



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

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




Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

MEMORANDUM

To: CMP Policy & Implementation Committee

From: Susan R. Grogan 
Chief Planner

Date: July 22, 2015

Subject: July 31, 2015 Committee meeting

Enclosed please find the agenda for the Committee's upcoming meeting on July 31, 2015. We have also enclosed the following items:

- The minutes from the Committee's June 26, 2015 meeting;
- A draft resolution and report on Galloway Township Ordinance 1909-2015; and
- A draft resolution relating to the eligibility of one parcel for the Limited Practical Use land acquisition program

/CS15

cc: All Commissioners (agenda only)



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CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey

July 31, 2015

9:30 a.m.

Agenda

1. Adoption of minutes from the June 26, 2015 CMP Policy & Implementation Committee meeting
2. Executive Director's Reports

Galloway Township Ordinance 1909-2015, adopting a redevelopment plan for a portion of the White Horse Pike Corridor Phase II – Pomona Road Redevelopment Area
3. Review of the Executive Director's recommendation to the Pinelands Commission as to the eligibility of a parcel for acquisition under the Limited Practical Use program
4. Briefing on the Department of Environmental Protection's proposed Flood Hazard Area Control Act rules
5. Public Comment
6. Other Items of Interest

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
June 26, 2015 - 9:30 a.m.

MINUTES

MEMBERS IN ATTENDANCE: Chairman Mark Lohbauer, Candace Ashmun, Sean Earlen, Ed Lloyd and Richard Prickett

MEMBER ABSENT: Paul E. Galletta

STAFF PRESENT: Executive Director Nancy Wittenberg, Susan R. Grogan, Charles Horner, Robyn Jeney, Paul D. Leakan, and Betsy Piner. Also present was Amy Herbold with the Governor's Authorities Unit.

Chairman Lohbauer called the meeting of the Policy and Implementation (P&I) Committee to order at 9:35 a.m.

1. Adoption of minutes from the May 29, 2015 CMP Policy & Implementation Committee meeting

Commissioner Ashmun moved the adoption of the May 29, 2015 meeting minutes. Commissioner Prickett seconded the motion. The minutes were adopted with all Committee members voting in the affirmative.

2. Pinelands Conservation Fund

Ms. Robyn Jeney, Regulatory Programs Specialist, made a PowerPoint presentation on the Pinelands Conservation Fund (PCF) Land Acquisition Program (*See Attachment A to these minutes*) and the staff recommendation to fund a new round of acquisitions. She noted that land acquisition is one of four components of the PCF, the others being Community Planning and Design, Conservation Planning and Research and Education and Outreach. She reviewed the history of the previous six rounds and the Garden State Parkway and Cape May County components of the land acquisition program. She noted that Conservation Resources, Inc. had been the facilitator for acquisition but is no longer in business. The proposed new round will be handled internally by Commission staff. In reviewing past projects, Ms. Jeney described the funding sources, location, size and cost as well as the partnering entities. She said the photographs of scenery projected on the slides for each of the rounds represented the projects with the largest acreage for each, e.g., the 887 acres Horner property in Ocean County was the largest project in Round 1. Ms. Jeney said the 33 projects concluded to date preserved some 7,700 acres through the awarding of \$8,704,959.00 in grants.

Ms. Jeney provided various statistics about the completed projects. She said Ocean County Natural Lands Trust was the most active and efficient applicant having completed 12 of the 33 projects while preserving some 1,500 acres. She said the New Jersey Conservation Foundation (NJCF) followed with eight projects and The Nature Conservancy (TNC) with four. Ms. Jeney said eight projects were completed within the Toms River Corridor.

Ms. Jeney said approximately \$700,000 remained in the PCF land acquisition account, including funds from the New Jersey Turnpike Authority to preserve lands near the Garden State Parkway (GSP) (as identified in Exhibit D of the supplemental agreement to the 2008 Memorandum of Agreement to prevent secondary impacts arising from the road widening project) that were now available. She said only two of 18 lots included in Exhibit D had been purchased and the location where those funds can be used is now unrestricted. She said at its August 8, 2014 meeting, the Commission had approved the transfer of \$500,000 from the Community Planning and Design account to the Land Acquisition account for a total balance of about \$1.2 million now in the Land Acquisition account.

Commissioner Ashmun asked whether any Federal 502 funds were available. Ms. Grogan said such funds would only be available if the Congress were to appropriate them. She noted that early on, millions of dollars of Federal funds had been appropriated for Pinelands acquisition but that has long since been spent.

Ms. Jeney said staff is recommending a new round of land acquisition. In addition to the Section 502 Target Areas and the 20 Planning Areas, of which some 12,600 acres and 118,900 acres remain unreserved, respectively, a new priority allocation area would be the Ocean County Forest Area. This is a reflection of the goal of preserving lands in association with the expansion of the GSP. She noted in 2009, the Commission had implemented a higher level of readiness before a project could be considered for funding, including a landowner willing to enter into negotiations and at least one appraisal. She said staff is recommending that this continue. She noted the evaluation criteria that staff developed in order to assist in selecting the best projects to fund (*see January 17, 2015 Memorandum [packet item]*). Other elements of the program will include: approval by the P&I Committee for projects within the priority areas; approval by the full Commission for “contingency” projects, those outside the targeted areas; the granting of a maximum of 33.3% of land acquisition costs, unless otherwise approved by the P&I Committee; and the use of the same Deed of Conservation Restriction language used in previous rounds.

Ms. Jeney reviewed the proposed schedule and, with Committee approval, an initial solicitation for projects would be distributed to the regional land conservation groups, counties and municipalities in August, with applications due by September 30, 2015 and a potential date for staff to make recommendations to the Committee at its October 30, 2015 meeting.

In response to questions from Commissioner Prickett regarding the funds from the GSP project, Ms. Grogan said under the MOA and the secondary impacts agreement, the funds are now unrestricted. The difficulty with acquiring the lands in the vicinity of the two interchanges was that there were many small lots with many different owners. Acquisition of these properties will still be feasible under the new PCF round; however, it seems unlikely that many of the lots listed in Exhibit D will be acquired.

In response to Commissioner Ashmun's question if there were a plan to secure Federal 502 funds, Ms. Grogan said in the past, requests had been submitted to Congress regularly although it has been several years since that was done. She added that there had been a lot of cooperation with Green Acres and the NJDEP as well as the non-profits.

In response to Chairman Lohbauer's question if a 60-day window were adequate for the return of applications, Ms. Jeney said staff based the schedule on that used for the previous rounds. Ms. Grogan added that both she and Ms. Jeney receive frequent inquiries from those who are interested in the program and a quick response from the Commission's acquisition partners was anticipated. She added that \$750,000 is not much money and she hoped that the Commission would be able to focus its efforts on a few larger projects.

In response to Commissioner Earlen's question if those submitting applications would have time to secure at least one appraisal within that time period, Ms. Jeney said often these applicants have already started the process.

Ms. Grogan said she felt most of the applicants are familiar with the Commission's process and have a good track record. She noted that, with the absence of a facilitator, the staff will be handling the acquisition on its own and there is a lot of paperwork.

