



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

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 Commission

From: Nancy Wittenberg 
Executive Director

Date: February 28, 2018

Subject: Summary of the March 9, 2018 Meeting Packet

Minutes

The February 9, 2018 Commission Meeting minutes are included in your packet.

Public Development Applications

The following public development applications are being recommended for approval with conditions:

1. **Application Number 1983-5837.062/ ONYX Renewable Partners, LP on behalf of South Jersey Transportation Authority**, Egg Harbor Township, Military and Federal Installation Management Area, Construction of a ground mounted solar energy facility.
2. **Application Number 2008-0301.001/Ocean County**, Manchester Township, Forest Area, Realignment of the Beckerville Road and Route 70 Intersection.

Waiver of Strict Compliance

One Waiver of Strict Compliance application is being recommended for approval with conditions. The application proposes the development of one single family dwelling.

Letter of Interpretation

One Pinelands Development Credit Letter of Interpretation (attached) was issued since the last Commission meeting, allocating 1.75 PDCs to 113.31 acres.

Off-Road Vehicle Event Route Map Approval

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

Planning Matters

There are no master plan amendments and ordinances on this month's agenda.

Master Plans and Ordinances Not Requiring Commission Action

We have included a memorandum on eight master plan and ordinance amendments that we reviewed and found to raise no substantial issues with respect to CMP standards. These amendments were submitted by Buena Vista Township, Jackson Township, Manchester Township, Monroe Township and Pemberton Township.

Other Items

A list of pending Public Development and Waiver of Strict Compliance Applications for which public comment will be accepted at the March 9, 2018 Commission meeting is included in the packet.

Closed Session

The Commission may need to convene into closed session.

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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NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, March 9, 2018

Richard J. Sullivan Center for Environmental Policy and Education

Terrence D. Moore Conference Room

15C Springfield Road

New Lisbon, 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

- February 9, 2018

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
 - Approving With Conditions an Application for Public Development (Application Number 1983-5837.062, construction of a ground mounted solar facility at the Atlantic City International Airport)

- Approving With Conditions an Application for Public Development (Application Number 2008-0301.001, Realignment of the Beckerville Road and Route 70 Intersection)
- Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 2001-0477.001, Development of a single family dwelling)

B. Planning Matters

- Municipal Master Plans and Ordinances
 - None
- Other Resolutions
 - None
- CMP Amendments
 - None

5. Public Comment on Public Development Applications and Waivers of Strict Compliance (see attached list) and Resolutions ***Where the Record is Not Closed*** (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.)
6. Master Plans and Ordinances Not Requiring Commission Action
 - Buena Vista Township Planning Board Resolution 02-2018
 - Buena Vista Township Ordinance 1-2012
 - Jackson Township Ordinance 23-17
 - Manchester Township Ordinance 18-004
 - Manchester Township 2017 Open Space and Recreation Plan Update
 - Monroe Township Ordinances O:43-2017 and O:44-2017
 - Pemberton Township Ordinance 27-2017
7. 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.)
8. 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.)
9. Adjournment

Upcoming Meetings

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

Fri., March 23, 2018	Policy and Implementation Meeting (9:30 a.m.)
Fri., April 13, 2018	Pinelands Commission Meeting (9:30 a.m.)
Tues., April 24, 2018	Personnel and Budget Committee Meeting (9:30 a.m.)

Upcoming Office Closures

Friday, March 30, 2018 Good Friday



Pinelands Commission and Committee meeting agendas are posted on the Commission's Web site and can be viewed at 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 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

February 9, 2018

Commissioners Present

Alan W. Avery Jr., Bob Barr, Paul E. Galletta, Jordan P. Howell, Ed Lloyd, Mark Lohbauer, William Pikolycky, Richard Prickett, Gary Quinn and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Craig Ambrose and Deputy Attorney General (DAG) Bruce Velzy.

Commissioners Absent

Candace Ashmun, Giuseppe Chila, Jane Jannarone and D'Arcy Rohan Green.

Chairman Earlen called the meeting to order at 9:35 a.m.

DAG Velzy read the Open Public Meetings Act Statement.

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

Oath of Office

Chairman Earlen introduced and welcomed Dr. Howell and Mr. Pikolycky to the Commission.

DAG Velzy administered the oath of office to Dr. Jordan Howell, who will serve as Camden County's appointee on the Commission and to William Pikolycky, who will serve as Cape May County's appointee.

Commissioner Howell said he is excited to be a part of the Commission and looks forward to using his research over the past 10 years to find resolutions to Pinelands related issues.

Commissioner Pikolycky said its an honor to be representing Cape May County, and he looks forward to working with staff and Commissioners.

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 10 Commissioners present at the meeting.)

Minutes

Chairman Earlen presented the minutes from the January 12, 2018 Commission meeting. Commissioner Barr moved the adoption of the minutes. Commissioner Avery seconded the motion.

The January 12, 2018 Commission meeting minutes were adopted by a vote of 8 to 0. Commissioner Howell and Commissioner Pikolycky abstained from voting on the minutes.

Committee Chairs' Reports

Chairman Earlen provided an update on the January 26, 2018 Policy and Implementation Committee meeting.

The Committee adopted the minutes of the November 17, 2017 meeting.

The Committee recommended certification of the following:

Hamilton Township's Mays Landing Neighborhood Plan and Ordinance 1858-2017 revising zoning boundaries and permitted uses in Regional Growth Area zoning districts;

Jackson Township's 2017 Amended Housing Element and Fair Share Plan and Ordinance 22-17 amending permitted residential development in the RG-2 and RG-3 Zones; and

Manchester Township Ordinance 17-025 revising zoning boundaries and permitted uses in Regional Growth Area zoning districts.

The Committee was advised that the veto period for the adoption of CMP amendments will expire on January 31, 2018. The rules are scheduled to become effective upon publication in the March 5, 2018 edition of the New Jersey Register.

Executive Director's Reports

ED Wittenberg said that certain staff members have begun training on the Edmunds accounting software, and the system should be operational at the beginning of March.

ED Wittenberg mentioned that she met with Commissioner Howell and provided him with information about the Commission and his role as Commissioner and she said she had a telephone conversation with Commissioner Pikolycky.

ED Wittenberg noted that she attended the Pinelands Municipal Council meeting in January and there was a presentation on urban and neighborhood forests.

ED Wittenberg said that after a very long process the rules will be published in the New Jersey Register on March 5, 2018.

Director Larry Liggett said the Commission along with the New Jersey Department of Environmental Protection and the New Jersey Conservation Foundation is working with NASA on a project to determine fire risks in the Pinelands using satellite data. He said staff member Gina Berg has scheduled working phone meetings to occur every two weeks and the project is expected to be complete in about three months. He said when the study is finished, the Commission will have an additional tool to assess fire risk in the Pinelands.

Director Liggett said staff continues to work on the Long Term Economic Monitoring (LTEM) report. He said Rutgers University is evaluating the effectiveness of the LTEM report and will be providing the Commission with information soon. Staff is also considering an enhanced website for the LTEM program. The website will allow the public to access the LTEM data. He said the state of New Jersey has contracted with a company called Socrata and staff has previewed its products.

Director Charles Horner updated the Commission on the following items:

- Staff met with Pemberton Township about the possibility for two existing schools located near Fort Dix to connect to public sanitary sewer. He said the schools are currently served by an onsite wastewater treatment facility. He added that the schools are located in a management area that does not permit the extension of sanitary sewer unless it can be demonstrated that there is a public health hazard.
- Staff met with the Administrator of Stafford Township to discuss a road improvement project located on Route 72 in the vicinity of the stormwater basin projects that the Commission approved over a year ago. He said the Township Administrator indicated that the town is not proceeding with the development of the stormwater basin.
- Jackson Township has revised its original application to construct a solar project on an existing landfill to avoid impacts to a threatened and endangered plant species.

ED Wittenberg added that at the January Commission meeting questions were raised about the maximum height of trees for vegetation management. She said the New Jersey Board of Public Utilities' requirement is three feet.

Commissioner Lloyd said he remembered the Commission approving the Stafford basin project because homes were flooding.

Director Horner said that was in fact the case and the Township has taken some interim steps. For example, the Township cleaned stormwater pipes. He said according to the Administrator, the Township has plans to mitigate the existing stormwater basin.

Commissioner Lloyd said he would like to discuss the matter at another time.

Director Horner said he believes the Township would like to move forward with the basin project but funding is an issue.

Joel Mott updated the Commission on the following items:

- The Pinelands Short Course is scheduled for March 10th.
- The exhibit center project has made some progress. He said the shop drawings of the exhibits have been revised to include fire code information. He said the issuance of a permit is near and that staff will need to meet with the contractor to determine a new timeline and start date.

Commissioner Prickett said he is excited about sharing the story of Charles Beckwith at the Pinelands Short Course. Beckwith was the Director of the Cranberry substation from 1918-1944.

Commissioner Lohbauer asked if there was signage to direct and attract visitors to the exhibit center.

Mr. Mott said that he and Paul Leakan are currently working on a visitor use plan.

Ms. Stacey Roth provided an update on the Peg Leg Webb matter. She said the owner of a parcel in Jackson Township submitted an application to the Commission for a mining operation. A zoning change in Jackson Township occurred prior to the submission of the application, changing the zoning of the parcel to a Forest Area. New mining operations are not a permitted use in the Forest Area. The Commission prevailed in both the Office of Administrative Law and the Appellate Division. The property owner then sought certification in Supreme Court, where it was denied. The matter is now closed.

Commissioner Avery asked about the status of the Heritage Minerals CAFRA (Coastal Area Facilities Review Act) application that NJDEP held a public hearing on.

ED Wittenberg said there is a lot of history with the Heritage Minerals site which is located in Manchester Township between Route 37 and Route 70. She said the Commission entered into a settlement agreement with NJDEP and Hovsons (the developer) in 2004. She added that the site is located in the Pinelands National Reserve. She said she believes that NJDEP was required to hold a public hearing as part of the CAFRA application review process.

Ms. Roth provided information about the settlement agreement. She said the settlement designated a development area that was rezoned from a Forest Area to a Regional Growth Area. The agreement called for the preservation of 6,100 acres in the Pinelands Area.

Many extensions to the settlement have been signed over the years. In 2016, the NJDEP designated the development area as a Planning Area 2 under the State Plan. She said because the property owner did not preserve the appropriate lands, the Commission and the NJDEP decided no further extensions would be permitted. The property owner started the process to reinvigorate the Federal litigation. The Division of Law made a motion for summary judgment. The Federal magistrate has not rendered a decision on the State's motion and the matter continues in Federal Court. In the meantime, the applicant was allowed to move forward with its new CAFRA permit application. The new CAFRA permit proposes 4,000 units and 40,000 square feet of commercial development. She said the NJDEP had to hold a public hearing because once an application is deemed administratively complete a decision has to be made within 90 days. She said there are traffic issues associated with the development. She said that under CAFRA rules the Commission is a consulting party and will prepare a memo with comments. She said under the Coastal rules, the NJDEP fulfills the intent and goals of the Comprehensive Management Plan.

Commissioner Avery asked whether the settlement is currently in place.

Ms. Roth said she spoke with the DAG representing the NJDEP and the Commission about the status of the settlement and he indicated that the settlement has expired. However, she said the parties are in court and could commence new settlement negotiations. She added that the following obligations of the settlement have been implemented: the Management Area change from Forest Area to Regional Growth Area, amendment of the Water Quality Management Plan and the change of State Planning designation for the development area from Planning Area 5 to Planning Area 2.

Ms. Roth offered clarification that if a new settlement is negotiated, the Commission will need to take action on it.

Commissioner Lloyd asked if we could require the development to be clustered.

Chief Planner Susan R. Grogan noted that the original settlement designated a development area and it was in a way, a cluster development. The 1,000 acres were specifically sited for very dense development and the surrounding acreage in the Forest Area was to be preserved.

Commissioner Avery asked what has changed since 2004 that would allow the number of units to increase from 2,450 to 4,000 and what is the status of Manchester's zoning.

Chief Planner Grogan said Manchester Township was never a party to the settlement agreement. The Commission changed the management area boundary and the Township adopted amendments to its zoning plan to mirror the settlement agreement. She said Manchester Township's zoning ordinance references the settlement agreement. She said what Commissioner Avery is referring to is a redevelopment plan that Manchester Township and the property owner created and which encompassed a larger development

area and about 6,500 units. The Township adopted the redevelopment plan but the Mayor later vetoed the ordinance.

Chief Planner Grogan said the proposed 4,000 units in the CAFRA permit are inconsistent with Manchester Township's current zoning. She said that the Township has expressed an interest in having the Commission certify the zoning in the Pinelands National Reserve (PNR) portion of the Township, which is an optional process in the CMP. She said the Township would like to clean up a few areas where the Pinelands Management Area boundary, zoning and state planning designations don't match. She said this will give the Commission an opportunity to also discuss the zoning for the Heritage Mineral site.

Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending approval of three public development applications. He said the first application is to demolish a structure (an abandoned sewage treatment plant) in Jackson Township, the second application is for forestry activities on 13 acres in Wharton State Forest and the last application is for a guide rail with State Route 73 right-of-way.

