



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




Chris Christie  
 Governor  
 Kim Guadagno  
 Lt. Governor

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

Sean W. Earlen  
 Chairman  
 Nancy Wittenberg  
 Executive Director

**MEMORANDUM**

To: Members of the Commission  
 From: Nancy Wittenberg   
 Executive Director  
 Date: January 13, 2017  
 Subject: Summary of the January 24, 2017 Meeting Packet

**Minutes**

The December 9, 2016 Commission meeting minutes (open and closed session) are included in your packet.

**Public Development Applications**

There are no Public Development applications on this month's agenda.

**Waiver of Strict Compliance**

There are no Waiver of Strict Compliance applications on this month's agenda.

**Letter of Interpretation**

There were no Pinelands Development Credit (PDC) Letters of Interpretations issued since the last Commission meeting.

**Off-Road Vehicle Event Route Map Approval**

There were no Off-Road Vehicle Event Route Map Approvals issued since the last Commission meeting.

**Ordinances Not Requiring Commission Action**

Included in this month's packet is a memorandum on two ordinance amendments that we reviewed and found to raise no substantial issues with respect to the Town of Hammonton and Stafford Township.

**Other Items**

Also included in this month's packet are:

1. A list of pending Public Development Applications for which public comment will be accepted at the January 24, 2017 Commission meeting. For this meeting, the list includes the South Jersey Gas (Application No. 2012-0056.001) matter remanded by the Superior Court of New Jersey. Staff will make a presentation on this matter. The following background information regarding the South Jersey Gas matter is included in your packet: the Certificate of Filing dated August 14, 2015 and the letter to the Board of Public Utilities dated December 14, 2015.
2. A memorandum from the Regulatory Programs office providing an update on the Medford Township Local Review Officer (LRO) Program over the past three years.

**Closed Session**

The Commission may need to convene into closed session.

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Please note that future meetings and office closure dates, as well as any Pinelands-related activities of interest, are listed at the bottom of the agenda.

/ PC1



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Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

### NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Tuesday, January 24, 2017

St. Ann's Church

Parish Centre

22 Trenton Road

Browns Mills, New Jersey

**9:30 a.m.**

1. Call to Order

- Open Public Meetings Act Statement
- Roll Call
- Pledge Allegiance to the Flag

2. Adoption of Minutes

- December 9, 2016 (open and closed session)

3. Committee Chairs' and Executive Director's Reports

4. Matters for Commission Consideration Where the Record is Closed

A. Permitting Matters

- Office of Administrative Law
  - None
- Review of Local Approval
  - None
- Public Development Projects and Waivers of Strict Compliance
  - None

B. Planning Matters

- Municipal Ordinances

- None
  - Other Resolutions
    - None
  - CMP Amendments
    - None
5. Presentation: South Jersey Gas Company – Overview of the Proposed Natural Gas Pipeline (Application No. 2012-0056.001)
  6. Public Comment on Agenda Items, Pending Public Development Applications and Remanded items: Superior Court of New Jersey, Appellate Division – South Jersey Gas Company (Application No. 2012-0056.001) (see attached list) *(to ensure adequate time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.)*
  7. Ordinances Not Requiring Commission Action
    - Town of Hammonton Ordinance 12-2016
    - Stafford Township Ordinance 2016-24
  8. General Public Comment *(to ensure adequate time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.)*
  9. Resolution to Retire into Closed Session (if needed) – Personnel, Litigation and Acquisition Matters *(The Commission reserves the right to reconvene into public session to take action on closed session items.)*
  10. Adjournment

### **Upcoming Meetings**

Unless otherwise noted, all meetings/events are conducted at the offices of the Pinelands Commission in New Lisbon

Friday, January 27, 2017	Policy and Implementation Committee Meeting (9:30 a.m.)
Tuesday, February 7, 2017	Personnel and Budget Committee Meeting (9:30 a.m.)
Friday, February 10, 2017	Pinelands Commission Meeting (9:30 a.m.)

**Events of Interest**

Saturday, March 11, 2017-Pinelands Short Course- Stockton University, Galloway, NJ

**Upcoming Office Closures**

Monday, February 20, 2017 President's Day



*Pinelands Commission and Committee meeting agendas are posted on the Commission's Web site and can be viewed at [www.nj.gov/pinelands/](http://www.nj.gov/pinelands/). The agendas are also posted and can be viewed at the Pinelands Commission Offices, 15 Springfield Road, New Lisbon, New Jersey or for more information on agenda details, e-mail the [Public Programs Office](mailto:Info@njpines.state.nj.us) at [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us) or call (609) 894-7300*

PINELANDS COMMISSION MEETING  
Richard J. Sullivan Center  
Terrence D. Moore Conference Room  
15 Springfield Road  
New Lisbon, New Jersey

MINUTES

**December 9, 2016**

Commissioners Present

Candace Ashmun, Alan W. Avery Jr., Bob Barr, Bill Brown, Giuseppe Chila, Joe DiBello, Paul E. Galletta, Jane Jannarone, Ed Lloyd, Mark Lohbauer, Ed McGlinchey, Richard Prickett, Gary Quinn, D'Arcy Rohan Green and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Mary Maples and Deputy Attorney Generals (DAG) Sean Moriarty and Helene Chudzik.

Commissioners Absent

None.

Chairman Earlen called the meeting to order at 9:31 a.m.

DAG Moriarty read the Open Public Meetings Act Statement.

Ms. Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 13 Commissioners present.) Commissioner Lloyd joined the meeting at 9:36 a.m. Commissioner Jannarone joined the Meeting at 10:08 a.m.

The Commission and public in attendance pledged allegiance to the Flag.

### Minutes

Chairman Earlen presented the minutes from the November 4, 2016 Commission meeting. Commissioner Barr moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The minutes of the November 4, 2016 Commission meeting were adopted by a vote of 12 to 0. Commissioner Chila abstained from the vote, and Commissioner Lloyd and Commissioner Jannarone were not present to participate in the vote.

### Committee Chairs' Reports

Commissioner McGlinchey provided an update on the December 2, 2016 Agriculture Committee meeting:

The Committee adopted the minutes of its April 22, 2016 meeting.

The Committee received a presentation on the Pinelands Development Credit Program, focusing on potential enhancements to the program, restructuring and reforming the PDC Bank and responses to concerns expressed by the New Jersey Builders Association.

The Committee discussed potential topics for future consideration, including amending the Comprehensive Management Plan to reflect the January 2016 legislation regarding the definition of low-intensity recreation in the Agricultural Production Area to include field sports; evaluating accessory uses on farms; and water use by agriculture.

The Committee selected meeting dates for 2017.

### Executive Director's Reports

Ms. Wittenberg updated the Commission on the following:

- Funding from the National Park Service was used to print a 2017 Pinelands National Reserve calendar that has been handed out today.
- Staff participated in a LEAN event to streamline the collection of permanent land protection data and generation of the map. Some years ago staff participated in multiple LEAN events to develop efficiencies in certain Commission processes.
- Staff continues to work on issues related to Wharton. Staff determined that a 1997 USGS map does not exist. A map was created using 12 quad maps, some of which are from 1997 and some that are older.

Chairman Earlen said that Wharton will be discussed at the January Policy and Implementation Committee meeting.

Mr. Larry Liggett updated the Commission on the following:

- Staff continues to work on new approaches regarding the Kirkwood-Cohansey data. Representatives of Winslow Township recently requested that Commission staff review an existing Memorandum of Understanding (MOU) between the township and the Commission to revisit water use and the provisions of the MOU.

- Staff is in the process of correcting some of the cell tower mapping to eliminate over-lapping of plans and ensure accuracy.
- Staff is in the process of reviewing information that was recently submitted for the Office of Information Technology (OIT) cell plan for emergency services.

Mr. Chuck Horner updated the Commission on the following:

- Staff is assisting Waterford Township with a violation related to an agriculture activity and the role of the Right to Farm Act.
- The Commission was notified that Verizon is interested in placing antennas on existing telephone poles throughout the Pinelands. The antennas are about 2 feet in height. A meeting with Verizon is in the process of being scheduled to obtain more information about the project and application requirements.
- A recent newspaper article highlighted proposed solar installation in Evesham Township. Only one of the proposed solar sites is in the Pinelands Area and, at this time, the Commission is waiting to hear back from the applicant.

Commissioner Ashmun asked if Mr. Horner knew how many antennas Verizon is proposing to install.

Mr. Horner said he did not know but would provide an update at the next Commission meeting.

Ms. Wittenberg added that, at the last Pinelands Municipal Council meeting, a mayor mentioned Verizon representatives had contacted several towns about the placement of antennas and that resulted in staff's to inquiry about the work.

Mr. Paul Leakan said Commission staff in coordination with Rowan College at Burlington County produced a 2017 wall calendar. He noted that the calendar includes monthly Commission meeting dates, federal and state holidays and important dates in Pinelands history. He said the calendars will be available at Bass River State Forest, Batsto Visitor Center and Brendan Byrne State Forest. He also said he will be sending calendars to towns, legislators and congressional representatives.

