



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20- 26

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1983-5250.015 & 1983-5765.007)

Commissioner Pikolycky moves and Commissioner Avery 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:

1983-5250.015

Applicant: Atlantic Cape Community College
Municipality: Hamilton Township
Management Area: Pinelands Regional Growth Area
Date of Report: August 20, 2020
Proposed Development: Construction of a baseball field, a 12,140 square foot building containing athletic training areas and associated development; and

1983-5765.007

Applicant: Atlantic County Facilities Management
Municipality: Hamilton Township
Management Area: Pinelands Forest Area
Pinelands Regional Growth Area
Date of Report: August 20, 2020
Proposed Development: Improvements to the Atlantic County Lake Lenape Park.

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 1983-5250.015 & 1983-5765.007 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*			
Avery	X			Irick	X			Pikolycky	X		
Christy	X			Jannarone		X		Quinn			X
Earlen	X			Lloyd	X			Rohan Green			X
Howell	X			Lohbauer	X			Prickett	X		

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 11, 2020

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

August 20, 2020

Jean McAlister (via email)
Atlantic Cape Community College
5100 Black Horse Pike
Mays Landing, NJ 08330

Re: Application # 1983-5250.015
Block 996, Lot 26
Hamilton Township

Dear Ms. McAlister:

The Commission staff has completed its review of this application for construction of a baseball field, a 12,140 square foot building containing athletic training areas and associated development. 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 September 11, 2020 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, Hamilton Township Planning Board (via email)
Hamilton Township Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)
Cormac Morrissey, PE, PP, CME (via email)



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Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

August 20, 2020

Jean McAlister (via email)
Atlantic Cape Community College
5100 Black Horse Pike
Mays Landing, NJ 08330

Application No.: 1983-5250.015
Block 996, Lot 26
Hamilton Township

This application proposes construction of a baseball field, a 12,140 square foot building containing athletic training areas, a concession stand with restrooms and associated development located on the above referenced 312.73 acre parcel in Hamilton Township. The existing Atlantic Cape Community College campus is located on the parcel.

The application also proposes a 765 linear foot paved walking path and 1,123 linear feet of 12 foot wide paved road to provide access to the baseball field.

STANDARDS

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

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

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

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

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

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to plant grasses suitable for an athletic field. The Commission staff has not required applicants to meet this CMP grass guideline for athletic fields.

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

The proposed development will be serviced by public sanitary sewer.

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

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

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on July 9, 2020. Newspaper public notice was completed on July 9, 2020. The application was designated as complete on the Commission's website on July 16, 2020. The Commission's public comment period closed on August 14, 2020. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of seven sheets, prepared by Dixon Associates Engineering, LLC and dated as follows:

Sheets 1, 4 & 6 - February 27, 2020; last revised June 26, 2020
Sheets 2, 3, 5 & 7 - February 27, 2020; last revised June 8, 2020
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



State of New Jersey

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

RICHARD PRICKETT
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 by the Commission's office no later than 5:00 PM on September 7, 2020 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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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

August 20, 2020

Leslie MacDonnell, Asst. Chief Administrative Services (via email)
Atlantic County Facilities Management
1333 Atlantic Avenue
Atlantic City, NJ 08401

Re: Application # 1983-5765.007
Block 588, Lot 75.01
Hamilton Township

Dear Ms. MacDonnell:

The Commission staff has completed its review of this application for improvements to the Atlantic County Lake Lenape Park. 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 September 11, 2020 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, Hamilton Township Planning Board (via email)
Hamilton Township Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)
Jeanmarie Murphy (via email)
Dan Jones (via email)
Thomas Stark (via email)



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RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

August 20, 2020

Leslie MacDonnell, Asst. Chief Administrative Services (via email)
 Atlantic County Facilities Management
 1333 Atlantic Avenue
 Atlantic City, NJ 08401

Application No.: 1983-5765.007
 Block 588, Lot 75.01
 Hamilton Township

This application proposes improvements to the Atlantic County Lake Lenape Park located on the above referenced 14.84 acre parcel in Hamilton Township.