Commissioner Galletta moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 1991-1108.011, 1991-1108.012 & 2017-0204.001) (See Resolution # PC4-18-04). Commissioner Avery seconded the motion.

Commissioner Prickett thanked Director Horner for the photos of the sewage treatment plant. He talked about the evolution of sewage treatments plants and the creation of health departments. He said that in instances where there were towns along a river or stream, the town downstream would sue the town up-stream to correct the problem of pumping raw sewage into the stream. He said this forced towns to construct sewage treatment plants.

Commissioner Lloyd said the Clean Water Act of 1972 allocated billions of dollars to fund regional sewage treatment plants.

Commissioner Lohbauer asked Director Horner about the precautionary steps the applicant is planning to take to ensure the protection of both threatened and endangered (T&E) plant and animal species regarding the forestry application at Wharton State Forest.

Director Horner said the T&E plant is known to grow in wetland habitats. The applicant is proposing that all forestry activities will be undertaken in uplands and will maintain a 100 foot buffer to wetlands. He added that the applicant is proposing to apply herbicide by hand in order to avoid irreversible adverse impacts to T&E snake and bird species.

The Commission adopted the resolution by a vote of 10 to 0.

Planning Matters

Chairman Earlen presented a resolution on Hamilton Township's Mays Landing Neighborhood Plan and Ordinance 1858-2017.

Commissioner Galletta moved the adoption of a resolution Issuing an Order to Certify the Mays Landing Neighborhood Plan and Ordinance 1858-2017, amending Chapter 203 (Land Use and Development) of the Code of Hamilton Township (See Resolution # PC4-18-05). Commissioner Lohbauer seconded the motion.

Chief Planner Grogan said the Mays Landing Neighborhood Plan is an amendment to Hamilton Township's Master Plan. She said Hamilton Township is trying to revitalize downtown Mays Landing by reusing the existing structures. She said that in an attempt to encourage redevelopment, the town has chosen to add and change some of the permitted uses to include bed and breakfasts, art galleries and museums, to name a few. She said the most significant change is to include mixed-use buildings as a permitted use. An example of this would be ground floor commercial use and an upper floor residential use. She said that if five or more units are proposed in the VC District, the redemption of Pinelands Development Credits (PDCs) will be required.

Commissioner Lohbauer was supportive of the ordinance and zoning change.

The Commission adopted the resolution by a vote of 10 to 0.

Chairman Earlen presented a resolution on Jackson Township's 2017 Amended Housing Element and Fair Share Plan and Ordinance 22-17 amending permitted residential development in the RG-2 and RG-3 Zones

Chief Planner Grogan said that staff has been working with Jackson Township for many years regarding the permitted uses of Jackson's Regional Growth Area. She said that at one point there was a push to rezone the RGA to a commercial zone, but that never came to fruition. She said there was another push to down-zone and then affordable housing issues arose. She said the Township had previously not done much to provide for affordable housing. The Township has signed a settlement agreement with the Fair Share Housing Center. She said Jackson had a prior affordable housing obligation of about 1,250 units and a prospective obligation of 1,247 new units. The majority of Jackson's affordable units are outside of the Pinelands Area. She said, however, Jackson has shown the court and documented in the housing plan a number of fairly significant residential projects. She said in order to accomplish that Jackson has to maintain its residential densities in the RG-2 and RG-3 zones. She said the Regional Growth boundary and densities will remain the same. She noted two changes in the ordinance: one pertains to housing type and the other addresses the need to accommodate opportunities for PDCs. There is a 30% mandatory use of credits in projects serviced by sewer in these zones.

She noted that PDCs have never been used in Jackson's RGA.

Commissioner Barr moved Issuing an Order to Certify Planning Board Resolution 2017-15, Adopting the June 2017 Amended Housing Element and Fair Share Plan of Jackson Township, and Ordinance 22-17, Amending Chapter 244 (Land Use and Development

Regulations) of the Code of Jackson Township(See Resolution # PC4-18-06).
Commissioner Lloyd seconded the motion.

Commissioner Avery said this portion of Jackson is the nicest section of privately owned forest in Ocean County and he was disappointed that it could not be acquired for preservation. He said affordable housing requirements have forced the density to be higher than is marketable.

The Commission adopted the resolution by a vote of 9 to 0, with Commissioner Howell abstaining from the vote.

Chairman Earlen presented a resolution on Manchester Township Ordinance 17-025 revising zoning boundaries and permitted uses in Regional Growth Area zoning districts.

Commissioner Lohbauer moved Issuing an Order to Certify Ordinance 17-025, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township (See Resolution # PC4-18-07). Commissioner Lloyd seconded the motion.

Ms. Grogan displayed a map on the Smartboard of Manchester Township's Regional Growth Area. She said the four lots that are currently highlighted will be rezoned from PRC-1 to POR-L1. She said a number of years ago the lots were rezoned from non-residential to residential as part of a builder's remedy settlement agreement. The Township is now returning the lots to their prior zoning designation. The Township is calling the zone Office Research and Light Industrial. In order to comply with its fair share housing obligation, the Town will permit townhouses in the POR-L1 zone and in two other additional zoning districts. She added that if garden apartment or townhome projects are developed, the use of PDCs will be required.

Commissioner Lloyd asked if Manchester Township has a Fair Share Housing plan.

Chief Planner Grogan said yes, noting that the Commission approved it last year. She added that staff will provide an update on the status of affordable housing plans during a future P&I meeting.

The Commission adopted the resolution by a vote of 10 to 0.

Public Comment on Public Development Applications and Items where the record is open
No one from the public spoke.

Ordinances Not Requiring Commission Action

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

- Berlin Borough Ordinance 2017-15
- Lacey Township Ordinance 2017-18
- Ocean Township Planning Board Resolution 2017-7

No members of the Commission had questions.

General Public Comment

Jonathan Peters with City University of New York said the Long Term Economic Monitoring report needs to expand on tourism. He said as more land is preserved, job opportunities decrease.

Fred Akers of the Great Egg Harbor Watershed Association, said his organization has committed \$10,000 to a water study in Winslow to determine if stormwater runoff can be directed back into the aquifer. He also mentioned a parcel in Hamilton Township that he is involved in finding grant monies to acquire the property for preservation. He also noted the new proposal for off-shore oil and gas exploration in the northeast. He said Atlantic County is opposed to offshore drilling.

Katie Smith with the Pinelands Preservation Alliance, said PPA is a party to the Heritage Minerals federal litigation. She said the settlement agreement is not dependent on time and is still in effect. She said there is a provision in the agreement that if the state has not taken action by a certain date then Hovoson's has the right to open the federal litigation. She said she attended the NJDEP hearing and estimated about 200 people were in attendance. She said the public, who were mostly all opposed to the development, raised concerns about traffic.

Raven Potosky of Manchester Township raised concerns about the Heritage Minerals CAFRA permit.

Other

Chairman Earlen said that the Commission received sad news about a former Commissioner. He said Fran Witt passed away last week. Commissioners spent a few minutes sharing their admiration for former Commissioner Witt. Commissioner Witt will be remembered for his public service and his devotion to his family.

Adjournment

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Prickett seconded the motion. The Commission agreed to adjourn at 11:04 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: February 21, 2018



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 04

TITLE: Approving With Conditions Applications for Public Development (Application Numbers 1985-0909.017, 1986-1334.002 & 2017-0149.001)

Commissioner Galletta moves and Commissioner Avery seconds the motion that:

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

1985-0909.017

Applicant:	Jackson Township Board of Education
Municipality:	Jackson Township
Management Area:	Pinelands Village
Date of Report:	January 19, 2018
Proposed Development:	Demolition of a structure (abandoned sewage treatment plant), 50 years old or older;

1986-1334.002

Applicant:	NJ DEP Parks and Forestry
Municipality:	Washington Township
Management Area:	Pinelands Preservation Area District
Date of Report:	January 19, 2018
Proposed Development:	Forestry on 13 acres within Wharton State Forest; and

2017-0149.001

Applicant:	New Jersey Department of Transportation
Municipality:	Borough of Berlin Waterford Township Winslow Township
Management Area:	Pinelands Village Pinelands Regional Growth Area Pinelands Rural Development Area
Date of Report:	January 19, 2018
Proposed Development:	Guiderail and sidewalk improvements within the State Route 73 right-of-way.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1985-0909.017, 1986-1334.002 & 2017-0149.001 for public development are hereby approved subject to the conditions recommended by the Executive Director.

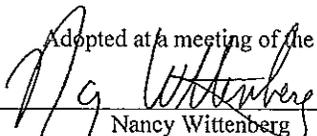
Record of Commission Votes

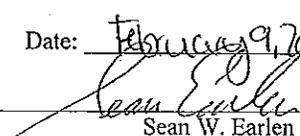
	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun			X		Howell	X				Prickett	X			
Avery	X				Jannarone			X		Quinn	X			
Barr	X				Lloyd	X				Rohan Green			X	
Chila			X		Lohbauer	X				Earlen	X			
Galletta	X				Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 9, 2018


 Nancy Wittenberg
 Executive Director


 Sean W. Earlen
 Chairman



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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

January 19, 2018

Michelle Richardson, Business Administrator
Jackson Township Board of Education
151 Don Connor Boulevard
Jackson, NJ 08527

Re: Application # 1985-0909.017
Block 16601, Lot 10
Jackson Township

Dear Ms. Richardson:

The Commission staff has completed its review of this application for demolition of an abandoned sewage treatment plant, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 9, 2018 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Jackson Township Planning Board (via email)
Jackson Township Construction Code Official (via email)
Jackson Township Environmental Commission (via email)
Secretary, Ocean County Planning Board (via email)
William Edwards (via email)





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Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

January 19, 2018

Michelle Richardson, Business Administrator
Jackson Township Board of Education
151 Don Connor Boulevard
Jackson, NJ 08527

Application No.: 1985-0909.017
Block 16601, Lot 10
Jackson Township

This application proposes demolition of an abandoned sewage treatment plant, 50 years old or older, located on the above referenced 125.88 acre parcel in Jackson Township.

A proposed 80 linear foot temporary access way from Don Connor Boulevard will be cleared of vegetation to facilitate access to the proposed demolition area. After demolition, it is proposed to revegetate all disturbed areas.

STANDARDS

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

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

The parcel is located in the Pinelands Village of Vanhiseville. The CMP permits the demolition of structures in the Pinelands Area.

Wetland Transition Area Standard (N.J.A.C. 7:50-6.14)

There are wetlands located within 300 feet of the structures proposed for demolition. The proposed clearing and demolition activities will be located no closer to wetlands than the existing structures.

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

The proposed demolition will be located within an oak/pine forested area. The proposed demolition will disturb approximately 4,792 square feet of forested land. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed demolition.

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.

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

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

PUBLIC COMMENT

The CMP defines the proposed demolition as “minor” development. The CMP does not require notice for minor public development applications. The application was designated as complete on the Commission’s website on December 22, 2017. The Commission’s public comment period closed on January 12, 2018. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed demolition shall adhere to the plan, consisting of two sheets, prepared by Edwards Engineering Group, Inc. and both sheets dated September 19, 2017 and revised to December 15, 2017.
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 demolition, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission's offices no later than 5:00 p.m. on February 6, 2018 and include the following information:

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

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



State of New Jersey

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

January 19, 2018

John Sacco
NJ DEP Parks and Forestry
501 East State Street
P.O. Box 420, Mail Code 501-04
Trenton, NJ 08625

Re: Application # 1986-1334.002
Wharton State Forest
Block 19, Lot 6
Washington Township

Dear Mr. Sacco:

The Commission staff has completed its review of this application for forestry on 13 acres within Wharton State Forest. 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 February 9, 2018 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

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





Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

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

PUBLIC DEVELOPMENT APPLICATION REPORT

January 19, 2018

John Sacco
NJ DEP Parks and Forestry
501 East State Street
P.O. Box 420, Mail Code 501-04
Trenton, NJ 08625

Application No.: 1986-1334.002
Wharton State Forest
Block 19, Lot 6
Washington Township

This application proposes forestry within Wharton State Forest on a 13 acre portion of the above referenced 468 acre parcel.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.22(a)3)

The 13 acres subject to forestry are located within the Pinelands Preservation Area District. Forestry is permitted in all Pinelands Management Areas.

Forestry (N.J.A.C. 7:50-6.41)

This application proposes forest thinning in uplands. The purpose of the proposed forest thinning is to encourage the development of a native Shortleaf pine stand and to reduce the risk of wildfire and southern pine beetle attack. The proposed forest thinning will allow for natural regeneration. The proposed forest thinning will maintain a Pine dominated forest, a Pinelands native forest type.

There are approximately 1,383 trees per acre in the 13 acres subject of the proposed forest thinning. After the proposed thinning, the forest will have from 134 to 201 trees per acre. The canopy cover will be reduced from approximately 75% to a variable percent canopy cover ranging from between 41% and 48%.

The applicant proposes to undertake post-harvest site preparation, as necessary. Proposed site preparation techniques are prescribed burning and the spot spraying of herbicides to control invasive species. The CMP (N.J.A.C. 7:50-6.46(a)9ii.) allows application of herbicide in association with forestry provided that, among other conditions, control of competitive plant species is clearly necessary and control by other non-chemical means is not practical. The applicant has represented that hand cutting or mechanical removal of competitive species is not feasible. As required by the CMP (N.J.A.C. 7:50-6.46(a)9ii.(4)), this recommended approval is specifically conditioned upon all herbicides used being expressly labeled for forestry use and mixed in a manner that is consistent with relevant State and Federal requirements.

