



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-23- 16

TITLE: Expressing the Commission's Gratitude and Appreciation for the Late Robert C. Shinn, Jr., for His Extraordinary Service as a Founding Member of the New Jersey Pinelands Commission and His Contributions to the Pinelands

Commissioner Pikolycky moves and Commissioner Lloyd seconds the motion that:

WHEREAS, Robert C. Shinn, Jr., served as Burlington County's representative on the Pinelands Commission from the agency's creation in 1979 until 1985; and

WHEREAS, during his tenure on the Commission, Commissioner Shinn served as the agency's first Vice Chairman and played a major role in helping to build the foundation of the Pinelands protection program; and

WHEREAS, during his tenure on the Commission, Commissioner Shinn demonstrated his dedication and devotion to the Pinelands by attending numerous Commission public meetings, including over 40 in 1980 alone as the Commission worked to draft the Pinelands Comprehensive Management Plan; and

WHEREAS, on November 21, 1980, Commissioner Shinn voted to adopt the original Pinelands Comprehensive Management Plan; and

WHEREAS, Commissioner Shinn thereafter served as an active member of the newly formed Conformance and Plan Review Subcommittees, until his resignation from the Commission in 1985; and

WHEREAS, Commissioner Shinn championed numerous efforts to protect New Jersey's environment and devoted decades of his life in public service. He was an aircraft mechanic while serving in the United States Army during the Korean War. He served as a Hainesport Township Committeeman from 1968 to 1977, including two years as Mayor. He served on the Pinelands Environmental Council, the precursor to the Pinelands Commission, in the early 1970s. He served on the then-Burlington County Board of Chosen Freeholders from 1977 to 1985, a tenure that included securing the first conservation easement in the Pinelands. He served as a state Assemblyman from 1985 to 1994, and he was the Commissioner of the New Jersey Department of Environmental Protection (NJDEP) from 1994 to 2002; and

WHEREAS, Commissioner Shinn served as an at-large member of the Pinelands Development Credit Bank's (PDC) Board of Directors from April 2008 until his passing on May 5, 2023; and

WHEREAS, Commissioner Shinn brought a wealth of knowledge, enthusiasm and creativity to his work as a member of the Pinelands Commission and the PDC Bank Board; and

WHEREAS, members of the Commission want to express their gratitude for Commissioner Shinn's decades of public service and significant contributions to the Pinelands protection effort.

NOW, THEREFORE BE IT RESOLVED that the members of the Pinelands Commission hereby express their appreciation for the late Robert C. Shinn, Jr., for his extraordinary service as a member of the Commission and his contributions to the Pinelands, while extending their condolences to his family and friends.

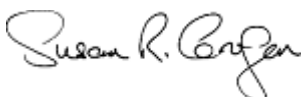
Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta	X				Lettman	X				Pikolycky	X			
Avery	X				Lloyd	X				Wallner	X			
Christy	X				Lohbauer	X				Matos	X			
Holroyd	X				Mauriello	X								
Irick	X				Meade	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 12, 2023



Susan R. Grogan
Executive Director



Laura E. Matos
Chair



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-23- 17

TITLE: Approving With Conditions an Application for Public Development (Application Number 1981-0462.007)

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:

1981-0462.007

Applicant: Shamong Township Board of Education
Municipality: Shamong Township
Management Area: Pinelands Village
Date of Report: April 19, 2023
Proposed Development: Installation of a fire suppression system well at the Indian Mills Elementary School.

WHEREAS, the fire suppression system well was installed on the parcel without application to, and approval by, the Commission and constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP); and

WHEREAS, the applicant proposes to address this violation by completing this application; 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 1981-0462.007 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

Table with 4 columns of headers (AYE, NAY, NP, A/R*) and 4 rows of names (Asselta, Avery, Christy, Holroyd, Irick, Lettman, Lloyd, Lohbauer, Mauriello, Meade, Pikolycky, Wallner, Matos).

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 12, 2023

Susan R. Grogan signature

Susan R. Grogan Executive Director

Laura E. Matos signature

Laura E. Matos Chair



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

April 19, 2023

Laura Archer, School Business Administrator (via email)
Shamong Township Board of Education
295 Indian Mills Road
Shamong NJ 08088

Re: Application # 1981-0462.007
Block 19.02, Lot 4.01
Shamong Township

Dear Ms. Archer:

The Commission staff has completed its review of this application for the installation of a fire suppression system well at the Indian Mills Elementary School. 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 May 12, 2023 meeting.

The fire suppression system well was installed on the parcel without application to the Commission. The installation of the well constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan. Completion of this application is intended to address the violation.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the 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, Shamong Township Planning Board (via email)
Shamong Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (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

LAURA E. MATOS
 Chair
 SUSAN R. GROGAN
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 19, 2023

Laura Archer, School Business Administrator (via email)
 Shamong Township Board of Education
 295 Indian Mills Road
 Shamong NJ 08088

Application No.: 1981-0462.007
 Block 19.02, Lot 4.01
 Shamong Township

This application proposes the installation of a 110 foot deep fire suppression system well at the Indian Mills Elementary School located on the above referenced 16 acre parcel in Shamong Township.

The fire suppression well was installed on the parcel without application to the Commission. The installation of the well constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP). Completion of this application is intended to address the violation.

CMP REVIEW 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. 7:50-5.27)

The above referenced parcel is located in the Pinelands Village of Indian Mills. A proposed well to service the existing school is a permitted accessory use in a Pinelands Village.

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

The proposed development will be located within an existing maintained non-native grassed area. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

Water Management Standards (N.J.A.C. 7:50-6.86)

The CMP requires that proposed water supply diversions from the Kirkwood-Cohansey aquifer of over 100,000 gallons per day demonstrate consistency with certain water management standards.

There is an existing 150 foot deep potable water well on the parcel that provides water to the school. The existing potable water well utilizes the Kirkwood-Cohansey aquifer. The existing potable water well is subject of a New Jersey Department of Environmental Protection (NJDEP) Water Use Registration. A NJDEP Water Use Registration is required for wells pumping less than 100,000 gallons per day.

The proposed fire suppression system well will also use the Kirkwood-Cohansey aquifer. Together, the existing potable water well and the proposed fire suppression system do not result in a total water supply diversion of more than 100,000 gallons per day from the Kirkwood-Cohansey aquifer. Therefore, the proposed fire suppression system well is not subject to CMP standards for the use of the Kirkwood-Cohansey aquifer. The proposed fire suppression well is consistent with the CMP water management standards.

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 April 3, 2023. The Commission’s public comment period closed on April 14, 2023. 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 sketch submitted on January 30, 2023.
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

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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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
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 May 8, 2023 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. PC4-23- 18

TITLE: Approving With Conditions an Application for Public Development (Application Number 1982-3256.011)

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:

1982-3256.011

Applicant: Shamong Township Board of Education
Municipality: Shamong Township
Management Area: Pinelands Regional Growth Area, Pinelands Rural Development Area
Date of Report: April 19, 2023
Proposed Development: Installation of an irrigation well at the Indian Mills Memorial School.

WHEREAS, the irrigation well subject of this application was installed on the parcel without application to, and approval by, the Commission and constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP); and

WHEREAS, the applicant proposes to address this violation by completing this application; 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 1982-3256.011 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

Table with 4 columns of headers (AYE, NAY, NP, A/R*) and 4 rows of names (Asselta, Avery, Christy, Holroyd, Irick, Lettman, Lloyd, Lohbauer, Mauriello, Meade, Pikolycky, Wallner, Matos).

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 12, 2023

Susan R. Grogan signature

Laura E. Matos signature

Susan R. Grogan Executive Director

Laura E. Matos Chair



State of New Jersey

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SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

April 19, 2023

Laura Archer, School Business Administrator (via email)
Shamong Township Board of Education
295 Indian Mills Road
Shamong NJ 08088

Re: Application # 1982-3256.011
Block 7, Lot 21.02
Shamong Township

Dear Ms. Archer:

The Commission staff has completed its review of this application for the installation of an irrigation well at the Indian Mills Memorial School. 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 May 12, 2023 meeting.

The irrigation well was installed on the parcel without application to the Commission. The installation of the irrigation well constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan. Completion of this application is intended to address the violation.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the 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, Shamong Township Planning Board (via email)
Shamong Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)



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Lt. Governor

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 19, 2023

Laura Archer, School Business Administrator (via email)
Shamong Township Board of Education
295 Indian Mills Road
Shamong NJ 08088

Application No.: 1982-3256.011
Block 7, Lot 21.02
Shamong Township

This application proposes the installation of an 80 foot deep irrigation well at the Indian Mills Memorial School located on the above referenced 38 acre parcel in Shamong Township.

The irrigation well was developed on the parcel without application to the Commission. The development of the irrigation well constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP). Completion of this application is intended to address the violation.