In response to questions from the Committee, Ms. Grogan said that staff time for this project will be included in the budget, that the Commission cannot buy or own property and that the Commission's ability to monitor preserved lands is limited. Entities such as NJCF, TNC and Green Acres are better able to steward the properties. But, easement monitoring is a future project that is on the radar.

In response to questions from Commissioner Lloyd, Ms. Grogan said that the Deed Restriction had been tightened somewhat in previous years to limit clear-clearing. Also, there have been anecdotal reports of violations which is why active monitoring and stewardship are important. Some of the properties are large and remote and it is difficult to know what is happening on them.

Ms. Grogan said staff was asking for a consensus that the Committee is supportive of the staff's recommendations for a new round of land acquisition, which would make \$750,000 available from the PCF.

Chairman Lohbauer said the Committee enthusiastically endorses the staff's recommendations.

Ms. Wittenberg said this project comes with significant manpower and personnel issues. She said Ms. Jeney would be taking on the challenge.

3. Public Comment

Mr. Rich Bizub, with the Pinelands Preservation Alliance (PPA), thanked the Committee for the informative discussion and presentation. He said PPA had also been unable to obtain more of the 502 funds for land acquisition. He asked about the process to review the application submitted by South Jersey Gas for a pipeline. He noted that the public needed an opportunity to review and comment on the application and that PPA has a strong interest in preserving the resources of the Pinelands and the integrity of the process.

Chairman Lohbauer said there is no component for the public to be involved in the process of reviewing a private application. He said that, although not called for under the CMP, the Commission might schedule a special meeting. However, the application is still incomplete, so no determination has been made.

Mr. Bob Filipczak, stated he is a retired chemist from the FAA Tech Center (*William J. Hughes Technical Center*) and presented documents (*Attachment B to these minutes*) including his credentials and reports related to stormwater management. He raised issues with the stormwater basins at Exit 44 of the Garden State Parkway. He said the New Jersey Department of Environmental Protection (NJDEP) had insisted upon the development of stormwater basins in association with the expansion of Exit 44. However, this resulted in the bulldozing of many trees and the paving of areas to accommodate heavy equipment. The result has been a reduction in infiltration and the loss of natural recharge. He said the only benefit from these basins is to the engineers.

Ms. Ann Kelly, a Mount Laurel resident, said she had attended the Board of Public Utilities hearing for the South Jersey Gas pipeline and had heard that the proposed pipeline is for reliability purposes for areas outside the Pinelands. She presented an online petition (*Attachment C to these minutes.*) She said the developers of pipelines target public lands because they are cheaper.

Ms. Marianne Clemente, a Barnegat Township resident, said she was astounded that a project of the magnitude of the proposed South Jersey Gas pipeline does not require input from the Commission, only the recommendation of the staff and the Executive Director. She asked, if this were the case, why hadn't the application been submitted as a private development application initially.

Mr. Horner said he had copies of the staff's recent letter to South Jersey Gas regarding its incomplete application.

Ms. Blanche Krubner, a Jackson Township resident, reminded all present that the Commission needed to be vigilant in its protection of the Pinelands, that it was obligated to include the public in the process and that there was no excuse for the Commission abdicating its obligations.

Mr. Lee Rosenson, a member of the Pinelands Preservation Alliance and New Jersey Audubon Society, said from Ms. Jeney's presentation he calculated that the cost of the lands preserved

through the Pinelands Conservation Fund was roughly \$1,100.00/acre. He said he'd be interested in seeing how much money was contributed by the partners in these projects.

Ms. Grogan concurred that it is an interesting question and she had been tracking the numbers for a while. She suggested it would also be useful to know the average cost per acre of land acquired through the PCF program by management area.

Mr. Fred Akers, with the Greater Egg Harbor Watershed Association, said that he didn't feel the Commission had bragged enough about how these acquisition projects had been leveraged with a 33% contribution.

Ms. Fran Brooks, a resident of Tabernacle Township, said Ms. Jeney's presentation was excellent. On the question of the revised application by South Jersey Gas for a pipeline, she asked about the Commission's June 22, 2015 "incomplete" letter and the status of the project.

Mr. Horner provided a brief overview of the amended application filed by South Jersey Gas in May 2015. He said that, as a private applicant, South Jersey Gas was seeking a Certificate of Filing. He said when an applicant submits new information, staff must respond within 30 days. However, if more information is required, the applicant is under no obligation to respond within a certain time period.

Chairman Lohbauer said that "abdicate" was a strong word and that the Commission was not abdicating its responsibilities. He said the CMP sets forth a process and the Commission is following it while exploring opportunities for public comment. He said the Commission is also aware that creating an exception for one private application could be considered prejudicial.

4. Other Items of Interest

Commissioner Prickett reminded everyone that tomorrow (Saturday, June 27, 2015) was the annual Whitesbog Blueberry Festival and he encouraged everyone to attend.

The meeting adjourned at 10:40 a.m. (moved by Commissioner Prickett and seconded by Commissioner Earlen).

Certified as true and correct:



Betsy Piner,
Principal Planning Assistant

Date: July 2, 2015



Pinelands Conservation Fund Land Acquisition Program

6/26/2015

PCF Land Acquisition Program

- PCF established in **2004**:
 - **2004 MOA** with NJ Board of Public Utilities for electric transmission line improvements in PAD and FA
 - Required **\$13 million** contribution from Conectiv to further Pinelands protection program



*Above: Conectiv transmission line through forested area
Below: Trail on 699 acre Cologne Avenue property
Photos by Paul Leakan, NJPC*

PCF Land Acquisition Program



- Pinelands Commission adopted PCF use and management policies in **2005**
 - Land acquisition component: **\$6 million**
- Commission hired CRI as PCF Program Facilitator in **2006**

The 5 acre Paglia property, part of the Ridgeway Branch greenway

Jackson Township, Ocean County – Photo by Paul Leakan, NJPC

6/26/2015

PCF Round 1 (2007)

- **8** completed projects
- **5** different applicants
- Lands in Atlantic, Burlington and Ocean counties
- **5** different priority areas
- **\$2,845,612** distributed
- **2,426.48** acres preserved



*Oyster Creek on the 887 acre Horner property
Ocean Township, Ocean County – Photo by CRI*

PCF Round 2 (2008)



*Pond on the 107 acre Oswego Gun Club property
Bass River Township, Burlington County – Photo by CRI*

- **6** completed projects
- **4** different applicants
- Lands in Atlantic, Burlington, Gloucester and Ocean counties
- **5** different priority areas, **1** contingency project
- **\$471,868** distributed
- **334.82 acres** preserved

PCF Round 3 (2009)

- **3** completed projects
- **2** different applicants
- Lands in Camden and Ocean counties
- **1** priority area; **2** contingency projects
- **\$368,775** distributed
- **167.70 acres** preserved



*Woodlands on the 78 acre
Great Egg Harbor Greenway property
Winslow Township, Camden County – Photo by CRI*

PCF Land Acquisition Program

- **2006 CMP amendment:**
 - Authorized limited expansion of CMCMUA landfill
 - Required \$4,807,731.69 contribution to PCF
- **2008 MOA with NJ Turnpike Authority:**
 - Authorized Garden State Parkway widening
 - Required **\$915,000** contribution to PCF



