolution for Appeal # 15-16 approving a residential lot size variance to develop a dwelling on the parcel.



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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Public notice to all property owners within 200 feet of the parcel was completed on March 30, 2018. Newspaper public notice was completed on April 11, 2018. The application was designated as complete on the Commission's website on May 22, 2018. The Commission's public comment period closed on July 13, 2018. No public comment was received by the Commission regarding this application.

CONCLUSION

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

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

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C.7:50-6 for certain specified development. One of the specified types of development is a single family dwelling on a parcel within a Regional Growth Area, Pinelands Town or Pinelands Village which is at least 20,000 square feet, excluding road rights-of-way, in size and is not served by a centralized waste water treatment system. This application is for a Waiver from the groundwater quality standards contained in N.J.A.C. 7:50-6. The applicant is proposing to develop a single family dwelling served by an alternate design onsite wastewater treatment system on a 0.46 acre (20,038 square foot) parcel. The parcel contains more than 20,000 square feet, excluding road rights-of-way and is located in a Pinelands Village Management Area. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1v.

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

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

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinance have been certified by the Pinelands Commission. Lacey Township's master plan and land use ordinance have been certified

by the Pinelands Commission. On January 4, 2016, the Lacey Township Zoning Board of Adjustment adopted a Resolution for Appeal # 15-16 approving a residential lot size variance to develop a dwelling on the parcel. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

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

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

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

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

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

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

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

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

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan prepared by Accutech Engineering, dated March 7, 2015 and last revised July 18, 2016.
2. The septic system must be located in an area where the seasonal high water table is at least five feet below the natural ground surface.
3. The proposed dwelling must utilize an alternate design wastewater system authorized pursuant to the CMP on a 1.0 acre lot and approved for use by the Pinelands Commission and the New Jersey Department of Environmental Protection.
4. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.
5. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 PDCs have been acquired and submitted to the PDC Bank for redemption.
6. This Waiver shall expire August 10, 2023 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after August 10, 2023 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
7. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, a copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission. The deed shall specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance referring to the application number. The deed shall also state that the conditions are enforceable by the Pinelands Commission, Lacey Township and any other party of interest.

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 at the Commission offices no later than 4:00 PM on August 7, 2018 and include the following information:

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

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



Recommended for Approval by: _____

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

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



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

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

July 20, 2018

Lisa Gassert (via email)
 1720 Old Marlton Pike E
 Marlton, NJ 08053

Re: Application # 2004-0352.001
 Block 114, Lot 1.01
 Evesham Township

Dear Ms. Gassert:

The Commission staff has completed its review of the above referenced application for a Waiver of Strict Compliance (“Waiver”) proposing the development of a single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission’s Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 10, 2018 meeting.

FINDINGS OF FACT

This application is for the development of a single family dwelling serviced by public sanitary sewer on the above referenced 5.2 acre parcel in Evesham Township. The parcel is located within a Pinelands Regional Growth Area and in Evesham Township’s Regional Growth 1 (RG-1) zoning district. In this zoning district, Evesham Township’s certified land use ordinances require a residential density of one dwelling unit per 17,424 square feet for a single family dwelling serviced by public sanitary sewer.

On October 9, 2009, the Pinelands Commission approved a Waiver for the development of a single family dwelling serviced by public sanitary sewer on the parcel. An application for development of the proposed dwelling was subsequently completed with the Commission and a Certificate of Filing was issued on August 26, 2011. The Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.70(c)) specifies that a Waiver expires five years after the date of Commission approval unless all necessary construction permits have been issued within the five year period, the authorized work is commenced within 12 months after issuance of the construction permits and no such permit becomes invalid after the five year period.

No information has been provided to the Commission staff demonstrating that a construction permit was issued by October 9, 2014 or, if any such construction permit was issued, that the permit remains valid.



By letter dated April 29, 2018, a new owner of the parcel contacted the Commission regarding the prior Waiver. By letter dated May 7, 2018, the Commission staff notified the new owner of the parcel that the Waiver approved by the Commission on October 9, 2009 expired on October 9, 2014. On June 1, 2018, the current application for a new Waiver was completed with the Commission.

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

A portion of the parcel is wetlands as defined in 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 parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the entire contiguous parcel. The development of a single family dwelling on the parcel does not require a lot area or density variance pursuant to Evesham Township's certified land use ordinances. A single family dwelling can be developed on the parcel without violating any of the criteria contained in N.J.A.C. 7:50-4.65(b) if the conditions recommended below are imposed.

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

PUBLIC COMMENT

The applicant provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on May 31, 2018. Newspaper public notice was completed on June 7, 2018. The application was designated as complete on the Commission's website on June 1, 2018. The Commission's public comment period closed on July 13, 2018. The Commission staff received one written comment (attached) regarding this application:

Written Commenter #1: The commenters are concerned about the impact of the proposed development on wetlands, stormwater runoff and property maintenance.

Staff Response: The Commission staff appreciates the commenters' interest in the Pinelands. The proposed development will maintain a minimum buffer to wetlands of 50 feet. The proposed buffer to wetlands ranges from 50 feet to approximately 150 feet. The Commission regulations do not require an application for a single family dwelling to address stormwater runoff. However, this Waiver recommendation is conditioned upon provision of certain measures that will reduce stormwater runoff. The Commission's Waiver regulations are designed to provide all property owners with at least a minimum beneficial use of a parcel consistent with the constitutional requirements. The applicant has demonstrated that the proposed dwelling meets the minimum CMP standards to qualify for a

Waiver. The commenter may wish to discuss with an appropriate municipal official their stormwater management and property maintenance concerns.

CONCLUSION

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

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

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain specified development. One of the specified categories of development is a single family dwelling on a parcel within a Pinelands Regional Growth Area, Pinelands Town or a Pinelands Village which will be served by a centralized wastewater treatment system.

This application is only for a Waiver from the wetland buffer standard of the CMP. The parcel is located in a Pinelands Regional Growth Area. The applicant is seeking to develop a single family dwelling served by a centralized wastewater treatment system on the parcel. 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 density variances have been obtained if the property is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Evesham Township's master plan and land use ordinances have been certified by the Pinelands Commission. The certified ordinance does not require a lot area or density variance. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50- 4.63(a)4.

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

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

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

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

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

The CMP (N.J.A.C. 7:50-4.62(d)1iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits (PDCs) whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. The applicant is obtaining a Waiver from the required buffer to wetlands standard (N.J.A.C. 7:50-6.14). The Commission staff received notification from the Pinelands Development Credit Bank that the prior Waiver applicant acquired and redeemed the requisite 0.25 PDCs. The applicant meets the requirement contained in N.J.A.C.7:50-4.62(d)1iii.

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

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan prepared by Clancy & Associates, Inc., dated October 6, 2005 and last revised November 18, 2010.
2. Appropriate measures, such as silt fencing or comparable alternative, shall be taken during construction to preclude sedimentation from entering wetlands.
3. All development, including clearing and land disturbance, shall be located within the proposed development envelope as shown on the above referenced plan. No development, including clearing and land disturbance, is permitted within 50 feet of wetlands.
4. Sufficient dry wells or a comparable alternative shall be installed to contain all stormwater runoff from the house.
5. The driveway shall be constructed of crushed stone or other permeable material.
6. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole use of the parcel.
7. This Waiver shall expire August 10, 2023 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed

to expire or lapse after August 10, 2023 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.

8. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to Commission issuance of a letter advising that any submitted municipal or county permit or approval may take effect. The deed shall specify that the conditions are being imposed pursuant to a July 20, 2018 Pinelands Commission Report on an Application for a Waiver of Strict Compliance (“Waiver Report”) for App. No. 2004-0352.001. The deed shall indicate that the conditions previously required by the September 28, 2009 Waiver Report for App. No. 2004-0352.001, approved by the Pinelands Commission on October 9, 2009, have since expired and are superseded by the conditions required by the July 20, 2018 Waiver Report approved by the Pinelands Commission on August 10, 2018. The deed shall also indicate that the conditions are enforceable by the Pinelands Commission, Evesham Township and any other party of interest.

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

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

APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. . Any such appeal must be made in writing to the Commission and received at the Commission offices no later than 4:00 PM on August 7, 2018 and include the following information:

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

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



Recommended for Approval by:

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

- c: Secretary, Evesham Township Planning Board (via email)
- Evesham Township Construction Code Official (via email)
- Evesham Township Environmental Commission (via email)
- Secretary, Burlington County Planning Board (via email)
- Matt & Fran Davis (via email)

Pinelands Commission
PO Box 359
New Lisbon, NJ 08064

Matt and Fran Davis
1626 Roosevelt Ave
Marlton, NJ 08053

Dear Pinelands Commission;

First thank you for giving us an opportunity to have an input in this decision. My house and property has a branch of the Rancocas that runs thru it and every storm we have to worry about flooding. With all the available area in Marlton sprouting buildings more water now runs off to the stream creating more issues for the properties that are already on the stream. Technically we are part of the "Pinelands" but we are within the boundary that was set by the commission and we are concerned that what happens here definitely effects the pinelands.

This area is considered wetlands which is fragile. Wetlands help filter out water and refill our aquifers to give us clean drinking water and aid in flooding by slowing run off. As the Pinelands and Wetlands commission, you are charge with protecting this very unique ecosystem. This area of Marlton already has to be concerned with flooding. Adding a house to this property decreases the area that water can naturally adsorb into the ground. Since the ground can't absorb the water this creates more run off.

A major concern of mine is the property that the owner already owns. The property is not maintained now. The trash is never cleaned up and there are piles of debris everywhere. The property owners even needed a farm tractor this weekend to cut the lawn do to neglect. Their tree and yard trimmings are left lying around and the dirt that runs off of the property block the storm drains causing flooding.

With all of our concerns for flooding and the environment we do not believe it is a wise decision to allow a house to be built on this property.

Thank you for your concern,

Matt and Fran Davis



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 25

TITLE: Denying an Application for a Waiver of Strict Compliance (Application Number 2007-0398.001)

Commissioner Lloyd moves and Commissioner Ashmun seconds the motion that:

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

2007-0398.001
Applicant: Brian Tomasino
Municipality: Galloway Township
Management Area: Pinelands Town
Date of Report: July 20, 2018
Proposed Development: Single family dwelling.

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

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

WHEREAS, the Pinelands Commission hereby determines that the requested Waiver does not conform to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65 if the conditions recommended by the Executive Director are imposed; and

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

NOW, THEREFORE BE IT RESOLVED that Application Number 2007-0398.001 for a Waiver of Strict Compliance is hereby denied.

Record of Commission Votes

AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*
X				X				X			
X				X		X		X			X
X				X							X
X				X				X			X
		X		X				X			

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 10, 2018

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Sean W. Earlen
Sean W. Earlen
Chairman



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

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

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

July 20, 2018

Brian Tomasino
 4 Brookview Lane
 Granby, CT 06035

Re: Application # 2007-0398.001
 Block 134.01, Lot 4
 Block 134.02, Lot 3
 Block 146, Lot 3
 Block 152, Lot 3
 Galloway Township

Dear Mr. Tomasino:

The Commission staff has completed its review of this application for a Waiver of Strict Compliance (“Waiver”) proposing 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 Executive Director, I am recommending that the Pinelands Commission deny the application at its August 10, 2018 meeting.

You have expressed an interest in the New Jersey Department of Environmental Protection acquiring the parcel under the Commission’s Limited Practical Use Program. One of the requirements to qualify for the LPU Program is Pinelands Commission denial of a Waiver application.

FINDINGS OF FACT

This application is for the development of one single family dwelling, served by a conventional onsite septic system, on the above referenced 4.15 acre parcel in Galloway Township. The parcel is located in Galloway Township’s TR zoning district within the Pinelands Town of Egg Harbor City. The applicant could meet the requirement of the Galloway Township land use ordinance that allows the development of a dwelling served by a conventional onsite septic system on a 3.2 acre parcel in the TR zoning district.