CMP REVIEW 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. 7:50-5.26 & 5.28)

The above referenced parcel is located in a Pinelands Rural Development Area and a Pinelands Regional Growth Area. The existing school is located on the portion of the parcel within the Pinelands Regional Growth Area. The proposed irrigation well will be located within the Pinelands Regional Growth Area. A proposed irrigation well to service the existing school is a permitted 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 maintained grass athletic field. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

Water Management Standards (N.J.A.C. 7:50-6.86)

There is an existing 468 foot deep potable water well on the parcel that provides water to the school. The potable water well utilizes the Wenonah-Mt. Laurel aquifer. The existing potable water well is subject of a New Jersey Department of Environmental Protection (NJDEP) Water Use Registration. An NJDEP Water Use Registration is required for wells pumping less than 100,000 gallons per day.

The proposed irrigation well will utilize the Kirkwood-Cohansey aquifer. Because the proposed irrigation well will not result in a water supply diversion of more than 100,000 gallons per day from the Kirkwood-Cohansey aquifer, it is not subject to CMP standards for use of the Kirkwood-Cohansey aquifer. The proposed irrigation well is consistent with the CMP water management standards.

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 April 3, 2023. The Commission’s public comment period closed on April 14, 2023. 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 sketch submitted on January 30, 2023.
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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Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
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 May 8, 2023 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. PC4-23- 19

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 1986-0122.024)

Commissioner Pikolycky 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:

1986-0122.024

Applicant:	New Jersey Department of Human Services
Municipality:	Woodland Township
Management Area:	Pinelands Preservation Area District
Date of Report:	April 19, 2023
Proposed Development:	Construction of six exterior emergency stairway exits for six buildings at the New Lisbon Developmental Center.

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 1986-0122.024 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*
Asselta	X				Lettman	X				Pikolycky	X			
Avery	X				Lloyd	X				Wallner	X			
Christy	X				Lohbauer	X				Matos	X			
Holroyd	X				Mauriello	X								
Irick	X				Meade	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 12, 2023

Susan R. Grogan
Executive Director

Laura E. Matos
Chair



State of New Jersey

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Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

April 19, 2023

Christian Casteel, Director (via email)
New Jersey Department of Human Services
222 South Warren Street
P.O. Box 700
Trenton NJ 08625

Re: Application # 1986-0122.024
Block 601, Lots 1 - 6, 8 - 12, 14 & 16
Woodland Township

Dear Mr. Casteel:

The Commission staff has completed its review of this application for construction of six exterior emergency stairway exits for six buildings at the New Lisbon Developmental Center. 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 May 12, 2023 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, Woodland Township Planning Board (via email)
Woodland Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
Adam Warburton (via email)



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 Lt. Governor

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

LAURA E. MATOS
 Chair
 SUSAN R. GROGAN
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 19, 2023

Christian Casteel, Director (via email)
 New Jersey Department of Human Services
 222 South Warren Street
 P.O. Box 700
 Trenton NJ 08625

Application No.: 1986-0122.024
 Block 601, Lots 1 - 6, 8 - 12, 14 & 16
 Woodland Township

This application proposes construction of six exterior emergency stairway exits for six buildings at the New Lisbon Developmental Center located on the above referenced 1,349 acre parcel in Woodland Township.

Each emergency exit will be a stairway to provide for emergency egress from the second story of each building to ground level. The applicant also proposes the installation of a total of approximately 136 linear feet of concrete landing pads, ranging from four to five feet in width, at the base of the proposed stairways.

CMP REVIEW 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(b))

The above referenced parcel is located in the Pinelands Preservation Area District. The New Lisbon Developmental Center is a nonconforming use that existed prior to the 1981 adoption of the Pinelands Comprehensive Management Plan. The CMP allows for a 50 percent expansion of the area of a nonconforming use existing as of January 14, 1981. The six exterior emergency stairway exits comply with this expansion provision.

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

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

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes to utilize grasses that meet 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 March 20, 2023. The Commission’s public comment period closed on April 14, 2023. 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 11 sheets, prepared by Colliers Engineering, dated February 23, 2022 and revised to February 20, 2023.
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

www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
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 May 8, 2023 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. PC4-23- 20

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 1986-0257.003)

Commissioner Avery moves and Commissioner Asselta 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:

1986-0257.003

Applicant: **Nexamp on behalf of the Borough of Woodbine
Woodbine Borough**

Municipality: **Borough of Woodbine**

Management Area: **Pinelands Town**

Date of Report: **April 20, 2023**

Proposed Development: **Soil capping of a closed municipal landfill.**

WHEREAS, the CMP requires that a landfill that ceased operation on or after January 14, 1981 be capped with an impermeable material or subject of an alternative landfill treatment, and the CMP further requires that a plan for such an impermeable landfill cap or for an alternative landfill treatment be submitted to the Commission by May 20, 1997: and

WHEREAS, available information indicates that the Borough of Woodbine landfill ceased operation in 1986, and

WHEREAS, a plan for an impermeable landfill cap or alternative landfill treatment of this landfill was not submitted to the Commission by May 20, 1997, which constitutes a violation of the requirements of the CMP.

WHEREAS, the applicant proposes to address this violation by completing this application; 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 1986-0257.003 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

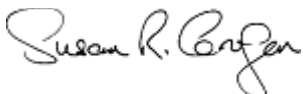
Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta	X				Lettman	X				Pikolycky				R
Avery	X				Lloyd	X				Wallner	X			
Christy	X				Lohbauer	X				Matos	X			
Holroyd	X				Mauriello	X								
Irick	X				Meade	X								

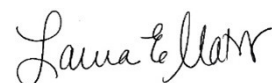
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 12, 2023



Susan R. Grogan
Executive Director



Laura E. Matos
Chair



State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

April 20, 2023

Dallas Manson (via email)
Nexamp on behalf of the Borough of Woodbine
101 Summer Street, 2nd Floor
Boston, MA 02110

Re: Application # 1986-0257.003
Block 117, Lot 1
Borough of Woodbine

Dear Ms. Manson:

The Commission staff has completed its review of this application for soil capping of a closed municipal landfill. 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 May 12, 2023 meeting.

Available information indicates that the landfill ceased operation in 1986. The CMP requires that a landfill that ceased operation on or after January 14, 1981 be capped with an impermeable material or subject of an alternative landfill treatment. The CMP further requires that a plan for an impermeable landfill cap or for an alternative landfill treatment be submitted to the Commission by May 20, 1997 and that the capping or alternative landfill treatment begin immediately following Commission approval of such a plan. A plan for an impermeable landfill cap or alternative landfill treatment of this landfill was not submitted to the Commission by May 20, 1997. This constitutes a violation of the requirements of the CMP. Completion of this application is intended to resolve the violation.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the 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 Woodbine Planning Board (via email)
Borough of Woodbine Construction Code Official (via email)
Secretary, Cape May County Planning Board (via email)
Eduardo Ortiz, Borough of Woodbine (via email)
Chad Gaulrapp (via email)



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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 20, 2023

Dallas Manson (via email)
Nexamp on behalf of the Borough of Woodbine
101 Summer Street, 2nd Floor
Boston, MA 02110

Application No.: 1986-0257.003
Block 117, Lot 1
Borough of Woodbine

This application proposes a soil cap on a closed 53 acre municipal landfill located on the above referenced 115.6 acre parcel in the Borough of Woodbine. The parcel is owned by the Borough of Woodbine.

The applicant proposes the removal of all forest and shrub vegetation from within the 53 acres comprising the limits of the closed landfill to accomplish the soil capping. The existing landfill will then be graded to final design grades. Any waste or existing cover soils disturbed during the proposed grading will remain within the limits of the existing landfill and ultimately be placed under the soil cap. The soil cap will be comprised of 18 inches of cover soil topped with 6 inches of topsoil. The soil capped landfill will then be revegetated with native Pinelands grasses.

Available information indicates that the landfill ceased operation in 1986. The CMP requires that a landfill that ceased operation on or after January 14, 1981 be capped with an impermeable material or subject of an alternative landfill treatment. The CMP further requires that a plan for an impermeable landfill cap or for an alternative landfill treatment be submitted to the Commission by May 20, 1997 and that the capping or alternative landfill treatment begin immediately following Commission approval of such a plan. A plan for an impermeable landfill cap or alternative landfill treatment of this landfill was not submitted to the Commission by May 20, 1997. This constitutes a violation of the requirements of the CMP. Completion of this application is intended to resolve the violation.

The CMP (N.J.A.C. 7:50-4.2(c)1.ii) provides that, except for an application made exclusively to resolve an outstanding violation, no other application shall be deemed complete by the Executive Director if there are outstanding unresolved violations of the CMP on the parcel until such time as the violator has specifically agreed in writing to take all measures that have been specified by the Executive Director as being necessary to eliminate the violation in a time period acceptable to the Executive Director.