The existing park includes several pavilions, a catering hall, a park ranger station, docks, walkways and a playground. The application also proposes to remove two small storage buildings, 50 years old or older, and sections of concrete walkways. The application further proposes the construction of two open sided pavilions, walkways, two access ramps, a pickleball court and a 37 space paved and permeable pavement parking lot.

The Atlantic County Lake Lenape Park is located partially in a Pinelands Regional Growth Area and partially in a Pinelands Forest Area. The portion of the Atlantic County Lake Lenape Park located in a Pinelands Forest Area is subject of an existing Memorandum of Agreement (MOA) between Atlantic County and the Pinelands Commission. That MOA specifies the type, and limits the extent, of development that is permitted in the Pinelands Forest Area portion of the Atlantic County Lake Lenape Park. The parcel subject of this application is located in the Pinelands Regional Growth Area portion of the parcel. The portion of the Atlantic County Lake Lenape Park located in the Pinelands Regional Growth Area is not subject of the MOA.

STANDARDS

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

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

The portion of the parcel proposed to be developed is located in a Pinelands Regional Growth Area. The proposed development is a permitted land use in a Pinelands Regional Growth Area.

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

There are wetlands located on the above referenced parcel. Based upon the location of existing development on the parcel closer to wetlands, the proposed development will not result in a significant adverse impact on wetlands.

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

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

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

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

The existing recreational facility is serviced by public sanitary sewer.

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

The proposed development will result in a decrease of impervious surfaces by 2,664 square feet. There will be no increase in the volume and rate of stormwater runoff from the project after the development than occurred prior to the proposed development. The proposed development is consistent with the CMP stormwater management standard.

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on June 18, 2020. Newspaper public notice was completed on June 19, 2020. The application was designated as complete on the Commission's website on July 9, 2020. The Commission's public comment period closed on August 14, 2020. The Commission received two written requests for a copy of the development plan, which the staff provided. No additional requests for information or comments were received.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 14 sheets, prepared by Remington & Vernick Engineers and dated as follows:

Sheets 1-3 & 5-14 - October 2, 2019

Sheet 4 -October 5, 2018; last revised December 19, 2019

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



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RICHARD PRICKETT
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 by the Commission's office no later than 5:00 PM on September 7, 2020 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. PC4-20- 27

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 1982-2787.003)

Commissioner Avery moves and Commissioner Lohbauer seconds the motion that:

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

1982-2787.003

Applicant:	Monroe Township
Municipality:	Monroe Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	August 20, 2020
Proposed Development:	Construction of a 4,550 square foot addition to a municipal fire station and associated site improvements.

WHEREAS, in a prior application (App. No. 1982-2787.002) to the Commission for construction of a communications tower, the applicant proposed to re-vegetate approximately 4,700 square feet of a required buffer to wetlands that was cleared on the parcel and that re-vegetation has not occurred, and

WHEREAS, not completing the proposed re-vegetation of the required buffer to wetlands continues to constitute a violation of the wetland protection standards of the Pinelands Comprehensive Management Plan (CMP); and

WHEREAS, the subsequent placement of two 100 square foot storage containers within the previously cleared required buffer to wetlands on the parcel also constitutes a violation of the wetlands protection standards of the CMP; and

WHEREAS, the applicant proposes to address these two violations by re-vegetating the cleared wetlands buffer and removing the two storage containers, both by November 30, 2020; and

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1982-2787.003 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Irick	X				Pikolycky	X			
Christy	X				Jannarone			X		Quinn			X	
Earlen	X				Lloyd	X				Rohan Green			X	
Howell	X				Lohbauer	X				Prickett	X			

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 11, 2020

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



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Lt. Governor

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

August 20, 2020

Joseph P. Marino, III (via email)
Monroe Township Municipal Building
125 Virginia Avenue
Williamstown, NJ 08094

Re: Application # 1982-2787.003
Block 8601, Lot 24
Block 8708, Lot 1
Monroe Township

Dear Mr. Marino:

The Commission staff has completed its review of this application for construction of a 4,550 square foot addition to a municipal fire station and associated site improvements. 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 September 11, 2020 meeting.