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



The CMP (N.J.A.C. 7:50-6.84(a)4iv) requires that if development is proposed to be served by an onsite septic system, the proposed onsite wastewater disposal field must be located in an area where the depth to seasonal high water table is at least five feet below the natural ground surface. The Atlantic County Soils Survey indicates that the soils on this parcel have a seasonal high water table of less than two feet below the natural ground surface. The applicant has submitted no information to demonstrate that the septic system could be located in an area where the seasonal high water table is at least five feet below the natural ground surface. Since the available information indicates the seasonal high water table on the entire parcel is less than five feet below the natural ground surface, the applicant is requesting a Waiver from the seasonal high water table requirement for an onsite wastewater disposal field contained in the CMP (N.J.A.C. 7:50-6.84(a)4iv).

The CMP (N.J.A.C. 7:50-6.6) prohibits most development in wetlands. Available information indicates that a portion of the parcel is wetlands. The wetlands on the parcel do not meet the CMP definition of an impaired wetlands (N.J.A.C. 7:50-2.11). The applicant has not demonstrated that no development would be located on these 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 the proposed development will not result in a significant adverse impact on wetlands. Available information indicates that the portion of the parcel that is not wetlands is located in the required 300 foot buffer to these wetlands. The applicant has not demonstrated that no development would be located within 300 feet of wetlands. The applicant has submitted no information to demonstrate that proposed development within 300 feet of wetlands would 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, the applicant is requesting a Waiver from the wetlands and wetlands buffer requirements contained in the CMP (N.J.A.C. 7:50-6.6 and N.J.A.C. 7:50-6.14).

The CMP (N.J.A.C. 7:50-6.27) prohibits development unless it is designed to avoid irreversible adverse impacts on the survival of any local population of plants designated by the New Jersey Department of Environmental Protection as endangered plant species and those plants designated in the CMP as threatened or endangered. The applicant has submitted no information to demonstrate that the proposed development could be designed to avoid irreversible adverse impacts on the survival of any local population of plants designated by the New Jersey Department of Environmental Protection as endangered plant species and those plants designated in the CMP as threatened or endangered. As the applicant has not demonstrated there will not be a significant adverse impact on threatened and endangered species, the applicant is requesting a Waiver from the CMP threatened and endangered species protection standard (N.J.A.C. 7:50-6.27).

PUBLIC NOTICE

The applicant has provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on May 25, 2018. Newspaper public notice was completed on May 24, 2018. The application was designated as complete on the Commission's website on June 20, 2018. The Commission's public comment period closed on July 13, 2018. No public comment regarding this application was submitted to the Commission.

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. N.J.A.C. 7:50-4.62(a) requires that for a Waiver to be approved based on extraordinary

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

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

The first condition is that the only relief sought is from one or more of the standards contained in the CMP (N.J.A.C. 7:50-6) for certain specified types of development. A single family dwelling on a parcel within a Regional Growth Area, Pinelands Town or Pinelands Village which is at least 20,000 square feet, excluding road rights of way, in size and will not be served by a centralized wastewater treatment system is one of the specified categories of development. As the parcel contains 4.15 acres in a Pinelands Town that will not be served by a centralized wastewater treatment system, the application meets the condition set forth in N.J.A.C. 7:50-4.63(a)1v.

The second condition is that the parcel includes all contiguous land in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. Since the parcel includes all such contiguous lands, the application meets the condition 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 would be the sole principal use on the parcel, the application meets the condition set forth in N.J.A.C. 7:50-4.63(a)3.

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Galloway Township's master plan and land use ordinances have been certified by the Pinelands Commission. The certified ordinances do not require a municipal lot area or density variance for the development of a single family dwelling on this 4.15 acre parcel. The application meets the condition set forth in N.J.A.C. 7:50-4.63(a)4.

The fifth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which permits a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not result in substantial impairment of the resources of the Pinelands Area. N.J.A.C. 7:50-4.65(b) provides that the following circumstances will result in substantial impairment of the resources of the Pinelands Area and do not comply with N.J.A.C. 7:50-4.65(a):

- | | |
|------------------------|---|
| N.J.A.C. 7:50-4.65(b)5 | The development of a single family dwelling and associated improvements in wetlands unless that wetland is an impaired wetland; |
| N.J.A.C. 7:50-4.65(b)7 | Any development which will violate the threatened and endangered species protection requirements contained in N.J.A.C. 7:50-6.27; and |
| N.J.A.C. 7:50-4.65(b)8 | Any development which will require the location of an onsite wastewater disposal field in an area where the seasonal high water |

table is within two feet of the natural ground surface or within 50 feet of any surface water body.

The proposed development is not permitted in wetlands. The wetlands on the parcel do not meet the CMP definition of “impaired wetlands.” The applicant has not demonstrated that proposed development will not be located on wetlands as required by N.J.A.C. 7:50-4.65(b)5. As a result, the applicant has not demonstrated that the proposed development will not violate the criteria contained in N.J.A.C. 7:50-4.65(b)5.

The applicant has not demonstrated that the proposed development could be designed to avoid irreversible adverse impacts on the survival of any local population of plants designated by the New Jersey Department of Environmental Protection as endangered plant species and those plants designated in the CMP as threatened or endangered. As a result, the applicant has not demonstrated that the proposed development will not violate the criteria contained in N.J.A.C. 7:50-4.65(b)7.

The applicant has not demonstrated that a proposed onsite wastewater disposal field will not be located in an area where the seasonal high water table is within two feet of the natural ground surface or within 50 feet of any surface water body. As a result, the applicant has not demonstrated that the proposed development will not violate the criteria contained in N.J.A.C. 7:50-4.65(b)8.

The application does not meet the condition set forth in N.J.A.C. 7:50-4.63(a)5.

As the application does not meet all five conditions set forth in N.J.A.C. 7:50-4.63(a), the applicant does not qualify for a Waiver pursuant to that subsection.

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

The first condition is that the parcel includes all contiguous lands in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. As concluded above, the concerned parcel includes all contiguous lands that were in common ownership on or after January 14, 1981. The application meets the condition contained in N.J.A.C. 7:50-4.63(b)1.

The second condition is that the parcel includes all contiguous land with no substantial improvements which is available for purchase at fair market value, including lands which are contiguous as a result of the acquisition of other contiguous lands. There is vacant land bordering the concerned parcel. The applicant has not demonstrated that the vacant land is not available for purchase at fair market value. The application does not meet the condition set forth in N.J.A.C. 7:50-4.63(b)2.

The third condition is that the parcel, including all contiguous lands which are available pursuant to N.J.A.C. 7:50-4.63(b)1 and 2, may not have a beneficial use considering five factors.

The first factor to be considered is the value of any existing development or use of the overall parcel, including any allocation of Pinelands Development Credits (PDCs). The overall parcel is vacant and no use has been established on the parcel. PDCs are not allocated to lands in a Pinelands Town.

The second factor to be considered is the value of any use or development of the parcel that is authorized by the provisions of the CMP. The applicant has submitted no information to address the value of any use or development of the parcel that is authorized by the provisions of the CMP.

The third factor to be considered is the ability of the property owner to sell the parcel to the owner of a contiguous parcel, any governmental agency or to a nonprofit conservation group for its fair market value. The applicant has offered to sell the parcel to the New Jersey Department of Environmental Protection. The applicant provided a letter from the NJDEP Green Acres Program which declined the offer. The applicant also submitted a letter from the Atlantic County Department of Regional Planning and Development declining the offer to acquire the parcel. The applicant submitted no additional information to demonstrate that the parcel cannot be sold for its fair market value to any other governmental agency or to a nonprofit conservation group for its fair market value.

The fourth factor is the ability of the property owner to either buy noncontiguous land or to sell the parcel to a noncontiguous property owner under a residential density transfer provision contained in a certified municipal land use ordinance or pursuant to the CMP (N.J.A.C. 7:50-5.30). Galloway Township's certified land use ordinances do not contain a residential density transfer provision that applies to lands in Galloway Township's TR zoning district.

The fifth factor to be considered is whether any inability to have a beneficial use relates to or arises out of the characteristics of the concerned parcel and results from unique circumstances peculiar to the parcel which are not the result of any personal situation of the applicant and are not the result of any action or inactions by the application or any predecessor in title. The minimum depth to seasonal high water table for an onsite septic system wastewater disposal field, threatened and endangered species protection requirements and wetland protection requirements apply to all other vacant parcels in the area. Any hardship which does exist is a result of the applicant's personal circumstances and their actions and inactions.

Based on these five factors, the application does not meet the condition set forth in N.J.A.C. 7:50-4.63(b)3.

The fourth 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). As concluded above, the applicant has not demonstrated that a single family dwelling can be developed on the concerned parcel without violating N.J.A.C. 7:50-4.65(b)5, 7 and 8. As a result, the applicant does not meet the condition contained in N.J.A.C. 7:50-4.63(b)4.

As the applicant does not meet all the conditions for demonstrating extraordinary hardship contained in N.J.A.C. 7:50-4.63(b), the applicant does not qualify for a Waiver pursuant to that subsection.

As N.J.A.C. 7:50-4.63(a) and (b) are the exclusive means of establishing extraordinary hardship, the applicant does not qualify for a Waiver.

As a result, it is recommended that the Pinelands Commission **DENY** the requested Waiver of Strict Compliance.

APPEAL

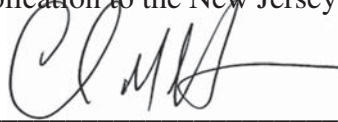
The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted 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 at the Commission offices no later than 4:00 PM on August 7, 2018 and include the following information:

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

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

Recommended for Denial by: _____



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

- c: Secretary, Galloway Township Planning Board (via email)
 Galloway Township Construction Code Official (via email)
 Galloway Township Environmental Commission (via email)
 Atlantic County Department of Regional Planning and Development (via email)
 Atlantic County Division of Public Health (via email)
 Betsy Piner



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 26

TITLE: Issuing an Order to Certify Ordinances 12-2018 and 19-2018, Amending Chapter 225 (Zoning) of the Code of Egg Harbor Township

Commissioner Uyey moves and Commissioner Barr
seconds the motion that:

WHEREAS, on October 1, 1993, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Egg Harbor Township; and

WHEREAS, Resolution #PC4-93-139 of the Pinelands Commission specified that amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified 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 #PC4-93-139 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 April 18, 2018, Egg Harbor Township adopted Ordinance 12-2018, amending Chapter 225 (Zoning) of the Township's Code by adopting requirements for the provision of affordable housing in the RG-4 and RG-5 (Residential) Districts, within the Pinelands Regional Growth Area; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 12-2018 on April 23, 2018; and

WHEREAS, on May 2, 2018, Egg Harbor Township adopted Ordinance 1970-2017, amending Chapter 225 by adopting a revised Schedule of Area, Yard and Building Requirements for the RG-4 and RG-5 Districts; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 19-2018 on May 7, 2018; and

WHEREAS, by letter dated May 15, 2018, the Executive Director notified the Township that Ordinances 12-2018 and 19-2018 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinances 12-2018 and 19-2018 was duly advertised, noticed and held on June 20, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Ordinances 12-2018 and 19-2018 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinances 12-2018 and 19-2018 are in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Ordinances 12-2018 and 19-2018 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinances 12-2018 and 19-2018 and has reviewed the Executive Director's report; and

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

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

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify that Ordinances 12-2018 and 19-2018, amending Chapter 225 (Zoning) of the Code of Egg Harbor Township, are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Egg Harbor 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.

