



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

**NO. PC4-23- 27**

**TITLE:** Honoring the late Edward Lloyd for his extraordinary service and contributions as a member of the New Jersey Pinelands Commission from November 8, 2002 to August 5, 2023

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

**WHEREAS**, Edward Lloyd served on the Pinelands Commission from November 8, 2002 until his passing on August 5, 2023; and

**WHEREAS**, Commissioner Lloyd was a highly active member of the Commission, attending 226 Pinelands Commission meetings during his tenure while also serving on the agency's Policy and Implementation, Climate, Permanent Land Protection, Public and Governmental Programs, Agriculture, Plan Review, Memorandum of Agreement and Personnel and Budget committees; and

**WHEREAS**, Commissioner Lloyd was a strong and effective advocate for environmental protection in New Jersey, devoting countless hours of his time and his expertise in environmental law for decades; and

**WHEREAS**, Commissioner Lloyd graduated from Princeton University with a degree in chemistry and earned his Juris Doctor degree from the University of Wisconsin. He founded and then served as the Director of the Rutgers University Environmental Law Clinic for 15 years. He also founded the Environmental Law Clinic at Columbia Law School. He taught scores of students at Columbia for 21 years, serving as an instructor, mentor and inspiration for many alumni who are carrying on his lessons and legacy at agencies including the Department of Justice, Environmental Protection Agency, Natural Resource Defense Council, as well as other esteemed nonprofits, interest groups and organizations; and

**WHEREAS**, Mr. Lloyd also served as General Counsel and past Executive Director of the New Jersey Public Interest Research Group. He served on the New Jersey Supreme Court Committee on Environmental Litigation, and he testified before Congressional and legislative committees on issues such as energy conservation, solar power, clean water standards and regulations, freedom of information, water supply planning and conservation, and solid waste;

**WHEREAS**, during his tenure on the Commission, the Commission adopted 23 sets of amendments to the Pinelands Comprehensive Management Plan (CMP), including requirements for the clustering of residential development throughout much of the Pinelands Area, enhanced standards for stormwater management, a pilot program for vegetation management in electric transmission rights-of-way, and siting standards for solar energy facilities; and

**WHEREAS**, during his tenure, the Commission established the Pinelands Conservation Fund, which has since helped to permanently preserve nearly 9,000 acres of land in the Pinelands and has financed numerous Pinelands research, planning and education and outreach projects; and

**WHEREAS**, during his tenure, the Commission completed numerous scientific studies, including a multi-year study of the Kirkwood-Cohansey aquifer system that lies beneath the Pinelands and contains trillions of gallons of water. The work from these studies will inform decisions that advance the Commission's mission to protect the Pinelands for decades to come; and

**WHEREAS**, during his tenure, the Commission established and implemented a highly successful pilot program to test the ability of advanced wastewater treatment technologies to meet stringent Pinelands water quality standards; and

**WHEREAS**, during his tenure, the Commission approved changes to the Pinelands Land Capability Map that reduced the size of development-oriented management areas and resulted in greater protections to nearly 14,000 acres of land; and

**WHEREAS**, during his tenure, the Commission undertook several initiatives aimed at curbing the damages wrought by illegal, off-road vehicle use. This includes identifying ponds that are vulnerable to damages and have been protected through the installation of wooden barriers. It also includes the adoption of a resolution that was drafted by Commissioner Lloyd and designates roads suitable for motor vehicle use in Wharton State Forest; and

**WHEREAS**, during his tenure, the Commission completed an application that resulted in the successful designation of the Pine Barrens Byway as a National Scenic Byway; and

**WHEREAS**, during his tenure, the Commission successfully completed a highly complex, 128-page report that enabled the Pinelands National Reserve to maintain its status as an International Biosphere Region, as designated by United Nations Educational, Scientific and Cultural Organization (UNESCO); and

**WHEREAS**, as a Trustee for the Fund for New Jersey, Commissioner Lloyd was instrumental in obtaining the funding necessary to build the Commission’s Richard J. Sullivan Center for Environmental Policy and Education in 2001. The Sullivan Center later became the site of the Candace McKee Ashmun Pinelands Educational Exhibit; and

**WHEREAS**, during his tenure, the Commission increased its focus on education and outreach by expanding its educational offerings with annual Pinelands-themed World Water Monitoring Challenge events, the Pinelands Summer Short Course, and dozens of onsite presentations and webinars; and

**WHEREAS**, the members of the Commission want to formally honor Commissioner Lloyd for his invaluable contributions as a Commissioner for more than 20 years.

**NOW, THEREFORE BE IT RESOLVED** that the members of the Pinelands Commission hereby honor Commissioner Ed Lloyd for his service as a Commissioner and extend their condolences to his family, friends, and colleagues.