In a prior application to the Commission for construction of a communications tower (App. No. 1982-2787.002), the applicant proposed to re-vegetate approximately 4,700 square feet of wetlands buffer that had been disturbed on the parcel. The proposed re-vegetation has not occurred. The current application proposes to re-vegetate the disturbed area within the wetlands buffer by November 30, 2020. Additionally, two 100 square foot storage containers have been placed within the required buffer to wetlands on the parcel. The current application proposes to remove these storage containers by November 30, 2020. Both the disturbance of the wetlands buffer and the placement of the two storage containers in the wetlands buffer constitute violations of the wetland protection standards of the Monroe Township land use ordinance and the Pinelands Comprehensive Management Plan.

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,

A handwritten signature in black ink, appearing to read 'C. M. Horner', with a long horizontal flourish extending to the right.

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Monroe Township Planning Board (via email)
Monroe Township Construction Code Official (via email)
Monroe Township Environmental Commission (via email)
Secretary, Gloucester County Planning Board (via email)
Andrew Banff (via email)



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 Lt. Governor

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

RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

August 20, 2020

Joseph P. Marino, III (via email)
 Monroe Township Municipal Building
 125 Virginia Avenue
 Williamstown, NJ 08094

Application No.: 1982-2787.003
 Block 8601, Lot 24
 Block 8708, Lot 1
 Monroe Township

This application proposes construction of a 4,550 square foot addition to a municipal fire station and associated site improvements located on the above referenced 3.15 acre parcel in Monroe Township.

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.5) provides that the Commission’s Executive Director, after consultation with the Chairperson of the Pinelands Commission, may authorize immediate action when it is necessary to remedy a condition dangerous to life, health or safety. On July 29, 2020, the Commission’s Executive Director, after consultation with the Chairperson of the Commission, issued a letter authorizing the immediate construction of the proposed fire station addition to eliminate a public safety condition. The Commission’s July 29, 2020 letter required that an after-the-fact application for the proposed development be completed with the Commission. This application satisfies that requirement.

In a prior application to the Commission for construction of a communications tower (App. No. 1982-2787.002), the applicant proposed to re-vegetate approximately 4,700 square feet of wetlands buffer that had been disturbed on the parcel. The proposed re-vegetation has not occurred. The current application proposes to re-vegetate the disturbed area within the wetlands buffer by November 30, 2020. Additionally, two storage containers have been placed within the required buffer to wetlands on the parcel. The current application proposes to remove these storage containers by November 30, 2020. Both the disturbance of the wetlands buffer and the placement of the two 100 square foot storage containers in the wetlands buffer constitute violations of the wetland protection standards of the Monroe Township land use ordinance and the Pinelands Comprehensive Management Plan.

STANDARDS

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

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

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

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

There are wetlands located on the above referenced parcel. Based upon the location of the proposed development and the location of existing development closer to wetlands, the applicant has demonstrated that the proposed development will not result in a significant adverse impact on wetlands.

To resolve the violation of the wetland protection standards of the Monroe Township land use ordinance and the CMP, the applicant proposes to re-vegetate a previously disturbed area in the required buffer to wetlands with native vegetation and remove two storage containers from the required buffer to wetlands.

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

The proposed development will be located within existing impervious and stoned areas and an area occupied by a portion of the existing fire station building.

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

The parcel is serviced by public sanitary sewer.

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on July 9, 2020. Newspaper public notice was completed on July 9, 2020. The application was designated as complete on the Commission's website on July 30, 2020. The Commission's public comment period closed on August 14, 2020. No public comment was received by the Commission regarding the application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the site plan, consisting of eleven sheets, prepared by Pennoni Associates, Inc. and dated as follows:

Sheets 1, 3-5 & 9 - February 24, 2020; revised July 23, 2020

Sheets 2, 6, 7 & 11 - February 24, 2020

Sheet 8 - July 23, 2020

Sheet 10 - February 24, 2020; revised August 5, 2020

Restoration Plan, consisting of one sheet, prepared by Pennoni Associates, Inc., dated July 9, 2020 and revised August 5, 2020

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
6. The applicant shall remove two storage containers and re-vegetate the approximately 4,700 square foot area by November 30, 2020.