Above: *Garden State Parkway widening construction*
Below: *Sandy opening on the 75 acre Maple Root River property*
Photos by Paul Leakan, NJPC

PCF Land Acquisition Program



*Open field on the 2,762 acre Lenape Farms property
Estell Manor City, Atlantic County
Photo by Paul Leakan, NJPC*

- **2009 PCF policy revisions** allocated **\$2.5 million** of CMCMUA funding to Land Acquisition
 - 8% (\$200,000) dedicated for Cape May County acquisitions
- CRI hired as PCF Program Facilitator in **2009**

PCF Round 4 (2010A)

- **5** completed projects
- **3** different applicants
- Lands in Atlantic, Burlington and Ocean counties
- **3** different priority areas
- **\$350,458** distributed
- **290.20 acres** preserved



*Woodlands on the 237 acre Barnegat Hills property
Ocean Township, Ocean County – Photo by CRI*

PCF Round 5 (2010B)



*Headwaters of the Great Egg Harbor River
on the 2,762 acre Lenape Farms property*

Estell Manor City, Atlantic County

Photo by Paul Leakan, NJPC

- **5** completed projects
- **5** different applicants
- Lands in Atlantic, Burlington and Ocean counties
- **5** different priority areas
- **\$3,896,398** distributed
- **3,437.77** acres preserved

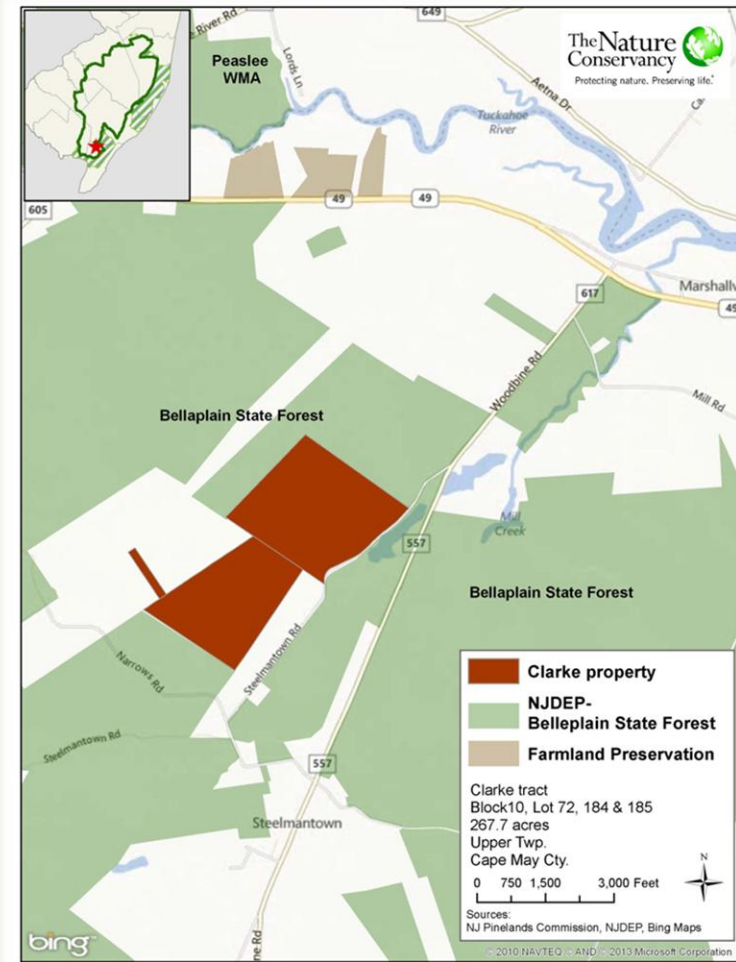
PCF Round 6 (2012)

- **3** completed projects
- **3** different applicants
- Lands in Burlington and Ocean counties
- **2** different priority areas
- **\$424,889** distributed
- **742.84 acres** preserved



*Mossy wetland on the 473 acre Zemel property
Woodland Township, Burlington County – Photo by CRI*

PCF – Cape May County



Difficult to find projects.

- **2** completed projects
- **1** applicant
- Lands in Cape May County
- **2** contingency projects
- **\$200,000** distributed
- **270.47** acres preserved

Map of the 269 acre Clarke property

Upper Township, Cape May County – Map from TNC

6/26/2015

PCF – Garden State Parkway

- **2** completed projects
- **1** applicant
- Lands in Ocean County
- **2** out of 18 lots from Exhibit D list
- **\$146,958** distributed
- **30.17 acres** preserved



*Woodland on the 11 acre Urquhart property
Ocean Township, Ocean County – Photo by CRI*

PCF Land Acquisition Totals, to date

Round	Acreage	Grants Paid	# Projects
1 (2007)	2,426.48	\$2,845,612.00	8
2 (2008)	334.82	\$471,868.00	6
3 (2009)	167.70	\$368,775.00	3
4 (2010A)	290.22	\$350,458.20	5
5 (2010B)	3,437.77	\$3,896,398.20	5
6 (2012)	742.84	\$424,889.44	3
Cape May County	270.47	\$200,000.00	2
GSP	30.17	\$146,958.16	2
Grand Total	7,700.46	\$8,704,959.00	33

Current PCF Land Acquisition Account

- Approximately **\$700,000** remaining in account from prior sources
- Commission approved transfer of **\$500,000** into Land Acquisition account in 2014
- Current total: **\$1.2 million** (approximate)



*Autumn view of the 203 acre Wollman property
Medford & Shamong townships, Burlington County
Photo by Paul Leakan, NJPC*