Commissioner Prickett suggested sending some calendars to New Jersey's tourism board.

Ms. Stacey Roth reminded Commissioners that they must complete on-line ethics training by December 13, 2016.

Chairman Earlen asked for an update on the status of the Commission's audit.

Ms. Wittenberg said the state Auditors continue to work on the FY15 Audit. She said staff met internally about new accounting software and are waiting for bid submissions from vendors.

Commissioner Avery suggested that the Audit Committee hold a conference call to have an update on the status of the audit.



Chairman Earlen announced that Commissioner Prickett would be replacing Commissioner Ashmun on the Pinelands Development Credit Bank Board.

Ms. Grogan said the Board will hold its only meeting this year on Monday, December 12, 2016 at 2:00 p.m.

#### Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending the approval of a solar facility in Folsom Borough.

Commissioner Lohbauer moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1985-0023.003) (See Resolution # PC4-16-39). Commissioner Galletta seconded the motion.

Commissioner Prickett asked where the solar array would be placed on the property.

Mr. Horner said the solar will be in the front portion of the property, between the road and the school.

Commissioner Lohbauer asked if there were other solar arrays placed in stormwater basins in the Pinelands. He also said maybe this solar facility would encourage more like it.

Mr. Horner said he did not know of any other solar arrays developed in basins.

The Commission adopted the resolution by a vote of 14 to 0.

#### Honoring Commissioner DiBello

Chairman Earlen said that today is Commissioner DiBello's last Commission meeting as he is retiring from the National Park Service. Chairman Earlen read a resolution into the record about Commissioner DiBello's time on the Commission.

Commissioner Ashmun moved the adoption of a Resolution Expressing the Commission's appreciation to Joseph DiBello for his service as a member of the Commission between November 2012 and December 2016(See Resolution # PC4-16-40). Commissioner Lohbauer seconded the motion.

Commissioner DiBello expressed how much he enjoyed working with the other Commissioners and staff.

The Commission adopted the resolution by a vote of 13 to 0.

#### Public Comment on Agenda Items and Pending Public Development Applications

No members of the public spoke.

Ordinances Not Requiring Commission Action

Chairman Earlen asked if any Commissioners had questions regarding the ordinances not requiring Commission action:

- Medford Township Ordinances 2015-5, 2015-9 & 2016-9
- Ocean Township Ordinances 2016-3 & 2016-10
- Stafford Township Ordinance 2016-21(A)

No members of the Commission had questions.

Other Resolutions

Chairman Earlen said the next resolution identifies 2017 Commission meeting dates. He noted that there will not be any evening meetings in 2017 because the night meetings in the past have been poorly attended.

Commissioner Avery moved the adoption of a resolution Setting Pinelands Commission Meeting Dates for 2017 (See Resolution # PC4-16-41). Commissioner Lloyd seconded the motion.

The Commission adopted the resolution by a vote of 14 to 0.

Closed Session Resolution

DAG Chudzik read a resolution to retire into closed session to discuss the Appellate Division's decision on South Jersey Gas application to construct a natural gas pipeline in the Pinelands and the New Jersey Natural Gas remand.

Commissioner Avery moved to retire into closed session. Commissioner Lloyd seconded the motion. The Commission agreed to retire into closed session by a vote of 14 to 0, beginning at 10:07 a.m.

Commissioner Jannarone was not present for the vote, but joined the meeting via teleconference shortly thereafter.

Return to Open Session

Commissioner Barr made a motion to return to open session. Commissioner Galletta seconded the motion. All voted in favor. The meeting resumed at 10:50 a.m.

Chairman Earlen said that Helene Chudzik will provide an overview of what was discussed in closed session.

DAG Chudzik said that during closed session the Commission was advised of various options regarding the court's decision on the South Jersey Gas matter. The discussion

included the option to petition the Supreme Court to review such decision. She said, rather than petition for certification, the Commission decided unanimously in favor of addressing the remand. She explained that the Appellate Division, in its decision, remanded the Board of Public Utilities N.J.S.A. 40:55D-19 approval, in order for the Board to amend the approval and make it contingent upon the Commission's issuance of a final decision that the proposed pipeline project was consistent with the minimum standards of the Pinelands Comprehensive Management Plan (CMP). The Court also remanded the matter back to the Commission to develop with a process by which the Commission would render a final CMP consistency decision.

In order to address the remand, she suggested that the Commission establish a process and allow for due process. She said that in developing a process recommendation, the Attorney General's office looked at the existing CMP process for public development applications. She said, she had recommended to the Commission that it adopt a resolution that addressed not only the South Jersey Gas matter, but also other instances where there is a petition for municipal pre-emption in accordance with N.J.S.A. 40:55D-19. The resolution would set forth the process by which the Commission would review the staff's consistency determinations for these projects. She said this process will include an opportunity for public comment at a Commission meeting. Written comment would also be accepted, and once the record closed, staff would draft a recommendation report based on the record. The matter would then be voted on by the Commission at a subsequent meeting. She noted that there are two other applications that are currently under review by the Commission that are subject to the municipal pre-emption provision and that the resolution would address those applications and establish a process to use going forward until the CMP can be changed to address the lack of a final decision by the Commission.

Chairman Earlen requested a motion for the process resolution.

Commissioner Avery moved the adoption of a "Resolution Setting Forth the Process By Which the Pinelands Commission will Review the Determination of its Executive Director Finding that the Portion of the 22-Mile, 24-Inch Natural Gas Pipeline Proposed by South Jersey Gas Company (Pinelands Application No. 2012-0056.001) is Consistent with the Standards of the Pinelands Comprehensive Management Plan." (See Resolution # PC4-16-42). Commissioner McGlinchey seconded the motion.

DAG Chudzik offered clarification on how the Commission would vote on the other applications that are the subject of municipal pre-emption petitions.

The Commission adopted the resolution by a vote of 15 to 0.

Chairman Earlen asked for a motion for the remand of the New Jersey Natural Gas application.

Commissioner Galletta moved the adoption of a "Resolution Authorizing the Division of Law to File Motions in the Appellate Division to have the Two Appeals related to the Commission's Consideration of the New Jersey Natural Gas Pipeline Project (Pinelands

Development Application 2014-0045-.001) Remanded to the Pinelands Commission.” (See Resolution # PC4-16-43). Commissioner McGlinchey seconded the motion.

Commissioner Lloyd recused himself and left the room.

DAG Chudzik concluded her review and said that this resolution will allow the Division of Law to file motions with the Appellate Division to seek a remand of the New Jersey Natural Gas Pipeline project back to the Commission.

The Commission adopted the resolution by a vote of 14 to 0.

DAG Chudzik said that by the end of the day, the Commission website will have information about submitting public comment for the South Jersey Gas application.

Public Comment on Any Matter Relevant to the Commission’s Statutory Responsibilities

Toni Granato with the New Jersey Sierra Club said the South Jersey Gas pipeline is unnecessary. She said that by keeping the BL England plant in operation, greenhouse gas emissions increase. She said the pipeline presents a public health issue to the residents in the vicinity.

Will Pauls of South Jersey Building Trades, said he is in favor of the pipeline. He said it will create jobs, end coal emissions and help the residents of Upper Township keep taxes low.

Fred Dumont of Ocean County, told Commissioners to do the right thing.

Jack Koch said the South Jersey Gas pipeline is a good project. He said getting rid of coal and using natural gas is better.

Steve Stokes with the Elevators Local #5 said he is in favor of the project.

Jim Chew representing the Boilmakers of New Jersey, said he is pro-pipeline. He said the conversion from coal to natural gas at the BL England plant makes sense.

Ray Phillips represents the Ironworkers and supports the pipeline project.

Georgina Shanley of Ocean City, NJ spoke against the South Jersey Gas pipeline. She said this is not an issue about jobs but rather the protection of the Pinelands.

Bill Wolfe expressed his dissatisfaction with the Commission’s basis for entering into closed session.

Mike Cannon of Lauren Springs, NJ, said he is concerned about the negative effects of methane associated with the natural gas. He said developing infrastructure at sea level does not make sense.

Marianne Clemente, Barnegat, NJ questioned why the Commission met in closed session if the South Jersey Gas matter is no longer in litigation. She said the Commissioners are in violation of their oath.

Connie Higgins said the Commissioners are in a unique position and asked them to be responsible by protecting the Pinelands.

Natalie Neiss of Upper Township said she is opposed to the natural gas transmission line.

Patty Cronheim with ReThink Energy NJ said she is happy with the recent court decision and looks forward to the public participation. She said New Jersey has more energy than it needs. She said the pipeline is not necessary.

Jason Howell of the Pinelands Preservation Alliance said he is in favor of the original Wharton map that the New Jersey Department of Environmental Protection revealed over a year ago.