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

Available information identifies known sightings of threatened and endangered (T&E) animal and plant species in the vicinity of the proposed forestry. The New Jersey Department of Environmental Protection Endangered and Nongame Species Program staff and the Commission staff reviewed the proposed forestry to determine whether it was designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species and irreversible adverse impacts on the survival of any local populations of T&E plant species.

To avoid potential irreversible adverse impacts on any T&E avian species, prior to undertaking the proposed forestry, the applicant proposes to conduct visual surveys to identify and mark any trees containing potential T&E avian species cavities or nests. Any trees containing potential T&E avian species cavities or nests will be marked and left standing. To avoid any irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, the applicant proposes to utilize only low ground pressure equipment for any forestry undertaken between November 1 and April 30.

The concerned T&E plant is a wetland associated species. To avoid potential irreversible adverse impact on the survival of any local populations of T&E plant species, no forestry is proposed within 100 feet of wetlands.

The proposed forestry is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species and irreversible adverse impacts on the survival of any local populations of T&E plant species.

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

No disturbance will occur greater than six inches below the ground surface. The Commission staff determined that, since the proposed forestry will result in minimal ground disturbance, a cultural resource survey was not required.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced 13 acres subject of forestry was completed on October 19, 2017. Newspaper public notice was completed on October 25, 2017. The application was designated as complete on the Commission's website on December 19, 2017. The Commission's public comment period closed on January 12, 2018. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed forestry activity shall adhere to the "Proposal for Silvicultural Activity on State Forest and Park Lands," prepared by the New Jersey Forest Service, dated November 15, 2017. The 13 acres subject of the proposed forestry is depicted on an untitled exhibit identified as a portion of a USGS Quad: Jenkins and dated December 14, 2017.
2. Prior to any forestry, the applicant shall obtain any other necessary permits and approvals.
3. Any herbicides that are applied for site preparation shall be expressly labeled for forestry use and shall be used and mixed in a manner that is consistent with relevant State and Federal requirements.
4. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E avian species, prior to any forestry, the applicant shall complete a visual survey of the above referenced 13 acre forestry area for potential avian T&E species cavities or nests. Any trees containing potential avian T&E species cavities or nests shall be marked and left standing.
5. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, only low ground pressure equipment shall be used for any forestry undertaken between November 1 and April 30.
6. To avoid potential irreversible adverse impact on the survival of any local populations of T&E plant species, no forestry shall occur within 100 feet of wetlands.
7. This forestry approval is valid for a period of ten years from the February 9, 2018 date of Commission approval.

CONCLUSION

As the proposed forestry 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 forestry subject to the above conditions.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

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

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



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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

January 19, 2018

Brenna Fairfax
New Jersey Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

Re: Application # 2017-0149.001
State Route 73
Borough of Berlin, Waterford Township & Winslow Township

Dear Ms. Fairfax:

The Commission staff has completed its review of this application for road improvements within the State Route 73 right-of-way. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 9, 2018 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

- c: Secretary, Borough of Berlin Planning Board (via email)
- Borough of Berlin Construction Code Official (via email)
- Secretary, Waterford Township Planning Board (via email)
- Waterford Township Construction Code Official (via email)
- Waterford Township Environmental Commission (via email)
- Secretary, Winslow Township Planning Board (via email)



Winslow Township Construction Code Official (via email)
Winslow Township Environmental Commission (via email)
Secretary, Camden County Planning Board (via email)



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

January 19, 2018

Brenna Fairfax
New Jersey Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

Application No.: 2017-0149.001
State Route 73
Borough of Berlin, Waterford Township & Winslow Township

This application proposes road improvements within the State Route 73 right-of-way in the Borough of Berlin, Waterford Township and Winslow Township.

The application proposes the installation of additional guiderail to meet current safety standards along a seven mile section of State Route 73 between Braddock Avenue in Winslow Township and the New Jersey Transit Bridge in the Borough of Berlin. In addition, the application proposes to install concrete sidewalks at five intersections within that same seven mile section of State Route 73.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.27(a), 5.26(b)10 & 5.28(a))

The proposed road improvements are located in the Pinelands Village of Blue Anchor, a Pinelands Rural Development Area and a Pinelands Regional Growth Area. The proposed road improvements are permitted uses in these Pinelands management areas.

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

There are wetlands located within 300 feet of the proposed road improvements. The proposed road improvements will be located in the required buffer to wetlands.

The CMP permits roads (linear improvements) and accessory improvements to roads, such as guiderails and sidewalks, in the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The applicant has demonstrated that there is no feasible alternative to the

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

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

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

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

PUBLIC COMMENT

The CMP defines the proposed road improvements as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on December 6, 2017. The Commission’s public comment period closed on January 12, 2018. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 17 sheets, prepared by the New Jersey Department of Transportation, all sheets dated November 9, 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

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



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

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PINELANDS COMMISSION **APPEAL PROCEDURE**

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 05

TITLE: Issuing an Order to Certify the Mays Landing Neighborhood Plan and Ordinance 1858-2017, amending Chapter 203 (Land Use and Development) of the Code of Hamilton Township

Commissioner Galletta moves and Commissioner Lohbauer
seconds the motion that:

WHEREAS, on March 8, 1985, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Hamilton Township; and

WHEREAS, Resolution #PC4-85-10 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-85-10 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on November 5, 2015, the Hamilton Township Planning Board amended the Hamilton Township Master Plan to include the Mays Landing Neighborhood Plan; and

WHEREAS, on February 5, 2016, the Pinelands Commission received a certified copy of the adopted Planning Board minutes memorializing the amendment of the Hamilton Township Master Plan to include the Mays Landing Neighborhood Plan; and

WHEREAS, the Mays Landing Neighborhood Plan includes multiple recommended action items that would require the adoption of one or more ordinances to implement said action items; and

WHEREAS, pursuant to N.J.A.C. 7:50-3.32 of the Comprehensive Management Plan, the Executive Director cannot accept a master plan amendment for formal review and certification without an adopted ordinance that implements said master plan, unless no such ordinance is necessary; and

WHEREAS, by letter dated February 9, 2016, the Executive Director notified Hamilton Township that the Mays Landing Neighborhood Plan would be deemed incomplete until such time that one or more implementing ordinances are adopted and submitted to the Commission for certification; and

WHEREAS, on October 16, 2017, the Hamilton Township Committee adopted Ordinance 1858-2017, amending Chapter 203 (Land Use and Development) of the Code of Hamilton Township to implement the recommendations made by the Mays Landing Neighborhood Plan; and

WHEREAS, on October 23, 2017, the Pinelands Commission received a certified copy of Ordinance 1858-2017; and

WHEREAS, by letter dated October 25, 2017, the Executive Director notified Hamilton Township that the Mays Landing Neighborhood Plan and Ordinance 1858-2017 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on the Mays Landing Neighborhood Plan and Ordinance 1858-2017 was duly advertised, noticed and held on December 6, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Hamilton Township's Mays Landing Neighborhood Plan and Ordinance 1858-2017 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Hamilton Township's Mays Landing Neighborhood Plan and Ordinance 1858-2017 are in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Hamilton Township's Mays Landing Neighborhood Plan and Ordinance 1858-2017 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Hamilton Township's Mays Landing Neighborhood Plan and Ordinance 1858-2017 and has reviewed the Executive Director's report; and

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

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

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify that the Mays Landing Neighborhood Plan and Ordinance 1858-2017, amending Chapter 203 (Land Use and Development) of the Code of Hamilton Township, are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Hamilton Township's certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

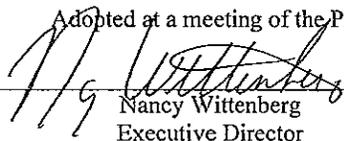
Record of Commission Votes

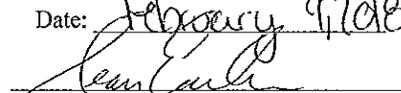
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Ashmun			X	Howell	X			Prickett	X		
Avery	X			Jannarone			X	Quinn	X		
Barr				Lloyd	X			Rohan Green			X
Chila			X	Lohbauer	X			Earlen	X		
Galletta	X			Pikolycky	X						

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 9, 2018


 Nancy Wittenberg
 Executive Director


 Sean W. Earlen
 Chairman



State of New Jersey
 THE PINELANDS COMMISSION
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Philip D. Murphy
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 Sheila Y. Oliver
 Lt. Governor

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

Sean W. Earlen
 Chairman
 Nancy Wittenberg
 Executive Director

**REPORT ON HAMILTON TOWNSHIP’S MAYS LANDING NEIGHBORHOOD PLAN
 AND ORDINANCE 1858-2017, AMENDING CHAPTER 203 (LAND USE AND
 DEVELOPMENT) OF THE CODE OF HAMILTON TOWNSHIP**

January 26, 2018

Hamilton Township
 6101 Thirteenth Street
 Mays Landing, NJ 08330

FINDINGS OF FACT

I. Background

The Township of Hamilton is located in the south-central portion of the Pinelands Area in Atlantic County. Pinelands Area municipalities adjacent to Hamilton Township include the Townships of Mullica, Galloway, Egg Harbor, Weymouth and Buena Vista as well as Estell Manor City, Folsom Borough and the Town of Hammonton, all of which are located in Atlantic County.

On March 8, 1985, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Hamilton Township.

On November 5, 2015, the Hamilton Township Planning Board amended the Township’s Master Plan to include the Mays Landing Neighborhood Plan. The Mays Landing Neighborhood Plan incorporates new data, public input and analysis, and provides recommendations that address flood mitigation and resiliency, economic development initiatives, zoning changes, building character and land use changes, circulation and streetscape improvements, historic preservation, and the use of green infrastructure. Section four of the plan includes multiple recommended action items for implementing the plan. A subset of these recommendations would require amendments to zoning district boundaries as well as other land development regulations affecting areas within the Pinelands Area portion of the Township.

On February 5, 2016, the Pinelands Commission received a certified copy of the Planning Board minutes that memorialized the Master Plan amendment. By letter dated February 9, 2016, the Executive Director notified the Township that the Mays Landing Neighborhood Plan would be deemed incomplete until such time that implementing ordinances are adopted and submitted to the Commission for certification.

On October 16, 2017, the Hamilton Township Committee adopted Ordinance 1858-2017, which implements action items of the Mays Landing Neighborhood Plan. Ordinance 1858-2017 amends Chapter 203, Land Use and Development, of the Code of Hamilton Township and includes the rezoning of eleven lots as well revisions to permitted uses, conditional uses and development standards. In particular, eleven lots are rezoned to the Village Commercial (VC) district. The ordinance adds “Bed and Breakfasts” as a conditional use in the R-9 and R-22 districts. The ordinance also revises permitted uses in the VC district to include: bicycle and scooter rental establishments; museums, art galleries and similar uses; theaters; bars, pubs and taverns; and health and exercises facilities. The ordinance also adds mixed use development as a conditional use in the VC district and requires the redemption of Pinelands Development Credits in any mixed use development proposing five or more residential units.

The Pinelands Commission received a certified copy of Ordinance 1858-2017 on October 23, 2017. By letter dated October 25, 2017, the Executive Director notified the Township that the Mays Landing Neighborhood Plan and Ordinance 1858-2017 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following master plan amendment and ordinance have been submitted to the Pinelands Commission for certification:

- * Mays Landing Neighborhood Plan, adopted by the Hamilton Township Planning Board on November 5, 2015; and
- * Ordinance 1858-2017, amending Chapter 203 (Land Use and Development) of the Code of Hamilton Township, introduced on September 18, 2017 and adopted October 16, 2017.

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

1. **Natural Resource Inventory**

Not applicable.

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

The Mays Landing Neighborhood Plan

The stated purpose of the Mays Landing Neighborhood Plan is “to explore how redevelopment and green infrastructure can be used to enhance economic development, flood mitigation and resiliency, aesthetics and the quality of life in Mays Landing.” The plan analyzes the existing conditions of the study area and uses findings from a S.W.O.T. Analysis to identify the strengths,

weaknesses, opportunities and threats to improving the appearance, function and economic vitality of Mays Landing. The plan concludes with recommended action items that address flood mitigation and resiliency, economic development initiatives, zoning changes, building character, land use changes, circulation and streetscape improvements, historic preservation, and use of green infrastructure. A subset of these recommendations require amendments to zoning district boundaries as well as other land development regulations affecting areas within the Pinelands Area portion of Hamilton Township.

The plan acknowledges that the majority of the Mays Landing study area is located within the Pinelands Area, with the majority of those lands designated as Pinelands Regional Growth Area along with a small portion on northeastern edge of the study area designated as Pinelands Forest Area (see Exhibit 1). Additionally, the southern portions of the study area are outside of the Pinelands Area, but are within the Pinelands National Reserve.

Ordinance 1858-2017

Ordinance 1858-2017 implements various recommended action items from the Mays Landing Neighborhood Plan and includes the rezoning of eleven lots as well revisions to permitted uses, conditional uses and development standards within the Mays Landing study area.