CONCLUSION

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



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RICHARD PRICKETT
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 by the Commission's office no later than 5:00 PM on September 7, 2020 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. PC4-20-28

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 1985-0462.005)

Commissioner Lohbauer moves and Commissioner Irick seconds the motion that:

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

1985-0462.005

Applicant:	Ocean County Department of Planning
Municipality:	Manchester Township
Management Area:	Pinelands Forest Area
	Pinelands Town
Date of Report:	August 21, 2020
Proposed Development:	Thinning of 152 acres of forest to create a forest fire fuel break

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1985-0462.005 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Irick	X				Pikolycky	X			
Christy	X				Jannarone			X		Quinn			X	
Earlen	X				Lloyd	X				Rohan Green			X	
Howell	X				Lohbauer	X				Prickett	X			

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 11, 2020

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20- 29

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 1985-0949.039)

Commissioner Lohbauer moves and Commissioner Irick seconds the motion that:

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

1985-0949.039

Applicant: Ocean County
Municipality: Lacey Township
Management Area: Pinelands Forest Area
 Pinelands Preservation Area District
Date of Report: August 20, 2020
Proposed Development: Construction of an 8,653 square foot salt storage dome at Ocean County maintenance facility.

WHEREAS, 13,000 square feet on the parcel was cleared and utilized for the storage of vehicles without application to, and approval by, the Commission and this development constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP); and

WHEREAS, the applicant has addressed this violation by removing the vehicles and submitting a re-vegetation plan proposing to plant approximately 450 Pitch pines in the 13,000 square foot cleared area; and

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1985-0949.039 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Avery	X			Irick	X			Pikolycky	X		
Christy	X			Jannarone		X		Quinn			X
Earlen	X			Lloyd	X			Rohan Green			X
Howell	X			Lohbauer	X			Prickett	X		

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 11, 2020

Nancy Wittenberg
 Executive Director



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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

August 20, 2020

Michael Fiure, Director of Management and Budget (via email)
Ocean County
PO Box 2191
Toms River, NJ 08753

Re: Application # 1985-0949.039
Block 2825, Lot 3
Lacey Township

Dear Mr. Fiure:

The Commission staff has completed its review of this application for construction of an 8,653 square foot salt storage dome at Ocean County maintenance facility. The application also proposes three storage buildings. 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 September 11, 2020 meeting.

A 13,000 square foot area on the parcel was cleared and utilized for the storage of vehicles without application to the Commission. This development constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP). The applicant has removed the vehicles and submitted a re-vegetation plan proposing to plant approximately 450 Pitch pines in the concerned 13,000 square foot area.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Lacey Township Planning Board (via email)
Lacey Township Construction Code Official (via email)
Lacey Township Environmental Commission (via email)
Secretary, Ocean County Planning Board (via email)
Matthew Smith (via email)
Massimo Yezzi, Jr. (via email)



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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

RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

August 20, 2020

Michael Fiure, Director of Management and Budget (via email)
 Ocean County
 PO Box 2191
 Toms River, NJ 08753

Application No.: 1985-0949.039
 Block 2825, Lot 3
 Lacey Township

This application proposes construction of an 8,653 square foot salt storage dome at Ocean County maintenance facility located on the above referenced 358.41 acre parcel in Lacey Township. This application also proposes the construction of two 663 square foot storage buildings and a 4,800 square foot storage building. The County maintenance facility is located immediately adjacent to, but is not a part of the Robert Miller Airport.

The applicant proposes to demolish five existing storage buildings, less than 50 years old, on the parcel. The demolition of a building (structure) less than 50 year old does not require the completion of an application to the Commission. The five existing storage buildings contain approximately 12,700 square feet.