The Commission staff deemed an application complete for a proposed 39 acre solar energy facility on the parcel (App. No. 1986-0257.002). On January 27, 2022, the Commission issued a Certificate of Filing for the proposed solar energy facility. The solar energy facility will be located on the landfill soil cap proposed in this application. The Executive Director determined that the application for the solar energy facility could be deemed complete based upon the filing of this application for the capping of the landfill and imposition of a condition on the solar energy facility Certificate of Filing specifying that no development of the solar energy facility could occur prior to Commission approval and the subsequent development of either an impermeable landfill cap or an alternative treatment method. The Executive Director determined that the filing of an application for the capping of the landfill in combination with the conditions specified in the Certificate of Filing for the solar energy facility fulfilled the CMP requirement to eliminate the violation in a time period acceptable to the Executive Director.

CMP REVIEW 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. 7:50-5.27)

The parcel is located in the Pinelands Town of Woodbine. The capping of a closed landfill is permitted in all Pinelands land management areas.

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

There are wetlands located on the parcel. All development associated with the soil capping of the closed landfill will be located at least 300 feet from the wetlands.

Available generalized wetlands mapping depicts wetlands within the limits of the closed landfill. The plan submitted to the Pinelands Commission for this application depicts small depressional areas on the surface of the closed landfill. These depressional areas were formed when soil cover was placed over areas of the landfill after disposal of solid waste after the January 14, 1981 effective date of the CMP. Upland areas that have been excavated or graded after the January 14, 1981 effective date of the CMP in such a manner as to retain or trap water and possibly support wetlands vegetation are not considered wetlands by the Commission. To do so would result in such development as stormwater management basins, agricultural irrigation ponds and mining areas developed in uplands after the January 14, 1981 effective date of the CMP, being considered wetlands.

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

The proposed development will be located within the limits of the existing landfill. The existing landfill has naturally revegetated with pine and hardwood trees. The proposed development will result in the clearing of approximately 53 acres of forest. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development associated with the soil capping of the closed landfill.

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 revegetate the soil cap with a grass seed mixture which meets that recommendation.

Threatened and Endangered Species Standards (N.J.A.C. 7:50-6.27 & 6.33)

In 2008, a threatened and endangered (T&E) species survey was completed on the parcel. The survey included searches for Northern pine snake, Barred owl, Southern gray treefrog, Slender nut rush and Pine Barrens reedgrass. A Barred owl was heard calling on the parcel on one night during a call-playback survey. Based upon the absence of suitable nesting trees and plucking stations, the survey concluded that the parcel did not contain critical habitat for Barred owl. Upon review of the 2008 T&E species survey, the Commission staff requested a supplemental Northern pine snake visual survey in 2010. During the 2010 visual survey, a Northern pine snake was observed, but not tracked, on the parcel. No further survey work was completed at that time.

In 2009, a T&E species survey for Northern pine snake was completed on the contiguous 659 acre Woodbine Airport parcel. That survey identified two Northern pine snakes on the Woodbine Airport parcel. Both a Northern pine snake winter den and a Northern pine snake nest were located on the cleared infield area of the Woodbine Airport. The cleared infield area of the Woodbine Airport is located approximately 1,250 feet from the disturbance associated with the soil capping of the closed landfill. One of the Northern pine snakes was tracked throughout the 2009 field season. The tracked Northern pine snake spent 90 percent of its time on the Woodbine Airport parcel, 0.5 percent of its time in a railroad right of way located between the Airport parcel and the landfill parcel and 9.5 percent of its time on the landfill parcel. The 2009 T&E species survey concluded that the Northern pine snake winter den and Northern pine snake nest locations on the Airport parcel were critical habitat. The survey further concluded that 7.63 acres on the Airport parcel were important habitat.

In 2022, another T&E species survey was completed on the landfill parcel for Northern pine snake, Cope's grey treefrog, Slender nut rush and Pine Barrens reedgrass. No Northern pine snake or other targeted T&E plant or animal species were documented on the parcel.

The CMP requires that development be designed to avoid irreversible adverse impacts on habitats critical to the survival of any local population of T&E animal species. A Barred owl was heard calling during the 2008 survey. The area where the Barred owl was observed is located to the south of the limits of the closed landfill. That area will not be disturbed by the proposed soil capping of the landfill. Two Northern pine snakes were located on the landfill parcel during surveys conducted in 2008 and 2009. Based upon historical aerial photography, at the time of those prior surveys, the closed landfill was mostly comprised of open sandy areas and native grassed areas. Currently, the closed landfill is mostly comprised of successional pitch pine forest. No Northern pine snakes were identified during the 2022 survey of the landfill parcel. That survey included the monitoring of 90 shelter boards placed on the landfill.

Critical habitat for Northern pine snake exists on the adjacent Airport parcel. Based upon the totality of the available information regarding Northern pine snake, it is the Commission staff's opinion that, while foraging habitat for Northern pine snake exists on the landfill parcel, no critical habitat for Northern pine snake exists on the portion of the landfill parcel proposed to be disturbed by the soil capping. After the 53 acre soil cap is completed, 62.6 acres of the 115.6 acre landfill parcel will continue to be available for Northern Pine snake foraging habitat. Based on the facts set forth above, it has been demonstrated that the proposed soil capping will not result in an irreversible adverse impact on habitats that are critical to the survival of any local population of Barred owl or Northern pine snake.

Landfill Standards (N.J.A.C. 7:50-6.75)

The CMP requires that all landfills located in a Pinelands Town that ceased operation on or after January 14, 1981 be capped with an impermeable material unless it can be clearly demonstrated that one of four CMP specified conditions can be met. If one of those four conditions can be met, the landfill can be subject of an alternative treatment, other than an impermeable cap. One of the four CMP specified conditions that can be met to allow for an alternative landfill treatment is that if a leachate plume associated with the landfill exists, it poses no significant ecological risk to wetlands.

There is a leachate plume associated with this landfill. The nearest downgradient wetland in the path of the leachate plume is located approximately 300 feet south of the landfill. To demonstrate that the leachate plume poses no significant ecological risk to that wetland, the applicant prepared and submitted a detailed conceptual site model that depicts and evaluates the landfill and its surrounding environs, a hydrogeologic framework model, groundwater monitoring data, New Jersey Department of Environmental Protection ecological screening criteria and an ecotoxicology report. The applicant also evaluated the hydraulic conditions of the water table and submitted information demonstrating that a diving plume exists due to a slight hydraulic gradient present at this location. A diving plume refers to a gradual downward vertical migration of a contaminant plume. In this case, the diving plume prevents landfill leachate constituents detected in the plume from having a migration pathway to the wetland. A certification was submitted by the applicant's New Jersey Licensed Site Remediation Professional indicating that the landfill does not pose a significant ecological risk to wetlands and may be closed by using a soil cap. The applicant has demonstrated that the proposed soil cap is consistent with the landfill closure standards of the CMP.

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on November 22, 2022. Newspaper public notice was completed on November 23, 2022. The application was designated as complete on the Commission's website on March 24, 2023. The Commission's public comment period closed on April 14, 2023. 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 (Sheets 9 & 10 of 38), prepared by Pennoni Associates Inc., and dated December 4, 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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Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
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 May 9, 2023 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. PC4-23- 21

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 1991-1291.003)

Commissioner Irick moves and Commissioner Pikolycky 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:

1991-1291.003

Applicant:	Buena Regional Board of Education
Municipality:	Buena Vista Township
Management Area:	Pinelands Town Pinelands Rural Development Area
Date of Report:	April 20, 2023
Proposed Development:	Expansion of an existing school bus student drop off area at the Milanese Elementary School.

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 1991-1291.003 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*
Asselta	X				Lettman	X				Pikolycky	X			
Avery	X				Lloyd	X				Wallner	X			
Christy	X				Lohbauer	X				Matos	X			
Holroyd	X				Mauriello	X								
Irick	X				Meade	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 12, 2023

Susan R. Grogan
Executive Director

Laura E. Matos
Chair



State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

April 20, 2023

David Cappuccio, Superintendent (via email)
Buena Regional Board of Education
P.O. Box 309
Buena NJ 08310

Re: Application # 1991-1291.003
Current Block 5301, Lot 1
Former Block 5301, Lots 1 & 35
Former Block 5402, Lot 11
Buena Vista Township

Dear Mr. Cappuccio:

The Commission staff has completed its review of this application for expansion of an existing school bus student drop off area at the Milanese Elementary School. 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 May 12, 2023 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, Buena Vista Township Planning Board (via email)
Buena Vista Township Construction Code Official (via email)
Buena Vista Township Environmental Commission (via email)
Atlantic County Department of Regional Planning and Development (via email)

Atlantic County Division of Public Health (via email)
David Scheidegg, PE (via email)



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SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 20, 2023

David Cappuccio, Superintendent (via email)
Buena Regional Board of Education
P.O. Box 309
Buena NJ 08310

Application No.: 1991-1291.003
Current Block 5301, Lot 1
Former Block 5301, Lots 1 & 35
Former Block 5402, Lot 11
Buena Vista Township

This application proposes expansion of an existing school bus student drop off area at the Milanese Elementary School located on the above referenced 133.49 acre parcel in Buena Vista Township.

The application also proposes the realignment of an existing driveway that services the existing school bus student drop off area. The applicant has indicated that the proposed development will improve student and vehicle safety.