Proposed 2015 PCF Land Acquisition Program

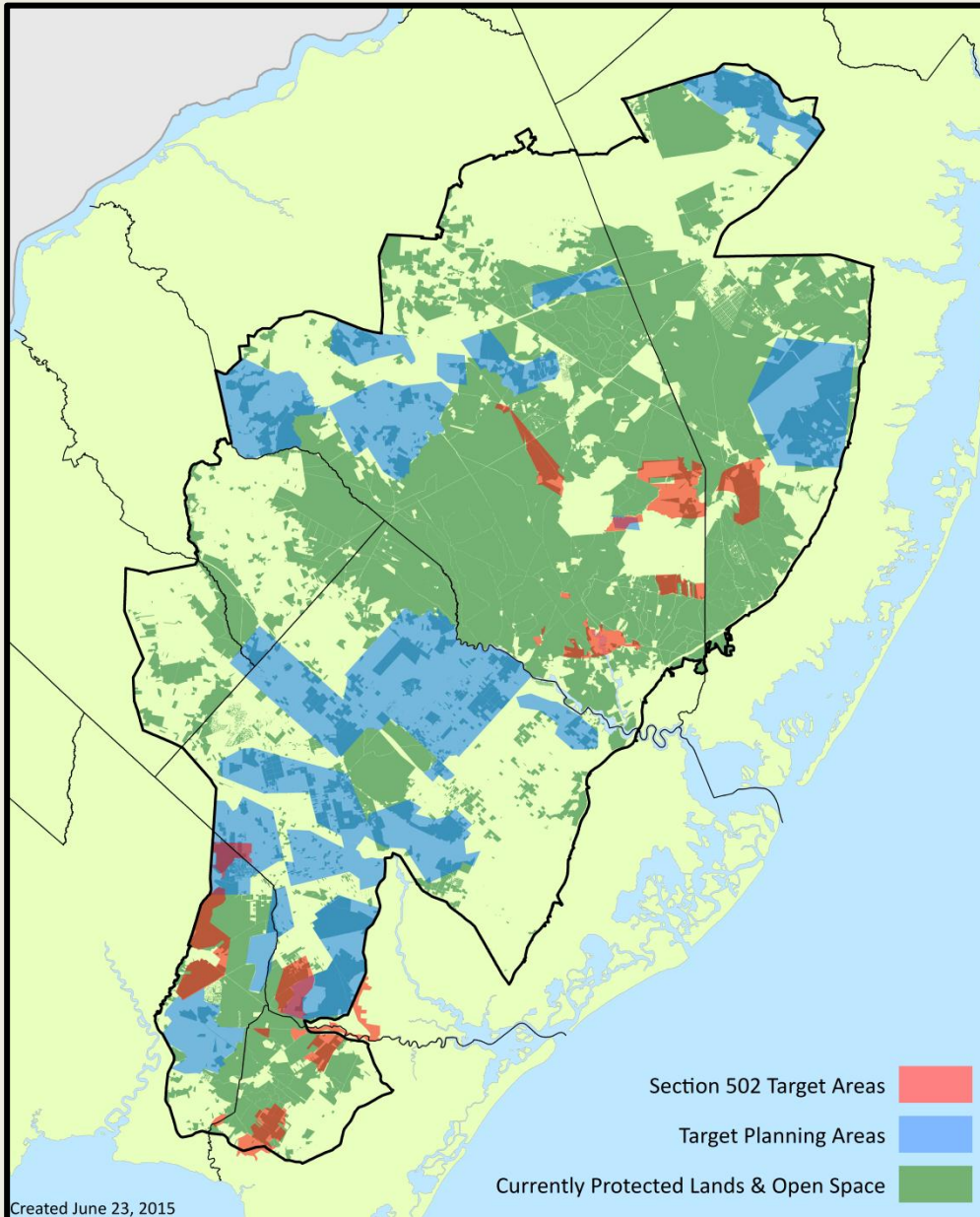


*Fowler's toad on the 75 acre Maple Root River property
Jackson Township, Ocean County – Photo by Paul Leakan, NJPC*

- Dedicate **\$750,000** to new acquisition round
- **Priority allocation areas:**
 - Section 502 Target Areas (**12,600 acres** remaining unpreserved)
 - 20 Planning Areas (**118,900 acres** remaining unpreserved)
 - Ocean County Forest Area
 - Must be approved by P&I Committee
- **Contingency projects:**
 - Outside of priority allocation areas
 - Must be approved by full Commission

Section 502 Target Areas & 20 Planning Areas

- **Section 502 of 1978 National Parks and Recreation Act** required identification of land acquisition target areas featuring “**critical ecological values which are in immediate danger of being adversely affected or destroyed**”
- Commission staff analyzed remaining vacant lands and identified **20 planning areas** as being **exceptionally sensitive to development and disturbance**
- Together, these areas form the **priority allocation areas** for the Commission’s land acquisition efforts



6/26/2015

Map prepared by Joe Sosik, NJPC

Proposed 2015 PCF Land Acquisition Program

- Allocations up to 33.3% of certified fair market value
- Use same “higher standards of readiness” to ensure feasibility
- Use same deed of conservation restriction language



*Meadowbeauty on the 2,762 acre Lenape Farms property
Photo by Paul Leakan, NJPC*

Proposed 2015 PCF Land Acquisition Program

- Grant administration
 - Previously CRI
 - Commission staff in 2015
- Application distribution
- Project evaluation matrix
 - Project size
 - Development threat
 - Habitat quality
 - Project feasibility, etc.
- Site visits
- Grant recommendations
- Follow-up and closure



*The 163 acre Jackson Land LLC property in the Toms River Corridor
Jackson Township, Ocean County – Photo by Paul Leakan, NJPC*

Proposed PCF Timing

- **Aug 1 2015:** Commission announces 2015 PCF grant availability
- **Sept 30 2015:** 2015 PCF grant applications due
- Staff reviews and evaluates applications
- **Oct 30 2015:** Staff presents projects recommended for PCF allocations to P&I Committee



*Open field on 699 acre Cologne Avenue property
Photo by Paul Leakan, NJPC*



6/26/2015

THIS IS A COURTESY COPY OF THIS RULE. ALL OF THE DEPARTMENT'S RULES ARE COMPILED IN
TITLE 7 OF THE NEW JERSEY ADMINISTRATIVE CODE.

CMP P&I Committee
June 26, 2015
Attachment B
(submitted by Bob Filipczak)

N.J.A.C. 7:13

FLOOD HAZARD AREA CONTROL ACT RULES

Statutory authority:

N.J.S.A. 58:16A-50 et seq., and portions of N.J.S.A. 58:10A-1 et seq., N.J.S.A.
58:11A-1 et seq., N.J.S.A. 13:20-1 et seq., N.J.S.A. 13:1D-29 et seq., and N.J.S.A.
13:1D-1 et seq.

Date last amended:

February 2, 2015

FOR REGULATORY HISTORY AND EFFECTIVE DATES SEE THE NEW JERSEY
ADMINISTRATIVE CODE

SUBCHAPTER 1. GENERAL PROVISIONS

7:13-1.1 Purpose and scope

(a) This chapter sets forth requirements governing human disturbance to the land and vegetation in the following areas:

1. The flood hazard area of a regulated water, as described at N.J.A.C. 7:13-3; and
2. The riparian zone of a regulated water, as described at N.J.A.C. 7:13-4.

(b) This chapter implements the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq.; and, in addition, relevant aspects of the New Jersey Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.; the Water Quality Planning Act, N.J.S.A. 58:11A-1 et seq.; the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq.; the Ninety-Day Construction Permits Law, N.J.S.A. 13:1D-29 et seq.; and N.J.S.A. 13:1D-1 et seq.

(c) The purpose of this chapter is to minimize damage to life and property from flooding caused by development within fluvial and tidal flood hazard areas, to preserve the quality of surface waters, and to protect the wildlife and vegetation that exist within and depend upon such areas for sustenance and habitat.

1. Unless properly controlled, development within flood hazard areas increases the intensity and frequency of flooding by reducing flood storage, increasing stormwater runoff and obstructing the movement of floodwaters. Damage also occurs from fallen structures, unsecured materials and other debris carried by floodwaters. Furthermore, improperly built structures are subject to flood damage and threaten the health, safety and welfare of those who use them. Increased flooding results in increased risk of loss of life and property damage.
2. Healthy vegetation adjacent to surface waters is essential for maintaining bank stability and water quality. The indiscriminate disturbance of such vegetation destabilizes the banks of channels and other surface waters, which leads to increased erosion and sedimentation that exacerbates the intensity and frequency of flooding. The loss of vegetation adjacent to surface waters also reduces filtration of stormwater runoff and thus degrades the quality of these waters. Such impacts adversely affect the health and habitat of fish and wildlife that depend upon clean surface waters and therefore disrupt the ecological balance that is necessary for life. Humans are ultimately affected by this imbalance, since clean water is essential for all life.