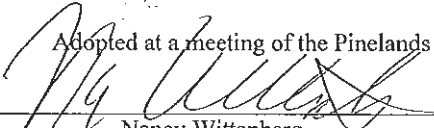
Record of Commission Votes

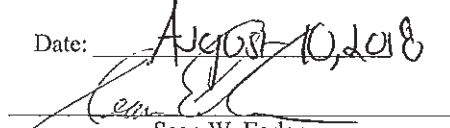
AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun	X			Howell			A	Prickett	X		
Avery	X			Jannarone		X		Quinn		X	
Barr	X			Lloyd	X			Rohan Green		X	
Chila	X			Lohbauer	X			Earlen	X		
Galletta		X		Pikolycky	X						

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 10, 2018


Nancy Wittenberg
Executive Director


Sean W. Earlen
Chairman



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

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

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

**REPORT ON ORDINANCES 12-2018 AND 19-2018, AMENDING CHAPTER 225
 (ZONING) OF THE CODE OF EGG HARBOR TOWNSHIP**

July 27, 2018

Egg Harbor Township
 3515 Bargaintown Road
 Egg Harbor Township, NJ 08234

FINDINGS OF FACT

I. Background

The Township of Egg Harbor is located in the southeastern portion of the Pinelands Area, in Atlantic County. Pinelands municipalities adjacent to Egg Harbor Township include Galloway Township, Hamilton Township and Estell Manor City in Atlantic County, as well as Upper Township in Cape May County.

On October 1, 1993, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Egg Harbor Township.

On April 18, 2018, Egg Harbor Township adopted Ordinance 12-2018, amending Chapter 225 (Zoning) of the Township’s Code by adopting requirements for the provision of affordable housing in the RG-4 and RG-5 (Residential) Districts, within the Pinelands Regional Growth Area. The Pinelands Commission received a certified copy of Ordinance 12-2018 on April 23, 2018.

On May 2, 2018, Egg Harbor Township adopted Ordinance 19-2018, amending Chapter 225 by adopting a revised Schedule of Area, Yard and Building Requirements to reflect the amendments made by Ordinance 12-2018 relative to permitted density and Pinelands Development Credit use in the RG-4 and RG-5 Districts. The Pinelands Commission received a certified copy of Ordinance 19-2018 on May 7, 2018.

By letter dated May 15, 2018, the Executive Director notified the Township that Ordinances 12-2018 and 19-2018 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

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

- * Ordinance 12-2018, amending Chapter 225 (Zoning) of the Code of Egg Harbor Township, introduced on March 21, 2018 and adopted on April 18, 2018; and
- * Ordinance 19-2018, amending Chapter 225 (Zoning) of the Code of Egg Harbor Township, introduced on April 18, 2018 and adopted on May 2, 2018.

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

1. **Natural Resource Inventory**

Not applicable.

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

Ordinance 12-2018 amends Chapter 225 (Zoning) of the Code of Egg Harbor Township by requiring that all residential development in the RG-4 and RG-5 Districts provide for affordable housing. The ordinances were adopted to implement the Township's Settlement Agreement with the Fair Share Housing Center, executed on August 16, 2017. The agreement stipulates that Egg Harbor Township has a rehabilitation obligation of 92 units, a prior round obligation of 763 units, and a third round prospective need of 1,000 units.

Ordinance 12-2018 requires that all residential development in the RG-4 or RG-5 Districts resulting in construction of new residential housing units must set aside 20% of the new units for low and moderate income households. Projects that contain less than 20 affordable housing units must have said units dispersed throughout the development and located within buildings designed to be architecturally indistinguishable from the market-rate units within the development. Projects that contain 20 or more affordable housing units have the option of accommodating said units in 100% affordable housing buildings that meet the garden apartment requirements provided in the Township's Code. Residential developments that received preliminary or final approval before the effective date of Ordinance 12-2018 are exempted from the affordable housing set-aside requirements, unless those approvals expire or are amended to reflect substantial changes to the general terms and conditions on which preliminary approval was granted. Information provided to the Commission by the Township indicates that, as of June 30, 2018, there are no projects in either zone that qualify for this exemption.

Egg Harbor Township's RG-4 and RG-5 Districts are the two highest-density zones within the Township's Pinelands Regional Growth Area. In the RG-4 District, single-family detached dwellings, two-family dwellings and single-family attached dwellings (townhouses) are

permitted at a maximum density of 6.0 units per acre. The same housing types, as well as garden apartments, are permitted in the RG-5 District at a maximum density of 7.5 units per acre.

Ordinances 12-2018 and 19-2018 revise various area and bulk standards applicable to different types of permitted residential uses in the two zones but do not change permitted housing types. With respect to single-family attached units (townhouses) in both zones, the minimum required tract size is reduced from five to three acres and the minimum required perimeter buffer is reduced from 20 to 10 feet. For garden apartments in the RG-5 District, the minimum required tract size is reduced from 10 to seven acres. Maximum permitted densities in the two zones remain unchanged; therefore, there is no change in the Township's Regional Growth Area residential zoning capacity. Based on the permitted densities and amount of vacant land in the two zones, the Township estimates that Ordinances 12-2018 and 19-2018 will provide a realistic opportunity for development of up to 726 affordable housing units through 2025.

Ordinances 12-2018 and 19-2018 are consistent with the land use standards of the Comprehensive Management Plan. This standard for certification is met.

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

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Ordinance 12-2018 amends Chapter 225 (Zoning) of the Township's Code by requiring that Pinelands Development Credits (PDC) be acquired and redeemed for 25% of the market rate residential units developed in the RG-4 and RG-5 Districts. This 25% obligation applies regardless of the density at which any particular project is proposed or constructed. The use of

PDCs is not required for those units in the RG-4 or RG-5 Districts that are required to be developed as affordable units.

Ordinance 12-2018 does not increase or decrease the amount of residentially zoned property in Egg Harbor Township's Regional Growth Area. Neither does the ordinance affect the maximum permitted densities or residential zoning capacity in the Regional Growth Area. Rather, Ordinance 12-2018 accommodates PDC use in a different manner than has traditionally been the case, in order to allow the Township to meet both its PDC and affordable housing obligations. Instead of providing a base density and affording developers an opportunity to use PDCs to increase that density if they so choose, the Township has elected to make PDC use a mandatory component of all residential projects in its two highest-density zones, with an exemption for affordable housing units.

N.J.A.C. 7:50-3.39(a)8 specifies that in order to be certified by the Commission, municipal land use ordinances must provide for sufficiently residentially zoned property in the Regional Growth Area to be eligible for an increase in density to accommodate PDCs as provided for in N.J.A.C. 7:50-5.28(a)3. N.J.A.C. 7:50-5.28(a)7i then authorizes Pinelands municipalities to employ additional density bonus or incentive programs, provided such programs do not interfere with or otherwise impair in any way the required municipal program for use of PDCs. Additional flexibility is provided in more general terms in the introduction to subchapter 5 of the CMP which states that CMP standards may be refined by local agencies, provided that the objectives and goals the minimum standards represent will be achieved. In this context, the PDC requirements implemented by Ordinance 12-2018 are consistent with the Comprehensive Management Plan. While the 25% requirement applied to the RG-4 and RG-5 Districts is not as high a number as would be provided through the more traditional zoning approach (where PDCs would account for 33% of the total number of permitted units), it is important to remember that the traditional base density/bonus density approach utilized throughout the Pinelands Area only provides an *opportunity* for the use of PDCs. There is no requirement under the traditional approach that any PDCs be used in any particular development project. Ordinance 12-2018 *guarantees* a certain level of PDC use in association with any residential development in the Township's two highest-density Regional Growth Area residential zones, regardless of project density or the number of units that are ultimately built. Given the greater certainty provided by this approach, the Executive Director believes that the PDC requirements adopted by Ordinance 12-2018 should be viewed as being consistent with Comprehensive Management Plan standards.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinances 12-2018 and 19-2018, amending Chapter 225 (Zoning) of the Code of Egg Harbor Township, are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. This standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Ordinances 12-2018 and 19-2018, amending Chapter 225 (Zoning) of the Code of Egg Harbor Township, comply 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

Not applicable.

PUBLIC HEARING

A public hearing to receive testimony concerning Egg Harbor Township's application for certification of Ordinances 12-2018 and 19-2018 was duly advertised, noticed and held on June 20, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which the following testimony was received:

Peter Miller, Egg Harbor Township Administrator, stated that Ordinances 12-2018 and 19-2018 arise from the Township's settlement agreement with the Fair Share Housing Center on the municipality's affordable housing obligation. He asked that the Commission look favorably upon the two ordinances.

There being no further testimony, the hearing was concluded at 9:40 a.m.

Written comments on Ordinances 12-2018 and 19-2018 were accepted through June 27, 2018; however, none were received.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinances 12-2018 and 19-2018, amending Chapter 225 (Zoning) of the Code of Egg Harbor Township, comply with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinances 12-2018 and 19-2018 of Egg Harbor Township.

SRG/CEH



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 27

TITLE: To Adopt the Pinelands Commission's Fiscal Year 2019 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund, Katie Trust Fund and the Pinelands Conservation Fund

Commissioner Asmun moves and Commissioner Lehauer 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 \$2,799,000 to support the Commission's operations during Fiscal Year 2019; and

WHEREAS, the Department of the Treasury informed the Commission that \$687,000 of budgeted health benefits and pension costs will be covered through the State's interdepartmental accounts in FY 2019; and

WHEREAS, the Commission anticipates that additional funding sources of \$1,858,511 will be available to further support the Commission's operations; and

WHEREAS, the FY 2019 Operating Budget anticipates a \$570,563 draw from the Commission's unreserved, undesignated fund balance; and

WHEREAS, the Commission is adopting an Operating Budget for FY 2019 totaling \$5,915,074; and

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

WHEREAS, the Kirkwood Cohansey Aquifer Assessment Study Fund budget for FY 2019 recommends expenditures of \$115,270, which will be drawn from the Fund Balance for this project; and

WHEREAS, the Katie Trust Fund Garden Budget for FY 2019 recommends expenditures of \$15,000, which will be drawn from the Fund Balance for the Garden project; and

WHEREAS, a financial plan for the Pinelands Conservation Fund (PCF), which designated four programs (Land Acquisition, Conservation Planning and Research, Community Planning and Design and Education and Outreach) within the Fund, was approved by the Commission in April 2005, and revised in August 2009, and revised again in August 2014; and

WHEREAS, during FY 2019, the budget for the Land Acquisition program totals \$284,007; and

WHEREAS, the FY 2019 budget for the Conservation Planning and Research program totals \$334,610; and

WHEREAS, the FY 2019 budget for the Community Planning and Design program totals \$115,109; and

WHEREAS, the FY 2019 budget for the Education and Outreach program totals \$129,671; and

WHEREAS, the total budget for the Pinelands Conservation Fund during FY 2019 totals \$863,397 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 2019 Budgets for the Operating Fund totaling \$5,915,074; the Kirkwood Cohansy Aquifer Assessment Study Fund totaling \$115,270; the Katie Trust Fund Garden Budget totaling \$15,000 and the Pinelands Conservation Fund totaling \$863,397.