CMP REVIEW STANDARDS

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

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

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

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 management basins and enlarging an existing stormwater management basin.

Wetlands Standards (N.J.A.C. 7:50-6.6, 6.7 & 6.13)

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

The CMP permits linear improvements (driveways) in the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The proposed realigned driveway will be located within the required buffer to wetlands. The realigned driveway will be located in an existing maintained lawn area. The applicant has demonstrated that there is no feasible alternative to the proposed realigned driveway that does not involve development in the required buffer to wetlands or that will result in a less significant adverse impact to the required buffer to wetlands. The proposed realigned driveway will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands. The applicant has represented that the realigned driveway is necessary to improve student and vehicle safety. The applicant has demonstrated that the need for the proposed realigned driveway overrides the importance of protecting the wetlands.

The existing school fronts on U.S. Route 40 (Harding Highway). The proposed expansion of the existing school bus student drop off area will be located approximately 175 feet from an existing maintained grassed wetland swale located along Harding Highway and approximately 225 feet from a forested wetlands located across Harding Highway from the school parcel. The expansion of the existing school bus student drop off area will be located in an existing maintained lawn area.

One proposed stormwater management basin will be located approximately 80 feet from the existing grassed wetland swale located along Harding Highway and approximately 130 feet from the forested wetlands located across Harding Highway from the school parcel. A second proposed stormwater management basin will be located approximately 20 feet from the existing grassed wetland swale located along Harding Highway and approximately 105 feet from the forested wetlands located across Harding Highway from the school parcel. These two proposed stormwater management basins will be located in existing maintained lawn areas.

A third existing stormwater basin, located behind the school, is proposed to be enlarged. This basin is located greater than 300 feet from wetlands.

The applicant has demonstrated that the proposed expansion of the existing school bus student drop off area and the two proposed stormwater management basins that will be located within 300 feet of wetlands will not result in a significant adverse impact to the wetlands (N.J.A.C. 7:50-6.7).

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

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

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

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 February 6, 2023. Newspaper public notice was completed on February 3, 2023. The application was designated as complete on the Commission's website on April 4, 2023. The Commission's public comment period closed on April 14, 2023. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of seven sheets, prepared by Schaeffer Nassar Scheidegg Consulting Engineers, LLC and dated as follows:

Sheets 1, 6 & 7 - December 6, 2021; last revised April 11, 2023

Sheet 2 - December 6, 2021; last revised April 12, 2022

Sheets 3 & 4 - December 6, 2021; last revised April 17, 2023

Sheet 5 - December 6, 2021; last revised April 18, 2023

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

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
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 May 8, 2023 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. PC4-23- 22

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 2005-0232.006)

Commissioner Lohbauer moves and Commissioner Pikolycky 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:

2005-0232.006

Applicant:	Borough of South Toms River
Municipality:	Borough of South Toms River
Management Area:	Pinelands Regional Growth Area
Date of Report:	March 23, 2023
Proposed Development:	A four lot subdivision, a two lot subdivision, the construction of an 800 square foot addition to an existing 3,838 square foot public works garage and a 5,500 square foot expansion of an existing gravel parking lot.

WHEREAS, all of the development, including the two subdivisions, subject of this application occurred prior to the completion of an application with the Commission in violation of the application requirements of the Borough of South Toms River and the Pinelands Comprehensive Management Plan; and

WHEREAS, the applicant has completed this application to address the violations associated with the two subdivisions and the construction of an 800 square foot addition to an existing 3,898 square foot public works garage; and

WHEREAS; the applicant proposes to address a 16,000 square foot gravel parking lot expansion that occurred by completing an application for a 5,500 square foot portion of the gravel parking lot expansion and removing and revegetating an approximately 10,500 square foot portion of the gravel parking lot; 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 2005-0232.006 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

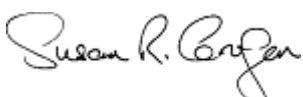
Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta	X				Lettman	X				Pikolycky	X			
Avery	X				Lloyd	X				Wallner	X			
Christy	X				Lohbauer	X				Matos	X			
Holroyd	X				Mauriello				R					
Irick	X				Meade	X								

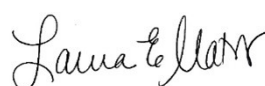
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 12, 2023



Susan R. Grogan
Executive Director



Laura E. Matos
Chair



State of New Jersey

THE PINELANDS COMMISSION

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SHEILA Y. OLIVER
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

March 23, 2023

Joseph Kostecki, Administrator (via email)
Borough of South Toms River
19 Double Trouble Road
South Toms River NJ 08757

Re: Application # 2005-0232.006
Block 20, Lot 1
Borough of South Toms River

Dear Mr. Kostecki:

The Commission staff has completed its review of this application for a four lot subdivision, a two lot subdivision, the construction of an 800 square foot addition to an existing 3,838 square foot public works garage and a 5,500 square foot expansion of an existing gravel parking lot. The two proposed subdivisions will result in a total of five lots. 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 April 14, 2023 meeting.

The development, including the two subdivisions, subject of this application occurred prior to the completion of an application with the Commission in violation of the application requirements of the Borough of South Toms River and the Pinelands Comprehensive Management Plan (CMP). The applicant proposes to remove and revegetate an approximately 10,500 square foot portion of a 16,000 square foot gravel parking lot expansion that occurred in violation of the application requirements of the Borough of South Toms River and the CMP. This will result in a 5,500 square foot expansion of the existing gravel parking lot.

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 South Toms River Planning Board (via email)
Borough of South Toms River Construction Code Official (via email)
Borough of South Toms River Environmental Commission (via email)
Secretary, Ocean County Planning Board (via email)
F. William Groff, III, PE, CME (via email)
Robin La Bue, Esq. (via email)
Marjorie Condren (via email)
Christina Fragoso (via email)



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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

March 23, 2023

Joseph Kostecki, Administrator (via email)
Borough of South Toms River
19 Double Trouble Road
South Toms River NJ 08757

Application No.: 2005-0232.006
Block 20, Lot 1
Borough of South Toms River

This application proposes a four lot subdivision, a two lot subdivision, the construction of an 800 square foot addition to an existing 3,838 square foot public works garage and a 5,500 square foot expansion of an existing gravel parking lot located on the above referenced 42.15 acre parcel in the Borough of South Toms River. The two proposed subdivisions will result in a total of five lots. There is also an existing municipal landfill and an 11,132 square foot recreation center building and athletic fields located on the parcel.

The development, including the two subdivisions, subject of this application occurred prior to the completion of an application with the Commission in violation of the application requirements of the Borough of South Toms River and the Pinelands Comprehensive Management Plan (CMP). The applicant proposes to remove and revegetate an approximately 10,500 square foot portion of a 16,000 square foot gravel parking lot expansion that occurred in violation of the application requirements of the Borough of South Toms River and the CMP. This will result in a 5,500 square foot expansion of the existing gravel parking lot.

Available information indicates that the existing municipal landfill on the parcel accepted waste until 1986. The CMP requires that the existing landfill be capped with an impermeable material or be subject of an alternative landfill treatment. The CMP requires that plans for an impermeable landfill cap or for an alternative landfill treatment be submitted to the Commission by May 20, 1997 and that the capping or alternative landfill treatment begin immediately following Commission approval of such a plan. A plan for an impermeable landfill cap or alternative landfill treatment at the existing landfill was not submitted to the Commission by May 20, 1997. This constitutes a violation of the requirements of the CMP. By letter dated January 5, 2023, an attorney representing the Borough of South Toms River advised the Commission that, in fiscal year 2023, the Borough received a \$5 million dollar state appropriation to fund the capping of the landfill. By letter dated February 3, 2023, the Commission staff requested that the Borough submit a schedule for the completion of an application for the capping of the landfill.

The CMP (N.J.A.C. 7:50-4.2(c)1.ii) provides, in part, that, except for an application made exclusively to resolve an outstanding violation, no other application shall be deemed complete by the Executive Director if there are outstanding unresolved violations of the CMP on the parcel which is subject of the application. This application is made exclusively to resolve the four outstanding violations on the parcel subject of this application.

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 four lot subdivision, two lot subdivision, the construction of an 800 square foot addition to an existing 3,838 square foot public works garage and a 5,500 square foot expansion of an existing gravel parking lot are all permitted 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 on existing gravel and disturbed soil areas. No clearing or soil disturbance will be located within the limits of the existing landfill on the parcel. The clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development associated with the building addition and expanded gravel parking lot.

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. To resolve the violation associated with the gravel parking lot that was expanded without application to the Commission, a 10,500 square foot portion of the gravel parking lot will be removed, topsoiled and seeded with grass species that are tolerant of droughty, nutrient poor conditions.