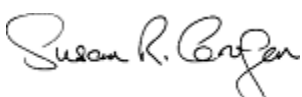
**Record of Commission Votes**

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

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 11, 2023



Susan R. Grogan  
Executive Director



Laura E. Matos  
Chair



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

**NO. PC4-23-28**

**TITLE:** **Approving** With Conditions Applications for **Public Development** (Application Numbers 1985-0557.007, 2018-0029.002 & 2023-0095.001)

Commissioner Irick moves and Commissioner Lohbauer seconds the motion that:

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

**1985-0557.007**

<b>Applicant:</b>	<b>Medford Township</b>
Municipality:	Medford Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	July 21, 2023
Proposed Development:	Demolition of an existing vacant municipal building, 50 years old or older;

**2018-0029.002**

<b>Applicant:</b>	<b>New Jersey Department of Transportation</b>
Municipality:	Hamilton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	July 21, 2023
Proposed Development:	Installation of 7,000 linear feet of four foot wide sidewalk within the U. S. Route 322 right-of-way; and

**2023-0095.001**

<b>Applicant:</b>	<b>Egg Harbor Township Municipal Utilities Authority</b>
Municipality:	Egg Harbor Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	July 21, 2023
Proposed Development:	200 linear feet of public sanitary sewer main within Winnipeg Avenue right-of-way .

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

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

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

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

**NOW, THEREFORE BE IT RESOLVED** that Application Numbers 1985-0557.007, 2018-0029.002 & 2023-0095.001 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

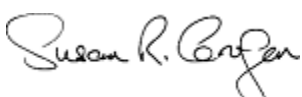
**Record of Commission Votes**

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

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 11, 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](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

July 21, 2023

Kathy Burger, Township Manager (via email)  
Medford Township  
49 Union Street  
Medford NJ 08005

Re: Application # 1985-0557.007  
Block 1801, Lot 4  
Medford Township

Dear Ms. Burger:

The Commission staff has completed its review of this application for demolition of an existing vacant municipal building, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 11, 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, Medford Township Planning Board (via email)  
Medford Township Construction Code Official (via email)  
Medford Township Environmental Commission (via email)  
Secretary, Burlington County Planning Board (via email)  
Timothy Prime, Esq. (via email)



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 SHEILA Y. OLIVER  
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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**

July 21, 2023

Kathy Burger, Township Manager (via email)  
 Medford Township  
 49 Union Street  
 Medford NJ 08005

Application No.: 1985-0557.007  
 Block 1801, Lot 4  
 Medford Township

This application proposes the demolition of an existing vacant municipal building, 50 years old or older, located on the above referenced 0.49 acre parcel in Medford Township. The existing 7,098 square foot building was previously utilized for Township municipal offices.

**STANDARDS**

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

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

The parcel is located in a Pinelands Regional Growth Area. An application to the Commission is required for the demolition of any building (structure), 50 years old or older. The CMP permits the demolition of a building in the Pinelands Area.

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

The parcel is not located within the Medford Village Historic District. A cultural resource survey was prepared for this application. It was determined that no significant cultural resources existed on the parcel.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on June 14, 2023. Newspaper public notice was completed on June 14, 2023. The application was designated as complete on the Commission’s website on June 28, 2023. The Commission’s public comment period closed on July 14, 2023. No public

comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Disposal of any demolition debris may only occur at an appropriately licensed facility.
2. 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.
3. Prior to any demolition, the applicant shall obtain any other necessary permits and approvals.

**CONCLUSION**

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



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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto: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 August 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.





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

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

July 21, 2023

Brenna Fairfax (via email)  
New Jersey Department of Transportation  
1035 Parkway Avenue  
PO Box 600  
Trenton NJ 08625

Re: Application # 2018-0029.002  
U.S. Route 322 right-of-way  
Block 854, Lots 40 & 151  
Hamilton Township

Dear Ms. Fairfax:

The Commission staff has completed its review of this application for installation of 7,000 linear feet of four foot wide sidewalk within the U.S. Route 322 right-of-way. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 11, 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, Hamilton Township Planning Board (via email)  
Hamilton Township Construction Code Official (via email)  
Atlantic County Department of Regional Planning and Development (via email)



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LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

July 21, 2023

Brenna Fairfax (via email)  
New Jersey Department of Transportation  
1035 Parkway Avenue  
PO Box 600  
Trenton NJ 08625

Application No.: 2018-0029.002  
U.S. Route 322 right-of-way  
Block 854, Lots 40 & 151  
Hamilton Township

This application proposes the installation of 7,000 linear feet of four foot wide sidewalk within the U.S. Route 322 right-of-way in Hamilton Township. The proposed sidewalks are proposed in the vicinity of the intersection of U.S. Route 322 with Cologne Avenue, Route 40 and Wrangleboro Road.

### **STANDARDS**

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

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

The proposed development is located within a Pinelands Regional Growth Area. The proposed sidewalks are permitted in a Pinelands Regional Growth Area.

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

There are wetlands located within 300 feet of the proposed sidewalks. The CMP prohibits most development in wetlands and requires a buffer (transition area) of up to 300 feet to wetlands. The proposed sidewalks will be located in existing maintained grassed road shoulders. Approximately 4,000 linear feet of the proposed sidewalk will be located with 300 feet of wetlands. The buffer to wetlands maintained by this approximately 4,000 linear feet of proposed sidewalk ranges from 299 feet to 5 feet.