The ordinance rezones eleven lots to the Village Commercial (VC) District (see Exhibit 2). The VC district is an existing district within the Pinelands Regional Growth Area of the Township that permits single-family dwellings and a variety of nonresidential uses that are compatible with the existing historic and residential character of the area generally along Main Street and Mill Street. Five of the eleven lots are located outside the Pinelands Area in the Pinelands National Reserve, while the remaining six lots, which total approximately one acre, are located in the Pinelands Area. Those lots in the Pinelands Area are all within the Pinelands Regional Growth Area and contain existing development. Five of the lots in the Pinelands Area are rezoned from the R-9 (Residential) District to the VC District. The sixth lot in the Pinelands Area is rezoned from the GC (General Commercial) District to the VC District.

Ordinance 1858-2017 also establishes Bed and Breakfasts as a conditional use in the R-22 and R-9 (Residential) Districts. All land zoned R-22 and R-9 within the Pinelands Area is located within the Pinelands Regional Growth Area. The ordinance includes a number of conditions related to this use: the subject property must be located in the Mays Landing Historic District or have frontage on the Great Egg Harbor River or Lake Lenape; and the subject property must be owner-occupied and owner-managed. Additional regulations are also established requiring New Jersey Department of Community Affairs licensing, off-street parking, limitations on the number of guests and duration of accommodations, and that the residential character of the lot and dwelling is maintained.

The ordinance revises permitted uses, parking regulations and design standards in the VC District. All land zoned VC within the Pinelands Area is located within the Pinelands Regional Growth Area. Newly permitted uses in the VC district include: bicycle and scooter rental establishments; museums, art galleries and similar uses; theaters; bars, pubs and taverns; and health and exercises facilities. The ordinance also revises the VC District's off-street parking requirements and architectural design standards for both existing and new commercial development.

A new conditional use is also established in the VC District that would allow for mixed use development (residential-over-commercial). The established conditions would require residential units not occupy the ground floor and that nonresidential units not occupy an upper floor where there is an existing residential unit. Additional regulations establish the bulk requirements for such mixed use development as well as requirements for the redemption of Pinelands Development Credits in any mixed use development proposing five or more residential units (discussed further in section 8 below).

In the Pinelands Area, all of the lands affected by Ordinance 1858-2017 are located in a Regional Growth Area, where the CMP affords municipalities a great deal of flexibility in determining zoning boundaries and permitted uses. Specifically, N.J.A.C. 7:50-5.28(a) provides that municipalities may permit any use not otherwise limited by the minimum environmental standards of the CMP in their Regional Growth Areas. The revised zoning boundaries, permitted and conditional uses and other revisions recommended in the Mays Landing Neighborhood Plan and adopted by Ordinance 1858-2017 are therefore consistent with the land use and development standards of the CMP. Therefore, this standard for certification is met.

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

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

N.J.A.C. 7:50-3.39(a)8 requires that municipal ordinances provide for sufficient residentially zoned property in the Pinelands Regional Growth Area to be eligible for an increase in density via Pinelands Development Credits (PDCs) as provided for in N.J.A.C. 7:50-5.28(a)3. Ordinance 1858-2017 does not change the total area of residentially-zoned land in Hamilton Township's

Pinelands Regional Growth Area. As discussed in section 2 above, the ordinance does establish mixed use development (residential-over-commercial) as a conditional use within the VC District. This subsequently increases the residential zoning capacity of the Township's Regional Growth Area. It is important to note that the VC District is within the historic district of Mays Landing and is generally built out. Therefore, the potential increases in residential units from the conversion of existing building stock would likely be minimal. Additionally, it is difficult to estimate how many conversions may take place or to assign a permitted residential density to this type of mixed use redevelopment. However, in the case that a substantial redevelopment occurs, development that would create five or more residential units, Ordinance 1858-2017 requires the redemption of PDCs at a rate of one right for every four non-income restricted units. Such an approach allows the Township to pursue redevelopment opportunities in the historic district that will advance the Mays Landing Neighborhood Plan while still incorporating the PDC requirements of the CMP.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

The Mays Landing Neighborhood Plan and Ordinance 1858-2017 are consistent with standards and provisions of the Pinelands Comprehensive Management Plan.

This standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

The Mays Landing Neighborhood Plan and Ordinance 1858-2017 are consistent with standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

A portion of the study area identified in the Mays Landing Neighborhood Plan is adjacent to Weymouth Township. However, the amendments adopted by Ordinance 1858-2017 do not impact any lands or zoning districts located along Hamilton's boundary with Weymouth

Township. Therefore, intermunicipal conflicts are not anticipated. This standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Hamilton Township's application for certification of the Mays Landing Neighborhood Plan and Ordinance 1858-2017 was duly advertised, noticed and held on December 6, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which testimony was received from Philip Sartorio, Community Development Director of Hamilton Township.

Mr. Sartorio stated that the Mays Landing Neighborhood Plan built off of previous planning efforts including the 2004 Livable Community Action Plan and the 2014 Hamilton Township Strategic Recovery Planning Report. He stated that Plan has approximately 43 recommended action items for economic revitalization and stabilization in Mays Landing along with some regulatory and administrative action items. He stated that Ordinance 1858-2017 is the first implementing ordinance of the Mays Landing Neighborhood Plan. He stated that the ordinance includes the rezoning of two areas, both to Village Commercial. The first area would remedy a legacy spot-zoned property and the other area would expand the existing Village Commercial district eastward to include some lots in the Pinelands Area and some lots in the CAFRA area. He stated that the rezoning would recognize the concentration of existing businesses in the area and would negate the need for them to go to the Zoning Board as nonconforming uses. He also stated that the ordinance adds a conditional use for owner-occupied Bed and Breakfasts in the R-22 and R-9 districts. In the Village Commercial District, permitted and conditional uses would be expanded to encourage more economic activity. He noted that residential-over-commercial mixed use would be permitted, and that, based upon the recommendations of Pinelands Commission staff, requirements were added for the redemption of Pinelands Development Credits at a rate of 1 right for every 4 market rate units, if five or more units are created.

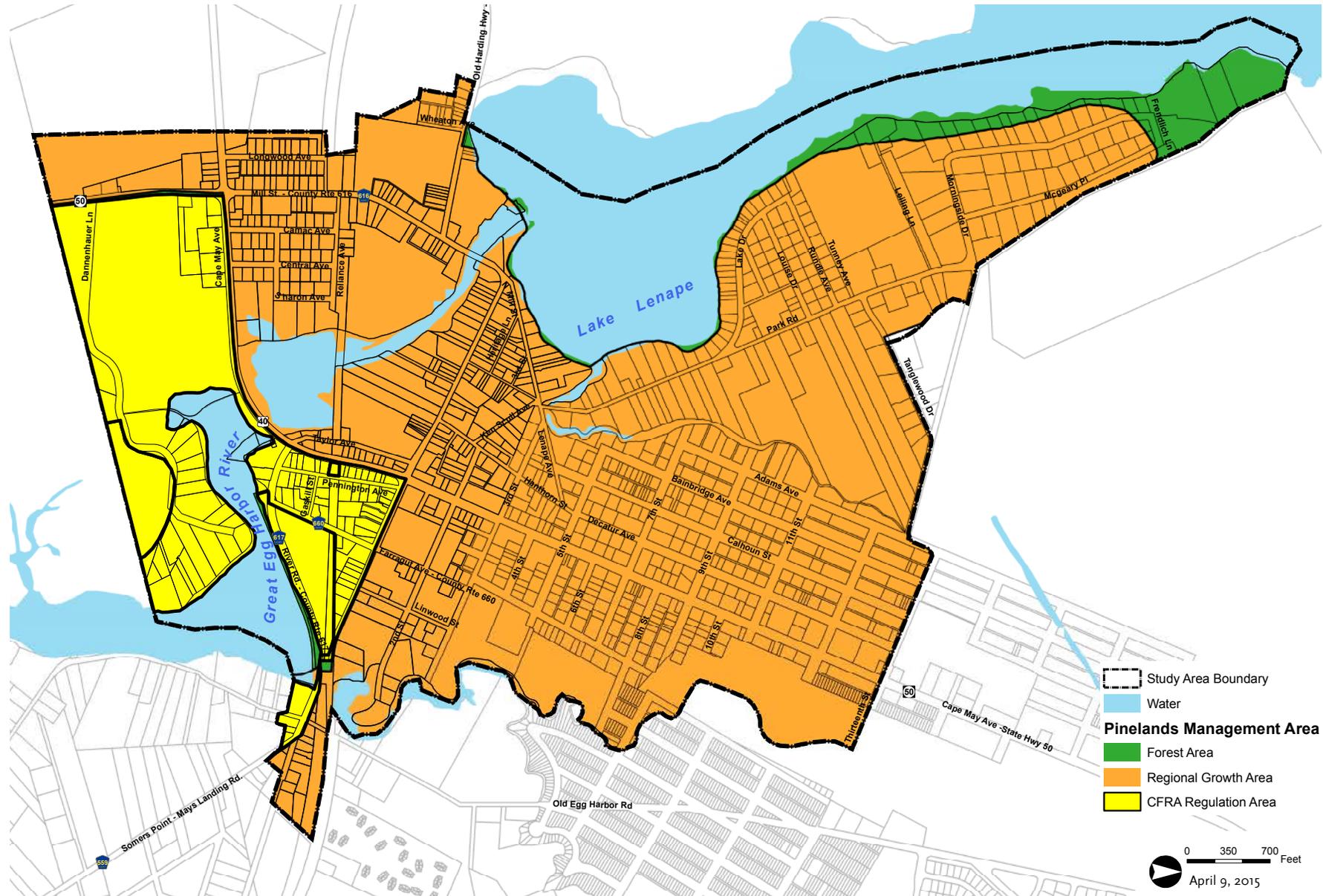
Written comments on the Mays Landing Neighborhood Plan and Ordinance 1858-2017 were accepted through December 13, 2017. However, no written comment was received.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Hamilton Township's Mays Landing Neighborhood Plan and Ordinance 1858-2017 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Accordingly, the Executive Director recommends that the Commission issue an order to certify Hamilton Township's Mays Landing Neighborhood Plan and Ordinance 1858-2017.

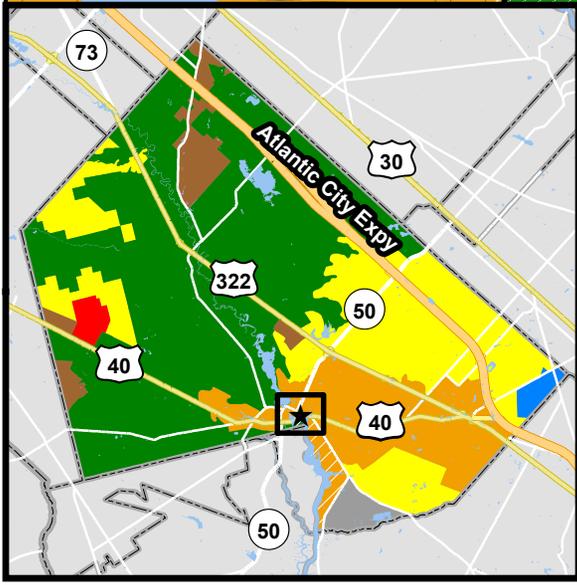
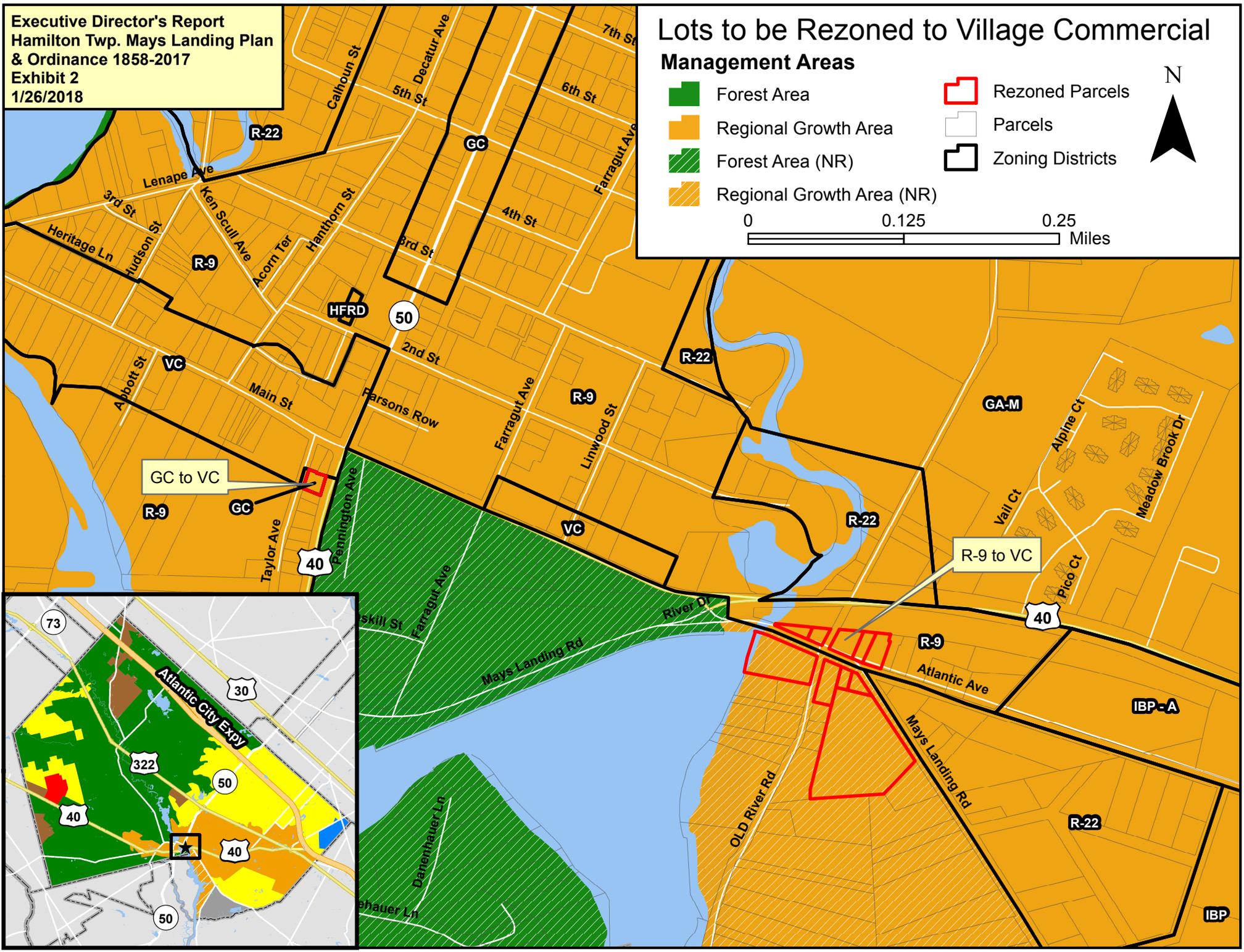
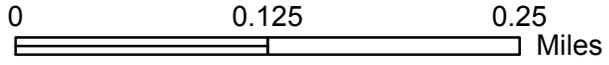
SRG/DBL/CHA
Attachments