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

The existing and proposed development is 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 CMP stormwater management standards. To meet the stormwater management standards, the applicant will be constructing an underground stormwater infiltration trench.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on December 21, 2022. Newspaper public notice was completed on January 6, 2023. The application was designated as complete on the Commission's website on February 27, 2023. The Commission's public comment period closed on March 10, 2023. 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 following plans:
 - Site plan consisting of eight sheets, prepared by O'Donnell, Stanton & Associates, all sheets dated March 25, 2021 and revised to June 29, 2021
 - Minor subdivision plan prepared by Van Cleef Engineering and dated November 15, 2022
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. 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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Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
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 April 10, 2023 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. PC4-23- 23

TITLE: Issuing an Order to Certify Monroe Township Ordinance O:04-2023, Adopting the Hexa Builders Redevelopment Plan

Commissioner Lohbauer moves and Commissioner Pikolycky seconds the motion that:

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

WHEREAS, Resolution #PC4-83-76 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 municipal master plans and land use ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-83-76 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 February 28, 2023, the Monroe Township Council adopted Ordinance O:04-2023, adopting the Hexa Builders Redevelopment Plan; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance O:04-2023 on March 1, 2023; and

WHEREAS, by letter dated March 6, 2023, the Executive Director notified the Township that Ordinance O:04-2023 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Monroe Township Ordinance O:04-2023 was duly advertised, noticed and remotely held on April 5, 2023 at 9:30 a.m. with live broadcast on the Pinelands Commission's public YouTube channel and opportunity for the public to call-in during the live broadcast; and

WHEREAS, the Executive Director has found that Monroe Township Ordinance O:04-2023 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 Monroe Township Ordinance O:04-2023 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 Monroe Township Ordinance O:04-2023 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Monroe Township Ordinance O:04-2023 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 Monroe Township Ordinance O:04-2023, adopting the Hexa Builders Redevelopment Plan, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Monroe 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.

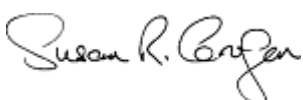
Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta				A	Lettman		X			Pikolycky	X			
Avery	X				Lloyd	X				Wallner		X		
Christy	X				Lohbauer	X				Matos	X			
Holroyd	X				Mauriello	X								
Irick				A	Meade	X								

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 12, 2023



Susan R. Grogan
Executive Director



Laura E. Matos
Chair



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Lt. Governor

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

Report on Monroe Township Ordinance O:04-2023, Adopting the Hexa Builders Redevelopment Plan

April 28, 2023

Monroe Township
125 Virginia Avenue
Williamstown, NJ 08094

Findings of Fact

I. Background

The Township of Monroe is located in the western section of the Pinelands Area in Gloucester County. Pinelands municipalities that abut Monroe Township include Franklin Township in Gloucester County, Winslow Township in Camden County and the Borough of Folsom and the Township of Buena Vista in Atlantic County.

On September 9, 1983, the Pinelands Commission fully certified the Master Plan and Comprehensive Land Management Ordinance of Monroe Township, now codified as Chapter 175 (Land Management) of the Township's Code.

On February 28, 2023, the Monroe Township Council adopted Ordinance O:04-2023, approving the Hexa Builders Redevelopment Plan, which is located in a Pinelands Regional Growth Area and a Pinelands Rural Development Area. The Pinelands Commission received a certified copy of Ordinance O:04-2023 on March 1, 2023.

By letter dated March 6, 2023, the Executive Director notified the Township that Ordinance O:04-2023 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

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

- * Ordinance O:04-2023, adopting the Hexa Builders Redevelopment Plan, introduced on February 13, 2023, and adopted on February 28, 2023

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

1. Natural Resource Inventory

Not applicable.

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

Ordinance O:04-2023 adopts the Hexa Builders Redevelopment Plan, dated August 4, 2022. This new redevelopment area consists of three lots (Block 8401, Lots 8, 9, and 10) approximating 158 acres fronting the Black Horse Pike (U.S. Route 322) (see Exhibit #1). The redevelopment area is composed of undeveloped forested areas and agricultural lands. Approximately 127 acres are located within the Township's Regional Growth Mixed-Use (RG-MU) District and the remaining 31 acres (a portion of Lot 9) are located within the Rural Development Residential Receiving (RD-RR) District. The RG-MU District is located within a Pinelands Regional Growth Area and the RD-RR District is located within a Pinelands Rural Development Area.

In 2010, Monroe Township adopted, and the Commission certified, Ordinance O:07-2010 establishing the RG-MU District. The RG-MU District permits agriculture, public service infrastructure and planned development. Planned development within this district requires a minimum tract size of 100 acres, of which at least 15 acres, and up to 30 acres, must be devoted to community commercial uses. Planned development also requires at least one of the following uses: congregate care facility, long-term care facility, nursing home, assisted living facility, independent living facility or continuing care retirement community. The remaining residential component of the planned development must provide a minimum of 400 units and allows for up to six dwelling units per acre within the residential portion of the overall tract. A variety of housing types are permitted, including single-family detached dwellings, single-family semidetached dwellings, single-family attached dwellings, multifamily dwellings, apartments, independent living facilities and assisted living facilities. RG-MU District standards provide for a maximum lot coverage that ranges from 50% for single-family detached units up to 75% for townhouses and community commercial uses. Pinelands Development Credits (PDCs) must be used for 25% of market-rate units. Additionally, if a planned development fails to meet the 400-unit minimum requirement, one-quarter of a PDC must be purchased and redeemed for every residential unit less than 400 units.

The RD-RR District permits residential uses, agriculture, forestry, recreational facilities, public service infrastructure, and institutional uses. Residential dwelling units are permitted at one unit per 3.2 acres. Clustering of residential units on 1-acre lots is required whenever two or more units are proposed as part of a residential development. The municipal Density Transfer Program also permits residential development on lots as small as one acre, provided that sufficient land (either contiguous or noncontiguous) is purchased and deed restricted within the Rural

Development Residential Sending (RD-RS) District which, when combined with the acreage of the lot proposed for development, equals at least five acres.

The purpose of the Hexa Builders Redevelopment Plan is to fulfill a regional commercial need for warehousing and a local desire to develop the Township's Regional Growth Areas along U.S. Route 322. To that end, the redevelopment plan establishes new land development regulations for the Regional Growth Area portion of the redevelopment area that expressly supersede the RG-MU District regulations. However, if the redevelopment plan is not implemented by a redeveloper, the underlying RG-MU district remains in effect. In recognition of the minimal development potential in the Rural Development Area portion of the redevelopment area, due to wetlands and wetland buffers, the existing underlying RD-RR District regulations are maintained.

Within the Regional Growth Area, the redevelopment plan permits warehouse, storage, and distribution facilities as well as office space specific to warehouse operations. The plan provides area and bulk standards. Development standards are also provided for parking and loading, lighting, signage and landscaped buffers. The plan allows for a maximum lot coverage of 65% (the preliminary concept plan shared by the Township shows approximately 42% lot coverage). A 100-foot setback is required when abutting an existing residential use or residential zone. The residential setback is required to have adequate landscaping and screening to minimize visual and noise impacts. The development standards also require that all buildings of 100,000 square feet or more must be designed and constructed to support rooftop solar installation in accordance with P.L. 2021, c.290. The plan also requires PDCs to be acquired and redeemed for the development of any principal, non-residential use in the Regional Growth Area portion of the redevelopment area at a rate of one-quarter PDC for every 18,000 square feet of gross floor area. Lastly, the redevelopment plan expressly requires that any development within the redevelopment area meet the minimum environmental standards of the Pinelands Comprehensive Management Plan.

Impacts to the Residential Zoning Capacity of Monroe Township's Regional Growth Area

As noted above, if the Hexa Builders Redevelopment Plan is not implemented, the underlying RG-MU District regulations remain in effect. Therefore, the residential zoning capacity of the Township's Regional Growth Area theoretically remains unchanged. The previously certified RG-MU District established a residential zoning capacity that allowed for a maximum of 636 new residential units. Such a residential density is significantly higher than that prescribed by the CMP for Monroe Township's Regional Growth Area. The CMP requires the Township to zone for a density of only three units per upland acre in its Regional Growth Area, which translates to 357 units (N.J.A.C. 7:50-5.28(a)1 and 3). In certifying the RG-MU District, the Commission previously found that the area met the CMP criteria for increased residential densities in the Regional Growth Area (N.J.A.C. 7:50-5.28(a)7).

However, based on application information submitted to the Commission and information provided by the Township (see Exhibit #8), there is a strong likelihood that the Hexa Builders Redevelopment Area will be developed exclusively for non-residential use if Ordinance O:04-2023 is certified. Given these facts, Commission staff evaluated whether the Regional Growth Area portion of the redevelopment area is appropriate for non-residential development and whether the PDC program would be negatively impacted by the expected loss in residential development potential in that area.