A 13,000 square foot area on the parcel was cleared and utilized for the storage of vehicles without application to the Commission. This development constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP). The applicant has removed the vehicles and submitted a re-vegetation plan proposing to plant approximately 450 Pitch pines in the concerned 13,000 square foot area.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.2)

The parcel is located partially in the Pinelands Preservation Area District (358 acres) and partially in a Pinelands Forest Area (0.41 acres). The proposed development will be located within the Preservation Area District portion of the parcel. The maintenance facility existed prior to January 14, 1981, the date the CMP was adopted and is a pre-existing nonconforming use in the Preservation Area District. The

CMP (N.J.A.C. 7:50-5.2(b)) permits a fifty percent expansion of a nonconforming use in the Preservation Area District provided the area of the expansion does not exceed fifty percent of the area of the use or the capacity of the use, whichever is applicable, existing on January 14, 1981. Prior to January 14, 1981, the maintenance facility occupied approximately five acres of the parcel. The development subject of this application will be located in the five acre portion of the parcel that was developed as a maintenance facility as of January 14, 1981. The proposed development constitutes a less than fifty percent expansion of the area of the use existing as of January 14, 1981. The area of the development subject of this application meets the CMP fifty percent expansion provision and is a permitted land use.

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

The proposed development will be located over existing paved surfaces. No clearing or soil disturbance is required for the proposed development.

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on June 29, 2020. Newspaper public notice was completed on July 2, 2020. The application was designated as complete on the Commission's website on July 20, 2020. The Commission's public comment period closed on August 14, 2020. 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 (Sheets 4-7), prepared by O'Donnell, Stanton & Associates, Inc., all sheets dated March 30, 2017 and last revised February 14, 2020.
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.
4. The concerned 13,000 square foot area shall be revegetated in accordance with the above referenced plan by November 30, 2020.

CONCLUSION

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



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

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

RICHARD PRICKETT
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 by the Commission's office no later than 5:00 PM on September 7, 2020 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. PC4-20-30

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1992-0102.007 & 1999-0303.002)

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:

1992-0102.007

Applicant: New Jersey Division of Property Management & Construction
Municipality: Washington Township
Management Area: Pinelands Preservation Area District
Date of Report: August 20, 2020
Proposed Development: Construction of a 2,400 square foot storage building for the New Jersey Department of Environmental Protection, Division of Marine Law Enforcement; and

1999-0303.002

Applicant: Borough of Medford Lakes
Municipality: Borough of Medford Lakes
Management Area: Pinelands Regional Growth Area
Date of Report: August 20, 2020
Proposed Development: Construction of a walking path and dock at the Medford Lake Municipal Building.

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 1992-0102.007 & 1999-0303.002 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*			
Avery	X			Irick	X			Pikolycky	X		
Christy	X			Jannarone		X		Quinn			X
Earlen	X			Lloyd	X			Rohan Green			X
Howell	X			Lohbauer	X			Prickett	X		

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 11, 2020

Nancy Wittenberg
Executive Director

Richard Prickett
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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

August 20, 2020

Robert Burton (via email)
Borough of Medford Lakes
1 Cabin Circle Drive
Medford Lakes, NJ 08055

Re: Application # 1999-0303.002
Block 30001, Lot 1.01
Borough of Medford Lakes

Dear Mr. Burton:

The Commission staff has completed its review of this application for construction of a walking path and dock at the Borough of Medford Lakes Municipal Building. 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 September 11, 2020 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, Borough of Medford Lakes Planning Board (via email)
Borough of Medford Lakes Construction Code Official (via email)
Borough of Medford Lakes Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
C. Jeremy Noll, PE (via email)



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

RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

August 20, 2020

Robert Burton (via email)
 Borough of Medford Lakes
 1 Cabin Circle Drive
 Medford Lakes, NJ 08055

Application No.: 1999-0303.002
 Block 30001, Lot 1.01
 Borough of Medford Lakes

This application proposes construction of a walking path and dock on the above referenced 0.45 acre parcel in the Borough of Medford Lakes. The Borough of Medford Lakes Municipal Building is located on the parcel.