PINELANDS MANAGEMENT AREAS MAP



Lots to be Rezoned to Village Commercial Management Areas

-  Forest Area
-  Regional Growth Area
-  Forest Area (NR)
-  Regional Growth Area (NR)
-  Rezoned Parcels
-  Parcels
-  Zoning Districts





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 06

TITLE: Issuing an Order to Certify Planning Board Resolution 2017-15, Adopting the June 2017 Amended Housing Element and Fair Share Plan of Jackson Township, and Ordinance 22-17, Amending Chapter 244 (Land Use and Development Regulations) of the Code of Jackson Township

Commissioner Barr moves and Commissioner Lloyd
seconds the motion that:

WHEREAS, on July 8, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Jackson Township; and

WHEREAS, Resolution #PC4-83-58 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-83-58 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on June 19, 2017, the Jackson Township Planning Board adopted Resolution 2017-15, approving the Township's Amended Housing Element and Fair Share Plan, dated June 2017; and

WHEREAS, the Amended Housing Element and Fair Share Plan outlines the mechanisms by which the Township intends to satisfy its affordable housing obligation, including the imposition of inclusionary housing requirements in the RG-2 and RG-3 Zones located in the Pinelands Regional Growth Area; and

WHEREAS, on November 22, 2017, the Jackson Township Council adopted Ordinance 22-17, amending Chapter 244 (Land Use and Development Regulations) of the Township's Code by adopting standards for conditional residential uses in the RG-2 and RG-3 Zones; and

WHEREAS, these conditional use standards include provision of public sewer, conformance with the affordable housing set aside requirements of the Fair Housing Act, submission of a traffic impact assessment and acquisition and redemption of Pinelands Development Credits; and

WHEREAS, the Pinelands Commission received an adopted copy of Ordinance 22-17 on November 27, 2017 and an adopted copy of Planning Board Resolution 2017-15 on November 28, 2017; and

WHEREAS, by letter dated November 29, 2017, the Executive Director notified the Township that Resolution 2017-15 and Ordinance 22-17 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Resolution 2017-15 and Ordinance 22-17 was duly advertised, noticed and held on January 3, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Resolution 2017-15 and Ordinance 22-17 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Resolution 2017-15 and Ordinance 22-17 are in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Resolution 2017-15 and Ordinance 22-17 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Resolution 2017-15 and Ordinance 22-17 and has reviewed the Executive Director's report; and

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

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

NOW, THEREFORE BE IT RESOLVED that

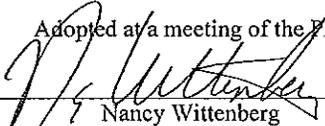
1. An Order is hereby issued to certify that Planning Board Resolution 2017-15, adopting the June 2017 Amended Housing Element and Fair Share Plan of Jackson Township, and Ordinance 22-17, amending Chapter 244 (Land Use and Development Regulations) of the Code of Jackson Township, are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Jackson Township's certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

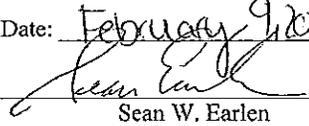
AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*				
Ashmun			X	Howell			A	Prickett	X			
Avery	X			Jannarone			X	Quinn	X			
Barr	X			Lloyd	X			Rohan Green			X	
Chila			X	Lohbauer	X			Earlen	X			
Galletta	X			Pikolycky	X							

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission


 Nancy Wittenberg
 Executive Director

Date: February 9, 2018


 Sean W. Earlen
 Chairman



State of New Jersey
 THE PINELANDS COMMISSION
 PO Box 359
 NEW LISBON, NJ 08064
 (609) 894-7300
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Philip D. Murphy
 Governor

Sheila Y. Oliver
 Lt. Governor

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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

REPORT ON PLANNING BOARD RESOLUTION 2017-15, ADOPTING THE JUNE 2017 AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN OF JACKSON TOWNSHIP, AND ORDINANCES 8-17 AND 22-17, AMENDING CHAPTER 244 (LAND USE AND DEVELOPMENT REGULATIONS) OF THE CODE OF JACKSON TOWNSHIP

January 26, 2018

Jackson Township
 95 W. Veterans Highway
 Jackson, NJ 08527

FINDINGS OF FACT

I. **Background**

The Township of Jackson is located in the northern portion of the Pinelands Area, in Ocean County. Pinelands municipalities that abut Jackson Township include the Townships of Manchester, Plumsted and Toms River in Ocean County.

On July 8, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Jackson Township.

As part of its originally certified land use ordinance, Jackson Township established a number of zoning districts within its Pinelands Regional Growth Area. Among these were the RG-2 and RG-3 (Regional Growth) Zones, which contained the majority of vacant land in the Township's Regional Growth Area. Single-family detached dwelling units were a permitted use in both zones, on 3.2 acre lots if using a conventional septic system and on 1.0 acre lots if using an advanced treatment system. Higher density residential development was permitted as a conditional use in both zones, with conditions relating to sewer service, traffic impacts and consistency with the Township's master plan and the Comprehensive Management Plan. If these conditions were met, densities of 2.0 units per acre in the RG-2 Zone and 2.5 units per acre in the RG-3 Zone were permitted. The originally certified ordinance also included provisions allowing these densities to be increased to 3.0 units per acre in RG-2 Zone and 4.5 units per acre in RG-3 through the use of Pinelands Development Credits.

Although the physical size of Jackson Township's Regional Growth Area was reduced over time, permitted uses, conditional uses and permitted densities in the RG-2 and RG-3 Zones remained the same until November 2010, when the Township adopted Ordinance 29-10. This ordinance eliminated sewer residential development as a conditional use in the RG-2 and RG-3 Zones and, along with it, any opportunity for the use of Pinelands Development Credits in either zoning district. Ordinance 29-10

left only single-family detached units on 3.2 acre lots (with conventional septic systems) or 1.0 acre lots (with advanced treatment systems) as a permitted use in the two zones. The elimination of density and PDC opportunities rendered the Township's Regional Growth Area zoning plan inconsistent with the CMP. The Township requested and was granted numerous extensions of the Commission's review period for Ordinance 29-10 so that an alternative approach could be pursued. The Township's focus for the next several years was on the creation of a new nonresidential zone to encompass all, or large portions of, the RG-2 and RG-3 Zones. Ordinance 29-10 was never certified by the Commission; therefore, it never took effect pursuant to N.J.A.C. 7:50-3.45.

On August 12, 2014, the Township adopted another ordinance (13-14), creating a new zoning district referred to as the JB MDL RGC-3 (Joint Base McGuire-Fort Dix-Lakehurst Compatible Commercial Development) Zone. Based on the standards adopted by Ordinance 13-14, the JB MDL RGC-3 Zone was envisioned as a nonresidential zoning district where a wide variety of commercial and industrial uses were permitted, as well as a limited amount of residential development. Ordinance 13-14 established permitted uses in the new zone but did not amend the Township's zoning map to establish its boundaries. In order to do so, the Township introduced a second ordinance (6-15) on February 24, 2015 that would have rezoned all lands in the RG-2 and RG-3 Zones to the new JB MDL RGC-3 Zone. However, the Township Council did not proceed with adoption of Ordinance 6-15. Ordinance 13-14 therefore remained incomplete for purposes of the Commission's review and was never certified. As a result, the JB MDL RGC-3 Zone does not exist in the Pinelands Area and the certified boundaries of the RG-2 and RG-3 Zones have remained in effect.

Discussions with Jackson Township concerning the need to restore permitted residential densities to its Regional Growth Area continued over the next several years. On May 15, 2017, the Commission received a copy of Ordinance 8-17, which had been introduced by the Jackson Township Council on May 9, 2017 and was scheduled for public hearing and adoption on May 23, 2017. Ordinance 8-17 proposed to add sewer residential development back to the RG-2 and RG-3 Zones as a conditional use. Upon receipt and review of the draft ordinance, the Executive Director notified the Township that staff had identified a number of issues that required discussion. A conference call with various Township representatives was held on May 19, 2017 to review the identified issues in detail. Commission staff subsequently drafted suggested revisions to Ordinance 8-17 and provided them to the Township for its consideration.

On May 23, 2017, Jackson Township adopted Ordinance 8-17, amending Chapter 244 (Land Use and Development Regulations) of the Township's Code by adopting standards for sewer residential development as a conditional use in the RG-2 and RG-3 Zones. The Pinelands Commission received a certified copy of Ordinance 8-17 on May 30, 2017. Amendments to address the issues previously identified by Commission staff were not made upon adoption of the ordinance.

On June 19, 2017, the Jackson Township Planning Board adopted Resolution 2017-15, approving the Township's Amended Housing Element and Fair Share Plan, dated June 2017. The Amended Housing Element and Fair Share Plan outlines the mechanisms by which the Township intends to satisfy its affordable housing obligation, including the imposition of inclusionary housing requirements in the RG-2 and RG-3 Zones located in the Pinelands Regional Growth Area.

By letter dated July 7, 2017, the Township requested an extension of the Commission's review period for Ordinance 8-17 in order to draft and consider amendments in response to the concerns identified by Commission staff. By letter dated July 19, 2017, the Executive Director notified the Township that an extension through September 30, 2017 was granted.

By letter dated September 27, 2017, the Township requested a second extension of the Commission's review period for Ordinance 8-17 in order to complete the adoption process for a series of amendments intended to resolve inconsistencies with the Comprehensive Management Plan. By letter dated September 28, 2017, the Executive Director notified the Township that a second extension through October 31, 2017 was granted. A third and final extension was granted on November 9, 2017 through November 30, 2017 to accommodate the Township's revised adoption schedule.

On November 22, 2017, the Jackson Township Council adopted Ordinance 22-17, amending Chapter 244 (Land Use and Development Regulations) of the Township's Code by adopting standards for sewer residential development as a conditional use in the RG-2 and RG-3 Zones. These conditional use standards include provision of public sewer, conformance with the affordable housing set aside requirements of the Fair Housing Act, submission of a traffic impact assessment and acquisition and redemption of Pinelands Development Credits. Ordinance 22-17 supersedes the previously adopted Ordinance 8-17 in its entirety.

The Pinelands Commission received an adopted copy of Ordinance 22-17 on November 27, 2017 and an adopted copy of Planning Board Resolution 2017-15, adopting the June 2017 Amended Housing Element and Fair Share Plan, on November 28, 2017.

By letter dated November 29, 2017, the Executive Director notified the Township that Resolution 2017-15 and Ordinance 22-17 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following master plan and ordinance amendments have been submitted to the Pinelands Commission for certification:

- * Resolution 2017-15, adopting an Amended Housing Element and Fair Share Plan, adopted by the Jackson Township Planning Board on June 19, 2017; and
- * Ordinance 22-17, amending Chapter 244 (Land Use and Development Regulations) of the Code of Jackson Township, introduced on October 24, 2017 and adopted on November 22, 2017.

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

1. **Natural Resource Inventory**

Not applicable.

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

Housing Plan

Jackson Township's June 2017 Amended Housing Element and Fair Share Plan contains updated data and analysis pertaining to the Township's current and projected demographic, housing stock and employment characteristics, as well as an updated Fair Share Plan for the cumulative period 1987-2025. The Fair Share Plan provides information on the Township's past efforts to provide affordable housing and outlines the mechanisms that will satisfy the Township's affordable housing obligation, as established pursuant to an October 2016 settlement agreement between Jackson Township and the Fair Share Housing Center. Based on that agreement, Jackson Township has a rehabilitation obligation of 28 units, a prior round obligation of 1,247 units, and a third round prospective need of 1,250 units.