(d) Except where authority has been delegated to a county governing body under N.J.A.C. 7:13-1.4, the Department shall be the agency that implements this chapter.

(e) Activities regulated under this chapter may also be subject to other Federal, State and/or local rules, plans and ordinances. Authorization to undertake a regulated activity under this chapter does not indicate that the activity also meets the requirements of any other rule, plan or ordinance. It is the applicant's responsibility to obtain all necessary approvals for a proposed project.

(f) Information and forms relating to this chapter can be obtained from:

Street address (for meetings and hand delivery of material):



STATE OF NEW JERSEY
DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Let's protect our earth



Certifies That

DOT/FAA TECHNICAL CENTER
CHEMISTRY LABORATORY
Tilton Rd., Bldg B #277
Atlantic City, NJ 08405

having duly met the requirements of the

*Regulations Governing Laboratory Certification
And Standards Of Performance N.J.A.C. 7:18 et. seq.*

is hereby approved as a

State Certified Water Laboratory

*To perform the analyses as indicated on the Annual Certified Parameter List
which must accompany this certificate to be valid*

#01402
PERMANENT CERTIFICATION NUMBER

November 15, 1984
DATE



Robert E. Hagan
COMMISSIONER
DEPARTMENT OF ENVIRONMENTAL PROTECTION

This certification is subject to unannounced laboratory inspections as specified by
N.J.A.C. 7:18-2.11(d) and agreed to by the Laboratory Manager on filing the application

TO BE CONSPICUOUSLY DISPLAYED AT THE LABORATORY WITH THE ANNUAL CERTIFIED PARAMETER LIST.



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF FISCAL AND SUPPORT SERVICES
CN 402
TRENTON, N.J. 08625

June 23, 1983

Thomas M. Guastavino, Manager
Chemistry Laboratory B #277
Tilton Rd.
Atlantic City, NJ 08405

Dear Mr. Guastavino:

This is to acknowledge receipt of your revised application for drinking water laboratory certification.

The information received concerning Mr. Robert Filipczak indicates that he is qualified as Laboratory Supervisor for microbiology.

The information is being forwarded to the Office of Quality Assurance.

As you know, acceptance of your application does not authorize your laboratory to perform analyses.

Sincerely,

Toni Osvai
Toni Osvai, Chief
Bureau of Collections
and Licensing

5-SEPT-83
DON BOWYER

TO/OT/cjm



September 28, 1983

Mr. Michael B. DiBalsi
Office of Quality Assurance
Division of Water Resources
P.O. Box GN-029
Trenton, New Jersey 08625

Dear Mr. DiBalsi:

This letter acknowledges receipt and analysis of two U.S. Environmental Protection Agency Laboratory Performance Evaluation Samples for the Primary Drinking Water Parameters concerning certification of the FAA Technical Center Chemistry Laboratory. The samples were prepared according to the instructions and analyzed for both Nitrate and Fluoride. Analyses were conducted in accordance with "Standard Methods for the Examination of Water and Wastewater, 14th Edition". Fluoride method was 414B Electrode method, while Nitrate was 419B Electrode screening method.

WS 381, Conc 1, Study 9	5.75 mg/l NO ₃ ⁻ as N
	.57 mg/l F ⁻

WS 381, Conc 2, Study 9	.53 mg/l NO ₃ ⁻ as N
	2.04 mg/l F ⁻

Samples were received September 21, 1983. Nitrate analysis was performed September 23, 1983 for Nitrate and September 26, 1983 for Fluoride.

Very truly yours,

Thomas Guastavino
DOF/FAA Technical Center
Fire Safety Branch
Atlantic City, NJ 08405



Dover Township, NJ vs Department of commerce April
NOAA Coastal Services Center Library 1989
2234 South Hobson Avenue
Charleston, SC 29405-2413

A report prepared by Cahill Associates for the
State of New Jersey, Department of Environmental Protection
Division of Coastal Resources, CN 401, Trenton, New Jersey 08625

Stormwater Management

in the New Jersey

Coastal Zone

April 1, 1989

A report prepared for
Division of Coastal Resources
New Jersey Department of Environmental Protection
Trenton, New Jersey

By
Cahill Associates
Environmental Consultants
West Chester, Pennsylvania

This report was funded with financial assistance from the Office of Ocean and Coastal Resources Management, National Oceanic and Atmospheric Administration, U. S. Department of Commerce, under the provisions of Section 305 of the Federal Coastal Zone Management Act, PL 92-583, as amended.

Nonpoint source water quality issues are most directly dealt with under Resource Policies, Policy 8.7 (Stormwater Runoff). Also, Policy 8.4 (Water Quality), prohibiting any coastal development which "...would violate the federal Clean Water Act, or State laws, rules and regulations adopted pursuant thereto..." is theoretically applicable; this policy is extremely generalized and, based on case study review and experiences with NJDEP staff, is not being operationalized at present, although the policy clearly sets the stage for a much more comprehensive nonpoint source water quality program to be developed. Under the runoff policy, there are special provisions for flood and erosion control which are basically quantitative in nature, requiring that the pre-development 2-year, 10-year, and 100-year storm peak rates of runoff are not exceeded by post-development rates. The supposition behind this aspect of the policy is that detention basins will be constructed and maintained. From a water quality perspective, these basins will have some modest water quality function in terms of the settling out of particulate pollutants; however, the primary basin function, even if properly maintained, is a quantitative one--the reduction in peak rate of

runoff and prevention of onsite flooding. Single-purpose detention basin construction has little, if any, water quality benefit and must be accompanied with quality-oriented BMP's (ideally, replaced with BMP's which offer both quantity and quality control).

2-15

Other water quality controls are also specified in 7:7E-8.7 Stormwater Runoff (b) 2(i):

"...at least 90 percent of the total 1-year storm runoff must be detained in the detention

basin for a minimum of 18 hours for residential developments and for 36 hours for nonresidential developments." Alternatively, if the soil water table permits, a plan yielding

zero production runoff for the 1.25 inch-2 hour storm will also satisfy any water quality-

related runoff requirements here. These provisions, if thoroughly applied, would make an

important reduction in generation of particulate nonpoint source pollutants throughout coastal permitting. A substantial amount of pollution in particulate form would settle out

and be prevented from leaving the typical site. Depending upon the context of the development and the measures being proposed, some combination of ongoing maintenance

requirements would also be necessary and should also be addressed within this policy

(NJDEP's Division of Water Resources is knowledgeable in this area).

Unfortunately,

some particulate pollution would escape from this system by its very definition; pollution

from major storm events, of course, would not be contained. Possibly more serious would

be the insensitivity of the system to solubilized nonpoint pollution such as nitrate and

ammonia nitrogen. Nevertheless, this policy is a useful first step in nonpoint source management control in the coastal zone.