This application proposes 175 linear feet of four feet wide walking path. The walking path will be surfaced with permeable pavers. The proposed 18 foot long dock will be located on Ballinger Lake. The applicant also proposes native landscaping and interpretive signs.

STANDARDS

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

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

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

Wetlands Standards (N.J.A.C. 7:50-6.12(b) & 6.13)

There are wetlands located within 300 feet of the proposed development. The proposed dock will result in the disturbance of 160 square feet of open water wetlands. The proposed walkway will be located within 300 feet of wetlands.

The CMP permits public docks in wetlands provided the applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is a need for the facility that cannot be met by existing facilities and that the development conforms with all state and federal regulations. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands.

The CMP permits linear improvements, such as the proposed walkway, in the required buffer to wetlands provided the applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in wetland buffers or that will result in a less significant adverse impact to wetland buffers. In addition, the proposed walkway will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetland buffer. The applicant has indicated that the proposed walkway will provide the general public with access to Ballinger Lake. The applicant has demonstrated that the need for the proposed walkway overrides the importance of protecting the wetland buffer.

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

The proposed development will be located within existing maintained grassed areas with sparse scrub undergrowth. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the development.

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

PUBLIC COMMENT

The CMP defines the proposed improvements 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 July 29, 2020. The Commission’s public comment period closed on August 14, 2020. 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 five sheets, prepared by Environmental Resolutions, Inc., all sheets dated May 8, 2020 and last revised July 23, 2020.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

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



State of New Jersey

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

RICHARD PRICKETT
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 by the Commission's office no later than 5:00 PM on September 7, 2020 and include the following information:

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

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



State of New Jersey

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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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

August 20, 2020

Eugene Cardone
New Jersey Division of Property Management & Construction (via email)
20 West State Street 3rd Floor
Trenton, NJ 08608

Re: Application # 1992-0102.007
Block 53.01, Lot 26
Washington Township

Dear Mr. Cardone:

The Commission staff has completed its review of this application for construction of a 2,400 square foot storage building for the New Jersey Department of Environmental Protection. 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 September 11, 2020 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)
Dante Guzzi, PE (via email)



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PHILIP D. MURPHY
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Lt. Governor

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

August 20, 2020

Eugene Cardone
New Jersey Division of Property Management & Construction (via email)
20 West State Street 3rd Floor
Trenton, NJ 08608

Application No.: 1992-0102.007
Block 53.01, Lot 26
Washington Township

This application proposes construction of a 2,400 square foot storage building for the New Jersey Department of Environmental Protection (NJDEP), Division of Marine Law Enforcement on the above referenced 321.37 acre parcel in Washington Township. The parcel is owned by the NJDEP. There is an existing maintenance facility for Wharton State Forest 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. 7:50-5.2)

The parcel is located in the Pinelands Preservation Area District. The maintenance facility existed prior to January 14, 1981, the date the CMP was adopted and is a pre-existing nonconforming use in the Preservation Area District. The CMP (N.J.A.C. 7:50-5.2(b)) permits a fifty percent expansion of a nonconforming use in the Preservation Area District provided the area of the expansion does not exceed fifty percent of the area of the use or the capacity of the use, whichever is applicable, existing on January 14, 1981. Prior to January 14, 1981, the maintenance facility was comprised of eight buildings with a total area of 11,625 square feet. There are six buildings currently located on the parcel comprising a total area of 10,052 square feet. The proposed 2,400 square foot storage building will constitute a less than fifty percent expansion of the building area existing as of January 14, 1981. The proposed storage building subject of this application meets the CMP fifty percent expansion of a nonconforming use provision and is a permitted land use.

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

There are wetlands located on the parcel. The proposed development, including clearing and land disturbance, will be located at least 300 feet from wetlands.

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

The proposed development will be located in an existing maintained grassed area with sparse trees. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes natural re-vegetation.