The Fair Share Plan identifies a number of specific sites for inclusionary and other future affordable housing developments, the majority of which are located outside the Pinelands Area. Within the Pinelands Area, the Fair Share Plan identifies one project previously located in the Pinelands Village of Cassville that is expected to produce one affordable unit in accordance with a 2010 settlement agreement between the Township and the developer. More significantly, the Fair Share Plan identifies three residential projects in the RG-2 Zone within the Regional Growth Area that are expected to yield a total of 874 single-family detached units, of which 20 percent (175 units) are to be set aside for low- and moderate-income households. None of these three projects are built or under construction; they are all in various stages of the application and approval process. The Fair Share Plan further recommends the imposition of an inclusionary (20%) housing requirement on all other future residential development in the RG-2 and RG-3 Zones. This inclusionary housing requirement is projected to yield an additional 290 affordable units. The boundaries of the RG-2 and RG-3 Zones are depicted on the map attached as Exhibit 1.

RG-2 and RG-3 Zones

Ordinance 22-17 amends Chapter 244 (Land Use and Development Regulations) of the Code of Jackson Township by adding sewer residential development as a conditional use in the RG-2 and RG-3 Zones. Ordinance 22-17 establishes permitted densities for such residential development of 3.0 units per acre in the RG-2 Zone and 4.5 units per acre in the RG-3 Zone, as well as minimum lot size and setback requirements. In order to receive conditional use approval, the proposed developments must be serviced by a public sanitary sewer system and comply with the affordable housing set aside requirements of the Fair Housing Act. A traffic impact assessment must be submitted for all preliminary major subdivisions proposed under the conditional use provisions. Finally, the acquisition and redemption of Pinelands Development Credits is required for 30 percent of the units in all projects proposed under the conditional use provisions, with an exemption for those affordable units required for compliance with the Fair Housing Act. Any such affordable units may be constructed as attached dwellings, with a maximum of four dwelling units per building, whereas all market rate units must be single-family detached dwellings.

By adopting the above-described amendments, Ordinance 22-17 implements the recommendations of the Amended Housing Element and Fair Share Plan and, in so doing,

restores permitted residential densities in the RG-2 and RG-3 Zones to their originally certified intensities. Revisions have been made to the conditional use standards for sewerred residential development in both zones to ensure that affordable housing and Pinelands Development Credit requirements are satisfied. The residential zoning capacity of the Township's Regional Growth Area remains unchanged and is in compliance with the CMP.

Jackson Township's June 2017 Amended Housing Element and Fair Share Plan and Ordinance 22-17 are consistent with the land use and development standards of the CMP. Therefore, this standard for certification is met.

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

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

N.J.A.C. 7:50-3.39(a)8 requires that municipal ordinances provide for sufficient residentially zoned property in the Pinelands Regional Growth Area to be eligible for an increase in density via Pinelands Development Credits as provided for in N.J.A.C. 7:50-5.28(a)3. Pursuant to N.J.A.C. 7:50-5.28(a), Jackson Township is required to provide an opportunity for the development of residential units at a base-density of 3.0 units per vacant upland acre, with a bonus-density of up to 4.5 units per vacant upland acre with the use of PDCs. This traditional approach requires that municipal zoning ordinances provide the *opportunity* for use of PDCs for 33% of the total number of residential units permitted in the Regional Growth Area.

As discussed in section 2, Ordinance 22-17 does not affect the residential zoning capacity of Jackson Township's Regional Growth Area. Instead, Ordinance 22-17 merely restores maximum

permitted densities in the Township's RG-2 and RG-3 Zones to their originally certified intensities. Maximum densities of 3.0 units per acre and 4.5 units per acre, respectively, will continue to be permitted in the RG-2 and RG-3 Zones. In order to obtain approval for a project at these densities, Ordinance 22-17 establishes a number of conditions that must be met. One of these conditions is the acquisition and redemption of PDCs for 30 percent of all units, regardless of project density. Units made available to low- and moderate-income households may be excluded from this PDC requirement, up to the 20% set-aside recommended in the Amended Housing Element and Fair Share Plan and required by the Fair Housing Act. Any affordable units above and beyond the required 20 percent will require acquisition and redemption of PDCs at the 30% rate specified in Ordinance 22-17. A similar requirement for redemption of Pinelands Development Credits is also imposed by Ordinance 22-17 on all developments of five or more units in the RG-2 and RG-3 Zones proposed at lower densities to be served by standard or alternate design septic systems.

While the overall PDC opportunity provided by Ordinance 22-17 is not as high a number as would be provided through the more traditional approach described above requiring 33%, it is important to remember that the traditional base-density/bonus-density approach typically used by Pinelands municipalities only provides an *opportunity* for the use of PDCs. There is no requirement under the traditional approach that PDCs be used in any particular development project. The need to use PDCs would be triggered only if a project is proposed at a higher density (in other words, above the permitted base density). Jackson's Regional Growth Area, where **zero** PDCs have been redeemed since 1981, is a prime example of the shortcomings of the traditional PDC approach. Ordinance 22-17 *guarantees* a PDC redemption rate of 30% for most residential development in the RG-2 and RG-3 Zones while recognizing Jackson's need to provide for a significant amount of affordable housing in its Pinelands Regional Growth Area. Given the greater certainty provided by this approach, the Executive Director finds that the PDC requirements adopted by Ordinance 22-17 are consistent with Comprehensive Management Plan standards.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Planning Board Resolution 2017-15, adopting the June 2017 Amended Housing Element and Fair Share Plan, and Ordinance 22-17, amending Chapter 244 (Land Use and Development Regulations) of the Code of Jackson Township, are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan.

This standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Planning Board Resolution 2017-15, adopting the June 2017 Amended Housing Element and Fair Share Plan, and Ordinance 22-17, amending Chapter 244 (Land Use and Development Regulations) of the Code of Jackson Township, are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

Not applicable.

PUBLIC HEARING

A public hearing to receive testimony concerning Jackson Township's application for certification of Resolution 2017-15 and Ordinance 22-17 was duly advertised, noticed and held on January 3, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which no testimony was received.

Written comments were accepted through January 10, 2018; however, none were received.

CONCLUSION

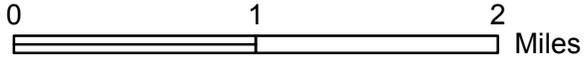
Based on the Findings of Fact cited above, the Executive Director has concluded that Resolution 2017-15 and Ordinance 22-17 comply with the Comprehensive Management Plan's standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Resolution 2017-15 and Ordinance 22-17 of Jackson Township.

SRG/CJA
Attachment

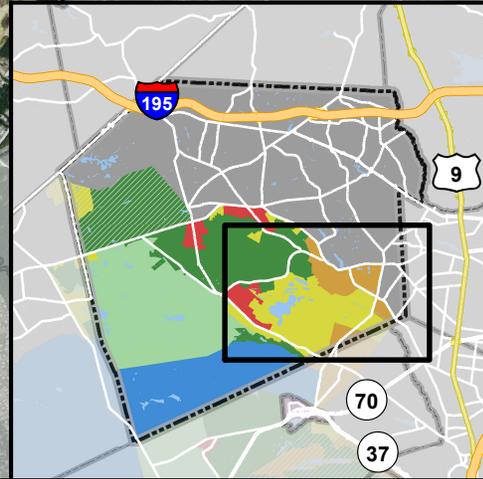
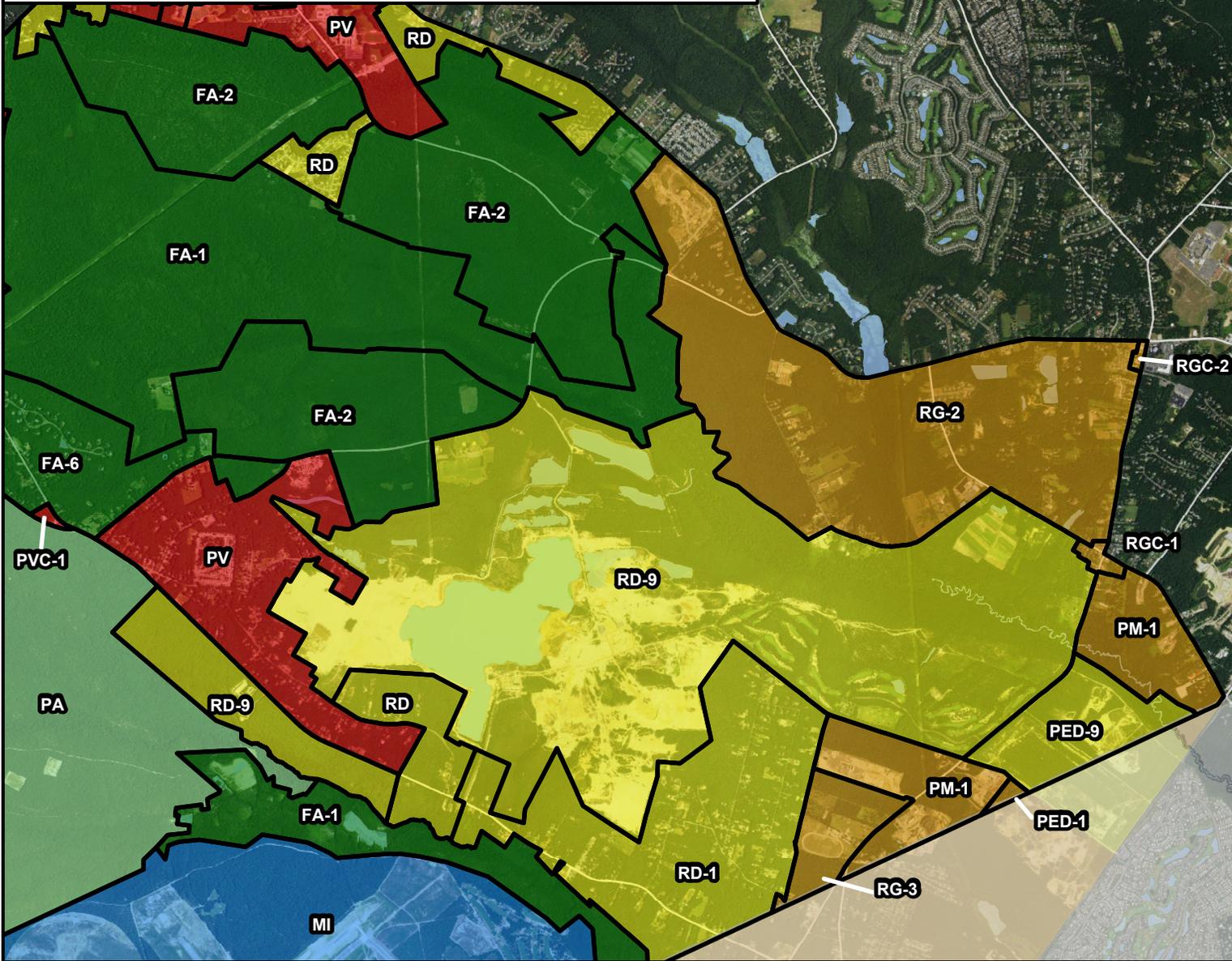
Jackson Township Regional Growth Area

Pinelands Management Areas

- Preservation Area
- Forest Area
- Rural Development Area
- Regional Growth Area
- Pinelands Village
- Federal or Military Facility
- Zone Boundary



Executive Director's Report
Jackson Twp. Ord. 22-17
Exhibit 1
1/26/2018





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 07

TITLE: Issuing an Order to Certify Ordinance 17-025, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township

Commissioner Lohbauer moves and Commissioner Lloyd
seconds the motion that:

WHEREAS, on July 8, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Manchester Township; and

WHEREAS, Resolution #PC4-83-59 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-83-59 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on November 13, 2017, the Manchester Township Committee adopted Ordinance 17-025, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township by revising permitted uses and zoning district boundaries within the Pinelands Area; and

WHEREAS, on November 14, 2017, the Pinelands Commission received a certified copy of Ordinance 17-025; and

WHEREAS, by letter dated December 6, 2017, the Executive Director notified Manchester Township that Ordinance 17-025 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony concerning Manchester Township's application for certification of Ordinance 17-025 was duly advertised, noticed and held on January 3, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Ordinance 17-025 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 17-025 is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Ordinance 17-025 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 17-025 and has reviewed the Executive Director's report; and

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

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

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify that Ordinance 17-025, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Manchester Township's certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

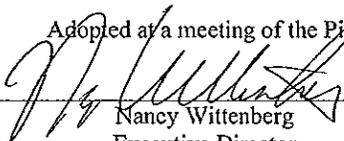
Record of Commission Votes

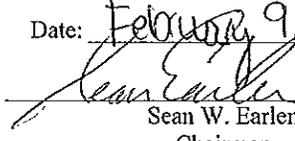
	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun			X		Howell	X				Prickett	X			
Avery	X				Jannarone			X		Quinn	X			
Barr	X				Lloyd	X				Rohan Green			X	
Chila			X		Lohbauer	X				Earlen	X			
Galletta	X				Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 9, 2008


 Nancy Wittenberg
 Executive Director


 Sean W. Earlen
 Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 1983-5837.062)

Commissioner _____ **moves and Commissioner** _____
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:

1983-5837.062

Applicant: **ONYX Renewable Partners, LP on behalf of South Jersey Transportation Authority**

Municipality: Egg Harbor Township

Management Area: Pinelands Military/Federal Installation Area

Date of Report: February 16, 2018

Proposed Development: Construction of a ground mounted solar energy facility at the Atlantic City International Airport.