The State stormwater program is designed to be flexible (7:8-3.2 Flexibility of approach)

and can be integrated into a program with additional stormwater requirements within coastal

drainage. For example, the regulations acknowledge that where soils have sufficient

permeability, zero production of runoff from the 1-year storm, accomplished possibly through various infiltration techniques, wet ponds and artificial marshes, or porous paving and other techniques "...will be considered sufficient to meet the water requirement for residential developments, provided that the seasonal high groundwater does not rise to within two feet of the bottom of the detention facility. For other than residential X developments, approvals will be on a case-by-case basis after technical review by the designated authority. The object of this review will be to avoid pollution of the groundwater." [7:8-3.4 (a)(2) (ii)]. Based on recent meetings, it is our understanding that NJDEP's Division of Water Resources wants this criterion of a 2-foot separation to be increased to 4 feet and intends to work to have this criterion so modified. This concern relates to the State's concern that stormwater runoff will contaminate groundwater supplies now and in the future. Of greatest concern is stormwater incident to paved areas, especially in nonresidential developments where traffic volumes are greater and hydrocarbon and heavy metal production levels would be greater. This concern increases in importance in areas dependent upon groundwater for their water supply and becomes more critical as depth to water supply wells decreases.

The total suspended solids parameter is included as a significant pollutant for two reasons. Upon entering the estuary (or flowing directly into bay or coastal waters) the particulate material, most of which is suspended inorganic sediment,

can settle and cover the benthic habitat. The sediment also serves as a transport vehicle for phosphorus, heavy metals, and synthetic organics. Thus, this pollutant has both a direct and an indirect impact on the coastal ecosystems. One might argue that the settling of sediment in estuaries is a perfectly4 natural process, and in point of fact, that is true. As in the case of nutrients, it is an excess of the material which degrades the aquatic environment and mandates that it be controlled in our stormwater discharges.

In this sense, the natural vegetative buffer which surrounds a stream or drainage channel, including wetlands, has always provided a biochemical filtration and pollutant removal system for all drainage networks. Preservation of the natural drainage system also acts to promote recharge and reduce the actual quantity of stormwater flowing from the site, further retarding the rate of runoff. This quantitative reduction also minimizes the erosive energy of the stormwater event and the damages which otherwise would result. Thus, destruction of this natural drainage system significantly increases the opportunity for NPS pollutants to enter the surface flow system directly. One of the management measures discussed in the following section emphasizes this concept of reducing NPS pollution by reducing the proximity of pollutant sources and activities to the stream system through the use of a natural buffer between pollutant source and waterway. Such measures are common sense and have been proposed previously through agricultural guidelines or land use planning concepts. In this context the measures are grouped together by their common element--the creation of a drainage network buffer zone extending across all land uses, zoning districts, and ownership parcels. This idea has been proposed in the past by numerous watershed organizations for many good reasons, not the

least of which are the aesthetic and environmental benefits of wooded stream valleys. In terms of

4-5

water quality, natural stream corridors with buffer zones would also appear to be one of the most effective measures to reduce stream pollution from nonpoint sources.

Carrying this concept of preservation of natural systems a critical step further, we recommend application of what we call here "minimum disturbance/minimum maintenance" landscaping for Atlantic coastal drainage developments

3-16

Recipient: Board of Public Utilities, Governor Christie, NJ Legislature, Pinelands Commission

Letter: Greetings,

Stop the Extreme Energy Pipelines and promote "Clean Energy"

Comments

Name	Location	Date	Comment
Ann Kelly	Mount Laurel, NJ	2015-06-19	We must look to the future and invest in real "clean" energy for the sake of our children and the Earth. It is our moral obligation!
Steven Stern	Mount Laurel, NJ	2015-06-19	We need to stop investing in dirty energy. Renewable, clean energy is now cost-competitive. One pipeline leak would ruin a large area for decades and cost millions to clean up. This is the hidden cost of dirty energy.
georgina shanley	ocean city, NJ	2015-06-20	The destruction of this UNESCO Biosphere with 92 threatened and endangered plants, and over 40 animals for the sake of profit is unconscionable. Horizontal drilling under 14 streams, 2 ponds and a river in order to line the pockets of the gas industry is truly a crime. A crime against Mother Earth.
David Gladfelter Gladfelter	Medford, NJ	2015-06-20	There are better alternate routes for this pipeline that will not violate the Pinelands Act.
Susan Crawford	Mount Holly, NJ	2015-06-20	Pipelines always--always--leak. Even if you don't care about the integrity of the Pinelands Commission, even if you don't care about the fact that this is the largest remaining piece of wild space between DC and Boston and is home to rare plants and animals who make their last stand here, you should care about the clean drinking water and quality of life of your children, and their children. Don't allow these greedy cronies to degrade the Pinelands so much that they are no longer worth defending, because that's exactly what they want. Don't keep buying into the idea that century-old technology based on fossil fuels is the only viable option. Look forward.
Bill Higgins	Barnegat Light, NJ	2015-06-20	Please respect the decision of the Pinelands Commission whose sole responsibility is to preserve and protect the Pinelands.
Virginia Tamuts	Mays Landing, NJ	2015-06-20	These pipelines are from another era. They were to be used as a transitional fuel between coal and renewables. The idea is to go safer; pipelines, and fuel trains are accidents waiting to happen. There are better energy sources coming out of developing technologies and it's a shame that other countries are going to be taking advantage of them when they were created in our backyard. Thank you for your time.
Temma Fishman	Medford Lakes, NJ	2015-06-20	I love the Pinelands and want us to switch to renewable, sustainable forms of energy that will make us safe for generations to come- and provide jobs!
Marianne Clemente	Barnegat, NJ	2015-06-20	South Jersey Gas has used every loophole and every underhanded sneaky trick to have their way with disturbing and destroying one of the first and most pristine federal reserves in the country. They've already failed to get the approval of the Pinelands Commission for this pipeline..it does not meet the standards of the Comprehensive Management Plan, even through their backdoor methods. The BP must reject this application and preserve and protect the Pinelands
Bill Wolfe	ringoes, NJ	2015-06-20	Gov. Christie's Office has been directly involved in this and we are calling on BPU, Pinelands Commission and the DEP to reject the political pressure, listen to the science and the public, and do their jobs.
Benjamin Warfield	Philadelphia, PA	2015-06-20	The Pine Barrens are completely unique, the last decent chunk of nature left in the area and they must be protected.
janet tauro	brick, NJ	2015-06-20	enough is enough. One the Pinelands are gone, they will be gone forever. Don't let that happen.