Record of Commission Votes

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

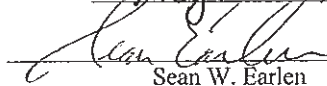
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 19, 2018



Nancy Wittenberg
Executive Director



Sean W. Earlen
Chairman

**PINELANDS COMMISSION
OPERATING BUDGET REVENUES
GENERAL FUND
FISCAL YEAR 2019**

Revenue Source	FY2016 Budget	FY2017 Budget	FY2018 Budget	FY2019 Anticipated	Notes
State Appropriation	2,499,000	2,649,000	2,649,000	2,799,000	1
State Supplemental Funding (Fringe Benefits)	687,000	687,000	687,000	687,000	2
Miscellaneous Income	300	300	600	200	
Interest Income	1,500	2,000	5,000	25,000	3
MTMUA Hydrologic Monitoring	0	0	0	0	
CCMUA Hydrologic Monitoring	17,952	16,500	8,000	10,330	4
EPA Buffer Grant	0	0	0	0	
NPS - Long Term Environmental Monitoring	181,277	118,000	329,750	313,271	5
NPS - Long Term Economic Monitoring	106,723	37,000	328,750	326,058	5
Drexel - DWRF	0	0	0	322,003	
EPA - Micro	0	0	0	140,379	
Stockton College MOA	20,000	20,000	20,000	20,000	6
Vehicle Auction Proceeds	2,000	0	0	0	
Wetlands Permitting	200	200	2,000	10,000	7
Pinelands Application Fees	425,000	500,000	340,000	430,000	8
Utility Companies ROW Program	59,200	59,200	59,200	59,200	9
TOTAL REVENUE	4,000,152	4,089,200	4,429,300	5,142,441	
Microfilm Reserve Anticipated	3,650	3,650	3,650	3,650	10
Computer Reserve Anticipated	21,600	18,420	18,420	18,420	11
Fenwick Manor Painting Reserve Anticipated	40,000	80,000	100,000	120,000	12
Administrative Assessment (PnlDs. Conserv. Fund)	80,000	80,000	80,000	60,000	13
Undesignated Fund Balance Anticipated	496,310	370,442	394,468	570,563	14
TOTAL OTHER INCREASES	641,560	552,512	596,538	772,633	
TOTAL REVENUE AND OTHER INCREASES	4,641,712	4,641,712	5,025,838	5,915,074	

**PINELANDS COMMISSION
OPERATING BUDGET EXPENDITURES
GENERAL FUND
FISCAL YEAR 2019**

Expenditure Account	FY2016 Budget	FY2017 Budget	FY2018 Budget	FY2019 Anticipated	Notes
PERSONNEL					
Salaries & Wages	2,473,705	2,540,554	2,691,781	3,031,731	15
Fringe Benefits	1,539,755	1,448,268	1,594,542	1,808,212	16,37
TOTAL PERSONNEL	4,013,459	3,988,822	4,286,323	4,839,943	
SUPPLIES					
Printing & Office Supplies	15,500	19,505	18,080	31,860	17
Vehicular Supplies	7,200	6,250	6,250	5,750	18
Household Supplies	6,000	7,800	8,450	8,900	19
Fuel & Utilities	41,100	42,150	42,350	42,350	20
Other Supplies	5,461	4,430	5,930	16,599	21
TOTAL SUPPLIES	75,261	80,135	81,060	105,459	
SERVICES					
Travel	8,000	8,610	14,900	11,500	22
Telephone	22,000	22,305	30,305	36,325	23
Postage	7,000	7,000	6,650	7,150	24
Insurance	43,900	45,800	51,900	58,200	25,37
Information Processing	69,500	94,780	77,471	77,410	26
Household Services	2,150	2,250	2,250	2,400	27
Professional Services	235,000	284,465	278,715	630,582	28,37
Other Services	21,679	23,075	28,640	31,526	29
TOTAL SERVICES	409,229	488,285	490,831	855,093	
MAINTENANCE & RENT					
Maintenance - Buildings & Grounds	57,300	31,400	92,000	42,500	30
Maintenance - Equipment	25,500	17,700	17,700	27,050	31
Maintenance - Vehicular	6,000	5,750	5,750	5,750	32
Rent - Other	7,400	7,400	6,950	6,750	33
TOTAL MAINTENANCE & RENT	96,200	62,250	122,400	82,050	
IMPROVEMENTS & ACQUISITIONS					
Improvements - Buildings & Grounds	0	0	0	0	
Acquisitions - Vehicles	0	0	0	0	
Acquisitions - Equipment	3,563	3,800	4,619	10,528	34
Acquisitions - Information Processing Equipment	44,000	18,420	40,605	22,000	35
TOTAL IMPROVEMENTS & ACQUISITIONS	47,563	22,220	45,224	32,528	
TOTAL EXPENDITURES	4,641,712	4,641,712	5,025,838	5,915,074	36

**PINELANDS COMMISSION
OPERATING BUDGET
FISCAL YEAR 2019 NOTES
August 1, 2018**

1. The Governor's budget includes a FY 2019 State Appropriation to the Commission in the amount of \$2,799,000. This is an increase from the FY2018 Appropriation.
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 has 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. In FY 2016, only \$687,000 was received and this amount was consistent for FY 2017, FY 2018 and will be for FY 2019.
3. Interest Income is earned in the Commissions checking account and the cash management fund designated for general use. Interest income for the Kirkwood Cohansey Aquifer Study and 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 and will continue to do so in FY 2019.
4. Monitoring for the Camden County MUA hydrologic projects will continue into FY 2019. Anticipated revenue is calculated using the amount to be paid to the USGS for this monitoring.
5. The Commission is entering its 25th 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.
6. In November 2014, the Commission authorized the execution of a Memorandum of Agreement with Richard Stockton College (now University) to establish an alternative permitting process MOA. In accordance with Paragraph III.A.10., Stockton University is obligated to reimburse the Commission for staff costs associated with the development of the MOA and application fees for the review of any development projects conducted under the terms of the MOA.
7. 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.
8. Application Fees of \$430,000 are anticipated to be received during FY 2019. 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.

9. In October 2009, the Commission adopted the New Jersey Pinelands Electric Transmission Right-of-Way Maintenance Plan that authorizes the Utility Companies to maintain electric transmission rights-of-way without applying to the Commission. According to the Memorandum of Agreement, the companies pay an annual fee to cover the Commission's inspection and monitoring expenses.

10. The \$3,650 anticipated revenue from the Microfilm Reserve equals the amount being recommended in the expenditure accounts for items relating to permanent record storage, including microfilming and document imaging. The remaining balance in the Microfilm Reserve account will be held in reserve to sustain the future costs of the long term records management project.

11. The FY 2019 anticipated revenue from the Computer Reserve estimated at \$18,420 for Replacement Computers and Replacement Printers.

12. The Fenwick Manor Painting Reserve has been established to earmark funds for the future painting of Fenwick Manor. Funds will be added annually until the project is complete. The current total consists of \$40,000 from FY15; \$40,000 from FY16; \$20,000 from FY17 and \$20,000 from FY18.

13. In April 2005, the Commission adopted a financial plan for the Pinelands Conservation Fund. Included in the plan is an annual assessment of \$20,000 from each of the three programs (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.

14. The projected amount needed from the Undesignated Fund Balance to balance the FY2019 budget deficit is \$848,420. Traditionally, the actual amount drawn from the fund balance at the fiscal year end is lower than anticipated, if even used. The increase in undesignated fund balance is due to the addition of (3) new Science grants that have not incurred the revenue to offset yet. The amount in the Commission's fund balance is sufficient to cover the \$570,563 while leaving enough money to fund unforeseen expenses, emergencies and a similar budget deficit in the next few years.

15. 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 23 unfilled full time equivalent positions, or more than 35% of the authorized staffing level. The FY 2019 salaries and wages budgets (Operating, Kirkwood Cohansey Study and Pinelands Conservation Fund) finance only 42 of the 66 authorized full time equivalent positions.

16. The fringe benefits budget includes expenditures for the employer's share of Social Security (\$185,000), Medicare (\$45,000), disability insurance (\$2,000), flexible savings accounts (\$1,500) and miscellaneous administrative charges (\$1,000). The employer liability of pension related funds is estimated at \$380,000. The Commission's escalating health benefit premiums for active and retired employees are estimated at \$1,225,000 with a \$140,000 reduction for coinsurance payments

from staff members. Also included is \$15,000 for dental insurance premiums and \$900 for participation in the Employee Advisory Service. Lastly, \$150,450 of the total fringe benefits budget is projected to be funded by the Kirkwood Cohansey Study (\$13,260) and the Pinelands Conservation Fund (\$137,190) as shown in those budgets.

Upon Commission approval of the FY 2019 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 \$230,000.

17. 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 service awards. Grant-related expenses account for \$11,700 of this budget.

18. 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. In FY 2010, the Commission's fleet was reduced from seven to five vehicles. However, high gasoline prices have offset some of the savings of a smaller fleet.

19. 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.

20. The fuel and utilities budget covers expenditures for heating fuel, electricity, water and sewer. During the latter part of FY 2016, the Commission was accepted into the State's cooperative purchasing for electricity and heating fuel.

21. 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 96 %) of this account, totaling \$15,899 for FY2019.

22. The travel budget covers reimbursements to the staff for business mileage on their personal vehicles, tolls and parking, and meal allowances. The majority of the travel budget is used to reimburse Commissioners for business mileage and tolls.

23. The telephone budget includes basic service, toll charges, the service cost of a data circuit, conference calls, and cellular phone service and toll charges.

24. 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 public outreach.

25. 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 States property insurance.

Upon Commission approval of the FY 2019 Operating Budget, the Executive Director will be authorized to pay the State's insurance broker an amount not to exceed the budgeted funding of \$63,200.00 to cover the Commission's insurance premiums (\$58,200 from the Operating Budget and \$5,000 from the Pinelands Conservation Fund for related Visitor's Center policies).

26. The FY 2019 budget for information processing includes \$57,760 for software maintenance agreements and data purchases, \$4,500 for payroll processing, \$2,600 for database administration services and \$1,500 for online legal services and \$1,500 for hardware maintenance. Over \$9,550 of this budget is reimbursable through grants or special revenue.

27. The household services budget covers trash removal, alarm (security and fire) monitoring, and exterminating services.

28. The professional services account covers expenditures for legal fees, technical and consulting services, and other miscellaneous services. Estimated costs include \$75,000 for legal fees associated with DAG services, \$175,000 for labor counsel, \$3,000 for the Office of Administrative Law assessment fees. Grant related technical services totaling \$361,158 are budgeted.

29. Expenditures in the other services budget include annual subscriptions (\$1,970), required memberships (\$2,990), and meeting expenses (\$4,300); advertising (\$3,310), research related fees (\$1,456), training (\$16,500), and banking fees (\$1,000).

30. The maintenance buildings and grounds budget for FY 2019 includes additional Tree Cutting at the estimate of \$15,000 and an estimate for a Generator and connection at \$15,000. The remaining \$12,500 is available for minor maintenance services (plumbing, electrical, HVAC, etc.).

31. The maintenance - equipment budget provides for the inspection, maintenance and repair of certain building systems and other equipment. Included is \$15,550 for the buildings' systems (fire equipment, elevator, security, and access), of which the sprinkler in RJS needs replacement. \$8,000 for office equipment, and \$2,000 for scientific equipment and \$1,500 for maintenance equipment.

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

33. Since FY 2011, several changes in the rent other budgets have occurred. In FY2011 a smaller postage machine was rented saving thousands in acquisition, rental and maintenance expenses. The FY 2019 budget includes \$500 for the postage meter, \$5,900 for the lease of (2) black and white copiers, \$100 for excess copy charges, and \$250 for the safe deposit box.

34. The acquisitions - equipment budget contains \$10,528 for scientific equipment supporting grant related projects.

35. The acquisitions - information processing equipment budget includes the replacement computers (\$13,000), a laptop docking station (\$2,000), an Antivirus Server (\$1,000) and replacement Printers (\$6,000) are anticipated to be installed in FY19.

36. The total estimated Operating Budget expenditures for FY 2019 equal \$5,915,074. 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, Kirkwood-Cohansey Study and the Pinelands Conservation Fund do not exceed \$3,326,731.00.

37. 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 \$40,000. These consist of employee health benefits; the employer liability assessed by the Division of Pensions and the Commission's attorney (DAG) fees.