It is important to note that Ordinance O:07-2010, which established the RG-MU District, was part of a larger Township-wide comprehensive rezoning involving Pinelands management area changes. The certification of the 127-acre RG-MU District necessitated a redesignation of the underlying lands from Rural Development Area to Regional Growth Area. (This was approved alongside other zoning changes that redesignated 2,785 acres from Rural Development Area to Forest Area within the Township). Prior to this zoning change, the Pinelands Commission's Ecological Integrity Assessment (EIA) Project had recommended this site as suitable for redesignation to Regional Growth Area. A number of contributing factors were considered in staff's recommendation, including the fact that most of the area has a relatively low ecological integrity assessment score; the fact that the area consists largely of non-habitat (i.e., agricultural fields); the fact that the area is contiguous with an existing Regional Growth Area; the area's proximity to a major public road and other infrastructure necessary to support growth; the lack of any public development plans for the area that would be inconsistent with additional development there; and, the lack of any data presently on hand that would indicate the presence of threatened and endangered species or their habitat. These findings are still valid, and it must be reiterated that U.S. Route 322 is a long-established, commercial corridor within the Township with a variety of non-residential uses fronting the highway within the Township's Regional Growth Area. The fronting highway, existing development patterns and prior zoning support the appropriateness of this area for non-residential development.

Importantly, the redevelopment plan includes a PDC requirement for permitted non-residential development in recognition of the potential elimination of up to 636 residential units and opportunities for the use of up to 127 PDC rights if the area is developed for nonresidential use. When a municipality has determined that an area is appropriate for residential development in its Regional Growth Area, zoned it for residential uses and established a PDC obligation, the Commission must carefully evaluate proposals to rezone for strictly non-residential uses with a careful eye to the impacts to the Pinelands Development Credit Program. As discussed in Section 8 below, the PDC requirements for the redevelopment area ensure that the PDC Program is not negatively impacted by these amendments.

Ordinance O:04-2023 is consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

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

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**

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 Pinelands Development Credits (PDCs) as provided for in N.J.A.C. 7:50-5.28(a)3.

The certified RG-MU District requires that PDCs be acquired and redeemed for 25% of all market-rate residential units. The use of PDCs is not required for those units made affordable to low- and moderate-income households. At least 20% of the units within the RG-MU District are required to be made affordable. Based on the six unit per acre maximum density and the 20% affordable housing set-aside, the RG-MU District provides an opportunity for the use of up to 127 rights (31.75 full Credits). If the Hexa Builders Redevelopment Plan is not implemented, these PDC provisions and PDC potential remain unchanged.

However, if the redevelopment plan is implemented, any non-residential development permitted under the Hexa Builders Redevelopment Plan must redeem Pinelands Development Credits (PDCs) at a rate of one quarter (1/4) PDC for every 18,000 square feet of gross floor area within principal use buildings. The Township included these provisions in recognition of the significant reduction in potential residential units and potential use of PDCs if the redevelopment plan is implemented.

To evaluate whether the PDC requirements of the Hexa Builders Redevelopment Plan adequately protect the Pinelands Development Credit Program, staff evaluated the potential PDC yield for the portion of the redevelopment area within the Regional Growth Area under the minimum residential density requirements prescribed by the CMP. If this 127-acre area were zoned for residential development, the CMP would require that it allow for a minimum base density of two units per upland acre with a bonus density achieved through PDC use of an additional one unit per upland acre. This would result in the opportunity for the use of 119 rights.

Commission staff evaluated the potential level of PDC redemption under the Hexa Builders Redevelopment Plan based on application information submitted to the Commission. A prospective redeveloper has proposed a warehouse facility within the Regional Growth Area portion of the redevelopment area with a gross square footage of approximately 1,632,000 square feet. This equates to a PDC obligation of 91 PDC rights under the redevelopment plan's PDC provisions, which is comparable to imposing a 25% mandatory PDC requirement for this area if zoned for the minimum density permitted by the CMP.

While 25% is not as high a number as would be provided through the more traditional zoning approach where Pinelands Development Credits 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 Pinelands Development Credits. There is no requirement under the traditional approach that any credits be used in any particular development project. Ordinance O:04-2023 *guarantees* that Pinelands Development Credits will be purchased and redeemed as part of the approval of any non-residential development within the Hexa Builders Redevelopment Area.

The CMP focuses on the use of PDCs as a means of increasing permitted residential densities in Regional Growth Areas. However, N.J.A.C. 7:50-5.28(a)7i expressly authorizes municipalities to adopt bonus or incentive programs for Regional Growth Area that go beyond the minimum required by the CMP, provided that such programs do not interfere with or otherwise impair the municipality's obligation to provide sufficient opportunities for the use of PDCs. While this provision has not often been used in association with nonresidential development, three other municipalities (Waterford, Berlin and Winslow townships) previously adopted PDC requirements applicable to nonresidential uses in their commercial and industrial zones. The Commission found that the Waterford, Berlin and Winslow Township ordinances represented an appropriate exercise of municipal flexibility that did not interfere with any other CMP standards and certified them on that basis. Monroe Township Ordinance O:04-2023 adopts a similarly creative approach, one that facilitates the municipality's redevelopment goals while ensuring that all CMP standards, particularly those related to the PDC program, continue to be met.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance O:04-2023 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Therefore, this standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Ordinance O:04-2023 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

The redevelopment plan related to Ordinance O:04-2023 does not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

Public Hearing

A public hearing to receive testimony concerning Monroe Township's application for certification of Ordinance O:04-2023 was duly advertised, noticed and held on April 5, 2023 at 9:30 a.m. Mr. Lanute conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call in during the public hearing to provide testimony. Oral testimony was provided as follows:

Michael Silvestra stated that the Pinelands just keep getting overdeveloped, and that developing 170 acres in an area that is mostly forest seems excessive when there is plenty of other land to develop. He also stated that it seemed a little biased that developers can get approvals to build all kinds of stuff when residents wanting to build a shed have to jump through hoops. He stated that he was hoping that the woods can stay there and that another location could be found for the mixed-use, residential, commercial zone.

Written comments on Ordinance O:04-2023 were accepted through April 7, 2023 and were received from the following individuals:

Tyler Boonstra (Exhibit #2)
 Robin Beeler (Exhibit #3)
 D. Papaneri (Exhibit #4)
 Nicole Ollek (Exhibit #5)
 Christine Friend (Exhibit #6)
 Debbi Baranski (Exhibit #7)
 Stephen Boraske, Esq., Monroe Township Solicitor (Exhibit #8)
 Brooke Handley, River Administrator, Great Egg Harbor Watershed Association (Exhibit #9)

Executive Director's Response

The oral testimony summarized above as well as the written comment attached in Exhibits 2-5 and 7 object to the development of the land within the Hexa Builders Redevelopment Area. The commenters express a variety of concerns, including the clearing of existing wooded areas and wildlife habitat and the environmental impacts of additional residential and commercial development within the Township. Another commenter (Exhibit 9) noted the presence of wetlands in the redevelopment area and requested that the maximum buffer to wetlands be maintained and that redevelopment comply with the most current stormwater management rules, with no waivers or variances provided.

Several important factors discussed above in the body of this report must be reiterated. First, the undeveloped portion of the redevelopment area that is located within the Rural Development Area will maintain its existing, underlying zoning and management area designation. This area has significant

wetlands and wetlands buffers and has minimal development potential that is in no way increased by the new redevelopment plan. This fact is expressly noted within the Hexa Builders Redevelopment Plan. It is highly unlikely that any clearing or development within this 31-acre portion of the area will occur or be permitted.

Second, within the Regional Growth Area portion of the redevelopment area, the existing, certified zoning (the Regional Growth Mixed-Use District) permits high-density, mixed-use development. The new redevelopment plan affords the opportunity for the area to be developed exclusively for nonresidential use, as opposed to a combination of single-family dwellings, townhouses, apartments, congregate-care facilities and community commercial uses. Provided all CMP environmental standards and PDC requirements are met, the CMP provides Pinelands municipalities broad discretion to determine which uses they believe are appropriate in their Regional Growth Areas and adopt and amend their zoning plans accordingly.

Third, the majority of the Regional Growth Area portion of the redevelopment area, where any new warehouses would have to be located, is comprised of old, cleared agricultural lands. This was one of the primary factors in the prior identification of the area as appropriate for designation as a Regional Growth Area as part of the Commission's Ecological Integrity Assessment (EIA) Project. The clearing of woods, particularly along the Route 322 frontage, may be necessary to accommodate the new uses permitted by the redevelopment plan as well as the mixed-use development permitted by the existing, certified zoning. In either case, the CMP provides that clearing and soil disturbance must be limited to that which is necessary to accommodate the permitted development.

Finally, any development or redevelopment of the area will be subject to all CMP environmental standards. This includes continued protection of the wetlands along the rear of site and in the Rural Development Area, imposition of the appropriate wetlands buffer requirement called for by N.J.A.C. 7:50-6.14, and compliance with the CMP's new stormwater management regulations. Under those stormwater rules, no variance or exception may be granted from the prohibition on direct discharge of runoff to wetlands, buffers or waterbodies.

Conclusion








Based on the Findings of Fact cited above, the Executive Director has concluded that Monroe Township Ordinance O:04-2023, adopting the Hexa Builders Redevelopment Plan, 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 O:04-2023 of Monroe Township.