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 July 22, 2020. The Commission’s public comment period closed on August 14, 2020. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of two sheets, prepared by Dante Guzzi Engineering Associates, both sheets dated October 16, 2019 and last revised June 3, 2020.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
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PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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

RICHARD PRICKETT
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 by the Commission's office no later than 5:00 PM on September 7, 2020 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. PC4-20- 31

TITLE: Issuing an Order to Certify Ordinance 2020-3, Amending Ordinances 1998-4, 1998-11, and 2001-8 of Woodland Township.

Commissioner Avery moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, on September 9, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Woodland Township; and

WHEREAS, Resolution #PC4-83-78 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to 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 #PC4-83-78 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 June 23, 2020, Woodland Township adopted Ordinance 2020-3, amending Ordinances 1998-4, 1998-11, and 2001-8 of Woodland Township by revising Section 1711, Resource Extraction, in order to extend the duration of mining permits from two to five years; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 2020-3 on July 13, 2020; and

WHEREAS, by letter dated July 15, 2020, the Executive Director notified the Township that Ordinance 2020-3 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 2020-3 was duly advertised, noticed and remotely held on August 5, 2020 at 9:30 a.m. with live broadcast on the Pinelands Commission's public YouTube channel and opportunity for the public to call in and provide oral testimony; and

WHEREAS, the Executive Director has found that Ordinance 2020-3 is 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 Ordinance 2020-3, amending Ordinances 1998-4, 1998-11, and 2001-8 of Woodland Township, is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Ordinance 2020-3 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 2020-3 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 Ordinance 2020-3, amending Ordinances 1998-4, 1998-11, and 2001-8 of Woodland Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Woodland Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Avery	X			Irick	X			Pikolycky	X		
Christy	X			Jannarone		X		Quinn			X
Earlen	X			Lloyd	X			Rohan Green			X
Howell	X			Lohbauer	X			Prickett	X		


*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 11, 2020



 Nancy Wittenberg
 Executive Director



 Richard Prickett
 Chairman



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 THE PINELANDS COMMISSION
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 Governor
 SHEILA Y. OLIVER
 Lt. Governor

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

RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

**REPORT ON ORDINANCE 2020-3, AMENDING ORDINANCES
 1998-4, 1998-11, AND 2001-8 OF WOODLAND TOWNSHIP**

August 28, 2020

Woodland Township
 PO Box 388
 Chatsworth, NJ 08019

FINDINGS OF FACT

I. Background

The Township of Woodland is located in eastern Burlington County, in the central portion of the Pinelands Area. Pinelands municipalities that border Woodland Township include the Townships of Bass River, Pemberton, Southampton, Tabernacle, and Washington in Burlington County, and the Townships of Barnegat, Lacey, Manchester, and Stafford in Ocean County.

On September 9, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Woodland Township.

On September 9, 1994, the Pinelands Commission adopted amendments to the Pinelands Comprehensive Management Plan (CMP) that, among other things, provided Pinelands Area municipalities with the option to extend the duration of mining permits from two years up to five years. The amendment specified that any municipality that opted to issue mining permits with durations exceeding two years was also required to adopt additional standards to ensure that the approved resource extraction activity maintains compliance with all local approvals for the duration of the permit (7:50-6.64(a)).

On June 23, 2020, Woodland Township adopted Ordinance 2020-3, amending Ordinances 1998-4, 1998-11, and 2001-8. Ordinance 2020-3 amends Section 1711, Resource Extraction, by extending the duration of resource extraction permits from two to five years. The ordinance also establishes additional resource extraction permit approval conditions to ensure that permitted resource extraction activities maintain conformance with Township Land Use Board approvals. The ordinance also includes minor corrections to resource extraction application requirements and standards.

The Pinelands Commission received a certified copy of Ordinance 2020-3 on July 13, 2020. By letter dated July 15, 2020, the Executive Director notified the Township that Ordinance 2020-3 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following ordinance has been submitted to the Pinelands Commission for certification:

- * Ordinance 2020-3, amending Ordinances 1998-4, 1998-11, and 2001-8, introduced on May 27, 2020 and adopted on June 23, 2020.