Upon Commission approval of the FY 2019 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
KIRKWOOD COHANSEY AQUIFER ASSESSMENT STUDY
FISCAL YEAR 2019 BUDGET**

	FY2016 Budget	FY2017 Budget	FY2018 Budget	FY2019 Anticipated	Notes
REVENUE PROJECTIONS					
Interest Income	150	300	1,000	1,000	1
Total Revenue	150	300	1,000	1,000	
K/C Study Fund Balance Anticipated	225,815	152,816	162,792	114,270	2
Total Revenue/Reserve Anticipated	225,965	153,116	163,792	115,270	

Expenditure Account	FY2016 Budget	FY2017 Budget	FY2018 Budget	FY2019 Anticipated	Notes
PERSONNEL					
Salaries & Wages	31,490	37,100	32,100	26,000	3
Fringe Benefits	17,475	17,066	16,692	13,260	4
TOTAL PERSONNEL	48,965	54,166	48,792	39,260	
SUPPLIES					
Printing & Office Supplies	1,500	500	500	500	5
Vehicular Supplies	-	-	-	-	
TOTAL SUPPLIES	1,500	500	500	500	
SERVICES					
Travel	50	50	50	50	
Training	-	-	-	5,000	6
Information Processing	450	400	450	460	
Professional Services	175,000	98,000	114,000	70,000	7
Other Services	-	-	-	-	
TOTAL SERVICES	175,500	98,450	114,500	75,510	
Total Expenditures	225,965	153,116	163,792	115,270	

**PINELANDS COMMISSION
KIRKWOOD COHANSEY AQUIFER ASSESSMENT FUND
FISCAL YEAR 2019 BUDGET NOTES
August 1, 2018**

1. The funds provided from the Water Supply Fund to prepare the Kirkwood Cohansey Aquifer Assessment and Report are kept in a separate cash account. The interest income estimated at \$1,000 stays within the program and is available to help fund the project. This amount is an increase from the last few years due to interest rates slowly rising. The cumulative interest earnings are accounted for as Fund Balance.
2. It is likely that any remaining Fund Balance existing at the end of the fiscal year will be used to support the Commission's development of water supply policies and/or regulations.
3. The FY 2019 salaries and wages budget finances salary expenses of employees who spend time working on this project and are estimated at \$26,000.
4. The fringe benefits budget represents the chargeable benefits calculated using the OMB issued "Employee Benefit" reimbursement rates for FY 2018. (Rates for FY18 have been made available in Circular Letter 18-06-OMB).
5. The printing and office supplies budget of \$500 represents the estimated cost to print and publish the final report.
6. The training budget of \$5,000 represents Mod Flow and other potential training.
7. The professional services budget of \$70,000 represents the continued work of USGS needed in preparation of the final report and associated Programming Services.

**PINELANDS COMMISSION
KATIE TRUST FUND
FISCAL YEAR 2019 BUDGET**

Revenue	FY 2018 Budget	FY 2019 Anticipated	Notes
Katie Trust Fund Balance Anticipated	20,638	15,000	1
Total Reserve Anticipated	20,638	15,000	

Expenditure Account	FY 2018 Budget	FY 2019 Anticipated	Notes
Ground Supplies			
Plants & Fencing	9,638	4,000	2
Total Supplies	9,638	4,000	
Services			
Professional Services	10,000	10,000	3
Total Services	10,000	10,000	
Improvements & Acquisitions			
Acquisitions - Furniture	1,000	1,000	4
Total Improvements & Acquisitions	1,000	1,000	
Total Expenditures	20,638	15,000	

**PINELANDS COMMISSION
KATIE TRUST FUND
FISCAL YEAR 2019 BUDGET NOTES
August 1, 2018**

1. This is the anticipated Fund Balance needed to complete the Garden Project.
2. The Ground Supplies budget of \$4,000.00 represents the estimated cost of the plants is \$3,000.00 and Split Rail fencing added between the Garden and Springfield Road to create a perimeter. The estimated cost for the fence is \$1,000.00.
3. The Professional Services budget of \$10,000 represents the New Path in Concrete, Exposed Aggregate or Flagstone.
4. The Acquisitions – Furniture budget is for 2 Memorial Benches that will be purchased.

**PINELANDS COMMISSION
PINELANDS CONSERVATION FUND
FISCAL YEAR 2019 BUDGET**

Revenue Source	FY2016 Budget	FY2017 Budget	FY2018 Budget	FY2019 Anticipated	Notes
EPA Grant - Intermittent Ponds	84,000	0	0	0	
EPA Grant - Natural and Created Wetlands	83,000	0	0	0	
Interest Income - Land Acquisition	650	1,500	5,000	6,000	1
Interest Income - Conservation Planning & Research	2,300	4,000	15,000	25,000	1
Interest Income - Community Planning & Design	1,200	1,500	5,000	10,000	1
Interest Income - Education & Outreach	440	1,000	5,000	8,000	1
Total Revenue	171,590	8,000	30,000	49,000	
Cancellation of Prior Year Encumbrances	0	0	0	0	
Reserves for Pinelands Conservation Activities	1,840,204	1,808,792	1,252,675	814,397	2
Total Revenue/Other Sources Anticipated	2,011,794	1,816,792	1,282,675	863,397	

Expenditure Account	FY2016 Budget	FY2017 Budget	FY2018 Budget	FY2019 Anticipated	Notes
<u>Land Acquisition</u>					
Salaries & Wages	84,029	12,320	12,000	5,000	
Fringe Benefits	42,380	5,667	6,120	2,550	
Information Processing	1,600	1,000	225	0	
Professional Services	25,000	0	0	0	
Land Acquisition	750,000	600,000	500,000	276,457	
Administrative Assessment	20,000	20,000	20,000	0	3
Total Land Acquisition Expenditures	923,009	638,987	538,345	284,007	4

Conservation Planning and Research

Salaries & Wages	222,629	284,785	168,000	157,000	
Fringe Benefits	113,704	131,001	85,680	80,070	
Printing & Office Supplies	100	700	250	0	
Household Supplies (clothing)	1,300	1,100			
Other Supplies	1,844	1,526			
Travel	9,000	7,150	4,175	1,702	
Information Processing	5,700	7,000	6,628	5,538	
Technical Services	70,000	136,600	54,353	70,000	
Professional Services	100,000				
Other Services	2,000	2,100	2,100	300	
Acquisitions - Equipment					
Acquisitions - Information Processing Equipment					
Administrative Assessment	20,000	20,000	20,000	20,000	3
Total Conservation Planning/Research Expenditures	546,277	591,962	341,186	334,610	5

Community Planning and Design

Salaries & Wages	62,217	61,000	106,000	62,000	
Fringe Benefits	31,910	28,060	54,060	31,620	
Printing & Office Supplies	150	100	125	385	
Other Supplies					
Travel	100	50	25	154	
Postage	250	250	200	250	
Information Processing	2,570	1,370	923	500	
Other Services	150	150	21,200	200	
State Aid and Grants					
Administrative Assessment	20,000	20,000	20,000	20,000	3
Total Community Planning/Design Expenditures	117,347	110,980	202,533	115,109	6

Education and Outreach

Salaries & Wages	34,749	40,000	62,000	45,000	
Fringe Benefits	17,791	18,400	31,620	22,950	
Printing & Office Supplies			650	500	
Other Supplies	2,500	1,500	1,450	900	
Information Processing		0			
Other Services	350,121	394,963	84,891	40,321	
Administrative Assessment	20,000	20,000	20,000	20,000	3
Total Education and Outreach	425,161	474,863	200,611	129,671	7

Total Expenditures	12,011,794	1,816,792	1,282,675	863,397	
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PINELANDS COMMISSION
PINELANDS CONSERVATION FUND
FISCAL YEAR 2019 BUDGET NOTES
August 1, 2018

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 2019 estimated interest income totals \$49,000 and is comprised of interest income from the four cash accounts. All interest income stays within the particular program and is available to help fund the various projects.
2. The difference between the revenues and expenditures for the year, estimated at \$814,397 is financed from the Reserves for Pinelands Conservation Activities. Each of the four programs (Land Acquisition, Conservation Planning and Research, and Community Planning and Design, Education and Outreach) has its own reserve account.
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 includes a \$20,000 annual assessment from each program to cover administrative expenses as described in Operating Budget note #13. 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. FY 2019 will see the removal of the annual assessment from the Land Acquisition program.
4. The Land Acquisition program budget for FY 2019 totals \$284,007. Personnel costs (salaries/wages and fringe benefits) are estimated at \$7,550 in support of the Commission's permanent land protection initiatives. Land acquisitions could total up to \$276,457.
5. The Conservation Planning and Research program budget for FY 2019 totals \$334,610. Personnel costs (salaries/wages and fringe benefits) are estimated at \$237,070 to support the following initiatives and special projects: implementation of the rapid landfill assessment, implementation of the alternate septic system pilot program / septic system management, the roadside plants management project, management of threatened and endangered species data and rule making for the Black Run watershed. Also included in this year's budget is \$65,000 for technical services from the USGS for the created wetlands and Barnegat Bay stormwater projects. Miscellaneous expenses (interns, software, mileage, reference books, training, and scientific supplies and equipment) supporting the conservation planning and research program equal \$12,540. Rounding out the budget is the \$20,000 administrative assessment mentioned above.
6. The Community Planning and Design program budget for FY 2019 totals \$115,109. Personnel costs (salaries/wages and fringe benefits) are estimated at \$93,620 to support the following initiatives and special projects: review and implementation of the Forest and Rural Development Area clustering rules, proposal of the Pinelands Development Credit enhancement rules, administrative responsibilities supporting the Pinelands Development

Credit Bank, administration of the Pinelands Infrastructure Trust Fund and coordination of activities related to the Pinelands Scenic Byway. Miscellaneous expenses (software, postage, printing, supplies, meeting expenses and legal advertisements) supporting the program equal \$1,489. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

7. The Education and Outreach program budget for FY 2019 totals \$129,671. Personnel costs (salaries/wages and fringe benefits) are estimated at \$67,950 to support the opening/operation of the Ashmun Exhibit Center and the following special projects: the Pinelands Short Course and the Brotherton archaeological excavation. There is additional cost anticipated for the Exhibit Center estimated at \$35,121. Also included is \$5,500 for supplies and technical services related to the Brotherton excavation. Miscellaneous expenses (supplies and mileage) supporting the program equal \$1,100. Rounding out the budget is the \$20,000 administrative assessment mentioned above.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 28

TITLE: To Approve the New Jersey Pinelands Commission's 2017 Annual Report

Commissioner Lohbauer moves and Commissioner Prickett seconds the motion that:

WHEREAS, in September 2006, then Governor Corzine issued Executive Order #37; and

WHEREAS, Executive Order #37 called for the preparation and approval of a comprehensive report concerning the operations of each State authority; and

WHEREAS, the report shall set forth the significant actions of the Commission; and

WHEREAS, since the report is to be done on an annual basis and it includes much of the same information as the Commission's Annual Report, which is required by the Pinelands Protection Act, the two reports have been combined since 2007 as a cost savings measure to eliminate waste and promote efficiency as called for in Executive Order #37; 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 attached 2017 Annual Report be approved, submitted to the Governor's Authorities Unit and posted on the Commission's web site.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 10, 2018

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Sean W. Earlen
Sean W. Earlen
Chairman



New Jersey

Pinelands Commission

Annual Report 2017

**Mission Statement
of the
New Jersey Pinelands Commission**

The mission of the New Jersey Pinelands Commission is to preserve, protect and enhance the natural and cultural resources of the Pinelands National Reserve, and to encourage compatible economic and other human activities consistent with that purpose.

Cover photo: Grass pink is among nearly 30 species of wild orchids that grow in the Pinelands.

Photo by Paul Leakan/New Jersey Pinelands Commission

New Jersey Pinelands Commission 2017

Gubernatorial Appointees

Candace M. Ashmun
D'Arcy Rohan Green
Mark S. Lohbauer
Gary Quinn

Bob Barr
Edward Lloyd
Richard H. Prickett

U.S. Secretary of the Interior's Appointee

Frank Hays (January - March)

County Appointees

Atlantic County

Paul E. Galletta, Vice Chairman

Burlington County

Sean W. Earlen, Chairman

Camden County

Edward McGlinchey

Cape May County

William J. Brown
(January - October)

Cumberland County

Jane Jannarone

Gloucester County

Guiseppe (Joe) Chila

Ocean County

Alan Avery, Jr.

Executive Director

Nancy Wittenberg

New Jersey Pinelands Commission

P.O. Box 359

New Lisbon, NJ 08064

Photo: (609) 894-7300

Fax: (609) 894-7330

E-mail: info@njpines.state.nj.us

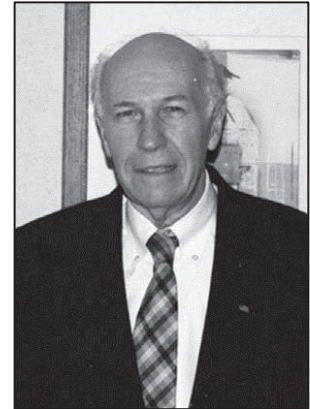
Website: www.nj.gov/pinelands

Longtime Commission member steps down

One of the longest serving members in the Pinelands Commission's history stepped down in late 2017.