Emile DiVito New Jersey Conservation Foundation urged the Commission to move quickly with a map for Wharton. He said vernal ponds are experiencing problems. He said a map will help law enforcement be more effective.

Laura Porter of Ocean County said she is retired law enforcement officer who spent her career protecting state parks in the Pinelands. She said an accurate map is necessary for officers to do their job. She said the Commission has an obligation to protect the Pinelands and its fragile ecosystem.

Marilyn Miller of Toms River, NJ, said labor and the environment can work successfully together.

Arnold Fishman of Medford Lakes, NJ, thanked the Commission for not petitioning the Supreme Court to seek an appeal. He requested the Commission give the public time to prepare their comments on the South Jersey Gas matter.

Ann Kelly of Burlington County said the pipeline is not about jobs or taxes. She said it's about protecting the Pinelands.

Rita Romeo of Chesterfield, NJ said she is part of the organization People Over Pipelines. She said pipelines are unnecessary infrastructure. She said pipelines leak, and we cannot jeopardize our water.

Lena Smith with Food and Water Watch said the South Jersey Gas pipeline should be denied. She spoke about the negative effects of fracking.

Martin Levin said he is opposed to the South Jersey Gas pipeline.

Doug O'Malley of Environment New Jersey thanked the Appellate Division for its decision on the South Jersey Gas matter. He said its important to follow the CMP because it's the plan that protects the Pinelands.

Christie Chandler of Gloucester County said the New Jersey Water Supply Master Plan is 20 years overdue. She said she has seen first-hand the destruction of fracking and does not support the pipeline.

Agnes Marsala of Burlington County said she is opposed to pipelines, especially pipelines that are intended for export. She said the state should be investigating renewable energy, such as wind turbines.

Jill Popko, the Mayor of Bordentown Township spoke about a compressor station that the New Jersey Natural Gas company is proposing to build in her town. She asked Commissioners to think about the well-being of New Jersey residents before they vote.

Heather Warberton, Chair of the Green Party of Atlantic County, said she is opposed to the pipeline and is prepared to do anything so that it is not constructed.

Ally Herwitz, a Pennsylvania resident, urged the Commission to make good decisions in protecting the Pinelands.

Beth Whitehead of Glassboro, NJ, said she is opposed to all pipelines and urged the Commission to reject the South Jersey Gas pipeline.

Jaclyn Rhoads of the Pinelands Preservation Alliance requested that the Commission not rush the process for the South Jersey Gas matter. She also asked Commissioners to read the CMP. She questioned the need for the pipeline and said this is not about jobs.

Margit Meissner-Jackson of the Ocean County Sierra Club said the Barnegat Bay is dying. She said in protecting the Pinelands you are also saving the Barnegat Bay. She spoke about the Southern Reliability Link proposed by New Jersey Natural Gas to extend a pipeline under the bay to Long Beach Island and beyond.

Milton Brown, Buena Vista Township, said he is in favor of gas and it is important to make sure the pipeline is constructed correctly.

Jennifer Coffey, Executive Director of ANJEC (Association of Environmental Commissions) asked that the Commission consider moving future meetings to a bigger facility. She said the pipeline is threatening the state's water supply. She asked Commissioners to uphold the CMP and protect the Pinelands.

Glenn Ashton of Bordentown Township, NJ, asked that the South Jersey Gas matter process be open and transparent. He said the pipeline is unnecessary.

Kenny Cologne said he has worked at BL England for 11 years. He said the process has been going on for three years and he asked the Commission to make a decision.

Adjournment

A brief discussion took place about the need for a bigger space to hold a meeting where the public has the opportunity to speak on the South Jersey Gas matter.

Commissioner Avery said that Helene Chudzik is retiring and he wanted to acknowledge her service representing the Commission through the years. He wished her well.

Commissioner Ashmun suggested that the newer Commissioners who were not here during the deliberations of the South Jersey Gas matter review the record.

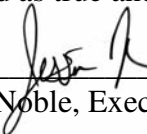
Commissioner Avery said that for any Commissioner who is interested, he brought a map of the Ocean County Natural Lands Trust Fund Program in relation to the Barnegat Bay presentation at the November Commission meeting.

Commissioner Lohbauer said that with the pipeline issue back, he does not want the Wharton map to be pushed aside. He said a map is crucial for enforcement. Commissioner Lohbauer thanked Commissioner DiBello for his service.

Commissioner Galletta wished everyone a happy holiday season.

Commissioner Barr moved to adjourn the meeting. Commissioner Galletta seconded the motion. The Commission agreed to adjourn at 12:58 p.m.

Certified as true and correct:

  
\_\_\_\_\_  
Jessica Noble, Executive Assistant

Date: December 16, 2016



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-16- 39

**TITLE:** Approving With Conditions an Application for Public Development (Application Number 1985-0023.003)

Commissioner Lohbauer moves and Commissioner Galletta seconds the motion that:

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

1985-0023.003  
**Applicant:** Solar City, Inc., on behalf of the Folsom Borough Board of Education  
**Municipality:** Borough of Folsom  
**Management Area:** Pinelands Village  
**Date of Report:** November 18, 2016  
**Proposed Development:** Construction of a 1.66 acre ground mounted solar array.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1985-0023.003 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*
Ashmun	X				DiBello	X				McGlinchey	X			
Avery	X				Galletta	X				Prickett	X			
Barr	X				Jannarone			X		Quinn	X			
Brown	X				Lloyd	X				Rohan Green	X			
Chila	X				Lohbauer	X				Earlen	X			

\* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 9, 2016

Nancy Wittenberg  
Nancy Wittenberg  
Executive Director

Sean W. Earlen  
Sean W. Earlen  
Chairman





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Sean W. Earlen  
 Chairman

Nancy Wittenberg  
 Executive Director

October 14, 2016

James Blanda, Executive Director  
 Camden County Improvement Authority  
 2220 Voorhees Town Center  
 Voorhees, NJ 08043

Re: Application # 2006-0398.002  
 Block 1205, Lots 2 - 4  
 Waterford Township

Dear Mr. Blanda:

The Commission staff has completed its review of this application for demolition of three buildings, 50 years old or older, and the construction of an 11,502 square foot emergency services building. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its November 4, 2016 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, Waterford Township Planning Board (via email)
- Waterford Township Construction Code Official (via email)
- Waterford Township Environmental Commission (via email)
- Secretary, Camden County Planning Board (via email)
- John Helbig







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Chairman

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Executive Director

### **PUBLIC DEVELOPMENT APPLICATION REPORT**

October 14, 2016

James Blanda, Executive Director  
Camden County Improvement Authority  
2220 Voorhees Town Center  
Voorhees, NJ 08043

Application No.: 2006-0398.002  
Block 1205, Lots 2 - 4  
Waterford Township

This application proposes demolition of three buildings, 50 years old or older, and the construction of an 11,502 square foot emergency services building on the above referenced 1.4 acre parcel in Waterford Township.

#### **STANDARDS**

The Commission staff has reviewed the proposed demolition and 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 parcel is located in a Pinelands Regional Growth Area. The proposed demolition and development are permitted land uses 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 existing developed and wooded areas. The proposed development will disturb approximately one acre of wooded lands. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize the disturbed areas, 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 proposed development is consistent with the CMP stormwater management standards. To meet the stormwater management standards, this application proposes to construct a stormwater infiltration basin.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on July 6, 2016. Newspaper public notice was completed on July 7, 2016. The application was designated as complete on the Commission's website on October 3, 2016. The Commission's public comment period closed on October 14, 2016. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 12 sheets, prepared by Adams, Rehmann & Heggan, Inc. and dated as follows:  
Sheets 1, 5, 6 & 10 - May 1, 2016; last revised September 29, 2016  
Sheets 2, 3, 7-9 & 12 - May 1, 2016  
Sheet 4 - May 1, 2016; last revised July 19, 2016  
Sheet 11 - May 1, 2016; last revised September 7, 2016
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 demolition and development subject to the above conditions.