Name	Location	Date	Comment
Michael Scheffler	Absecon, NJ	2015-06-20	Development pressures come and go only fools rush-in too jeopardize the precious resources of tomorrow for the unneeded, uncertain, and short term profits (for a powerful few) of today. The Pinelands Reserve is a unique ecosystem we as a community of citizens agreed to protect, and is dedicated to the greater public good, we are morally obligated to future generations to protect and preserve our invaluable heritage. The people not politics will win the day.
Martha Wright	Avalon, NJ	2015-06-20	I am signing because the Pinelands and the largest pristine aquifer in North America must be protected.
steven fenichel	ocean city, NJ	2015-06-20	Professor Mark Jacobson of Stanford University recently published his study: "100% Clean and Renewable Energy by 2050". This is a very realistic goal which should not be hindered by another layer of fossil fuel infrastructure as this pipeline would be. http://web.stanford.edu/group/efmh/jacobson/Articles/I/WWS-50-USState-plans.html
Paula Gotsch	Normandy Beach, NJ	2015-06-20	I am against the continued encouragement of fossil fuel use by OKing gas pipelines in environmentally sensitive areas.
william sherman	margate, NJ	2015-06-20	respectez-vous la nature! "beauty is truth, truth beauty..."
Donal Sheahan	Egg Harbor Township, NJ	2015-06-20	I value the treasure of The Pinelands. One breaking of the pipeline is one too many. Do not build it.
Linda Chamberlain	Vincentown, NJ	2015-06-20	I'm signing because I think the Pinelands should not have a gas pipeline built through it. Four of NJ governors have opposed this pipeline crossing political lines to protect a preserved area unique to the world. Also I believe climate change is real and our resources, time and energy need to be spent in promoting and expanding clean energies such as sun, wind, and geothermal.
Nick Reina	Milmay, NJ	2015-06-20	I'm signing because there is a better alternative with renewables.
Patricia Cancelli	Pennsauken, NJ	2015-06-20	I want my children to LIVE
Nick Mottern	Hastings on Hudson, NY	2015-06-20	I grew up in New Jersey, a state that has suffered the blight of industrial development for 100 years and continues to labor under the pollution, ill health, ugliness and exploitation that this brand of industrial penetration has brought, particularly by the petroleum and chemical industry. New Jersey residents are now being called on surrender even more land and life to the fossil fuels industry, creating a pathway for the export of gas that will not benefit the people of New Jersey in any significant way and will contribute to further fouling of the atmosphere and hasten global warming. The fossil fuel industry has no inherent right to do this project and is counting on the ignorance of the public to prevail. Thanks to those who are talking common sense and working to stop the pipeline insanity.
Ben Hitchner	Pitman, NJ	2015-06-20	Stop the destruction of the beautiful Pinelands
Rebecca Carlbom	beverly, NJ	2015-06-20	We need to protect the pinelands!
Eric Demitroff	Vineland, NJ	2015-06-21	I am a Pinelands Family member who has lived on this Pinelands farm for 54 years. New Jersey has always acquiesced to big business and self-serving politicians. It is time to stop doing this and to start to protect our natural heritage.

The Pinelands Preserve is supposed to be protected.

Name	Location	Date	Comment
Walt Birbeck	Mauricetown, NJ	2015-06-21	The Pinelands is irreplaceable. There is no reason to put it at risk for oil company profits.
Sterling Brown	Egg Harbor Twp., NJ	2015-06-21	I signed because no development of the Pinelands means no development. Also because when the pipeline explodes, my house will go with it.
Marguerite Gargiulo	Flanders, NJ	2015-06-21	Pipelines will cost tax payers money for generations to come! We need alternative real clean energies.. Such as solar, wind, and geothermal. we need NEW energy... We do not need to pollute our waters with pipelines.
Brenda Parr	Ledgewood, NJ	2015-06-21	No. Pipeline. Period.
Elliot Redman	Mt. Laurel, NJ	2015-06-21	I am opposed to these pipelines in New Jersey.
christina russoniello	asbury, NJ	2015-06-21	I simply love New Jersey
Floyd L Cranmer Jr.	Marlton, NJ	2015-06-21	We can not afford to risk degrading the beautiful Pinelands that we have been blessed with.
Victoria Schodowski	Glassboro, NJ	2015-06-22	We need to declare that NJ aquifers will remain pristine. Make it a promise.
Josh Kratka	Arlington, MA	2015-06-22	I'm signing because I grew up in NJ, I spend time every summer in South Jersey and at the Jersey Shore, and I want to keep this area beautiful and livable for generations to come.
william haegele	philadelphia, PA	2015-06-22	Let's put our efforts into maintaining existing pipeline infrastructure to keep it as safe as possible. New pipelines are bad for everyone. Why put the effort into pipelines that are meant to accommodate the export of our needed resources? Put all this effort into true clean energy alternatives.
Nancy Forman Witham	Medford, NJ	2015-06-23	Power companies, NJ politicians, leave the pinelands alone. Once they are gone, they are gone. Forever. This is capitalism as its worst.
James Kelly	Mount Laurel, NJ	2015-06-23	SJG is a vampire that is sucking the lifeblood out of our land and doesn't give a s**t about our children, the land or the water. They will pollute and destroy anything (including people) and lie outright and break any law to achieve profits for their CEO's and increase their stock prices. So it destroys the land, water and environment, so what, as long as their profits increase. They have lied about the environmental impact of pipelines and what they will use this gas for. Destroying our environment for Chinese company profits is not acceptable.
Margit Meissner-Jackson	West Creek, NJ	2015-06-23	Natural Gas is a FOSSIL FUEL---the DNC just published that the use of FOSSIL FUELS contribute thousands of health problems through the world. MY FAMILY AND I OPPOSE THIS GAS PIPELINE!!!!
Nan Mason	Belvidere, NJ	2015-06-25	The Pine Lands need to be protected! And because fracked gas is not the way to go!!

Name	City	State	Postal Code	Country
Ann Kelly	Mount Laurel	New Jersey		
Steven Stern	Mount Laurel	New Jersey	080	
Valerie Gladfelter	Medford	New Jersey		
georgina shanley	Ocean City	New Jersey		
David Gladfelter	Gladfelter	Medford	New	
Joel Fogel	Somers Point	New Jersey	082	
Allen Crawford	Mount Holly	New Jersey		
Doug O'Malley	New Brunswick	New		
Connie Higgins	Beach Haven	New Jersey		
Ken Wilson	Egg Harbor Township	New Jersey		
Virginia Tamuts	Mays Landing	New Jersey		
Temma Fishman	Medford Lakes	New		
Marianne Clemente	Barnegat	New Jersey		
Bill Wolfe	Riverside	New Jersey	080	
Benjamin Warfield	Philadelphia	Pennsylvan		
Joseph Boyle	Glenside	Pennsylvania	190	
Joanne Rist	Manahawkin	New Jersey	080	
Margo Pellegrino	Medford Lakes	New		
Dr Bob Allen	Ocean View	New Jersey	082	
janet tauro	Brick	New Jersey	08724	Unit
Sharon Roth	Medford	New Jersey	080	
Michael Scheffler	Absecon	New Jersey		
Martha Wright	Avalon	New Jersey	08202	Unit
steven fenichel	ocean city	New Jersey		
Janet Cass	Avalon	New Jersey	08202	Unit
Antony Laudicina	Tabernacle	New Jersey		
Susan Barrett	Stone Harbor	New Jersey	082	
Paula Gotsch	Normandy Beach	New Jersey		
LOis Jacobson	Point Pleasant Beach	New Jersey		
Max Burger	Medford	New Jersey	080	
Marta Guttenberg	Philadelphia	Pennsylvan		
Adam Weber	Hood River	Oregon	970	
Barbara Skinner	Cape May	New Jersey		
brian arnett	Ocean City	New Jersey	082	
william sherman	London	nw3		
Donal Sheahan	Egg Harbor Township	New		
KEN WOLSKI	Trenton	New Jersey	086	