William (Bill) J. Brown served as Cape May County's representative on the Pinelands Commission from March 1982 until October 2017. Brown's tenure on the Commission is the second longest in the agency's history.

A resident of Upper Township, Brown is a longtime, licensed insurance agent. He served as a Petty Officer in the U.S. Navy during World War II and he retired from 25 years of service as an engineer at the Woodbine Developmental Center.



William Brown

He served on the Commission's Personnel and Budget Committee, Public and Governmental Programs Committee, Intergovernmental Committee, By-Laws Committee and Work Plan Committee.

During his tenure, the Commission certified the master plans and land use ordinances of all 53 municipalities and seven counties in the Pinelands. It also adopted 43 amendments to the Pinelands Comprehensive Management Plan and completed four in-depth reviews of the Plan.

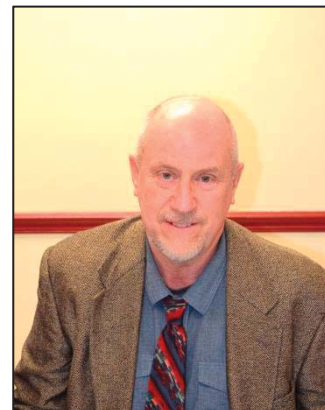
In December 2017, the Commission passed a resolution thanking Brown for his commitment to the Pinelands and his service as a member.

Federal representative Frank Hays (1958-2017)

The Pinelands Commission was struck by the tragic loss of one of its members as federal appointee Frank Hays passed away suddenly on March 3, 2017.

Hays was appointed as the U.S. Secretary of the Interior's designee on the Commission's 15-member board in January 2017.

At the time of his passing, Hays served as the Associate Regional Director for Resource Stewardship and Compliance in the National Park Service's Northeast Regional Office in Philadelphia. In that capacity, Hays managed the region's Cultural Resource,



Frank Hays

Natural Resource, and Resource Planning and Compliance programs. Prior to joining the Northeast Regional Office, Hays was the superintendent of the Western Arctic National Parklands (WEAR), including Cape Krusenstern National Monument, Kobuk Valley National Park, and the Noatak National Preserve.

Hays began his career with the National Park Service in 1980 as a seasonal park ranger at Zion National Park. He worked in a variety of positions at Grand Canyon National Park, Chaco Culture National Historical Park, Saguaro National Park and Dinosaur National Monument.

The Pinelands Commission's 15-member board consists of seven members who are appointed by the New Jersey Governor, one member appointed by each of the seven Pinelands counties, and one member appointed by the U.S. Secretary of the Interior. Commission members serve staggered, three-year terms and are uncompensated for their service.

Land Use & Planning



Above: The Pinelands Commission adopted several rule changes in 2017.
Photo/Paul Leakan

Pinelands Comprehensive Management Plan (CMP) Amendments

In December 2017, the Commission adopted several amendments to the Pinelands Comprehensive Management Plan (CMP), the rules that govern land use, development and natural resource protection in the Pinelands Area.

The adopted amendments:

- update the CMP's sign regulations. In recent years, a number of municipalities have adopted ordinances that authorize the use of signs that feature digital technology, including video, flashing lights and changing text. The CMP, however, prohibits the use of motion and changing lights in on- and off-site signs. Staff reviewed the on- and off-site sign standards to determine whether and where digital sign technology should be permissible in the Pinelands. Under the rule changes, the regulation of on-site signs is delegated to municipalities. Municipalities will determine whether and where on-site signs using digital technology should be permitted. The rule changes also allow existing

and new billboards in Regional Growth Areas and Pinelands Towns to use digital technology subject to certain conditions. Old, nonconforming billboards in conservation areas are prohibited from converting to digital technology;

- change the Commission’s fee schedule for reviewing development applications. The rule changes add specific fees for general development plans, reduce fees for solar energy facilities, eliminate the need for applicants to submit sworn statements of construction costs, increase most fees by 25% and update escrow provisions to include facilities, services and other unusual expenditures related to an application;
- eliminate the requirement that towns/applicants submit names and addresses of people who “actively participate” on applications at Planning Board meetings;
- define “mail” to include “e-mail,” eliminate certified mailing requirements for the Commission and towns, eliminate the requirement for applicants to post notices on properties and require the Commission to post notices on its website;
- clarify the circumstances under which municipalities will not need to install impermeable caps on their closed landfills;
- allow alternate design wastewater treatment systems to be used for the expansion of or changes to existing nonresidential uses in the Rural Development Area, Agricultural Production Area, Forest Area and infill areas; and
- authorize the use of the FAST technology for residential development on a permanent basis in recognition of its demonstrated success in meeting CMP water quality standards. The Pinelands Commission’s alternate design treatment systems pilot program has introduced eight nitrogen-reducing wastewater treatment technologies to the Pinelands Area as a means for unsewered residential development to meet Pinelands water quality standards on lots that are smaller than 3.2 acres. Three of these technologies have been permanently approved after having successfully passed a rigorous testing program. The approved technologies include the Amphidrome and Bioclere systems that are approved for use on minimum one acre parcels and the recently approved FAST technology that is now authorized for use on minimum 1.4 acre parcels. The remaining four technologies that are subject to continued piloting include the BioBarrier, Busse GT, Hoot ANR, and SeptiTech systems.

Off-road Vehicle Damage in Wharton State Forest

Throughout 2017, the Commission took several steps to help combat the damages wrought by off-road vehicle use in Wharton State Forest, a 122,880 acre forest located in the Pinelands.

In recent years, users of Wharton State Forest have voiced concerns about the extensive damages being caused by illegal, off-road vehicle use in the forest.

In October 2016, Commission staff compiled and provided the New Jersey Department of Environmental Protection (NJDEP) with a database of sites within Wharton State Forest that have been damaged by off-road vehicle use. Commission staff also provided the NJDEP with guidance on a pilot project that resulted in the installation of wooden barriers that seek to protect intermittent ponds in Wharton State Forest from off-road vehicle damage. The barriers were installed in early 2017. (Please see the photo below.)

In 2017, after receiving and considering extensive public comment on the matter, the Commission assembled sections of United States Geological Survey Topographic maps from 1972, 1981, 1995 and 1995 to establish a map depicting the existing roads in Wharton State Forest.



Above: In 2017, Pinelands Commission staff helped to provide the NJDEP with guidance on a project that resulted in the installation of wooden barriers that protect intermittent ponds such as this one in Wharton State Forest. Photo/John Bunnell

In September 2017, the Commission adopted a resolution that uses these roads as a baseline for existing roads in Wharton State Forest, while designating these roads as being appropriate for recreational use by motor vehicles. The resolution was forwarded to the NJDEP, and the

Commission has continued to work with the department on efforts to address illegal, off-road vehicle use in the forest.

Pinelands Long-Term Economic Monitoring Program Re-examination

Commission staff commenced a re-examination of the Pinelands Long-Term Economic Monitoring (LTEM) Program in the spring of 2017. The goal of the LTEM program is to continually evaluate the health of the Pinelands economy in an objective and reliable way. Since its inception in the mid-1990s, this program, in conjunction with the Long-Term Environmental Monitoring program, has provided essential information to the Pinelands Commission and its stakeholders.

A re-examination of the program was initiated upon the recommendation of the National Park Service, who has funded both monitoring programs since their inception. As part of this re-examination process, staff facilitated two stakeholder meetings to receive feedback on the existing products of the program as well as how the program could be improved. The first stakeholder meeting was held on August 9, 2017 and was attended by 20 invitees affiliated with various local governmental and non-governmental agencies involved in community and economic development. The second meeting was held October 27, 2017 and was attended by 10 invitees with expertise in the available data and analytical methods germane to the work of the LTEM program.

The Commission also contracted with Rutgers University faculty to attend both stakeholder meetings and to provide a report that evaluated the content and format of the annual LTEM report. Rutgers' report also provided recommendations for improvement and suggestions for potential special studies. The report was finalized in June of 2018.

Staff will be working to implement recommendations from the process in the next year.

Long-Term Comprehensive Wastewater Plan in Hammonton

Throughout much of 2015 and all of 2016 and 2017, the Town of Hammonton has worked to successfully eliminate all wastewater discharges to Hammonton Creek. This achievement is the direct result of the Town's investment in a state-of-the-art drip irrigation system along with its operation of its network of groundwater recharge lagoons, all of which brings the Town's wastewater treatment facility into full compliance with the Pinelands Comprehensive Management Plan (CMP).

Hammonton's drip irrigation system was first installed as a small scale pilot project with drip

tubing placed above ground on a wooded plot adjacent to the infiltration lagoons. After that small scale system was proven to be reliable, additional drip tubing was installed on a larger wooded area on the facility. Subsequently, subsurface drip tubing was installed at multiple depths beneath the Town's nearby recreational turf fields resulting in the conservation of potable water supplies that were once used to irrigate the turf fields.

In addition to the Town's construction and successful operation of its effluent dispersal facilities, Hammonton has also undertaken a program to identify and replace aging sewerage lines. Replacing these lines has eliminated groundwater and stormwater from entering the collection system, thereby reducing the volume of wastewater that needs to be treated and ultimately dispersed at the Town's wastewater treatment facility.

Hammonton's approach to improve water quality in Hammonton Creek and to conserve potable water supplies through the beneficial reuse of treated wastewater was brought about through compliance with the Pinelands CMP and cooperation between the Town of Hammonton and the Pinelands Commission.

Reviewing Municipal Ordinances

Amendments to certified county and municipal master plans and land use ordinances must be submitted to, and approved by, the Commission. During 2017, the Commission received and reviewed 140 ordinance and master plan amendments from 29 different municipalities. This included Housing Elements and Fair Share Plans from several municipalities seeking to address their affordable housing obligations, as well as redevelopment plans for the Shoreline Sand and Gravel property in Barnegat Township, a commercial property in Maurice River Township, the Browns Mills Center in Pemberton Township, the Municipal Landfill Redevelopment Area in South Toms River Borough and the Haines Boulevard Redevelopment Area in Waterford Township.

Pinelands Archaeology and Anthropology Symposium

As part of its efforts to identify, protect and document cultural resources of significance to the Pinelands, the Commission hosted an archaeology and anthropology symposium at its headquarters in October 2017.

The event was held in conjunction with the Archaeological Society of New Jersey, and it brought together a host of New Jersey archaeologists and anthropologists who presented and discussed papers on current cultural resource topics relevant to the Pinelands Area.

One of the papers detailed recent excavations at the Cedar Bridge Tavern in Barnegat. The site is listed on the State and National Registers of Historic Places. The tavern is recognized for its distinction as possibly the oldest intact colonial period bar in the United States, and it is believed to have been the site of one of the last recorded skirmishes of the Revolutionary War in 1782.

The papers provided new information about the Pinelands and contributed data that may be used for future planning, particularly for the possible refinement of cultural resource survey requirements within certain geographic areas of the Pinelands.

Permanent Land Protection

Pinelands Conservation Fund

In April 2017, the Pinelands Commission announced a new round of funding that includes a new criterion to permanently preserve properties damaged by off-road vehicle use.

The Commission designated a total of \$500,000 from the Pinelands Conservation Fund (PCF) toward the acquisition of lands in the Pinelands Area that feature significant ecological, cultural, historical and/or agricultural values. In conjunction with the Commission's interest to protect the Pinelands environment from the impacts of off-road vehicle abuse, the round of funding placed a new emphasis on preserving lands that contain evidence of off-road vehicle damage.

A total of eight projects were submitted for consideration, requesting a total of \$772,183 for the acquisition and permanent preservation of 1,142 acres. Ultimately, the Commission allocated funding for four projects, accounting for the full \$500,000. These projects were in the process of being acquired at the close of 2017.