However, the CMP permits the installation of sidewalks (linear improvements) in the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed development that does

not involve development in the required buffer to wetlands or that will result in a less significant adverse impact to the required buffer to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands. The applicant has represented that the proposed development is necessary to improve pedestrian safety. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the required buffer to wetlands.

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

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

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

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

The installation of the proposed sidewalks will result in a total of 26,400 square feet of new impervious surfaces. The applicant owns Block 854, Lots 40 and 151 (parcel) in Hamilton Township. The parcel is located immediately adjacent to the sidewalk proposed at the U.S. Route 322 and Cologne Avenue intersection. The parcel is located within the same drainage area as the proposed development. The parcel contains 26,587 square feet of pavement associated with a prior commercial use. The applicant will be removing 26,587 square feet of existing impervious surfaces from the parcel and revegetating the area with native Pinelands species. The proposed development will result in a decrease in impervious surfaces by 187 square feet. There will be no increase in the volume and rate of stormwater runoff after the development than occurred prior to the proposed development. The proposed development is consistent with CMP stormwater management standards.

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

The Commission staff reviewed available information to determine the potential for any significant cultural resources that could be affected by the proposed development. Based upon the lack of potential for significant cultural resources within the area to be developed, a cultural resource survey was not required.

**PUBLIC COMMENT**

The applicant has provided the requisite public notice. Newspaper public notice was completed on May 20, 2023. The application was designated as complete on the Commission's website on June 20, 2023. The Commission's public comment period closed on July 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 15 sheets, prepared by HNTB Corporation, and dated as follows:

Sheets 1-3, 6-8 & 11-14 - February 14, 2022

Sheets 4, 5, 9, 10 & 15 - March 28, 2023

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. The applicant shall complete the removal of the 26,587 square feet of impervious surface from Block 854, Lots 40 and 151 in Hamilton Township and the revegetation of the area with native Pinelands species prior to, or concurrently with, the installation of the proposed sidewalks.
4. 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.
5. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
6. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

### **CONCLUSION**

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



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LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

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

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

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



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

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

July 21, 2023

Elaine Super (via email)  
Egg Harbor Township Municipal Utilities Authority  
3515 Bargaintown Road  
Egg Harbor Township NJ 08234

Re: Application # 2023-0095.001  
Winnipeg Avenue right-of-way  
Egg Harbor Township

Dear Ms. Super:

The Commission staff has completed its review of this application for 200 linear feet of public sanitary sewer main within the Winnipeg Avenue right-of-way. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 11, 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, Egg Harbor Township Planning Board (via email)  
Egg Harbor Township Construction Code Official (via email)  
Egg Harbor Township Environmental Commission (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Vincent Polistina, PE (via email)



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LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

### **PUBLIC DEVELOPMENT APPLICATION REPORT**

July 21, 2023

Elaine Super (via email)  
Egg Harbor Township Municipal Utilities Authority  
3515 Bargaintown Road  
Egg Harbor Township NJ 08234

Application No.: 2023-0095.001  
Winnipeg Avenue right-of-way  
Egg Harbor Township

This application proposes 200 linear feet of public sanitary sewer main within the Winnipeg Avenue right-of-way in Egg Harbor Township. The proposed public sanitary sewer main will service three existing residential dwelling units that are currently serviced by onsite septic systems.

#### **STANDARDS**

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

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

The proposed development is located in a Pinelands Regional Growth Area. Sanitary sewer (public service infrastructure) is 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 under existing pavement. The proposed soil disturbance is limited to that which is necessary to accommodate the development.

#### **PUBLIC COMMENT**

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on June 29, 2023. The Commission’s public comment period closed on July 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 three sheets, prepared by Polistina & Associates, LLC, all sheets dated November 16, 2021.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

**CONCLUSION**

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





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SHEILA Y. OLIVER  
Lt. Governor

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

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
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 August 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. PC4-23-29

**TITLE:** **Approving** With Conditions an Application for **Public Development** (Application Number 1988-0706.025)

Commissioner Lohbauer moves and Commissioner Avery 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:

**1988-0706.025**

<b>Applicant:</b>	<b>Town of Hammonton</b>
Municipality:	Town of Hammonton
Management Area:	Pinelands Town
Date of Report:	July 21, 2023
Proposed Development:	Construction of a 3,627 linear foot earthen berm associated with the municipal treated wastewater land application site

**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 1988-0706.025 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				Wallner	X			
Avery	X				Lohbauer	X				Matos	X			
Christy			X		Mauriello			X						
Holroyd	X				Meade	X								
Irick	X				Pikolycky	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 11, 2023

Susan R. Grogan  
Executive Director

Laura E. Matos  
Chair



# State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

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

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

July 21, 2023

Stephen DiDonato, Mayor (via email)  
Town of Hammonton  
100 Central Avenue  
Town Hall  
Hammonton NJ 08037