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

## 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)

General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)

Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)



Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

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

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office not later than 5:00 PM on November 1, 2016 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. PC4-16- 90

**TITLE:** Expressing the Commission's appreciation to Joseph DiBello for his service as a member of the Commission between November 2012 and December 2016

Commissioner Ashmun moves and Commissioner Lohbauer seconds the motion that:

**WHEREAS**, Joseph DiBello served as the U.S. Secretary of the Interior's representative on the Pinelands Commission from November 2012 until December 2016; and

**WHEREAS**, Mr. DiBello is retiring from the National Park Service (NPS) on January 3, 2017, after 42 years of federal service; and

**WHEREAS**, Mr. DiBello brought a wealth of experience to the Commission. He started his career as a planner for the U.S. Department of the Interior in 1974, then went on to conduct special studies and planning projects for the NPS. He most recently served as the Superintendent of the Washington Rochambeau National Historic Trail, which traverses nine states and Washington, D.C.; and

**WHEREAS**, during Mr. DiBello's tenure as a Commissioner, the National Park Service greatly advanced the Commission's efforts to preserve, protect and enhance the resources of the Pinelands, including providing funding to support the Commission's Long-term Environmental and Economic Monitoring programs, as well as funds for education and outreach materials that raise awareness and appreciation of the Pinelands; and

**WHEREAS**, during his tenure, Mr. DiBello served on the Commission's Policy and Implementation Committee, Personnel and Budget Committee, Plan Review Committee and the Agriculture Committee; and

**WHEREAS**, during his tenure, the Commission completed its fourth in-depth review of the Pinelands Comprehensive Management Plan, a process that identified more than three dozen recommendations for strengthening the Plan; and

**WHEREAS**, during his tenure, the Commission provided more than \$3.1 million from the Pinelands Conservation Fund to permanently preserve 4,273 acres in the Pinelands; and

**WHEREAS**, the members of the Commission want to recognize Mr. DiBello's significant contributions and express their appreciation for the service that he performed.

**NOW, THEREFORE BE IT RESOLVED** that the members of the Pinelands Commission, assembled at the Richard J. Sullivan Center for Environmental Policy and Education on this 9th day of December, 2016, do hereby express our appreciation to our colleague and friend, Joseph DiBello, for his commitment to the Pinelands and for his service as a member of the Commission between November 2012 and December 2016.

**Record of Commission Votes**

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

\* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 9, 2016

Nancy Wittenberg  
Nancy Wittenberg  
Executive Director

Sean Earlen  
Sean W. Earlen  
Chairman



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 41

TITLE: Setting Pinelands Commission Meeting Dates for 2017

Commissioner Avery moves and Commissioner Galletta seconds the motion that:

WHEREAS, the Open Public Meetings Act requires that the Pinelands Commission establish an annual schedule of regular meetings prior to January 10<sup>th</sup> of each year; and

WHEREAS, the Pinelands Commission will use the Pinelands Commission's Richard J. Sullivan Center for Environmental Policy and Education in New Lisbon, Pemberton Township, as the regular site for its meetings; and

WHEREAS, the Pinelands Commission may need to find an alternate, temporary meeting location within the Pinelands Area for its meetings throughout the year; and

WHEREAS, any meeting that will be scheduled at a location other than the Pinelands Commission's Richard J. Sullivan Center for Environmental Policy and Education, 15 C Springfield Road, New Lisbon, Pemberton Township, will be advertised in accordance with the requirements of the Open Public Meetings Act; and

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

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission shall conduct its meetings on the following dates in 2017 beginning at the specified time at the Pinelands Commission's Richard J. Sullivan Center for Environmental Policy and Education, 15 C Springfield Road, New Lisbon, Pemberton Township, New Jersey, unless notice is otherwise provided in accordance with the Open Public Meetings Act:

Friday, January 13, 2017 (9:30 a.m.)  
Friday, February 10, 2017 (9:30 a.m.)  
Friday, March 10, 2017 (9:30 a.m.)  
Friday, April 7, 2017 (9:30 a.m.)  
Friday, May 12, 2017 (9:30 a.m.)  
Friday, June 9, 2017 (9:30 a.m.)

Friday, July 14, 2017 (9:30 a.m.)  
Friday, August 11, 2017 (9:30 a.m.)  
Friday, September 8, 2017 (9:30 a.m.)  
Friday, October 13, 2017 (9:30 a.m.)  
Friday, November 3, 2017 (9:30 a.m.)  
Friday, December 8, 2017 (9:30 a.m.)

BE IT FURTHER RESOLVED that the Executive Director is directed to publish notice of this schedule in the Commission's official newspapers, file copies of the schedule with the Secretary of State of the State of New Jersey and Pinelands county and municipal clerks, post a copy of the notice in the Commission's offices and to post the annual schedule on the Commission's web page ([www.nj.gov/pinelands](http://www.nj.gov/pinelands)).

### Record of Commission Votes

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

\* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 9, 2016

Nancy Wittenberg  
Nancy Wittenberg  
Executive Director

Sean W. Earlen  
Sean W. Earlen  
Chairman



## RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 42

**TITLE:** Resolution Setting Forth the Process By Which the Pinelands Commission will Review the Recommendation of its Executive Director Finding that the Portion of the 22-Mile, 24-Inch Natural Gas Pipeline Proposed by South Jersey Gas Company (Pinelands Application No. 2012-0056.001) in the State Designated Pinelands Area is Consistent with the Standards of the Pinelands Comprehensive Management Plan.

Commissioner Avey moves and Commissioner McGlinchey seconds the motion that:

**WHEREAS**, the Pinelands Commission (Commission) is an independent political subdivision of the State of New Jersey created pursuant to Section 4 of the Pinelands Protection Act (the Act), N.J.S.A. 13:18A-1, *et seq.*, and charged with the implementation of the Act and the Pinelands Comprehensive Management Plan (the CMP), N.J.A.C. 7:50; and

**WHEREAS**, the Commission is also the planning entity authorized under Section 502 of the National Parks and Recreation Act of 1978; and

**WHEREAS**, on November 7, 2016, the Appellate Division issued a decision in three consolidated appeals (A-1685-15, A-2705-15 and A-2706-15) all of which involved South Jersey Gas Company's (SJG's) petition to the Board of Public Utilities for preemption of municipal approvals pursuant to N.J.S.A. 40:55D-19 for a natural gas transmission line, 15 miles of which was proposed to be constructed within the State designated pinelands area (proposed pipeline project); and

**WHEREAS**, the decision remanded the Board of Public Utilities' approval of SJG's N.J.S.A. 40:55D-19 petition to the Board for entry of a modified order stating that the approval is conditioned upon the Commission's issuance of a final consistency determination; and

**WHEREAS**, the decision also remanded the Commission staff's consistency determination on SJG's Pinelands Development Application for the proposed pipeline project to the Commission for its review of same and issuance of a final decision as to the proposed project's consistency with the minimum requirements of the Pinelands CMP; and

**WHEREAS**, as part of the remand, the decision directs the Commission to develop a process pursuant to which the Commission shall review the staff's consistency determination for the proposed pipeline project; and

**WHEREAS**, as part of that review process, an opportunity for public notice and comment should be provided before the Commission renders its final decision; and

**WHEREAS**, the Commission intends in the future to consider amendments to the Pinelands CMP to amend the provisions pertaining to permitting coordination with other State agencies, N.J.A.C. 7:50-4.81 through 4.85, to clarify the process by which public utility projects which are the subject of a petition to the Board of Public Utilities for municipal preemption pursuant to N.J.S.A. 40:55D-19 will be reviewed by the Commission; and

**WHEREAS**, there are currently two such public utility projects that have either already been issued or are being reviewed for issuance a Certificate of Filing, which will contain Commission staff's determination as to the conformance of such project with the minimum requirements of the CMP; and

**WHEREAS**, pending the Commission's amendment of the Pinelands CMP and in order to ensure conformance with the Court's holding in the within matter going forward, the Commission plans to utilize the additional review process contained within this resolution for future public utility projects which are the subject of a petition to the Board of Public Utilities for municipal preemption pursuant to N.J.S.A. 40:55D-19; 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, in conformance of the Appellate Decision's November 7, 2016 decision, the Commission will review the Commission staff's consistency determination for the proposed project and any other public utility application submitted to the Commission, which is also the subject of a petition to the BPU for municipal preemption in accordance with N.J.S.A. 40:55D-19, using the following process:

1. The Commission's review shall be based upon a review of the Commission's Regulatory Programs file for Pinelands Development Application, the record developed before the Board of Public Utilities and the staff's consistency determination.
2. The Commission staff shall provide notice of the public's opportunity to provide comments regarding the Commission staff's consistency determination by posting such notice on the Commission's website and by mailing it to the applicant; the parties to any litigation involving the proposed project's conformance with the Pinelands CMP, if applicable, and any person, organization or agency which has registered under N.J.A.C. 7:50-4.3(b)2i(2). Such notice shall also indicate that written comments may be provided until 5:00 p.m. on the date of the Commission meeting at which the opportunity for public comment will be provided.
3. The Commission staff, following the close of the public comment period, shall review the record and any public comment provided and shall prepare a recommendation as to whether its prior consistency determination should be affirmed.
4. Following the close of the public comment period, the Commission based on the record as delineated in paragraph 1 above, any public comments received and the Commission staff's recommendation, shall either approve or disapprove such recommendation.