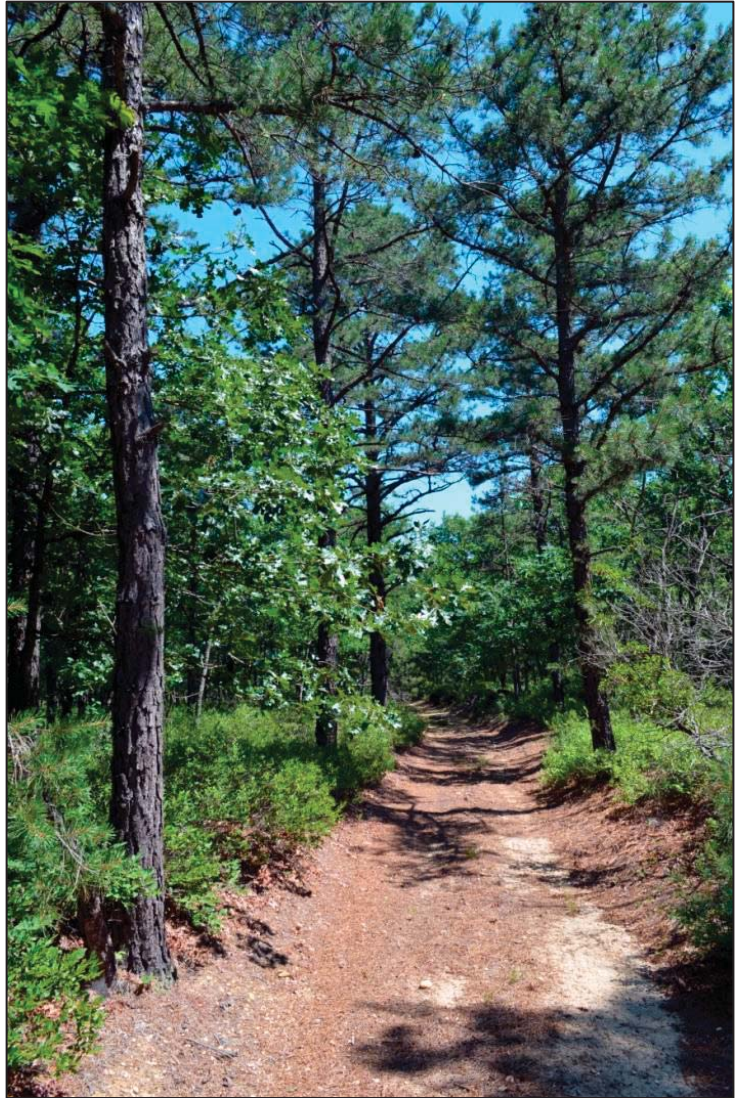
From 2007 to 2017, the Commission contributed \$9.4 million to 40 land acquisition projects in the Pinelands Area. Thirty-six of the 40 projects have been completed as of December 31, 2017, resulting in the permanent protection of 8,188 acres.

The PCF was created in 2004 as part of an agreement with the New Jersey Board of Public Utilities to permit the construction and upgrade of an electric transmission line through eastern portions of the Pinelands. Under the agreement, the special fund was established to further the Pinelands protection program and ensure a greater level of protection of the unique resources of the Pinelands Area.

The utility that built the transmission lines, Atlantic City Electric (formerly Conectiv), provided \$13 million to establish the fund. The policies for the PCF include four principal objectives: permanent land protection, planning and research activities, education and outreach and community planning and design.

Pinelands Development Credit Program

The Pinelands Development Credit Program is a regional transfer of development rights program that preserves important agricultural and ecological land. Pinelands Development Credits (PDCs) are allocated to landowners in Pinelands-designated Preservation, Agricultural and Special Agricultural Production Areas, which are the sending areas. These credits can be purchased by property owners and developers who are interested in developing land in Pinelands-designated Regional Growth Areas, which serve as the receiving areas, and can be used to increase the densities at which they build. Once those credits are “severed” from a sending area property, the property is permanently protected by a conservation or agricultural deed restriction and credits on the property can be sold. Credits are bought and sold in one-quarter credit units called “rights.”



Above: In 2017, the Commission allocated PCF funding to help preserve the 44-acre Daniels property in the Forked River Mountains in Ocean Township. Ocean County closed on the property in December 2017. Photo/Paul Leakan

Zero rights were severed in 2017. A total of 6,043 rights were severed from 1982 to 2016, protecting 52,346 acres. In 2017, the mean sales price of PDCs was \$8,900 per right.

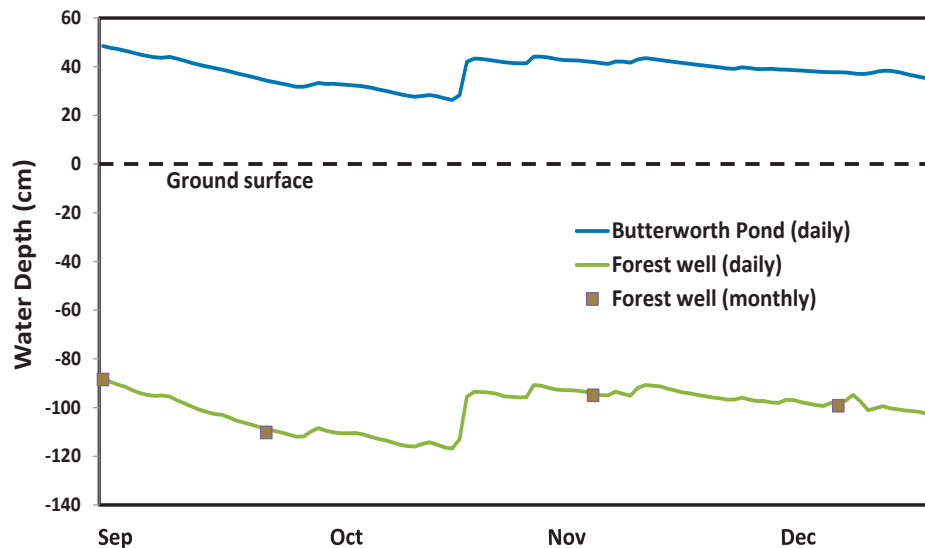
Science and Research Activities

Long-term Environmental Monitoring Program

In 2017, Commission scientists continued to conduct Long-term Environmental Monitoring Program research.

As part of the Commission water-level monitoring in the Pinelands, scientists have recorded water levels at 35 forest plots and 30 ponds on a monthly basis, and maintained continuous water-level recording devices installed in seven other ponds. In the fall of 2017, scientists installed a continuous water-level recorder in a shallow observation well associated with a pine lowland forest plot that has been monitored since 1986.

Comparisons of the continuous (daily) and monthly water levels for the same site can give insight into changes in water levels associated with storm events as well as other aspects of wetland hydrology. Long-term pond and forest-plot water-level data can also be used to determine if wetland water levels and pond hydroperiods (the length of time a pond holds water in a year) are changing over time.



Above: A hydrograph displaying water-level fluctuations over a four-month period in 2017 for a Pinelands pond and a pine lowland forest plot studied as part of the Long-term Monitoring Program.

Other 2017 Long-term Environmental Monitoring Program activities included measuring water quality at 47 stream sites, which has occurred on a bimonthly basis since 2006, and monitoring calling frogs and toads at a set of 20 ponds that have been studied since 1996.

Pond-vulnerability Study

Commission scientists continued to make progress on a study to characterize the vulnerability of Pinelands ponds to surrounding land uses and off-road vehicles. These ponds are typically called “intermittent” because they are not usually connected to streams and occasionally dry out, creating largely fishless environments that serve as important breeding grounds for frogs and toads, such as the rare Pine Barrens treefrog. Intermittent ponds also provide habitat for many rare plants.

Scientists began the first phase of the project by using aerial photography to compile an inventory of 2,742 natural ponds throughout the million-acre Pinelands Area. Ninety-nine of these ponds were selected for more in-depth study.



Above: This Calico Pennant, one of 42 dragonfly species found in the study, perches on a sedge at a natural pond in Camden County. Photo/Patrick Burritt

From 2014-2016, scientists monitored water quality and water

levels and completed plant, frog and toad, fish, and dragonfly and damselfly surveys at the 99 ponds. In another component of the study, Commission scientists and cooperators from the New Jersey Department of Environmental Protection and Pinelands Preservation Alliance used a combination of aerial photo interpretation and on-site visits to assess pond damage from off-road vehicles. In 2017, Commission scientists began data analysis and preparation of the final report with the goal of quantifying the impact of land use on these ponds. The final report is expected to be completed in 2018.

The Commission can use the results of this study to identify and prioritize ponds that need

enhanced protection and evaluate potential planning and regulatory measures to better protect these ponds.

The study is being funded, in part, by a grant from the U.S. Environmental Protection Agency (EPA). The Commission is supplementing the EPA grant funding by contributing funds from its Pinelands Conservation Fund (please see pages 7-8 for more information about the Fund).

Created-wetland Study

Like natural wetlands, created wetlands can provide the habitat necessary for wetland-dependent plants and animals, especially in human-dominated landscapes where natural wetlands may have been degraded or eliminated. As part of another study, Commission

scientists mapped the location of two types of created wetlands commonly found in the Pinelands, shallow excavations that intercept the groundwater (excavated ponds) and excavations designed to receive stormwater (stormwater basins). A total of 1,690 excavated ponds and 1,418 stormwater basins have been mapped. Fifty-two excavated ponds and 46 stormwater basins were selected for more in-depth study.



Above: Bayonet rush, a native Pinelands species, dominates this excavated pond in Atlantic County. Photo/Kim Laidig

As part of the study, scientists will compare landscape, water-quality, hydrologic, and biological attributes between both types of created wetlands and the natural ponds from the Pond-vulnerability Study described above. In collaboration with the U.S. Geological Survey and Montclair University, sites that represent a subset of each type of wetland were selected to sample for pesticides and amphibian pathogens. From 2014-2016, scientists monitored water

quality and water levels and completed plant and animal surveys at the 98 created wetlands, and sampled the subset of each wetland type for pesticides and pathogens. Using the same methodology as in the Pond-vulnerability Study, excavated ponds were assessed for damage from off-road vehicles.

In 2017, Commission scientists initiated data analysis to quantify the impact of land use on these wetlands and compare created wetlands to natural ponds from the Pond-vulnerability Study. The final report will combine the results of the created-wetland and pond-vulnerability studies and be released in 2018.

As with the Pond-vulnerability Study, the Created-wetland Study is also being funded by a grant from the U.S. EPA and a match by the Commission through the Pinelands Conservation Fund (please see pages 7-8 for additional information about the Fund).

Microorganism Study

In 2017, the Commission was awarded funding for a grant proposal, titled “Effects of land use on water quality and microorganisms in natural ponds, excavated ponds, and stormwater basins.” The proposed research will utilize a subset of the natural ponds, excavated ponds, and stormwater basin study sites from the pond-vulnerability and created-wetland studies for further monitoring and assessment.

In this project, Commission scientists and collaborators with the N. J. Department of Environmental Protection and U.S. Geological Survey will sample the surface water at all three wetland types for nutrients, metals, pesticides, and chlorophyll-a (an indirect measure of algal plant growth). Scientists will also characterize several groups of organisms that have historically received little attention in Pinelands wetlands. These organisms include periphyton (single-celled and soft-bodied algae attached to substrate), phytoplankton (free-floating algae in the



Above: This toe-biter, or giant water bug, is a large benthic macroinvertebrate that inhabits Pinelands ponds.

Photo/John Bunnell

water column), zooplankton (tiny animals that swim or drift in the water column), and benthic macroinvertebrates (primarily aquatic larval insects). The ultimate goals of this study are to assess the relationship between surrounding land use and the various water-quality and biological attributes and to more fully compare the functional equivalency of natural and created wetlands. Field work is scheduled to begin in the coming year.

This research is being funded by a grant from the U.S. EPA and a match by the Commission through the Pinelands Conservation Fund (please see page 8 for additional information about the Fund).