Re: Application # 1988-0706.025  
Sewell Avenue and Seventh Street rights-of-way  
Block 4204, Lots 11 & 15  
Town of Hammonton

Dear Mayor DiDonato:

The Commission staff has completed its review of this application for the construction of a 3,627 linear foot earthen berm associated with the municipal treated wastewater land application facility. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 11, 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  
Public Comment

c: Secretary, Town of Hammonton Planning Board (via email)  
Town of Hammonton Construction Code Official (via email)  
Town of Hammonton Environmental Commission (via email)

Atlantic County Department of Regional Planning and Development (via email)  
Marianne Risley (via email)  
Heidi Yeh (via email)  
Kimberly Kelly (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](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

### **PUBLIC DEVELOPMENT APPLICATION REPORT**

July 21, 2023

Stephen DiDonato, Mayor (via email)

Town of Hammonton

100 Central Avenue

Town Hall

Hammonton NJ 08037

Application No.: 1988-0706.025  
Sewell Avenue and Seventh Street rights-of-way  
Block 4204, Lots 11 & 15  
Town of Hammonton

This application proposes construction of a 3,627 linear foot earthen berm associated with the municipal treated wastewater land application facility located on the above referenced 79 acre parcel in the Town of Hammonton. Approximately 3,417 linear feet of the proposed berm will be located within the Sewell Avenue and Seventh Street municipal road rights-of-way and approximately 210 linear feet of the earthen berm will be located on Block 4204, Lots 11 and 15.

The Town of Hammonton's Boyer Avenue treated wastewater land application facility is located on the parcel. The land application facility includes one wastewater storage lagoon, five infiltration trenches, 37 acres of overland drip irrigation and approximately six acres of underground recharge. There are also existing municipal recreational fields located on the parcel.

The proposed earthen berm will be four feet wide and thirty inches tall. The berm is being constructed to prevent the accidental discharge of treated wastewater to lands adjacent to the drip irrigation system.

The applicant has indicated that the proposed berm will not impede motor vehicle access to Sewell Avenue or Seventh Street.

### **STANDARDS**

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

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

The parcel is located in the Pinelands Town of Hammonton. The proposed earthen berm is permitted in

the Pinelands Area.

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

There are wetlands located within 300 feet of the parcel. The proposed earthen berm will be located greater than 300 feet from the wetlands.

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

The proposed earthen berm will be located primarily within existing sand roads and partially within forested areas. Approximately 0.37 acres of forest will be cleared for the proposed earthen berm. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed earthen berm.

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.

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

The Commission staff reviewed available information to determine the potential for any significant cultural resources that could be affected by the proposed development. Based upon the lack of potential for significant cultural resources within the area to be developed, a cultural resource survey was not required.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on June 1, 2023. Newspaper public notice was completed on June 6, 2023. The application was designated as complete on the Commission's website on June 29, 2023. The Commission's public comment period closed on July 14, 2023. The Commission received written public comments (enclosed) from two commenters regarding this application.

Public commenter #1: The commenter requested an appointment to inspect the Commission's application file and a copy of the site plan and any other information submitted with the application, including the application form.

Staff response: By Commission email dated May 15, 2023, the commenter was provided with a copy of the plan submitted to the Pinelands Commission for this application. By Commission email dated May 16, 2023, the commenter was provided with the application form and accompanying information that was submitted to the Commission for this application. The commenter is also copied on this Public Development Application Report containing the Executive Director's findings and recommendation.

Public commenter #2: The commenter requested a copy of the Public Development Application Report containing the Executive Director's findings and recommendation regarding the application.

Staff response: The commenter is copied on this Public Development Application Report containing the Executive Director's findings and recommendation.

### **CONDITIONS**

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

Sheet 1 - October 2022; last revised June 2, 2023

Sheets 2 & 3 - October 2022

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

### **CONCLUSION**

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



## State of New Jersey

THE PINELANDS COMMISSION

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



PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

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

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
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 August 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.



---

**From:** Kimberly Kelly (kim@thecodylawfirm.net)  
**Received:** 5/10/2023 9:41:14 AM  
**To:** AppInfo, PC [PINELANDS] (AppInfo@pinelands.nj.gov)  
**CC:** kristin.keating@frogrockgolf.com (kristin.keating@frogrockgolf.com), Stacie Rodzon (Stacie@thecodylawfirm.net)  
**Subject:** [EXTERNAL] Re: Boyer Avenue Berm - NJ Pinelands Public Development Application, Block 4204, Lots 11 & 15 - inspection  
**Attachments:** None

To Whom it May Concern:

I am emailing in regard to the notice of the Boyer Avenue Berm - NJ Pinelands Public Development Application that was submitted by the Town of Hammonton, Block 4204, portion of Lots 11 & 15. Notice was received by our clients, Rocco and Gloria Colasurdo, dated May 5, 2023. The notice states that the application is on file and available for inspection by appointment at the NJ Pinelands Commission's office. Our office would like to schedule an appointment to inspect this application sometime next week. Please advise of dates of availability so that this inspection can be scheduled.