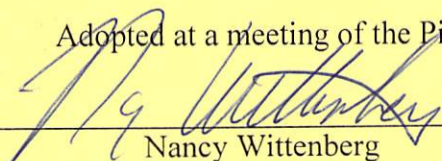
**Record of Commission Votes**

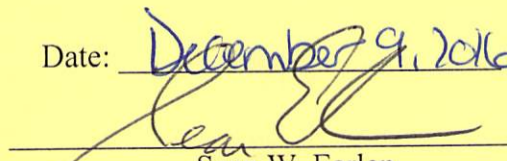
	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun	X				DiBello	X				McGlinchey	X			
Avery	X				Galletta	X				Prickett	X			
Barr	X				Jannarone	X				Quinn	X			
Brown	X				Lloyd	X				Rohan Green	X			
Chila	X				Lohbauer	X				Earlen	X			

\* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 9, 2016

  
 Nancy Wittenberg  
 Executive Director

  
 Sean W. Earlen  
 Chairman



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

NO. PC4-16- 43

**TITLE:** Resolution Authorizing the Division of Law to File Motions in the Appellate Division to have the Two Appeals related to the Commission's Consideration of the New Jersey Natural Gas Pipeline Project (Pinelands Development Application 2014-0045-.001) Remanded to the Pinelands Commission.

Commissioner Galletta moves and Commissioner Mc Glinchey seconds the motion that:

**WHEREAS**, the Pinelands Commission (Commission) is an independent political subdivision of the State of New Jersey created pursuant to Section 4 of the Pinelands Protection Act (the Act), N.J.S.A. 13:18A-1, *et seq.*, and charged with the implementation of the Act and the Pinelands Comprehensive Management Plan (the CMP), N.J.A.C. 7:50; and

**WHEREAS**, the Commission is also the planning entity authorized under Section 502 of the National Parks and Recreation Act of 1978; and

**WHEREAS**, in April 2014, the New Jersey Natural Gas Company submitted preliminary information to the Pinelands Commission regarding the proposed construction of a 12.1 mile natural gas pipeline in Jackson, Manchester and Plumsted Townships; and

**WHEREAS**, in April 2015, the New Jersey Natural Gas Company submitted a Pinelands Development Application (Application # 2014-0045.001) for the proposed pipeline project; and

**WHEREAS**, Commission staff reviewed New Jersey Natural Gas Company's application for the proposed pipeline project and on December 9, 2015, issued a Certificate of Filing finding the proposed pipeline project consistent with the requirements of the Pinelands CMP; and

**WHEREAS**, on February 4, 2016, Commission staff sent a copy of the Certificate of Filing to the staff of the BPU and, in an accompanying letter, requested that the Board provide the Commission with a copy of the New Jersey Natural Gas Company's N.J.S.A. 40:55D-19 petition; notice of any hearings, public meetings or other formal proceedings pertaining to the petition; and copies of any written reports or comments that the Board may receive that raise issues concerning the standards of the Pinelands CMP; and

**WHEREAS**, by letter dated March 10, 2016, the Commission staff advised the Executive Director of the BPU that based on the Certificate of Filing dated December 9, 2015, and its review of the additional information submitted to the BPU as part of its public and evidentiary hearings, the finding of Pinelands CMP consistency in the December 9, 2015 Certificate of Filing issued for the proposed project continued to be valid; and

**WHEREAS**, on or about April 21, 2016, the Sierra Club filed a Notice of Appeal of the Commission staff's March 10, 2016 letter, A-3753-15T1; and

**WHEREAS**, on or about April 28, 2016, the Pinelands Preservation Alliance filed a Notice of Appeal of the Commission staff's March 10, 2016 letter, A-3762-15T1; and

**WHEREAS**, on November 7, 2016, the Appellate Division, in three unrelated, consolidated appeals involving a petition to the BPU for municipal preemption pursuant to N.J.S.A. 50:44D-19 submitted by the South Jersey Gas Company, issued a decision remanding that application to the Pinelands Commission for its review of the Commission staff's consistency determination on that application and issuance of a final decision as to the proposed project's consistency with the minimum requirements of the Pinelands CMP; and

**WHEREAS**, the Commission staff utilized the same review process for both the South Jersey Gas Company's and the New Jersey Natural Gas Company's Pinelands Development Applications; and

**WHEREAS**, given the holding of the Appellate Division in the South Jersey Gas Company consolidated appeals, it seems prudent to seek a remand from the Appellate Division of the New Jersey Natural Gas application at this time in order to permit the Commission to review the staff's consistency determination in accordance with the process that has been adopted for the South Jersey Gas application; and

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

**NOW, THEREFORE BE IT RESOLVED** that the Commission authorizes the Division of Law to file motions in the Appellate Division to have the two appeals related to the Commission's consideration of the New Jersey Natural Gas Pipeline Project (Pinelands Development Application 2014-0045-.001) remanded to the Pinelands Commission.

**Record of Commission Votes**

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

\* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date:

*December 9, 2016*

*Nancy Wittenberg*  
 \_\_\_\_\_  
 Nancy Wittenberg  
 Executive Director

*Sean W. Earlen*  
 \_\_\_\_\_  
 Sean W. Earlen  
 Chairman



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

## State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

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www.nj.gov/pinelands




Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

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

## MEMORANDUM

To: Members of the Pinelands Commission

From: Susan R. Grogan   
Chief Planner

Date: December 30, 2016

Subject: No Substantial Issue Findings

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During the past month, we reviewed two ordinance amendments that we found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan. These ordinances were:

**Town of Hammonton Ordinance 12-2016** – amends Chapter 109 (Land Use and Development) of the Town's code by establishing a new IDZ (Inclusionary Development) Zone. Ordinance 12-2016 then rezones two lots, Block 1201, Lots 5 and 5.01, from the HB (Highway Business) Zone to the new IDZ Zone in order to facilitate expansion of an existing apartment complex and the provision of affordable housing. The affected lots are located within a Pinelands Town management area.

**Stafford Township Ordinance 2016-24** - adopts two mid-block crosswalks through the public right-of-way fronting a proposed employee parking lot, spanning portions of Block 44.15, Lots 10.01 and 27-36. The subject lots are all located in the Pinelands Regional Growth Area.



State of New Jersey  
 THE PINELANDS COMMISSION  
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Chris Christie  
 Governor

Kim Guadagno  
 Lt. Governor

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

Sean W. Earlen  
 Chairman

Nancy Wittenberg  
 Executive Director

List of Pending Public Development and Waiver of Strict Compliance Applications and Remanded Items Accepting Public Comment at the January 24, 2017 Commission Meeting

**Public Development Applications**

***Application No. 1987-1121.004 – Barnegat Township***

Received on: April 28, 2016  
 Completed on: December 12, 2016  
 Project: Construction of 1,475 linear feet of bike path  
 Municipality: Barnegat Township  
 Block 801, Lot 9 (application may include additional lots)

***Application No. 1993-0341.007 – Friends of the Black Run Preserve/Evesham Township***

Received on: July 25, 2013  
 Completed on: January 5, 2017  
 Project: Construction of 13,200 linear feet of hiking trails  
 Municipality: Evesham Township  
 Block 47, Lot 1 (application may include additional lots)

***Application No. 2016-0035.001 – Shamong Township***

Received on: March 18, 2016  
 Completed on: December 29, 2016  
 Project: Construction of a 6.26 acre cemetery  
 Municipality: Shamong Township  
 Block 18, Lot 19 (application may include additional lots)

***Application No. 2016-0147.001 – Egg Harbor Township Municipal Utilities Authority***

Received on: November 7, 2016  
 Completed on: December 14, 2016  
 Project: Installation of 3,179 linear feet of sanitary sewer main  
 Municipality: Egg Harbor Township

**Waiver of Strict Compliance Applications**

*None*

**Remanded Items**

***Superior Court of New Jersey- Appellate Division-Application No. 2012-0056.001***

South Jersey Gas Company- proposed natural gas pipeline



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Chris Christie  
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Lt. Governor

General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)  
Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)

Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

December 14, 2015

Paul Flanagan, Executive Director  
New Jersey Board of Public Utilities  
44 S. Clinton Avenue  
Trenton, New Jersey 08625

Re: South Jersey Gas  
Proposed Natural Gas Transmission Pipeline  
Pinelands Application # 2012-0056.001

Dear Mr. Flanagan:

The Pinelands Protection Act, N.J.S.A. 13:18A-10(c). and the Pinelands Comprehensive Management Plan (“CMP”), N.J.A.C. 7:50-4.81(a), prohibit a State agency from issuing any approval for development within the Pinelands Area, unless such development is consistent with the minimum standards of the CMP. Because any order by the Board of Public Utilities (“BPU”) granting the pending South Jersey Gas Company’s N.J.S.A. 40:55D-19 petition would authorize development in the Pinelands Area, such approval must be consistent with the minimum standards of the CMP. Thus, and in accordance with N.J.A.C. 7:50-4.81 et seq., the Pinelands Commission staff has undertaken a review of all documentation submitted to the BPU as part of the public and evidentiary hearings conducted by the BPU for the South Jersey Gas Company’s petition for a determination pursuant to the provisions of N.J.S.A. 40:55D-19 (BPU Docket Number GO13111049). The list of documents reviewed is attached. Based on Pinelands Commission staff expertise and experience administering the CMP and our review of the record, the prior finding of consistency with the CMP in the Certificate of Filing issued on August 14, 2015 remains unchanged. We submit this letter for BPU’s consideration in its review of the pending application.