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 1983-5837.062 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				Howell				Prickett			
Avery				Jannarone				Quinn			
Barr				Lloyd				Rohan Green			
Chila				Lohbauer				Earlen			
Galletta				Pikolycky							

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

 Nancy Wittenberg
 Executive Director

 Sean W. Earlen
 Chairman



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

February 16, 2018

John Drexinger
ONYX Renewable Partners, LP
1 AAA Drive, Suite 500
Robbinsville, NJ 08691

Re: Application # 1983-5837.062
Block 101, Lot 9
Egg Harbor Township

Dear Mr. Drexinger:

The Commission staff has completed its review of this application for construction of a ground mounted solar energy facility at the Atlantic City International Airport. 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 March 9, 2018 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

- c: Secretary, Egg Harbor Township Planning Board (via email)
- Egg Harbor Township Construction Code Official (via email)
- Egg Harbor Township Environmental Commission (via email)
- Atlantic County Department of Regional Planning and Development (via email)
- John Kornick





State of New Jersey

THE PINELANDS COMMISSION

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Philip D. Murphy
Governor

Sheila Y. Oliver
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

PUBLIC DEVELOPMENT APPLICATION REPORT

February 16, 2018

John Drexinger
ONYX Renewable Partners, LP
1 AAA Drive, Suite 500
Robbinsville, NJ 08691

Application No.: 1983-5837.062
Block 101, Lot 9
Egg Harbor Township

This application proposes construction of a ground mounted solar energy facility at the Atlantic City International Airport located on the above referenced 2,381 acre parcel in Egg Harbor Township.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.29)

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

The parcel subject of this application is located in a Military and Federal Installation Management Area. The CMP permits any proposed use associated with the function of a federal installation in a Military and Federal Installation Management Area. The applicant has indicated that the proposed use will provide electricity to an existing Air Rescue and Fire Fighting building on the parcel.

The CMP requires that, where feasible, proposed development in a Military and Federal Installation Management Area shall be located in the Pinelands Protection Area portion of the Pinelands Area. The development proposed in this application meets this requirement.

As further provided for in the CMP, the proposed use will not require any development in a Forest Management Area or the Preservation Area District Management Area.

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

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

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

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

On February 26, 2004, the Commission entered into a Memorandum of Agreement (MOA) with the South Jersey Transportation Authority (SJTA). The MOA specified mitigation measures to address the environmental impacts of MOA specified “Short-Term Development Projects.” The mitigation measures addressed loss of critical habitat for threatened grassland bird species, stormwater management and wetlands protection.

The MOA specified “Short Term Development Projects” do not require formal application to the Commission. The proposed ground mounted solar energy facility was not specifically identified in the MOA, resulting in this formal application to the Commission.

The proposed ground mounted solar energy facility will be located entirely within an area identified in the MOA for “Auxiliary Area Development.” Development activities specified in the MOA to occur within the “Auxiliary Area Development” included aircraft maintenance hangers, air freight warehouses and aircraft taxiways. Based on the proposed ground mounted solar energy facility being located entirely within the limits of the “Auxiliary Area Development area,” the proposed development is consistent with the MOA.

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

The applicant has demonstrated that the proposed development is consistent with the CMP stormwater management standards. To meet these standards, the application proposes to construct an underground stormwater infiltration facility.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on December 21, 2017. The application was designated as complete on the Commission’s website on January 11, 2018. The Commission’s public comment period closed on February 9, 2018. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of eight sheets, prepared by K2 Consulting Engineers, Inc., all sheets dated July 3, 2017 and revised to December 11, 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.

3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. In accordance with the CMP (N.J.A.C. 7:50-5.36(a)4), the proposed solar energy facility shall be removed and the site restored within 12 months of termination of its use.

CONCLUSION

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



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00 PM on March 8, 2018 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: Approving With Conditions an Application for **Public Development** (Application Number 2008-0301.001)

Commissioner _____ **moves and Commissioner** _____
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:

2008-0301.001

Applicant: Office of the Ocean County Engineer
Municipality: Manchester Township
Management Area: Pinelands Forest Area
Date of Report: February 16, 2018
Proposed Development: Realignment of the intersection of Beckerville Road and Route 70.

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 2008-0301.001 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				Howell				Prickett			
Avery				Jannarone				Quinn			
Barr				Lloyd				Rohan Green			
Chila				Lohbauer				Earlen			
Galletta				Pikolycky							

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



State of New Jersey

THE PINELANDS COMMISSION

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(609) 894-7300

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Philip D. Murphy
Governor

Sheila Y. Oliver
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

February 16, 2018

John N. Ernst, P.E. (via email)
Ocean County Engineer
129 Hooper Ave.
P.O. Box 2191
Toms River, NJ 08754-2191

Re: Application # 2008-0301.001
Beckerville Road and Route 70
Manchester Township

Dear Mr. Ernst:

The Commission staff has completed its review of this application for realignment of the Beckerville Road and Route 70 intersection. 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 March 9, 2018 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Manchester Township Planning Board (via email)
Manchester Township Construction Code Official (via email)
Manchester Township Environmental Commission (via email)
Secretary, Ocean County Planning Board (via email)
Rebecca Murphy (via email)





State of New Jersey
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Philip D. Murphy
Governor

Sheila Y. Oliver
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

PUBLIC DEVELOPMENT APPLICATION REPORT

February 16, 2018

John N. Ernst, P.E (via email)
Ocean County Engineer
129 Hooper Ave.
P.O. Box 2191
Toms River, NJ 08754-2191

Application No.: 2008-0301.001
Beckerville Road and Route 70
Manchester Township

This application proposes to realign the existing Beckerville Road and Route 70 intersection in Manchester Township.

The proposed realigned intersection will be located approximately 2,020 linear feet west of the existing Beckerville Road and Rt. 70 intersection. The application proposes to construction a new 450 linear foot section of Beckerville Road that will result in a "T" intersection with Route 70. A 300 linear foot portion of Route 70 will be widened by four feet at the proposed intersection with Beckerville Road. Approximately 2,020 linear feet of paving will be removed from the existing Beckerville Road right-of-way and the concerned area will be revegetated with native Pinelands grasses.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.23)

The proposed development is located in a Pinelands Forest Area. Road improvements (public service infrastructure) intended to primarily serve only the needs of the Pinelands are permitted in a Pinelands Forest Area. The proposed development is a permitted use in a Pinelands Forest Management Area.

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

The proposed road improvement will be located over existing pavement and gravel shoulder, and within an existing forested land. The proposed development will disturb approximately 0.37 acres of forested land. All soil disturbance and clearing 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 area tolerant of droughty, nutrient poor conditions. The applicant proposes to utilize a seed mixture which meets that recommendation.

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

The applicant completed a habitat assessment and a visual survey for the presence of critical habitat for Northern pine snake and Barred owl on and in the immediate vicinity of the proposed development. The habitat assessment and visual survey determined that the concerned area did not contain critical habitat for Northern pine snake or Barred owl.

The applicant also performed a threatened and endangered plant survey for the presence of Silvery aster, Broom crowberry, Stiff tick trefoil, Little ladies tresses, Butterfly-pea, Small everlasting, Virginia False-gromwell, Narrow-leaf vervain and Sickle-leaved golden aster. The results of the threatened and endangered plant survey indicated that no threatened or endangered plant species were present on or in the vicinity of the proposed development.

The applicant has demonstrated that the proposed development will not have an irreversible adverse impact on habitats critical to the survival of Northern pine snake or Barred owl, and on any local populations of threatened or endangered plant species.

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

The applicant proposes to remove approximately 63,416 square feet of existing pavement from the Beckerville Road right-of-way. The intersection realignment will result in 14,280 square feet of new pavement. The proposed development will result in a reduction of 49,136 square feet of pavement. The applicant has demonstrated that there will be no increase in the volume and rate of stormwater runoff from the project after the development then occurred prior to the proposed development.

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

A cultural resource survey was prepared for this application. It was determined that there were no cultural resources eligible for Pinelands designation within the project area.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on January 5, 2018. The application was designated as complete on the Commission's website on January 26, 2018. The Commission's public comment period closed on February 9, 2018. The Commission received one written public comment (attached) regarding this application.

Public Comment One: The Mayor of Manchester Township, Kenneth T. Palmer, supports the proposed road improvements and believes that the concerned improvements will provide safer driving conditions for Manchester residents and visitors.

Staff Response: The Commission staff appreciates the commenter's interest in the Pinelands Area.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 37 sheets, prepared by John N. Ernst and dated as follows:

Sheets 1 - 6 and 8 - 37 - dated January 2018
Sheet 7 - dated January 2018 and last revised 1/29/18.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

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



Manchester Township

1 Colonial Drive • Manchester, NJ 08759 • (732)657-8121

Office of The Mayor

Kenneth T. Palmer
Mayor

December 9, 2016

The Pinelands Commission
P. O. Box 359
New Lisbon, NJ 08064
ApplInfo@njpines.state.nj.us

Subject: Pinelands Commission / Public Development Application for Realignment
of Beckerville Road and Route 70 in Manchester Township

Dear Sirs,

The following comments are provided from Mayor Kenneth T. Palmer, Manchester Township, concerning the subject Public Development Application for the public right-of-way and on Block 125, lot 1 and Block 124, lot 1, Manchester Township:

Manchester Township is fully supportive of the recommended changes as it will be safer for our residents and visitors driving in Manchester.

If you have any questions, please feel free to contact the Mayor's office at 732-657-8121 ext. 3105.

Very truly yours,

Kenneth T. Palmer
Mayor

Cc: John N. Ernst, Ocean County Engineer
129 Hooper Avenue, Toms River, NJ 08754-2191
JErnst@co.ocean.nj.us



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

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www.nj.gov/pinelands

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 pm on March 8, 2018. The appeal must include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18-_____

TITLE: Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 2001-0477.001)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

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

2001-0477.001

Applicant: Adam Pjatikin
Municipality: Waterford Township
Management Area: Pinelands Rural Development Area
Date of Report: February 16, 2018
Proposed Development: Single family dwelling.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 2001-0477.001 for a Waiver of Strict Compliance 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				Howell				Prickett			
Avery				Jannarone				Quinn			
Barr				Lloyd				Rohan Green			
Chila				Lohbauer				Earlen			
Galletta				Pikolycky							

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



State of New Jersey
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 www.nj.gov/pinelands



Philip D. Murphy
 Governor

Sheila Y. Oliver
 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

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

February 16, 2018

Adam Pjatikin
 719 Burnt Mill Road
 Atco, NJ 08004

Re: Application # 2001-0477.001
 Block 3803, Lot 3
 Waterford Township

Dear Mr. Pjatikin:

The Commission staff has completed its review of this application for a Waiver of Strict Compliance (Waiver) proposing the development of a single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its March 9, 2018 meeting.

FINDINGS OF FACT

This application is for the development of a single family dwelling serviced by an onsite septic system on the above referenced 17.57 acre parcel in Waterford Township. The parcel is located within a Pinelands Rural Development Area and in Waterford Township's RR zoning district. In this zoning district, Waterford Township's certified land use ordinances require a residential density requirement of one dwelling unit per 5.7 acres.

On November 7, 2003, the Pinelands Commission approved a Waiver for the development of a single family dwelling serviced by an onsite septic system on the parcel. An application for development of the proposed dwelling was subsequently completed with the Commission and a Certificate of Filing was issued on May 28, 2004. The Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.70(c)) provides that the Waiver expired on November 7, 2008 unless all necessary municipal construction permits were issued by that date.

Information was provided to the Commission staff in October of 2017 that the single family dwelling subject of the Waiver was under construction on the parcel. The Commission staff subsequently verified that the single family dwelling subject of the Waiver was under construction on the parcel.



On November 6, 2017, the Commission staff received a copy of a Camden County septic system permit for the proposed dwelling that was issued on November 1, 2017. On November 28, 2017, the Commission staff received a copy of a municipal construction permit for the proposed dwelling that was issued on May 16, 2017. By letter dated November 30, 2017, the Commission staff notified the current owner of the parcel that the November 7, 2003 Waiver expired on November 7, 2008. On January 30, 2018, the current application for a new Waiver was completed with the Commission.

A portion of the parcel is wetlands as defined in the CMP (N.J.A.C. 7:50-6.5(a)2). The wetlands continue onto adjacent lands. Any development of the parcel would be located within 300 feet of these wetlands. The applicant has submitted no information to demonstrate that the proposed development would not cause a significant adverse impact on the wetlands. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetland. As there will be a significant adverse impact on wetlands located within 300 feet of the proposed development, the applicant is requesting a Waiver from the buffer to wetlands standard contained in the CMP (N.J.A.C. 7:50-6.14).