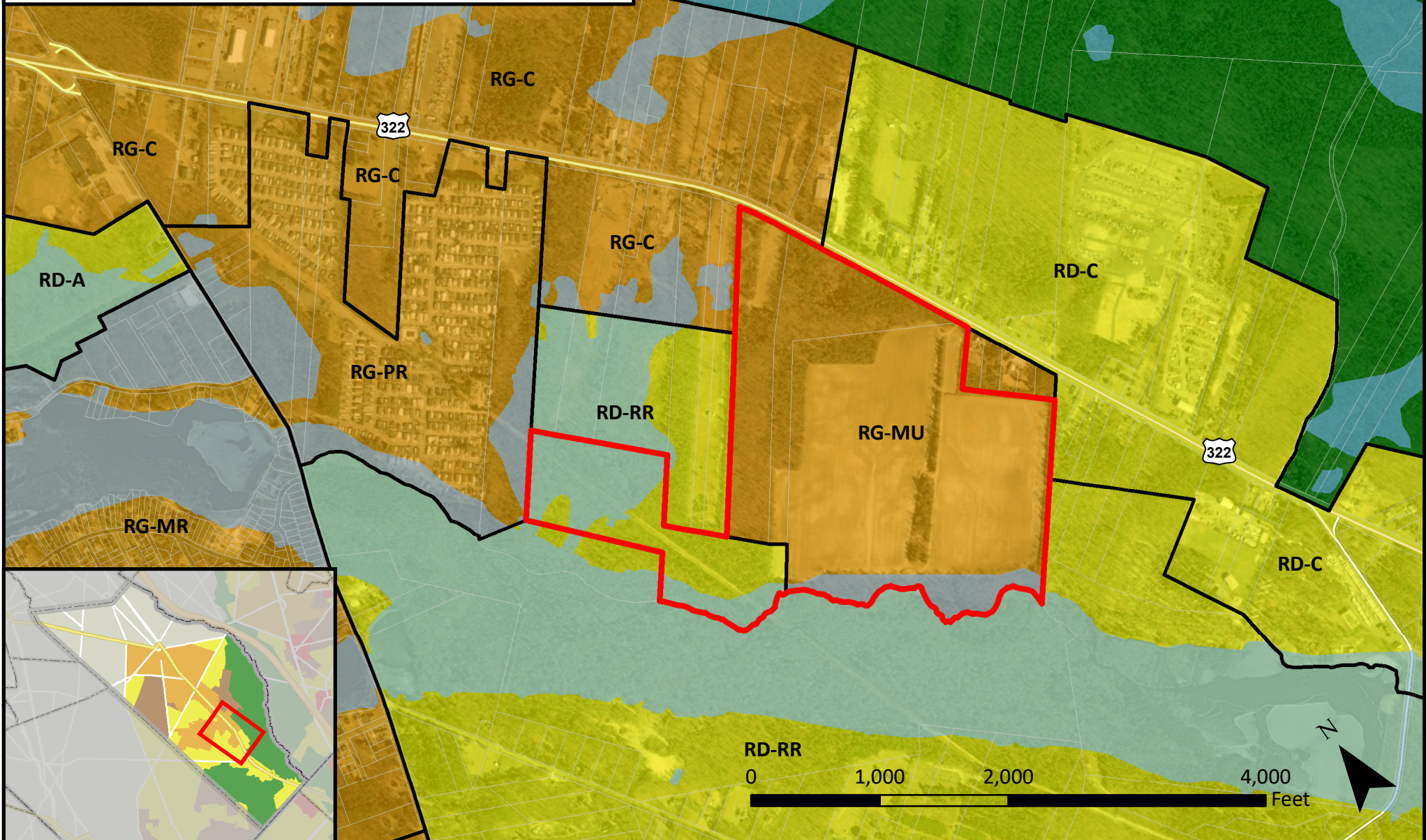
SRG/DBL/KLE/CMO
Attachments

Monroe Township

Hexa Builders Redevelopment Area

Executive Director's Report
Monroe Twp Ord. O:04-2023
4/28/2023
Exhibit #1

-  Regional Growth Area
-  Rural Development Area
-  Forest Area
-  Redevelopment Area
-  Existing Zoning
-  Lots
-  Pinelands Wetlands



From: [Tyler Boonstra](#)
To: [Comments, PC \[PINELANDS\]](#)
Subject: Public Comment Submissions
Date: Tuesday, April 4, 2023 4:06:29 PM

Below is the result of your feedback form. It was submitted by
Tyler Boonstra (Tboon32@hotmail.com) on Tuesday, April 4, 2023 at 16:06:25

email: Tboon32@hotmail.com

subject: Public Comment Submissions

Name: Tyler Boonstra

Mailing Address: 153 E. Piney Hollow rd. Williamstown NJ

Comment Topic: selected=

Message: This ordinance can not pass. Okie e must preserve our forest and farmland area. Changing this land to houses and commercial buildings is bad for the environment and adds additional strain to our public area due to increased population.

Submit: Submit

From: [Robin Beeler](#)
To: [Comments, PC \[PINELANDS\]](#)
Subject: Public Comment Submissions
Date: Tuesday, April 4, 2023 9:14:17 PM

Below is the result of your feedback form. It was submitted by
Robin Beeler (Rbeelermoresales@comcast.net) on Tuesday, April 4, 2023 at 21:14:11

email: Rbeelermoresales@comcast.net

subject: Public Comment Submissions

Name: Robin Beeler

Mailing Address: 906 Whitehall Rd Williamstown NJ

Phone Number: 856-562-6263

Comment Topic: selected=

Message: No No No..stop the building. You are destroying all the natural habitats. Just because they are offering millions doesn't mean it needs to get done. Stop being bought! I want to know who's pockets are getting full on this deal. The twp needs to say no!

Submit: Submit

From: [D. Papaneri](#)
To: [Comments, PC \[PINELANDS\]](#)
Subject: Public Comment Submissions
Date: Tuesday, April 4, 2023 10:55:42 PM

Below is the result of your feedback form. It was submitted by
D. Papaneri (dpapaneri@aol.com) on Tuesday, April 4, 2023 at 22:55:36

email: dpapaneri@aol.com

subject: Public Comment Submissions

Name: D. Papaneri

Mailing Address: 652 Clayton Rd., Williamstown NJ 08094

Phone Number: 8562970386

Comment Topic: selected=

Message: As a long time resident of Monroe Twp., I oppose rezoning pinelands areas for other purposes, further destroying wildlife areas and their habitats. Our town has enough new buildings for commercial purposes and more homes in an area deemed to be protected by PINELANDS ACT. Do your job that you are supposed to. Protect our Pinelans and wetlands in Monroe Township. Pineland ends the protection originally outlined and intended should be upheld and this application denied!

Submit: Submit

From: [Nicole Ollek](#)
To: [Comments, PC \[PINELANDS\]](#)
Subject: Public Comment Submissions
Date: Wednesday, April 5, 2023 7:09:46 AM

Below is the result of your feedback form. It was submitted by
Nicole Ollek (ollekbusiness@gmail.com) on Wednesday, April 5, 2023 at 07:09:42

email: ollekbusiness@gmail.com

subject: Public Comment Submissions

Name: Nicole Ollek

Mailing Address: 310 Florence Blvd, 08094

Phone Number: 8567400212

Comment Topic: selected=

Message: The housing growth within the 08094 community has disappointed most. Despite the business model needs for tax revenue, there are many other areas which can be utilized for economic development (s). Irresponsible actions of human land treatments, continuing to disrupt and strip nature, its habitats, and nature's well necessary processes to add more housing, is a lose lose, when trees are continuing to be bulldozed down. I can't express how important trees are to our climate's environment and such. Responsible human actions would be to maintain our Pine lands and pur community's woods, land, forest, and habitats. Irresponsible building has and will create long term effects. Leave our woodlands alone, please. As as resident of over 50 years in 08094, it's more than irritating. Bottom lines can be reached with other plans of actions. Leave our woods , forests and trees alone. No more destruction and no more new construction plans should include bulldozing trees and forests. Despite it being he easier plan of developing, focus on the vacancies and the redevelopment procesd plan. Vote NO.

Submit: Submit

From: [Christine Friend](#)
To: [Comments, PC \[PINELANDS\]](#)
Subject: Public Comment Submissions
Date: Wednesday, April 5, 2023 7:09:56 PM

Below is the result of your feedback form. It was submitted by
Christine Friend (chris@friendfamily.us) on Wednesday, April 5, 2023 at 19:09:48

email: chris@friendfamily.us

subject: Public Comment Submissions

Name: Christine Friend

Mailing Address: 524 Schoolhouse Rd Williamstown nj 08094

Phone Number: 215-651-7535

Comment Topic: selected=

Message: Pls do not approve listing of restrictions for home or business development in Pinelands.