The Commission staff’s review required that it evaluate of all the information submitted to the BPU to identify any information that raised issues regarding the proposed project’s consistency with the Pinelands CMP. Issues that are new, different, or which had not been addressed by staff previously are discussed below. Issues that have been addressed as part of prior reviews (see Report on a Proposed Memorandum of Agreement Between the New Jersey Pinelands Commission and the New Jersey Board of Public Utilities Regarding Construction of a Proposed Approximately 15 Miles of a 22-Mile, 24-Inch Natural Gas Pipeline in the State Designated Pinelands Area {“Executive Director’s Report”} dated January 3, 2014, and Certificate of Filing dated August 14, 2015) or which do not involve the standards of the Pinelands CMP, are not included in this review. This review was limited to only those items that are new, different or which had not been previously addressed.

## Background

In July 2012, South Jersey Gas Company submitted an application to construct a natural gas pipeline to the B.L. England facility in Upper Township, New Jersey (Application # 2012.0056.001). That application was reviewed by Commission staff, and in August 2013 staff reported it had determined the project was inconsistent with the CMP because it did not meet the minimum standards established in N.J.A.C. 7:50-5.23. To address the inconsistency, the Commission and the BPU agreed to develop a Memorandum of Agreement (MOA) for the project in accordance with N.J.A.C. 7:50-4.52(c)2. This MOA, along with the Executive Director's report, was presented to the Commission for a vote in January 2014. The vote of the Commission on the MOA was 7-7. Given an action of the Commission requires 8 votes, the MOA did not advance.

In May 2015, South Jersey Gas Company submitted amendments to the July 2012 application. After Commission staff reviewed the information included in the amended application, the Commission issued a Certificate of Filing on August 14, 2015. Thereafter, the Commission made efforts to ensure that entities and individuals with interest in this project in relation to Pinelands CMP consistency were made aware of the BPU's process. This included posting a link to the BPU's public hearing notice on the Commission's website and announcing the date and location of the public hearing at various Commission and Committee meetings. Additionally, on August 2, 2015, Commission staff sent a letter to the staff of the BPU requesting that the Board provide the Commission with a copy of South Jersey Gas Company's N.J.S.A. 40:55D-19 petition; notice of any hearings, public meetings or other formal proceedings pertaining to the petition; and copies of any written reports or comments that the Board may receive that raise issues concerning the standards of the Pinelands CMP. The BPU provided the Commission with copies of the petition, transcripts from the prior December 13, 2013 public hearing and copies of prior Board Orders by letter dated October 1, 2015. The Board, subsequently sent the Commission on November 6, 2015, copies of the comments, transcripts and documents submitted as part of both the public and evidentiary hearings

## Analysis of Comments Submitted Pertaining to the Pinelands Comprehensive Management Plan

Issues from the comments submitted to BPU and transmitted to Commission staff that are new, different or not previously addressed are categorized into four main areas, as summarized and addressed below.

### I. The Commission staff's Prior Determination as to the Proposed Project's Inconsistency with the Forest Area Use Standards of the Pinelands CMP Should Stand, Because the Project Has Not Changed, No New Information Has Been Submitted by the Applicant With Regard to this Standard and the Executive Director's Determination Cannot be Reversed

Numerous commenters noted that the Commission had previously determined that the project was inconsistent with the Pinelands CMP because it did not meet the standard at N.J.A.C. 7:50-5.23 regarding permitted uses in a Forest Area. N.J.A.C. 7:50-5.23 allows public service infrastructure in Forest Areas when that infrastructure is intended to primarily serve only the needs of the Pinelands. The January 2014 Executive Director's Report for the proposed MOA identified this as an inconsistency with the Pinelands CMP. The commenters point out that the Executive Director's Report found the project to inconsistent with the Pinelands CMP because it failed to satisfy this provision. The commenters note that the Executive Director later determined that the project, in fact, did meet the Forest Area use standards and the project was primarily intended to serve the needs of the Pinelands. The commenters state that the Executive Director changed this position without any new information to support such a change. They claim the project reviewed as part of the MOA process is identical to the

current application. Additionally, some commenters stated that the Executive Director's determination in the January 2014 Executive Director's Report that the proposed project was inconsistent with the Forest Area use standards of the CMP cannot be reversed.

Response: These comments are based on an erroneous premise. The amended application submitted on May 21, 2015 included revisions to the project as well as new information. The revisions to the project, as reflected in the BPU Order dated July 22, 2015, Docket No. GO13030202, included moving the proposed interconnect and regulator station out of the Forest Area and into a Pinelands Village. Additionally, the Order included a provision limiting South Jersey Gas Company's ability to connect new customers in the Forest Area of the Pinelands Area, unless it received explicit authority and approval from the BPU or other authority with jurisdiction. The new information submitted by South Jersey Gas Company was: 1) a Pinelands Comprehensive Management Plan Compliance Statement, dated July 31, 2015, 2) the Standard Gas Service Agreement (FES) between South Jersey Gas Company and RC Cape May Holdings, LLC, dated September 17, 2010, and 3) the "Standard Gas Service Agreement Addendum, dated April 2013.

The new information, in particular the FES and FES addendum, provided detailed information regarding the supply of natural gas to the BL England facility that had not previously been available to the Commission. Specifically, the FES and FES addendum, both of which were approved by an Order of the BPU, require that the proposed pipeline be available to serve the BL England plant 95% of the time. The proposed project will also provide an ancillary benefit of providing redundant gas service to those customers of South Jersey Gas who live both inside and outside of the Pinelands Area during an operational upset. Given that the primary purpose of the proposed project is to provide gas to the BL England plant 95% of the time, a fact not available at the time of the Executive Director's initial decision, Commission staff found that the South Jersey Gas Company had demonstrated the project's consistency with the Forest Area use standards of the Pinelands CMP, i.e. that the proposed project primarily serves only the needs of the Pinelands by serving the needs of a facility located in the Pinelands 95% of the time.

## II. The Pinelands Development Application for the Proposed Project Constitutes a Public Development Application Not a Private Application

Commenters stated that the Executive Director erred when she determined that the application was not a public application, but instead was a private application and issued a Certificate of Filing without any Commission or public input.

Response: The Pinelands CMP defines what applications constitute "public" development applications. N.J.A.C. 7:50-2.11 defines the term "public agency" to mean "the government of the United States of America; the State of New Jersey or any other state; their political subdivisions, agencies or instrumentalities and interstate and regional agencies exercising the sovereign powers of government." Public development is defined as any development by a public agency. See N.J.A.C. 7:50-4.51 to 4.58. All other development applications are considered to be private applications. South Jersey Gas Company does not meet the definition of a public agency. The application originally submitted in July 2012 was not a public application as defined by the CMP, nor was it a public application when it was amended by South Jersey Gas Company. The process for private applications is defined in the Pinelands CMP at N.J.A.C. 7:50-4.1-4.2 and 4.31-4.42 and does not include a public hearing or a Commission vote.

## III. The Proposed Project Will Negatively Impact the Underlying Aquifer in the Event of a Gas Leak



Commenters questioned the potential impacts to the underlying aquifer resulting from the event of a gas leak.

Response: This issue was addressed as part of the prior review of this project and that response is included in the Executive Director's Report at pp. 24-25. The additional information provided in the report entitled "The Risks to Waters Within the Pinelands from the Proposed South Jersey Gas Pipeline," prepared by Dr. Emery A. Coppola and dated October 17, 2015 does not change that original determination. The report argues that in the event of a gas release there is a threat that under certain conditions the gas could migrate to and impact groundwater and/or surface water. As detailed in the Executive Director's Report, pipeline safety standards are implemented by the Division of Reliability and Security within the Board of Public Utilities. The Pipeline Safety Program within this Division monitors and inspects intrastate gas pipelines for compliance with both the federal and state pipeline safety standards. These programs are designed to ensure such releases do not occur and should they occur the emergency response will negate any potential impact. Dr. Coppola argues and takes issue with the Executive Director's report as it does not acknowledge "ANY potential risk from the proposed pipeline in the event of gas release". The analysis done at that time found that there were programs in place to ensure such releases would not occur and if they did the impact would be minimized. Dr. Coppola's report is theoretically based and provides no examples of such contamination occurring. The information provided in Dr. Coppola's Report does not provide any new information that indicates the proposed natural gas pipeline is inconsistent with the relevant sections of the CMP ( Part VIII - Water Quality N.J.A.C. 7:50- 6.81 -6.83).