Thank you for your time and attention to this matter.

Kimberly Kelly  
Paralegal  
THE CODY LAW FIRM, LLC  
651 S. White Horse Pike  
Hammonton, NJ 08037  
(609) 561-1015 - office telephone  
(609) 567-7777 - office fax  
Email: Kim@thecodylawfirm.net  
Website:  
[www.thecodylawfirm.com](http://www.thecodylawfirm.com)

Notice: This communication, including attachments, may contain information that is confidential and protected by the attorney/client or other privileges. It constitutes non-public information intended to be conveyed only to the designated recipient(s). If the reader or recipient of this communication is not the intended recipient, or you believe that you have received this communication in error, please notify the sender immediately by return e-mail and promptly delete this e-mail, including attachments without reading, copying or saving it in any manner. The unauthorized use, dissemination, distribution, or reproduction of this e-mail, including attachments, is prohibited and may be unlawful. Receipt by anyone other than the intended recipient(s) is not a waiver of any attorney/client or other privilege.

---

**From:** Kimberly Kelly (kim@thecodylawfirm.net)  
**Received:** 5/16/2023 10:15:38 AM  
**To:** AppInfo, PC [PINELANDS] (AppInfo@pinelands.nj.gov)  
**CC:**  
**Subject:** [EXTERNAL] Re: Pinelands Application #1988-0706.025  
**Attachments:** Email-01-ConnectWithUs.png, Email-02-Facebook.png, Email-03-YouTube.png

Dear Ernest Deman:

Thank you for emailing me the site plan. If you would also email any other information/documentation that was submitted with the application (including the application form) it would be greatly appreciated.

Thank you again for your time and attention.

Kimberly Kelly  
Paralegal  
THE CODY LAW FIRM, LLC  
651 S. White Horse Pike  
Hammonton, NJ 08037  
(609) 561-1015 - office telephone  
(609) 567-7777 - office fax  
Email: Kim@thecodylawfirm.net  
Website:  
[www.thecodylawfirm.com](http://www.thecodylawfirm.com)

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---

**From:** appinfo@pinelands.nj.gov <appinfo@pinelands.nj.gov>  
**Sent:** Monday, May 15, 2023 10:58 AM  
**To:** Kimberly Kelly <kim@thecodylawfirm.net>  
**Subject:** Pinelands Application #1988-0706.025

Good morning Ms. Kelly,

Attached please find a copy of the site plan submitted for the concerned application.

If you would like a copy of an additional information (the application form), please let me know.

Ernest Deman

Ernest M. Deman  
Pinelands Commission  
PO BOX 359  
New Lisbon, NJ 08064  
609-894-7300

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---

**From:** Heidi Yeh (heidi@pinelandsalliance.org)  
**Received:** 7/10/2023 2:32:13 PM  
**To:** AppInfo, PC [PINELANDS] (AppInfo@pinelands.nj.gov)  
**CC:**  
**Subject:** [EXTERNAL] RE: Public Development Application # 19880706.025 is complete for public review  
**Attachments:** None

Hello,

Can I please see the CoF associated with this application?

Best,  
Heidi

---

**From:** appinfo@pinelands.nj.gov <appinfo@pinelands.nj.gov>  
**Sent:** Thursday, June 29, 2023 9:37 AM  
**Subject:** Public Development Application # 19880706.025 is complete for public review

Application# 19880706.025 - Town of Hammonton

Received on: 2/24/2023

Project: Earthen Diversion Berm on Boyer and Sewell Avenue

Municipality: Hammonton Town

Block 4204, Lots 11 & 15

This Public Development application is available for public review and is substantively complete. The final opportunity for oral public comment will occur at the 7/14/2023 Commission meeting. Written comments will be accepted until 5 p.m. that day or the close of the Commission meeting, whichever is later.

Pinelands Commission

PO BOX 359

New Lisbon, NJ 08064

609-894-7300



**New Jersey  
Pinelands Commission**

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

**NO. PC4-23- 30**

**TITLE:** **Approving** With Conditions an Application for **Public Development** (Application Number 1988-1286.006)

**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:

**1988-1286.006**

<b>Applicant:</b>	<b>Hammonton Board of Education</b>
Municipality:	Town of Hammonton
Management Area:	Pinelands Town
Date of Report:	July 21, 2023
Proposed Development:	Construction of an 11,987 square foot addition to the Hammonton Early Childhood Education Center.