The CMP (N.J.A.C. 7:50-4.65(b)6) requires that, to qualify for a Waiver to develop a single family dwelling in a Pinelands Rural Development Area, it must be demonstrated that no development, including clearing and land disturbance, will be located on or within 50 feet of wetlands. The applicant has demonstrated that no development, including clearing and land disturbance, will be located on or within 100 feet of wetlands.

The Camden County Soils Survey indicates that there are Fallsington, Woodstown and Klej soils on this parcel. These soils have a seasonal high water table of less than five feet below the natural ground surface. The applicant has submitted no information to demonstrate that the septic system could be located in an area on the parcel where the seasonal high water table is at least 5 feet below the natural ground surface. Since the available information indicates the seasonal high water table on the parcel is less than 5 feet below the natural ground surface, the applicant is requesting a Waiver from the seasonal high water table standard contained in the CMP (N.J.A.C. 7:50- 6.84(a)4iv.).

The CMP (N.J.A.C. 7:50-4.65(b)8) requires that for an applicant to qualify for a Waiver to develop a single family dwelling in a Pinelands Rural Development Area, it must be demonstrated that a septic system could be located in an area on the parcel where the seasonal high water table is at least 2 feet below the natural ground surface and not within 50 feet of any surface water body. The applicant has demonstrated that a proposed septic system could be located in an area on the parcel where the seasonal high water table is at least 2 feet below the natural ground surface and not within 50 feet of any surface water body.

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

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the parcel. The development of a single family dwelling on the parcel will not require any lot area or residential density variances pursuant to Waterford Township's certified land use ordinances. A single family dwelling can be developed on the parcel without violating any of the substantial impairment and consistency criteria contained in the CMP (N.J.A.C. 7:50-4.65) if the conditions recommended below are imposed.

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

PUBLIC COMMENT

The applicant provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on December 15, 2017. Newspaper public notice was completed on December 19, 2017. The application was designated as complete on the Commission's website on January 30, 2018. The Commission's public comment period closed on February 9, 2018. No public comments were received by the Commission regarding this application.

CONCLUSION

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

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

The first condition is that the only relief sought is from one or more of the standards contained in the CMP (N.J.A.C. 7:50-6) for certain specified development. One of the specified categories of development is as follows:

- vii. A single family dwelling on a parcel within a Pinelands Rural Development Area that complies with the density and lot area standards set forth in N.J.A.C. 7:50-5.26(a) and (c);

This application is only for a Waiver from the wetlands buffer standard and minimum depth to seasonal high water table standard when utilizing an onsite septic system contained in N.J.A.C. 7:50-6. The applicant is seeking to develop a single family dwelling on a parcel within a Pinelands Rural Development Area that complies with the residential density and lot area standards set forth in N.J.A.C. 7:50-5.26(a) and (c). The proposed single family dwelling on the 17.57 acre parcel meets the residential density and lot area standards established in this portion of the Pinelands Rural Development Area in Waterford Township's certified land use ordinances. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1vii.

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

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

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Waterford Township's master plan and land use ordinances have been certified by the Pinelands Commission. The certified ordinances do not require any municipal lot area or density variances. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

The fifth condition is that the development of the parcel will not violate any of the substantial impairment of the resources of the Pinelands Area criteria contained in the CMP (N.J.A.C. 7:50-4.65(b)). The CMP (N.J.A.C. 7:50-4.65(a)) also precludes the granting of a Waiver which permits a parcel to be developed

unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP. N.J.A.C. 7:50-4.65(b) sets forth the circumstances which do not comply with N.J.A.C. 7:50-4.65(a). With the conditions recommended below, the proposed development will not violate any of the circumstances contained in N.J.A.C. 7:50-4.65(b). As a result, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)5.

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

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

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

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

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

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan, prepared by Key Engineers, dated December 8, 2017 and revised to January 22, 2018.
2. To maintain the maximum feasible buffer to wetlands, all proposed development, including clearing and land disturbance, shall be located at least 100 feet from all wetlands and be located in the northern corner of the parcel.
3. The septic system must be located in an area where the seasonal high water table is at least two feet below the natural ground surface.
4. Appropriate measures shall be taken during construction to preclude sedimentation from entering freshwater wetlands.
5. Sufficient drywells or comparable alternative shall be installed to contain all stormwater runoff from the house.
6. The driveway shall be constructed of crushed stone or comparable material.
7. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.

8. This Waiver shall expire March 9, 2023 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after March 9, 2023 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
9. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to Commission issuance of a letter advising that any submitted municipal or county permit or approval may take effect. The deed shall specify that the conditions are being imposed pursuant to a February 16, 2018 Pinelands Commission Report on an Application for a Waiver of Strict Compliance (“Waiver Report”) for App. No. 2001-0477.001. The deed shall indicate that the conditions previously required by the October 10, 2003 Waiver Report for App. No. 2001-0477.001, approved by the Pinelands Commission on November 7, 2003, have since expired and are superseded by the conditions required by the February 16, 2018 Waiver Report approved by the Pinelands Commission on March 9, 2018. The deed shall also indicate that the conditions are enforceable by the Pinelands Commission, Waterford Township and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver from the standards of N.J.A.C. 7:50-6.14 and N.J.A.C. 7:50- 6.84(a)4iv.

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

APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00 PM on March 8, 2018 and must include the following information:

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

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

Recommended for Approval by: _____



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

- c: Secretary, 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)
- Camden County Health Department (via email)
- Robert Scott Smith, PLS, PP (via email)



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Governor

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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

LETTER OF INTERPRETATION #2087

(Renewal)

February 14, 2018

Kathleen Thompson Wright
1 Lampwick Lane
Savannah, GA 31411

Frederick Wallace Wright
4007 63rd Street
Bethesda, MD 20816

Re: Application # 2012-0037.001
Block 101, Lots 12 & 14
South Firelane Road
Woodland Township

FINDINGS OF FACT

The applicants have demonstrated that they are authorized representatives of the property owners of the above referenced 113.31 acre parcel in Woodland Township. This acreage is based on the municipal tax map. The parcel is located in the Pinelands Preservation Area District. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicants are requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are allocated to this parcel.

On July 23, 2012, the Commission issued LOI #2087 allocating 1.75 PDCs to the parcel. That LOI expired on July 23, 2017. The applicant is requesting a new LOI for the parcel. This renewal of LOI #2087 replaces the now expired July 23, 2012 LOI #2087.

The parcel consists of 57.61 acres of uplands and 55.7 acres of wetlands as defined by N.J.A.C. 7:50-6.5(a). This LOI utilizes currently available mapping technology to determine the acreage of uplands and wetlands. The applicants reserve the right to undertake actual field mapping to further refine the acreage of uplands and wetlands on the parcel. The parcel is vacant. There are no easements limiting the use of this parcel to non-residential uses. No resource extraction operation or other development has been approved for this parcel pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP).



CONCLUSION

The CMP grants, with certain exceptions, to every parcel of land in the Pinelands Preservation Area District, a use right known as "Pinelands Development Credits," that can be used to secure a density bonus for lands located in Pinelands Regional Growth Areas (N.J.A.C. 7:50-5.43). None of these exceptions apply to this parcel.

The CMP establishes the ratio by which PDCs are allocated in the Pinelands Preservation Area District (N.J.A.C. 7:50-5.43(b)1). One PDC is allocated for every 39 acres of uplands, except for uplands which have been approved for resource extraction operations. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

For the 57.61 acres of uplands, the applicants would be entitled to 1.48 PDCs. For the 55.7 acres of wetlands, the applicants would be entitled to 0.29 PDCs. Based upon these allocations, there would be 1.77 PDCs allocated to Block 101, Lots 12 and 14.

PDCs are transacted (allocated, severed and redeemed), with limited exceptions, in 0.25 PDC increments (0.25 PDC = 1 dwelling unit).

Therefore, there are 1.75 PDCs allocated to Block 101, Lots 12 and 14, subject of this LOI.

This LOI for an allocation of PDCs is valid for five years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI 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 hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

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

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/pinelands/pdcbank/> or contact the PDC Bank at 609-894-7300.

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

- c: Secretary, Woodland Township Planning Board (via email)
- Woodland Township Construction Code Official (via email)
- Secretary, Burlington County Planning Board (via email)
- Susan R. Grogan, Executive Director, PDC Bank (via email)
- Frederick Wallace Wright (via email)
- Kathleen Thompson Wright (via email)



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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

To: Members of the Pinelands Commission

From: Susan R. Grogan 
Chief Planner

Date: February 28, 2018

Subject: No Substantial Issue Findings

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

Buena Vista Township Planning Board Resolution 02-2018 - adopts the Spending Plan of the Housing Element and Fair Share Plan as an amendment to the Township's Master Plan. The Spending Plan includes a projection of the anticipated revenues collected from the Affordable Housing Trust Fund fees for the period through 2025, administrative mechanisms for the collection and distribution of said funds and anticipated uses and an expenditure schedule of Affordable Housing Trust Fund revenues.

Buena Vista Township Ordinance 1-2012 - amends Chapter 49, Development Regulations, of the Township's Code by establishing standards for the collection, maintenance and expenditure of development fees to provide affordable housing. Ordinance 1-2012 imposes a residential development fee on development of four or more dwelling units. The fee is 1.5 percent of the equalized assessed value, provided no increase in density is permitted, and 6 percent of the equalized assessed value for each additional unit permitted as part of a "d" variance. The ordinance also imposes a non-residential development fee of 2.5 percent of the equalized assessed value of the land and improvements.

Jackson Township Ordinance 23-17 - amends Chapter 244 (Land Use and Development Regulations) of the Township's Code by adopting a revised Article XIII, entitled "Affordable Housing," in order to set forth regulations for development and management of low- and moderate-income housing. Ordinance 23-17 revises the purpose, applicability, and definitions of the Township's affordable housing program. It also revises provisions related to the marketing of low- and moderate-income units, the Municipal Housing Liaison and Administrative Agent and the administration and enforcement of the Township's affordable housing program.

Manchester Township Ordinance 18-004 - amends Chapter 245, Land Use and Development, of the Township's Code by adopting a revised Article XI, Affordable Housing, to implement the Township's previously certified Housing Element and Fair Share Plan. The ordinance includes requirements for the construction of new or planned developments containing affordable housing units as well as controls for

existing and future affordable housing units. The ordinance also includes provisions for the administration of the Township's Affordable Housing program.

Manchester Township's 2017 Open Space and Recreation Plan Update - amends the Township's Master Plan to guide future Township recreation and conservation projects and provide a basis for state funding. The 2017 Plan includes updated goals, objectives and policies for open space preservation, inventories of open space as well as critical natural and cultural resources, assessments of the Township's open space and recreational needs, sites identified for future acquisition and an action plan for implementation.

Monroe Township Ordinance O:43-2017 - amends Chapter 175, Land Management, of the Township's Code by revising Section 175-109, Height, to specifically reference the standards of Section 175-151.1, Wireless telecommunications facilities.

Monroe Township Ordinance O:44-2017 - amends Chapter 175, Land Management, of the Township's Code by replacing Section 175-151.1, Wireless telecommunications facilities, in its entirety. Ordinance O:44-2017 provides: definitions; procedures for the application and review of wireless facilities and wireless support structures; general standards and design requirements for such facilities; and other miscellaneous requirements. Ordinance O:44-2017 incorporates the necessary Pinelands application and notification procedures required by the CMP. The ordinance also contains provisions relevant to Local Communications Facilities as required by the Pinelands CMP (N.J.A.C. 7:50-5.4(c)).

Pemberton Township Ordinance 27-2017 - amends Chapter 190, Zoning, of the Township's Code by recognizing detached, single-family residential structures that existed as of February 1, 2018 within the GCLI (General Commercial Light Industrial), NCP (Neighborhood Commercial Pinelands), and NC (Neighborhood Commercial) Districts as permitted, pre-existing non-conforming uses. For such residentially developed lots, Ordinance 27-2017 applies the area and bulk standards of the R-96 (Single-Family Residential) District. The ordinance explicitly states that no new residential lots or subdivisions are permitted in the GCLI, NCP, and NC Districts. The GCLI and NCP Districts are nonresidential zones located within the Pinelands Regional Growth Area. The GCLI District also includes land within the Pinelands Agricultural Production Area.



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Philip D. Murphy
Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

**Pending Public Development and Waiver of Strict Compliance Applications
accepting public comment at the March 9, 2018 Commission Meeting**

Public Development Applications

Application No. 1981-0586.008 – Pemberton Township

Received on: September 2, 2015

Project: Construction of a pedestrian walkway and improvements to the Ogden Street right-of-way.

Municipality: Pemberton Township

Block 267, Lot 1; Block 268, Lot 1; Block 530, Lot 11.13

Application No. 1997-0257.016 – NJ Turnpike Authority

Received on: May 11, 2017

Project: Demolition of three existing toll collection lanes and the construction of two express toll lanes within the Garden State Parkway right-of-way

Municipality: Bass River Township

Application No. 2006-0440.002 – Pemberton Township

Received on: November 22, 2017

Project: Construction of a 7,366 square foot fire and rescue building

Municipality: Pemberton Township

Block 732, Lot 10

Waiver of Strict Compliance Applications

None