#### IV. The Proposed Project Is Not Intended to Primarily Serve to Repower BL England

A report entitled "Analysis of Costs and Benefits to the Pinelands of Repowering the BL England Plant", prepared by Christopher Cooper, JD and Benjamin Sovacool, Ph.D and dated October 2015 (the "Cooper/Sovacool Report") was submitted by the Pinelands Preservation Alliance as part of the public and evidentiary hearings before BPU. This report, among other things, argues that the proposed pipeline is not intended or designed to primarily supply gas to the BL England plant. The crux of the arguments advanced in this report is that the pipeline is primarily intend to serve the South Jersey Gas Company's existing customers and to provide capacity for future development and customers. The arguments advanced to support this position include: 1) South Jersey Gas Company must serve its "firm" customers over its non-firm/interruptible customer (i.e. BL England); 2) the pipeline line is oversized and is designed to serve more than five times the demand needed for BL England; 3) a 24" pipeline s not necessary to deliver adequate pressure to BL England and, therefore, indicates that the pipeline is intended to facilitate future development; 4) the proposed pipeline is intended to provide redundancy to customers located outside of the Pinelands; and 5) the proposed allocation of project costs shows that the proposed pipeline is not intended to serve BL England.

Response: The Pinelands CMP at N.J.A.C. 7:50- 5.23(b)12 permits the development of public service infrastructure, which includes natural gas transmission lines, within a Forest Area, if such infrastructure is intended to primarily serve only the needs of the Pinelands. The term "Pinelands" is defined by the Pinelands CMP at N.J.A.C. 7:50-2.11 as including both the Pinelands National Reserve and the Pinelands Area. Consequently, the term "Pinelands" is broader than the term "Pinelands Area", which is defined by the Pinelands CMP as the area designated as such by Section 10(a) of the Pinelands Protection Act.

As part of its amended application, as noted in the August 14, 2015 Certificate of Filing, the South Jersey Gas Company submitted its BPU-approved FES and FES Addendum to demonstrate that the proposed pipeline project was primarily intended to serve the BL England plant, which is located in the Pinelands. The Cooper/Sovacool Report purports to provide information to demonstrate that the proposed project is not intended to primarily serve the BL England plant, but rather is intended to provide service to the South Jersey Gas Company's existing and future customers.

The information submitted by the South Jersey Gas Company as part of the record for the evidentiary hearing rebuts the conclusion of the Cooper/Sovacool Report that the proposed pipeline is not intended to primarily serve BL England. Rather, as detailed in the South Jersey Gas Company's Post-Hearing Brief (the "PHB"), Reply Brief, and the testimony provided by its experts during the evidentiary hearing, the applicant has demonstrated that the proposed pipeline is intended to primarily provide gas to the BL England facility and is appropriately sized to serve the plant. An additional benefit achieved by the project is the ability to improve the reliability of and reinforce the Company's existing service system to provide service to its existing customers located both inside and outside the Pinelands in the case of an operational upset.

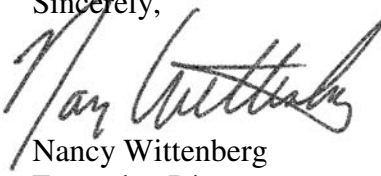
The Post-Hearing Brief and Reply Brief, as well as the testimony submitted by South Jersey Gas at the evidentiary hearing before the BPU demonstrate that the entirety of the proposed pipeline is necessary to serve the to-be-repowered BLE Station. Relevant information includes that South Jersey Gas Company's existing service system does not have the necessary transmission and distribution infrastructure to serve the BLE station. PHB p. 3-4, 16. In order to provide gas to the BL England plant, South Jersey Gas must construct an upstream transmission infrastructure improvement (i.e. the proposed project). Id. at p. 16 BL England will be South Jersey Gas Company's largest customer, with an annual gas load equal to more than an additional 210,000 residential customers. Thus, construction of the proposed project is necessary in order to serve the BL England plant. PHB, p. 16. Additionally, in accordance with its BPU approved FES and FES Addendum, during any year, BL England will have use of the proposed project to provide gas service to the BL England plant 350 days, i.e. more than 95% of the time. PHB p.16-17.

### Conclusion

Based on the Executive Director's Report dated January 3, 2014, the Certificate of Filing dated August 14, 2015, and review of the additional information submitted to the BPU as part of its public and evidentiary hearings, the finding in the August 14, 2015 Certificate of Filing issued for the proposed project continues to be valid. Specifically, "the applicant has demonstrated that the proposed gas main is consistent with the permitted use standards of the CMP; i.e that the proposed pipeline is designed to primarily transport gas to an existing facility, the BL England plant (built in 1963), that is located in the

Pinelands". Thus, the proposed project is "intended to primarily serve only the needs of the Pinelands."  
N.J.A.C. 7:50-5.23(b)12.

Sincerely,



Nancy Wittenberg  
Executive Director

Encs.

c: Charles M. Horner, PP, Director, Regulatory Programs (w/ encs.)  
Cynthia Covey, Chief Counsel (w/ encs.)



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

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Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

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

Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

August 14, 2015

Robert Fatzinger, Sr. Vice President  
South Jersey Gas  
1 South Jersey Plaza  
Folsom, NJ 08037

Re: Application # 2012-0056.001  
City of Estell Manor  
Road Rights-of-Way  
Maurice River Township  
Road Rights-of-Way  
Upper Township  
Block 10, Lots 202 & 212  
Block 289, Lot 1  
Block 306, Lot 13  
Block 307, Lot 1  
Block 308, Lot 1  
Block 350, Lot 12  
Block 382, Lot 21  
Block 415, Lot 1

Dear Mr. Fatzinger:

Pursuant to N.J.A.C. 7:50-4.2(c) of the Pinelands Comprehensive Management Plan (CMP), the completion of this application has resulted in the issuance of the enclosed *Certificate of Filing*.

The Certificate of Filing is not an approval. It is the document necessary to allow any state, county or municipal agency to review and act on the proposed development application.

No agency of the State of New Jersey shall issue any permit or approval for the proposed development unless that permit or approval is granted consistent with the minimum standards of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.81(a)).

All county and municipal agency permits and approvals granted for the proposed development are subject to review by the Pinelands Commission. No county or municipal permit or approval shall take effect and no development may occur until the Commission issues a letter indicating that the permit or approval may take effect.



Upon receipt of any county or municipal agency permit or approval, please submit a copy to the Commission's office with the additional items listed on the enclosed *Local Agency Approval Submission Checklist*.

If you have any questions, please contact Branwen Ellis of our staff.

Sincerely,

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

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

- Enc: Certificate of Filing  
Local Agency Approval Submission Checklist
- c: Secretary, City of Estell Manor Planning Board (via email)  
City of Estell Manor Construction Code Official (via email)  
Secretary, Upper Township Planning Board (via email)  
Upper Township Construction Code Official (via email)  
Secretary, Maurice River Township Planning Board (via email)  
Maurice River Township Construction Code Official (via email)  
Maurice River Township Environmental Commission (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Secretary, Cape May County Planning Board (via email)  
Secretary, Cumberland County Planning Board (via email)  
Ruth Foster, PhD. (via email)  
Peter Fontaine, Esq. (via email)  
Steven Ewing (via email)



Chris Christie  
*Governor*

Kim Guadagno  
*Lt. Governor*

New Jersey Pinelands Commission  
PO Box 359  
New Lisbon, NJ 08064  
(609) 894-7300



Mark S. Lohbauer  
*Chairman*

Nancy Wittenberg  
*Executive Director*

# CERTIFICATE OF FILING

**Application #: 2012-0056.001**

Applicant: South Jersey Gas  
Block 10, Lot 212: 2.8 acres  
Block 350, Lot 12: 6.16 acres  
Block 10, Lot 202: 86.1 acres  
Block 289, Lot 1: 4.03 acres  
Block 308, Lot 1: 1.88 acres  
Block 307, lot 1: 1.93 acres  
Block 306, Lot 13: 7.0 acres  
Block 415, Lot 1: 4.81 acres  
Block 382, Lot 21: 1.8

Municipalities: City of Estell Manor, Maurice River Township, Upper Township  
Pinelands Rural Development Area, Pinelands Forest Area and Pinelands Villages

**Proposed Development**

Installation of 15 miles of 24 inch natural gas main within existing road rights-of-way in the Pinelands Area

**Plan(s) Subject of Certificate of Filing**

Site Plan, consisting of 102 sheets, prepared by Woodard & Curran (See Attachment A)

August 14, 2015

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

**Date**

*Please see reverse side for additional information and conditions.*

## **BACKGROUND**

### Relevant Information:

- ♦ There are wetlands located within 300 feet of the proposed development.
- ♦ A natural gas interconnect station is proposed on Block 350, Lot 12 and a remote operated valve station is proposed on Block 10, Lot 212, both in Upper Township.
- ♦ Approximately six miles of the proposed gas main will be located under existing road pavement. The remaining approximately nine miles of the proposed gas main will be located in disturbed and maintained road shoulder, within four feet of the edge of existing road pavement.
- ♦ The proposed gas main will be located in the following improved road rights of way: Union Road (CR 671), N.J. Route 49, Cedar Avenue, Mill Road/Reading Avenue (CR 557), N.J. Route 50, Mt. Pleasant-Tuckahoe Road (CR 664) and Marshall/New York Avenue.
- ♦ Permitted Land Use Standards: See “Attachment B”

## **CONDITIONS**

1. Any future natural gas system infrastructure improvements, whether those improvements occur within or outside of the Pinelands Area, that may result in changes such as additional gas flow to the proposed 24 inch gas main or redirection of the proposed 125,000 MCF gas flow shall only be approved by a State agency if such approval is consistent with the standards of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.81 (a)).
2. Within the Pinelands Area, any development, including but not limited to additional gas flow to the proposed 24 inch gas main or redirection of any portion of the proposed 125,000 MCF gas flow from the BL England plant requires application to the Pinelands Commission.