Submit: Submit

From: [Debbie](#)
To: [Comments, PC \[PINELANDS\]](#)
Subject: Public Comment Submissions
Date: Wednesday, April 5, 2023 11:36:33 PM

Below is the result of your feedback form. It was submitted by
Debbie (dbaranski151@gmail.com) on Wednesday, April 5, 2023 at 23:36:28

email: dbaranski151@gmail.com

subject: Public Comment Submissions

Name: Debbie

Mailing Address: 541 East Malaga Road

Comment Topic: selected=

Message: The wildlife in this area needs this preserved land more then ever! We do not need these commercial buildings in this area, but these animals NEED their home! I have seen such an increase in the amount of wildlife being hit by cars, because they are literally being forced out if their land.

Where are they to go?

I truly hope the approval for this project to be reconsidered.

Submit: Submit



STEINHARDT
CAPPELLI
TIPTON &
TAYLOR LLC

1010 Kings Highway South, Building 1, 2nd Floor
Cherry Hill, NJ 08034

856.853.5530
856.354.8318

Executive Director's Report
Monroe Township Ord. O:04-2023
4/28/2023
Exhibit #8

Stephen J. Boraske | Associate

201-373-8951
sboraske@floriolaw.com

April 7, 2023

VIA EMAIL

State of New Jersey Pinelands Commission
Attn: Susan R. Grogan, P.P., AICP, Executive Director
PO Box 359, New Lisbon, NJ 08064
(e): susan.grogan@pinelands.nj.gov

RE: Application for Certification of Ordinance O:04-2023 “An Ordinance of the Township of Monroe Adopting the Redevelopment Plan for a Portion of the Commercial Corridor Rehabilitation Area Pursuant to N.J.S.A. 40A:12-7”

Dear Ms. Grogan:

This office serves as Township Solicitor for the Township of Monroe (the “Township”). Please accept this letter in further support of the Township’s application to the New Jersey Pinelands Commission (the “Commission”) for CMP certification of Township Ordinance O:04-2023 “An Ordinance of the Township of Monroe Adopting the Redevelopment Plan for a Portion of the Commercial Corridor Rehabilitation Area Pursuant to N.J.S.A. 40A:12-7” (“Ordinance O:04-2023” or the “Ordinance”).

Ordinance O:04-2023 adopts the Hexa Builders Redevelopment Plan, dated August 4, 2022, prepared by Richard W. Hunt, PP, AICPA, of Alaimo Group (the “Redevelopment Plan”) as an explicit amendment to the Township Zoning Map. The three parcels included in the Redevelopment Plan are Block 8401, Lots 8, 9, and 10 as identified on the Township Tax Map (the “Property”). The Property is approximately 158.7 acres, with about 127.4 acres located within the Regional Growth Mixed-Use (RG-MU) District and about 31.3 acres located within the Rural Development Residential Receiving (RD-RR) District. The Redevelopment Plan proposes the following permitted principal uses for the RG-MU portion of the Property: (1) “warehouse, storage, and distribution facilities; and (2) office space specific to Warehouse operations” (collectively, “Warehouse Development”).

The Township’s reasons for adopting Ordinance O:04-2023 and for its determination that the Property is suitable for Warehouse Development are fully set forth within the Redevelopment Plan and all related Township Council and Township Planning Board resolutions thereto. The purpose of this letter is to briefly reiterate and emphasize some of the Township’s important findings as set forth on the following pages.

Reasons for Adopting Ordinance O:04-2023

1. The Redevelopment Plan fulfills a regional commercial need as the Property is proximate to the regional and national highway transportation systems.
2. The Redevelopment Plan implements the community's desire to develop regional growth areas along U.S. Route 322.
3. The Redevelopment Plan provides for employment opportunities in an existing developed area of Monroe Township consistent with Township's smart growth objectives. Most of the Township population lives near the Township's downtown area and are within easy driving and biking distance to the Property, providing conveniently located employment opportunities for Township residents. All employers are encouraged to hire locally.
4. The Planning Board unanimously found that the Redevelopment Plan is consistent with the Township's 2004 Comprehensive Master Plan, which provides a strategic vision for the Township, calling for economic redevelopment and encouraging "a pattern of compact and contiguous growth within appropriate areas of the Township;" (2004 Master Plan, II.A. p. 12 of 60).
5. The Redevelopment Plan is consistent with the New Jersey State Development and Redevelopment Plan (SDRP) and Pinelands Comprehensive Management Plan (CMP), and furthers the important policies therein for the Pinelands area.
6. The Redevelopment Plan is consistent with the goals, objectives, and policies of the Gloucester County 2040 Vision Plan and Delaware Valley Regional Planning Commission.
7. Adoption of Ordinance O:04-2023 and the Redevelopment Plan is in the best interest of the Township for rehabilitation of the Property.

Suitability of the Property for Warehouse Development

1. The Property is proximate to the regional and national highway transportation systems. The Property has immediate regional access via U.S. Route 322; is located within 10 miles of interchanges for the Atlantic City Expressway and U.S. Route 73. Access to the NJ Turnpike is via U.S. Route 322, approximately 25 miles west of the site. The Property is within an hour drive of the Philadelphia Airport and a 30 minute drive to the Atlantic City Airport. Access to these transit systems renders the Property well-suited for Warehouse Development.
2. The Property lies entirely within the Township's commercial corridor and has been determined to be an area in need of rehabilitation pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-14 et seq. The Township has determined that the designation of rehabilitation areas to allow for commercial development and uses, including Warehouse Development, will foster the investment of private capital, the

construction of commercial projects, and the rehabilitation of business that will benefit the Township, its residents, and property owners.

3. The Property is adequately serviced by water and sewer utilities owned by the Monroe Township Municipal Utilities Authority, as well as natural, electric, communications, and fiber optic utilities owned by other providers.
4. Permitting Warehouse Development on the Property will prevent further deterioration of the area and promote the overall development of the Township's commercial corridor, thereby benefitting the general welfare of the Township's citizens.

Thank you for your consideration of this correspondence. The Township respectfully requests that a copy of this letter be attached to your report for the Commission's consideration. If you have any questions regarding this letter or wish to discuss this matter further, please do not hesitate to contact me.

Very truly yours,

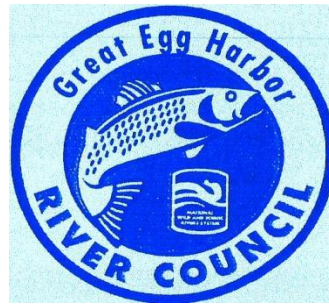
**FLORIO PERRUCCI STEINHARDT
CAPPELLI TIPTON & TAYLOR LLC**

By:



Stephen J. Boraske, Esquire
Monroe Township Solicitor

- cc. D. Brad Lanute, PP, AICP, Commission Planning Specialist (brad.lanute@pinelands.nj.gov)
Richard Hunt, PP, AICP, Planning Board Planner (rhunt@alaimogroup.com)
Ninette Orbaczewski, Planning Board Secretary (norbaczewski@monroetownshipnj.org)
Timothy Kernan, PP, AICP, Township Planner (tim.kernan@collierseng.com)
Aileen Chislenko, RMC, Township Clerk (achiselko@monroetownshipnj.org)



The Great Egg Harbor Watershed Association & River Council

Brooke Handley – River Administrator

P.O. Box 109
Newtonville, NJ 08346

(609) 602-0334

bhandley99@gmail.com

Julie Akers
President
Paul Ludgate
Vice President
Dick Colby
Treasurer
Lynn Maun
Secretary &
Coordinator

TRUSTEES
Steve Eisenhauer
Pat Sprigman
Clark Sprigman
Clay Emerson
Paul Ludgate
Carol Jones
Bill Stuempfig

RIVER COUNCIL

Chair:

Gregory Gregory
Somers Point

Vice Chair:

Richard Coe
Monroe Twp.

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Julie Akers
Buena Vista Twp.

Ali Stefanik
Corbin City

Bill Christman
Hamilton Twp.

Ralph Bernard
Weymouth

Clark Sprigman
Winslow Twp.

John Keenan
Hammonton

Jim Owen
Estell Manor

Greg Conway
Borough of Folsom

David Brown
Egg Harbor Twp.

William Handley
Upper Twp.

Dick Colby
GEHWA

RE: Monroe Twp Ord. O:04-2023

Dear Pinelands Commission,

The Great Egg Harbor Watershed Association and River Council manages and protects the Great Egg Harbor Watershed and 129 river miles of the federally designated scenic and recreational Great Egg Harbor River. The Great Egg Harbor River Council includes twelve municipalities including Monroe Township.

Since Block 8401, Lots 8,9,10 in Monroe are designated Regional Growth Mixed Use and Rural Development Residential Receiving, we do not oppose development. However, Block 8401, Lots 8, 9, and 10 in Monroe are adjacent to Hospitality Branch and contain wetlands, and wetlands buffers.

The Great Egg Harbor Watershed Association and River Council requests that maximum buffers to wetlands and the most current stormwater management rules be included in the redevelopment plans for Block 8401, Lots 8, 9, and 10 in Monroe Township. We would also ask that there are no waivers or variances in regards to the stormwater rules.

Thank you for your consideration of our request.

Respectfully,

Brooke Handley, River Administrator
Great Egg Harbor Watershed Association and River Council