**WHEREAS**, the Commission previously approved the construction of a 25,050 square foot addition to a school now known as the Hammonton Early Childhood Education Center and a 42 space parking lot (App. No. 1988-1286.002); and

**WHEREAS**, instead of the development approved in App. No. 1988-1286.002, a 35,613 square foot addition and a 115 space parking lot were constructed on the parcel; and

**WHEREAS**, the construction of the additional 10,563 square foot school addition and 73 additional parking spaces prior to approval of an application by the Commission constitutes a violation of the application requirements of the Town of Hammonton land use ordinance and the Pinelands Comprehensive Management Plan (CMP); and

**WHEREAS**, the applicant proposed to address this violation by submitting the necessary information to substantively complete an application for the additional 10,563 square foot school addition and 73 additional parking spaces by August 10, 2023; and

**WHEREAS**, the applicant submitted the necessary information to substantively complete an application for the additional 10,563 square foot school addition and 73 additional parking spaces by August 10, 2023; and

**WHEREAS**, based upon the applicant's agreement and submission of the necessary information to complete an application and thereby eliminate the violation in a time period acceptable to the Executive Director in accordance with the regulations contained in the CMP (N.J.A.C. 7:50-4.2(c)1.ii), the Executive Director determined that App. No. 1988-1286.006 could be deemed complete; and

**WHEREAS**, no request for a hearing before the Office of Administrative Law concerning the Executive Director's recommendation has been received for App. No. 1988-1286.006; 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

**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 1988-1286.006 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

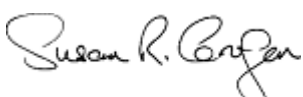
**Record of Commission Votes**

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

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 11, 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](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
Executive Director

July 21, 2023

Barbara Prettyman, School Business Administrator (via email)  
Hammonton Board of Education  
566 Old Forks Road  
Hammonton NJ 08037

Re: Application # 1988-1286.006  
Block 2301, Lot 64  
Town of Hammonton

Dear Ms. Prettyman:

The Commission staff has completed its review of this application for the construction of an 11,987 square foot addition to the Hammonton Early Childhood Education 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 August 11, 2023 meeting.

**On August 11, 2000, the Commission approved the construction of a 25,050 square foot addition to a school now known as the Hammonton Early Childhood Education Center and a 42 space parking lot (App. No. 1988-1286.002). Instead of the development approved in App. No. 1988-1286.002, a 35,613 square foot addition and a 115 space parking lot were constructed on the parcel. The construction of the additional 10,563 square foot school addition and 73 additional parking spaces prior to approval of an application by the Commission constitutes a violation of the application requirements of the Town of Hammonton land use ordinance and the Pinelands Comprehensive Management Plan.**

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure  
Public Comment

c: Secretary, Town of Hammonton Planning Board (via email)  
Town of Hammonton Construction Code Official (via email)  
Town of Hammonton Environmental Commission (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Marianne Risley (via email)  
Heidi Yeh (via email)





State of New Jersey  
 THE PINELANDS COMMISSION  
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 NEW LISBON, NJ 08064  
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 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

**PUBLIC DEVELOPMENT APPLICATION REPORT**

July 21, 2023

Barbara Prettyman, School Business Administrator  
 Hammonton Board of Education (via email)  
 566 Old Forks Road  
 Hammonton NJ 08037

Application No.: 1988-1286.006  
 Block 2301, Lot 64  
 Town of Hammonton

This application proposes the construction of an 11,987 square foot addition to the Hammonton Early Childhood Education Center located on the above referenced 28.62 acre parcel in the Town of Hammonton.

On July 14, 2000, the Commission approved the construction of a 25,050 square foot addition to a school now known as the Hammonton Early Childhood Education Center and a 42 space parking lot (App. No. 1988-1286.002). Instead of the development approved in App. No. 1988-1286.002, a 35,613 square foot school addition and a 115 space parking lot were constructed on the parcel. The construction of the additional 10,563 square foot school addition and the 73 additional parking spaces prior to approval by the Pinelands Commission constitutes a violation of the application requirements of the Town of Hammonton land use ordinance and the Pinelands Comprehensive Management Plan (CMP).

The CMP (N.J.A.C. 7:50-4.2(c)1.ii) provides that any application for development shall not be deemed complete by the Executive Director if there is an unresolved violation on the parcel. If an applicant agrees to take all measures specified by the Commission’s Executive Director to eliminate the violation in a time period acceptable to the Executive Director, the application may be deemed complete. In this case, the applicant has agreed to substantively complete an application for the additional 10,563 square foot school addition and 73 additional parking spaces by August 10, 2023. Based upon the applicant’s agreement to eliminate the violation in a time period acceptable to the Executive Director, the Executive Director determined that App. No 1988-1286.006 could be deemed complete.

**STANDARDS**

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

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

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

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

There are wetlands located on the parcel. All development will be located at least 300 feet from wetlands.

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

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

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

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

The proposed development will be serviced by public sanitary sewer.

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

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

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

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

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on February 21, 2023. Newspaper public notice was completed on February 27, 2023. The application was designated as complete on the Commission's website on July 3, 2023. The Commission's public comment period closed on July 14, 2023. The Commission received one public comment (enclosed) regarding this application.

Comment: The commenter requested a copy of the Public Development Application Report containing the Executive Director's findings and recommendation regarding the application.

Staff Response: The commenter is copied on this Public Development Application Report containing the Executive Director's findings and recommendation.