This ordinance has been reviewed to determine whether it conforms with the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50-3.39 of the Pinelands Comprehensive Management Plan (CMP). The findings from this review are presented below. The numbers used to designate the 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 Master Plans and Land Use Ordinances Relating to Development Standards**

Ordinance 2020-3 amends Section 1711, Resource Extraction, by extending the duration of resource extraction permits from two to five years. The ordinance also establishes additional resource extraction permit approval condition to ensure that approved resource extraction activities maintain compliance with Township Land Use Board approvals for the duration of the permit. The ordinance also includes minor corrections to resource extraction application requirements and standards.

Ordinance 2020-3 establishes new resource extraction permit conditions. The conditions require that all resource extraction operators certify, in writing and on an annual basis, that all mining, restoration, and other activities have been, and continue to be, conducted in accordance with approved permits. It further provides that if the Township Land Use Board or the Commission's Executive Director determines that any activity deviates from an approved permit, the operator shall be immediately notified of the deviation. The notice must state the nature of the deviation; order the action necessary to correct it; and, set forth the date, time and location of a meeting to be held within ten days of the notice, at which the mine operator shall present all relevant information concerning the deviation and the action taken or to be taken to correct it. The order to take corrective action must specify any activity which must be immediately ceased to prevent direct or indirect aggravation of the deviation or to avoid a danger to the public health, safety or welfare. Failure to resolve a deviation or to adhere to the terms and conditions of any agreement to resolve a deviation will constitute sufficient cause for revocation of the mining permit. Either the Township's Land Use Board or the Executive Director may institute proceedings for revocation of the permit. Additionally, Ordinance 2020-3 includes minor corrections to

resource extraction application requirements and standards to account for changes in terminology that have been adopted through various amendments to CMP over time.

The provisions included in Ordinance 2020-3 include the minimum requirements for a municipality to issue resource extraction permits with a five-year duration (N.J.A.C. 7:50-6.64). Woodland Township Ordinance 2020-3 is consistent with the land use and development standards of the Comprehensive Management Plan.

This standard for certification is met.

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

As currently certified, Section 1711, Resource Extraction, of Woodland Township's Ordinance 1998-4, as amended, includes an extensive list of required documents that must accompany any resource extraction permit application. The ordinance explicitly requires that such applications include a Certificate of Filing from the Pinelands Commission. Ordinance 2020-3 maintains these application requirements, with minor corrections, and conforms to the CMP's application requirements for resource extraction (N.J.A.C. 7:50-4.2(b)6).

Therefore, this standard for certification is met.

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

Woodland Township's certified land use and development ordinances require that no local permit shall be effective until the Pinelands Commission's review process has been completed (N.J.A.C. 7:50-4.31 through 4.42). Ordinance 2020-3 does not revise any of these procedures.

However, it is noted that the CMP requires that municipalities granting resource extraction permits for any period exceeding two years must adopt additional standards to ensure that the approved mining activity maintains compliance with all local approvals for the duration of the permit (7:50-6.64(a)). As detailed above, Ordinance 2020-3 adequately incorporates the required provisions into the Township's ordinance.

Ordinance 2020-3 is consistent with the provisions of the Pinelands Comprehensive Management Plan relating to the review of local permits. This standard for certification is met.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Not applicable.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Woodland Township Ordinance 2020-3 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan.

Therefore, this standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Woodland Township Ordinance 2020-3 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

Therefore, this standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

Not applicable.

PUBLIC HEARING

A public hearing to receive testimony concerning Woodland Township's application for certification of Ordinance 2020-3 was duly advertised, noticed and held on August 5, 2020 at 9:30 a.m. Ms. Grogan conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call in during the public hearing to provide oral testimony. No such testimony was received.

Written comments on Ordinance 2020-3 were accepted through August 10, 2020. However, no written comments were received.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 2020-3, amending Ordinances 1998-4, 1998-11, and 2001-8 of Woodland Township, complies with the 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 Ordinance 2020-3 of Woodland Township.

SRG/DBL/CWO