## **NEXT STEPS**

- ♦ This Certificate of Filing is not an approval.
- ♦ Submit a copy of this Certificate of Filing to state, county and municipal agencies that are required to review and act on your application.
- ♦ Send a copy of any final determination of any agency of the State of New Jersey to the Pinelands Commission.
- ♦ Send a copy of all county and municipal permits and approvals to the Pinelands Commission for review. Please use the attached *Local Agency Approval Submission Checklist* to make sure you are submitting all required documentation related to the county and municipal approval/permit.
- ♦ No county or municipal approval/permit takes effect and no development can occur until the Pinelands Commission has reviewed the approval. When we complete our review, we will issue you a letter stating that the county or municipal approval/permit can take effect.

## ATTACHMENT A: PLAN SUBJECT OF CERTIFICATE OF FILING

Sheets G-01, AS-30, AS-32, AS-50-AS-52, dated 8/23/2013, last revised 7/29/2015

Sheets G-02,G-04,AS-35,AS-38,AS-40,AS-45,AS-54,AS-56,HDD-R7,C-200,SA-3,SA-5, dated 8/23/2013, last revised 7/14/2015

Sheets G-02, HDD-R6, HDD-R8.1-HDD-R11, HDD-R13, HDD-R-14, HDDR16- HDD-R18, dated 7/1/2014, last revised 7/14/2015

Sheets LD-1,AS-1,AS-31AS-33,AS-34,AS-37,AS-39,AS-41,AS-42,AS-46,AS-47,AS-49,AS-55,M-200-M-202,C-AGV-1,SA-2, SA-4 , D-1C,D-04A,D-06, dated 8/23/2013, last revised 7/1/2014

Sheets AS-2-AS-29, dated 8/23/2013, last revised 7/14/2015

Sheets AS-36, dated 8/23/2013, last revised 9/4/2014

Sheets AS-43, AS-44, AS-48, dated 8/23/2013, last revised 8/19/2014

Sheets AS-53, dated 8/23/2013, last revised 8/14/2014

Sheets HDD-R12, C-100, S-001, D-1A, D-1B, D-02, D-03,D-05, dated 8/23/2013, last revised 12/20/2013

Sheets HDD-R15, HDD-R19-HDD-R22, dated 7/1/2014

Sheets J &BS-1, J& BS-2, dated 8/23/2013, last revised 9/24/2014

Sheets C-01 & D-07, dated 8/23/2013



## ATTACHMENT B: PERMITTED LAND USE STANDARDS

The overall project proposes the installation of 22 miles of natural gas main. Seven miles of the natural gas main is proposed to be constructed in the federally designated Pinelands National Reserve and fifteen miles is proposed to be constructed in the State designated Pinelands Area. The proposed gas main will connect to the BL England plant.

The Pinelands Commission exercises regulatory authority only in the State designated Pinelands Area

Within the Pinelands Area, the proposed natural gas main is located in Pinelands Villages (2.8 miles), a Pinelands Rural Development Area (2.54 miles) and a Pinelands Forest Area (9.51 miles). A natural gas main is defined in the Pinelands Comprehensive Management Plan (CMP) as “public service infrastructure.” The proposed natural gas main is a permitted land use in the Pinelands Villages (N.J.A.C. 7:50-5.27(a)2) and a Pinelands Rural Development Area (N.J.A.C. 7-50-5.26 (b)10). That portion of the natural gas main proposed in a Pinelands Forest Area is only a permitted land use if it is demonstrated that the proposed gas main is intended to primarily serve only the needs of the “Pinelands” (N.J.A.C. 7:50-5.23(b) 12). The CMP define “Pinelands” as the state designated Pinelands Area and the federally designated Pinelands National Reserve.

The applicant has submitted new information, including a Pinelands Comprehensive Management Plan Compliance Statement, a July 31, 2015 letter, a “Standard Gas Service Agreement” dated September 17, 2010 and a “Standard Gas Service Agreement Addendum” dated April 2013 representing that the proposed natural gas main is intended to primarily serve only the needs of the “Pinelands.”

In particular, the submitted information represents that, although the pipeline is designed at a maximum allowable operating pressure of 700 psig, the 24 inch pipeline will operate at a maximum pressure of 437 psig due to constraints in the applicant’s natural gas transmission system. The submitted information further establishes that the applicant is contractually obligated to provide the capacity for 125,000 MCF per day of natural gas to the BL England Plant for a minimum of 350 days per year for 20 years. Lastly, the applicant has established and the New Jersey Board of Public Utilities has confirmed that 125,000 MCF is the maximum flow capacity of the proposed 24 inch pipe based upon a maximum pressure the 437 psig limit.

Based on review of the application, including newly submitted information, materials in the record and review of prior applications, the applicant has demonstrated that the proposed gas main is consistent with the permitted use standards of the CMP. Specifically, the proposed pipeline is designed to transport gas to an existing facility, the BL England plant (built in 1963) that is located in the Pinelands.



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

## State of New Jersey

THE PINELANDS COMMISSION

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Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

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

## **MEMORANDUM**

To: Members of the Commission  
Katherine Burger, Medford Township Clerk

From: Charles M. Horner, P.P., Director of Regulatory Programs  
April Field, Environmental Specialist

Date: December 7, 2016

Subject: Evaluation of Medford Township Alternative Local Permitting Program

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### Background on the Medford Township LRO Program

In 2010, the Commission certified Medford Township Ordinance 2010-07, which established a Local Review Officer (LRO) Alternative Permitting Program in Medford Township.

The LRO Program establishes a modified application process for applicants pursuing three types of development in the Pinelands Area of Medford Township: single family dwellings on existing lots, home occupations and changes of an existing non-residential use to another non-residential use (provided the use is served by public sewer and no other development is proposed).

The Medford Township LRO Program requires that applicants complete an application for one of the three above specified types of development directly with the Township. Upon completion of the Township application, the Township LRO signs and forwards a copy of a Township Preliminary Zoning Permit (PZP) to the Commission staff for review. The Commission staff reviews the application and cosigns the PZP indicating concurrence with the Township's findings. The Township then issues the final PZP to the applicant. The PZP denotes the completion of an application with the Township and takes the place of a Commission Certificate of Filing.

The Medford Township LRO Program incorporates the existing CMP procedures for reviewing all county and municipal permits and approvals. This requirement ensures that each development application processed under the LRO Program is consistent with applicable CMP standards. The concerned permit or approval does not take effect until the Commission staff issues a letter indicating such.

The Executive Director's October 29, 2010 Report on Medford Township Ordinance 2010-07 requires that the staff report to the Commission on Medford's LRO Program once every three years. The purpose

of this memorandum is to report on the implementation of the LRO Program in the Township over the past three years (January 1, 2014 to Present).

### Report on the Medford Township LRO Program

Certain amendments to the CMP took effect on September 2, 2014. These amendments included revisions to the section of the CMP (N.J.A.C. 7:50-4.1(a)), which identifies the development activities that do not require application to the Commission. The CMP was amended to provide that home occupations and changes of one nonresidential use to another nonresidential use (provided the use is served by public sewer and no other development is proposed) no longer require application to the Commission. This amendment eliminated the need for a LRO application process for two of the three types of development (home occupations, nonresidential changes of use) subject of the Township's LRO Program. Since the 2014 CMP amendments took effect, the Township's LRO Program now only provides a modified application process for single family dwellings.

In Medford Township, the Township Planning Board Engineer serves as the Township LRO. The Township Planning Board Engineer has worked with the Commission in various capacities over the years and is knowledgeable of Pinelands regulations. Since January 1, 2014, the Township has issued two PZPs. One PZP was for a nonresidential change of use served by public sanitary sewer (prior to the September 2, 2014 CMP amendments) and the other was for the construction of a single family dwelling.

The Township has effectively administered the LRO Program over the past three years. We recommend that the Commission and the Township continue with the LRO Program. We will provide another evaluation of the LRO Program in 2019.

c: Christopher J. Noll, P.E., Medford Township Local Review Officer