### **CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of nine sheets, prepared by Adams, Rehmann & Heggan Associates, Inc., all sheets dated February 3, 2023 and last revised July 11, 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. By August 10, 2023, the applicant shall submit the necessary information to substantively complete an application for the additional 10,563 square foot school addition and 73 additional parking spaces that were constructed on the parcel prior to approval by the Commission.

### **CONCLUSION**

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



## State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

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



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

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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
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 August 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.

---

**From:** Heidi Yeh (heidi@pinelandsalliance.org)  
**Received:** 7/5/2023 10:37:17 AM  
**To:** AppInfo, PC [PINELANDS] (AppInfo@pinelands.nj.gov)  
**CC:**  
**Subject:** [EXTERNAL] RE: Public Development Application # 19881286.006 is complete for public review  
**Attachments:** None

Hello,

Could I please see the CoF for this application?

Best,  
Heidi

---

**From:** appinfo@pinelands.nj.gov <appinfo@pinelands.nj.gov>  
**Sent:** Monday, July 3, 2023 3:38 PM  
**Subject:** Public Development Application # 19881286.006 is complete for public review

Application# 19881286.006 - Hammonton Board of Education  
Received on: 2/16/2023  
Project: Construction of an 11,987 square foot school addition  
Municipality: Hammonton Town  
Block 2301, Lot 64

This Public Development application is available for public review and is substantively complete. The final opportunity for oral public comment will occur at the 7/14/2023 Commission meeting. Written comments will be accepted until 5 p.m. that day or the close of the Commission meeting, whichever is later.

Pinelands Commission  
PO BOX 359  
New Lisbon, NJ 08064  
609-894-7300



**New Jersey  
Pinelands Commission**

Connect with us:



**CONFIDENTIALITY NOTICE:**

The information contained in this communication from the Pinelands Commission is privileged and confidential and is intended for the sole use of the persons or entities who are the addressees. If you are not an intended recipient of this email, the dissemination, distribution, copying or use of the information it contains is strictly prohibited. If you have received this communication in error, please immediately contact the Pinelands Commission at 609-894-7300 to arrange for the return of this information.

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

**NO. PC4-23- 31**

**TITLE:** Issuing an Order to Certify Pemberton Township Ordinance 20-2023, Adopting the Spruce Boulevard/Junction Road Redevelopment Plan

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

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

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

**WHEREAS**, Resolution #PC4-83-52 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

**WHEREAS**, on April 19, 2023, the Pemberton Township Council adopted Ordinance 20-2023, adopting the Spruce Boulevard/Junction Road Redevelopment Plan, dated March 2023; and

**WHEREAS**, the Pinelands Commission received a certified copy of Ordinance 20-2023 on May 25, 2023; and

**WHEREAS**, by letter dated June 13, 2023, the Executive Director notified the Township that Ordinance 20-2023 would require formal review and approval by the Pinelands Commission; and

**WHEREAS**, a public hearing to receive testimony on Pemberton Township Ordinance 20-2023 was duly advertised, noticed and remotely held on July 12, 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 Pemberton Township Ordinance 20-2023 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 Pemberton Township Ordinance 20-2023 is in conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Pemberton Township Ordinance 20-2023 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 Pemberton Township Ordinance 20-2023, adopting the Spruce Boulevard/Junction Road Redevelopment Plan, is in conformance with the Pinelands Comprehensive Management Plan.
  
2. Any additional amendments to Pemberton Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

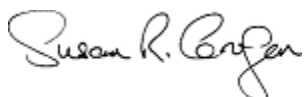
**Record of Commission Votes**

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

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 11, 2023



Susan R. Grogan  
Executive Director



Laura E. Matos  
Chair



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



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

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

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

## Report on Pemberton Township Ordinance 20-2023, Adopting the Spruce Boulevard/Junction Road Redevelopment Plan

July 28, 2023

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

### Findings of Fact

#### I. Background

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

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

On April 19, 2023, the Pemberton Township Council adopted Ordinance 20-2023, approving the Spruce Boulevard/Junction Road Redevelopment Plan, dated March 2023. The redevelopment area is located in a Pinelands Regional Growth Area. The Pinelands Commission received a certified copy of Ordinance 20-2023 on May 25, 2023.

By letter dated June 13, 2023, the Executive Director notified the Township that Ordinance 20-2023 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 20-2023, adopting the Spruce Boulevard/Junction Road Redevelopment Plan, introduced on April 5, 2023, and adopted on April 19, 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 (CMP). The findings from this review are presented below. The numbers used to designate the sections below correspond to the numbers used to identify the standards in N.J.A.C. 7:50-3.39.

## **1. Natural Resource Inventory**

Not applicable.

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

Ordinance 20-2023 adopts the Spruce Boulevard/Junction Road Redevelopment Plan, dated March 2023. This new redevelopment area consists of 16 lots (Block 586, Lots 1, 10-12; Block 587, Lots 1.01, 15-23; and Block 849, Lots 1.01, 1.03) and is approximately 31 acres (see Exhibit 1). The redevelopment area is composed of four existing, single-family dwelling units, with the remainder of the area undeveloped and wooded. Extensive wetlands and wetlands buffers are present in the eastern portion of the redevelopment area. Approximately 10.3 acres are located within the Township's Residential-80 (R-80) District and the remaining 20.7 acres are located within the Infill Single-Family (R-I) District. The entirety of the redevelopment area is within a Pinelands Regional Growth Area.