Right-of-way Vegetation Monitoring

In cooperation with the New Jersey Board of Public Utilities, Atlantic City Electric, Jersey Central Power and Light, and Public Service Electric and Gas, the Commission initiated a pilot program in 2009 to implement a vegetation-management plan for the land beneath high-voltage electric-transmission lines in the Pinelands.

As part of that pilot program, each year, Commission scientists monitor vegetation in the managed rights-of-way in plots that represent different vegetation type/vegetation-management prescription combinations. The monitoring will help determine if the vegetation-

management prescriptions have resulted in relatively stable and sustainable early successional habitats that are characteristic of the Pinelands and which provide habitat for native-Pinelands plants and animals, including threatened and endangered species. In 2012, scientists measured



Above: In 2017, Commission scientists conducted additional plant surveys along access roads and near towers in electric-transmission rights-of-way such as this one in Camden County. Photo/Kim Laidig

vegetation in reference plots in the forest adjacent to each managed right-of-way to determine if the right-of-way vegetation was similar to and characteristic of the nearby Pinelands forest.

In 2017, scientists completed the routine annual vegetation surveys at the established monitoring plots. Additional plant surveys were conducted near transmission towers and access roads to compare the plant species associated with these high-disturbance areas and the established monitoring plots. Commission scientists also completed an analysis that compared the woody vegetation found in the managed right-of-way plots and the adjacent forest plots measured in 2012. Other than the manual removal of trees or mowing of vegetation in the right-of-way plots, no major differences in woody plant communities, dominant shrub cover, or the number of woody species were found between right-of-way and adjacent-forest plots. Additional analysis of the vegetation data will occur in the coming year.

The pilot program is funded by Atlantic City Electric, Jersey Central Power and Light, and Public Service Electric and Gas.

Endocrine Disruption Study

The William Penn Foundation recently dedicated significant funding towards scientific research in the Delaware River Watershed through the Delaware Watershed Research Fund. The Academy of Natural Sciences is administering the funding. The Kirkwood-Cohansey aquifer, which underlies the Pinelands, was identified as one of the research areas eligible for funding. Commission and USGS scientists proposed a study to investigate point and non-point sources of endocrine disrupting chemicals and the potential impacts on fish and frogs in the Pinelands. The proposed study was awarded funding in 2016.

The endocrine system is a collection of tissues in animals that produce hormones to regulate essential life processes, such as metabolism, tissue function,



Above: Water, frogs, and fish, such as this non-native largemouth bass, will be sampled for evidence of endocrine disrupting chemicals. Photo/John Bunnell

reproduction, and development. A large group of natural and synthetic chemicals are known to disrupt endocrine function. Examples include plant hormones, plastic components, flame retardants, surfactants, fragrances, pesticides, etc. Endocrine disrupting chemicals, or EDCs, are a global environmental problem and have been linked to reproductive and developmental abnormalities in a variety of animal species, especially fish and amphibians.

Commission and U.S. Geological Survey scientists will sample water chemistry and fish above and below municipal wastewater treatment plants, which represent direct point sources of EDCs, and water chemistry and frogs at ponds and stormwater basins, which may receive indirect non-point sources of EDCs from runoff and the aquifer. Results from these sites will be compared to those from appropriate minimally impacted reference sites.

In 2017, field work began on the off-stream component of the project relating to water chemistry and frogs at ponds and stormwater basins. Water samples and green frogs were collected from a portion of the study sites for chemical and histological analyses, respectively. Data collection at on-stream sites will be initiated in the coming year.

The study is being funded by a grant from the Delaware Watershed Research Fund, a match by the Pinelands Commission, and a match by the USGS.

Regulatory Activities

Permitting

The Commission's staff reviews municipal and county (public) permitting decisions and private development applications to determine compliance with the Pinelands Comprehensive Management Plan. In 2017, the Commission's Project Review Office received 523 new applications (including public and private applications).

During the year, actions were taken on 1,737 applications. A total of 22 actions were taken on applications through the Local Review Officer Program, which expedites the approval process by having municipal officers review certain applications, without the need for the Commission's review first, and through streamlining agreements.

The Pinelands Commission approved 38 development applications from local, county and state entities in 2017, including:

- the establishment of a 13,200 linear foot hiking trail in Evesham Township;

- the establishment of a 6.26-acre cemetery in Shamong Township;
- the construction of a 190-foot-high local communications tower and 5,000-square-foot equipment compound in Waterford Township;
- the construction of an 800 linear foot access road and the installation of nine groundwater monitoring wells located on the same parcel as the closed, but uncapped, City of Estell Manor landfill;
- forest thinning in Brendan Byrne State Forest to reduce competition-induced mortality and reduce the risk of wildfire and attacks by southern pine beetles;
- forest thinning on another area of Brendan Byrne State Forest to regenerate and restore native shortleaf pine;
- construction of a 150-foot-high local communication facility in Manchester Township;
- the widening of Amelia Earhart Boulevard and Airport Road in Egg Harbor Township;
- the widening of Taunton Lakes Road in Evesham Township;
- the construction of a 200-foot-high wireless communication tower and 4,900-square-foot accessory equipment compound in Pemberton Township;
- the construction of a 194.5-foot-high wireless communication tower and associated 3,600-square-foot equipment compound in Jackson Township;

The Commission also has the authority to issue Freshwater Wetland General Permits in the Pinelands Area on behalf of the New Jersey Department of Environmental Protection. The Commission issued nine such permits in 2017.

South Jersey Gas Pipeline

On February 24, 2017, the Commission voted 9-5 to approve the South Jersey Gas Company's application to install a natural gas pipeline in the southern portion of the Pinelands.

South Jersey Gas applied to build the pipeline in July 2012. The Commission's staff drafted an inconsistent Certificate of Filing in July 2013. The agency then considered entering into a Memorandum of Agreement (MOA) that would allow the project to move forward. However,

the proposed MOA did not garner the eight affirmative votes needed for its passage.

South Jersey Gas provided additional information in its amended application in May 2015. The Commission's staff issued a Certificate of Filing in August 2015, deeming the project consistent with Pinelands rules. In response to legal filings, the Appellate Division of the Superior Court of New Jersey issued a decision that remanded the Certificate of Filing back to the Commission for its review of the staff's consistency determination.

New Jersey Natural Gas Pipeline

On September 14, 2017, the Commission voted 8-4 to approve the New Jersey Natural Gas Company's proposal to install a natural gas pipeline in the Pinelands.

New Jersey Natural Gas' application calls for building 12.1 miles of a 30-inch natural gas main within the existing rights-of-way along Route 539 and Route 547 in Jackson Township, Manchester Township and Plumsted Township in the Pinelands. The total length of the project is 30 miles, as it would start in Chesterfield Township, Burlington County, which is outside of the Pinelands.

New Jersey Natural Gas applied to build the pipeline in April 2015. The Pinelands Commission issued a Consistent Certificate of Filing for the project on December 9, 2015.

As was the case with the South Jersey Gas application, several legal appeals were filed. In December 2016, the Pinelands Commission adopted a resolution seeking a remand from the Appellate Division so that the Commission can review the staff's consistency determination in accordance with the same process that will be followed for the South Jersey Gas application.

The Commission's staff accepted and reviewed public comments, then issued a report recommending that the application be approved by full Commission.

Violations

The Pinelands Commission continues its efforts to provide assistance to municipalities in pursuing and resolving violations of the local land use ordinances and Pinelands regulations. A total of 47 violations were identified in 2017.

Commission staff members work with Pinelands municipalities to resolve violations. One example of a violation that was resolved in 2017 involved the clearing of 7,000 square feet of land for recreational purposes and the establishment of a gun range in Ocean Township. The

clearing requires an application to the Commission, and the gun range is not a permitted use on the parcel. The Township's Zoning Officer advised the Commission of the violation. The Commission notified the landowner of the violation, noting that the gun range must be removed. Additionally, the landowner was required to submit a schedule for restoring and reforesting the cleared land. The owner of the land has submitted a reforestation plan, which was accepted by the Commission's staff.

Public Information, Participation & Education

Outreach and Education

The Commission's Communications and Public Programs Office staff handled 130 press inquiries and responded to more than 6,200 public inquiries regarding the Pinelands in 2017.

Staff organized and carried out its eleventh annual, Pinelands-themed World Water Monitoring Challenge event. Held at the historic Batsto Village, the event attracted nearly 200 students and teachers who gauged Pinelands water quality and learned about the importance of protecting the region's unique natural and historic resources.



Above: Commission staff educated nearly 250 students during the World Water Monitoring Challenge at Batsto in 2017.

Photo/Paul Leakan

The students measured the levels of pH or acidity in water, as well as water clarity, temperature and dissolved oxygen. Water in the Pinelands is generally undisturbed, has a low pH and low dissolved solids, enabling it to support uniquely adapted Pinelands plants and animals. The students' findings were posted on the World Water Monitoring Day Web site, where test results can be compared over time. In addition to assisting with the water tests, staff from the Pinelands Commission used nets to catch native Pinelands fish and demonstrated how the Commission protects wetlands and habitat for rare plants and animals. In addition to the World Water Monitoring Challenge, Commission staff members educated approximately 700 students during in-class education programs and field trips in 2017.

Pinelands Short Course: Two events in one year

In 2017, the Commission and Stockton University teamed up to organize and carry out the 28th annual Pinelands Short Course on March 11th and the first-ever Summer Short Course on July 27th.

The event in March was held at Stockton's main campus in Galloway Township, while the event in July was held at Stockton's Kramer Hall academic building in the Town of Hammonton.

More than 600 people attended the March event, which featured 38 presentations that explored the unique history, ecology, culture and music of the Pinelands.

Meanwhile, the Summer Short Course attracted 80 participants, and it included six field trips and seven classroom presentations.



Above: Attendees of the first-ever Pinelands Summer Short Course had an opportunity to sample blueberries during a tour of the Atlantic Blueberry Farm in Hammonton. Photo/Paul Leakan

Both events are registered with the New Jersey Department of Education, and professional development credits are available to New Jersey teachers who attend.

Pinelands Exhibits

The Commission continued to advance a major project to install Pinelands-themed exhibits in portions of its headquarters. During 2017, the Commission staff worked to obtain all necessary permits for the construction and installation of the exhibits. Construction is expected to commence in 2018.

Finances

Fiscal & Budget

The Commissions Operating Budget for Fiscal Year 2018 totaled \$5,025,838. Of this, \$4,286,323, or 85% percent, was budgeted for personnel expenses.

Budgeted revenue sources included \$658,500 in federal grants, a \$2,649,000.00 State appropriation, \$781,800 in State grants and other State funding, \$340,000 in application fees and \$596,538 from the Commissions fund balance and reserves.

The 2018 budget for the Kirkwood-Cohansey Study, funded through legislation passed in 2001, was \$163,792. The budget for the Pinelands Conservation Fund was \$1,299,075.

The Commissions Audit Report for Fiscal Year 2016, which ended June 30, 2016, is posted on the State Auditors web site. The website address is:

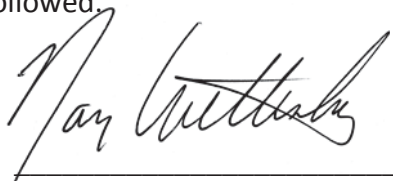
http://www.njleg.state.nj.us/legislativepub/auditreports_department.asp.

Pinelands Application Fees

Since April 2004, the Pinelands Commission has received application fees to partially underwrite the direct costs associated with reviewing development applications in the Pinelands Area. During Fiscal Year 2018, unaudited application fee revenues totaled \$412,882 (\$69,684 more than Fiscal Year 2017).

Certification

As required by State Executive Order #37, all State authorities are required to certify that during the preceding year the authority has, to the best of its knowledge, followed all of the authority's standards, procedures, and internal controls. I hereby certify to the best of my knowledge that, during the 2017 calendar year, all of the Commission's standards, procedures, and internal controls were followed.



Nancy Wittenberg
Executive Director