The Township's R-80 District permits single-family dwellings on lots with a minimum area of 8,000 square feet if served by centralized sanitary sewerage and 40,000 square feet if served by an onsite wastewater treatment system. The Township's R-I District permits single-family dwellings at a base net density of 0.5 dwelling units per acre, with a maximum net density of 2.75 dwelling units per acre achievable through the use of Pinelands Development Credits (PDCs). Density calculations in the R-I District exclude water bodies and wetlands over one acre. Once the maximum net density is achieved through the use of PDCs, the R-I District provides additional bonus density of up to 15% achievable through the inclusion of certain active and/or passive solar energy elements. This provides for an increase in the maximum net density to 3.16 dwelling units per acre. The R-80 and the R-I districts also permit public playgrounds, conservation areas, parks, public schools, school administrative buildings, and churches.

The redevelopment plan seeks to facilitate an inclusionary, medium-density residential development that complements the existing Blueberry Manor neighborhood and provides pedestrian connections to the surrounding community and public facilities. To that end, the redevelopment plan supersedes the underlying zoning and permits detached, single-family dwelling units and townhouses. Lots with direct frontage on the existing Spruce Boulevard right-of-way are limited to detached single-family dwellings only. A maximum of 91 residential units are permitted within the redevelopment area. This is one unit less than what would be permitted under the Township's existing, certified zoning plan for this area. The plan requires that a minimum of 13% of the dwelling units be made affordable to low- and moderate-income households. The acquisition and redemption of PDCs is required for 25% of all residential units in the redevelopment area, with an exception for those units required by the plan to be developed on-site and made affordable to low- and moderate-income households. The plan also includes various area and bulk requirements as well as building design, signage, parking, landscaping,

lighting, and stormwater standards. Any proposed development under this redevelopment plan is required to be generally consistent with a concept plan included in the redevelopment plan. Lastly, the redevelopment plan explicitly requires that all development within the redevelopment area comply with the minimum environmental standards of the CMP.

Ordinance 20-2023 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 sufficient 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.

As noted above, the redevelopment area spans two existing certified zoning districts: The R-80 District and the R-I District. The R-80 does not include provisions for the use of PDCs to increase residential density, while the R-I District provides for an increase in net density from 0.5 dwelling units per acre to 2.75 dwelling units per acre through the use of PDCs. Under the Township's existing certified zoning plan, there is an *opportunity* for use of up to 39 rights (9.75 PDCs) within the R-I portion of the redevelopment area.

In order to facilitate the development of affordable housing units in the Spruce Boulevard/Junction Road Redevelopment Area, the Township has expanded permitted housing types to include townhouses. The Township has further opted to require that PDCs be acquired and redeemed for 25% of all residential units within the redevelopment area, with an exception for units developed on-site that are made affordable to low- and moderate-income households. Any affordable units beyond the 13% required by the plan will require that PDCs be acquired and redeemed at the 25% rate. This results in a requirement for the acquisition and redemption of up to 20 PDC rights (5 PDCs).

The 25% PDC requirement is not as high a number as would be provided through the Township's existing certified zoning plan. However, development of this area has not occurred during the 40 years that zoning plan has been in place and, as a result, no PDCs have been redeemed. It is also important to remember that the traditional base-density/bonus-density approach utilized in the existing R-I Zone and throughout the Pinelands Area only provides an *opportunity* for the use of PDCs. There is no requirement under the traditional approach that any PDCs be used in any particular development project. Ordinance 20-2023 *guarantees* a PDC redemption rate of 25% for any residential development within the redevelopment area. Given the greater certainty provided by this approach, the Executive Director finds that the PDC requirements adopted by Ordinance 20-2023 are consistent with CMP standards.

This standard for certification is met.

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

Not applicable.

**10. General Conformance Requirements**

Ordinance 20-2023 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 20-2023 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 20-2023 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 Pemberton Township's application for certification of Ordinance 20-2023 was duly advertised, noticed and held on July 12, 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. No testimony was provided.

Written comments on Ordinance 20-2023 were accepted through July 14, 2023. No written comments were submitted.

#### **Conclusion**








Based on the Findings of Fact cited above, the Executive Director has concluded that Pemberton Township Ordinance 20-2023, adopting the Spruce Boulevard/Junction Road 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 20-2023 of Pemberton Township.

SRG/DBL/CPE  
Attachments

# Pemberton Township

## Spruce Boulevard/Junction Road Redevelopment Area

Executive Director's Report  
 Pemberton Twp. Ord. 20-2023  
 7/28/2023  
 Exhibit 1

<b>Pinelands Management Areas</b>	 Redevelopment Area	 Pinelands Wetlands
 Forest Area	 Existing Zoning	 300' Wetland Buffer
 Regional Growth Area	 Lots	