Robert Graver	Vincentown	New Jersey	0801
James Wayne Bellmawr		New Jersey	0801
Anthony Bellano	Hammonton	New Jersey	
Linda Chamberlain	Vincentown	New Jersey	
Lisa Raggiola	Pompton Lakes	New Jersey	
greg vizzi	Hammonton	New Jersey	0801
Nick Reina	Milmay	New Jersey	08340 Unit
Chantal Buslot	Hasselt	Texas	7871
Dennis Kaplan	Mayfield Heights	Ohio	4411
Dorothy Holtzman	Lakewood	New Jersey	
Patricia Cancelli	Pennsauken	New Jersey	
jim price	Bayville	New Jersey	0871
Richard Ho	Cedar Grove	New Jersey	0701
Nick Mottern	Hastings on Hudson	New York	
Benjamin Hitchner	Pitman	New Jersey	0801
fred fall	cherry hill	New Jersey	0801
ROB SULZMAN	VINELAND	New Jersey	
Rebdcca Carlbom	Beverly	New Jersey	
Tim Keating	New York	New York	1001
Jasmina Cuk	Solna	171 64	Sweden
Anneke Andries	R'veer	49410	Neth
romina maja	tirana	71	Albania
Lisette de Waard	Lelystad	Flevoland	
Jaimie Buelens	Mechelen		2801
krshna soneji	St Albans	al1 1tj	Unit
mariette vanseer	Hasselt		3621
amanda smith	macclesfield	SK11 8JR	
Petra Hegenscheidt	Essen	45131	Gerr
chantal wolf		66100	Italy 2011
Delannoy Emmanuel	Paris	75017	Paris
Marco Baracca	Milano	20142	Italy
Liliána Tóth	Balmazújváros		
Willem Kom	Hoogezand	9602	vd
Nicolette Ludolphi	Bremen		2821
Lise Vandal	Alma	G8B 5V3	Can
Monique Angela Buijs	Hoorn	Noord-Holland	
Michael Steele	Morrice	Michigan	
Elisabeth Bechmann	St. Pölten		3101

Andrea Maertzdorff	Rotterdam	""	
Márcia Paiva	Viçosa	gap776lid	Braz
sandy moore	Conway	Arkansas	720:
NATACHA PENET	Saint Etienne		420:
Isabelle Roeland	Waterloo		755:
Leigh Saunders	Hastings		412:
Yolanda soto	Los Angeles	California	900:
Ema Podobová	Bratislava		851:
Tanja R.	NMS	24536	Germany
diane marie	longport	New Jersey	084:
Eric Demitroff	Vineland	New Jersey	083:
Ivan Snajdar	Crikvenica	51260	Croa
Natalie Van Leekwijck	Beaverton		Oreg
Walt Birbeck	Mauricetown	New Jersey	083:
Sterling Brown	Egg Harbor Twp.		New
Kenneth Collins	Newton		New Jersey
Marguerite Gargiulo	Flanders		New Jersey
Brenda Parr	Ledgewood	New Jersey	078:
eddie stinson	Aguanga	California	925:
Elliot Redman	Mt. Laurel	New Jersey	080:
rinki banerji	navi mumbai	410206	
Twnzy Spnzy	Sonipat	131001	
Mokkie Hamrer	Upplands Väsby		
Christina Russoniello	Asbury	New Jersey	088:
Marjorie Brooks	Ocean City	New Jersey	
Lana Fenichel	Arlington	Virginia	222:
Beth O'Brien	Lambertville	New Jersey	085:
Ericka Hamburg	Staten Island	New York	
Rita Palmeiro	Tampa	Florida	Because this is
Anita Mayangpuspa	yogyakarta	552:	
Gregory Salerno	Seaside Park	New Jersey	
Kristina Sedic	Zagreb	10000	Croatia
norma crichton	Centurion	015:	
KONSTANTINOS STAMOS	volos	383:	
Terry & Linda Major	Atco	New Jersey	
Richard Lawrence	Vineland	New Jersey	
christina kazantz	Athens	173 42	Gree
Howard Weiss	Wenonah	New Jersey	080:

Harry S Nydick	Collingswood	New Jersey	
Doris Carey	Cherry Hill	New Jersey	080
Floyd L Cranmer Jr.	Marlton	New Jersey	
Ann Wolf	Marlton	New Jersey	080
Anne Carroll	Collingswood	New Jersey	081
Lu Pugh	NEw Bern	North Carolina	
Linda Rubiano	Moorestown	New Jersey	080
Robert Bonilla	Burlington	New Jersey	080
Barbara Conover	Montclair	New Jersey	
ankie brunschot	veldhoven		
Ryan Coons	Madison	Alabama	357
Corrina Parker	Toowoomba		435
Victoria Schodowski	Riverton	New Jersey	
Josh Kratka	Arlington	Massachusetts	
Stephanie Neuhaus	Bordentown	New Jersey	
Heather Andersen	Ocean Grove	New Jersey	
Angelika Kempter	Reutlingen		727
sau tsang	las vegas	Nevada	891
Virginia Mendez	North Miami Beach	Flori	
Carlo Popolizio	Estell Manor	New Jersey	
william haegele	philadelphia	Pennsylvan	
Wendy Forster	Lamesley		NE1
Sarah Kershner	Plainfield	New Jersey	
colleen cameron	Avalon	New Jersey	082
Robert wiehemeijer	bunde		26831 Gerr
Claudia Correia	Portimão		850
Scodellari Paola	Roma		00199 Italy
sue sch.	Florida Florida	89077	United Stat
Nicole Loh	Singapore		530501
Nancy Forman	Witham	Medford	New
Adrian Shiva	Trincity	-	Trini
Anguel Trofanov	Ocean City	New Jersey	
James Kelly	Mount Laurel	New Jersey	080
Charles Ellis	Woodbury	New Jersey	080
John Normile	Bogota	New Jersey	07603 Unit
April Wagner	Voorhees Township	New Jersey	
marilyn miller	toms river	New Jersey	087
Margit Meissner-Jackson	West Creek	New	



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15-_____

TITLE: Issuing an Order to Certify Galloway Township Ordinance 1909-2015, Adopting a Redevelopment Plan for a Portion of the White Horse Pike Corridor Phase II – Pomona Road Redevelopment Area

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, on March 6, 1987, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of the Township of Galloway; and

WHEREAS, Resolution #PC4-87-19 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 #PC4-87-19 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 May 12, 2015, Galloway Township adopted Ordinance 1909-2015, approving a redevelopment plan for a portion of the White Horse Pike Corridor Phase II – Pomona Road Redevelopment Area, now referred to as the Pomona Road Heritage Village Redevelopment District; and

WHEREAS, the Pinelands Commission received a certified, adopted copy of Ordinance 1909-2015 on May 29, 2015; and

WHEREAS, by letter dated June 18, 2015, the Executive Director notified the Township that Ordinance 1909-2015 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony concerning the Township’s application for certification of Ordinance 1909-2015 was duly advertised, noticed and held on July 15, 2015 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 1909-2015 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 the issuance of an order to certify that Galloway Township Ordinance 1909-2015, adopting a redevelopment plan for that portion of the White Horse Pike Corridor Phase II – Pomona Road Redevelopment Area known as the Pomona Road Heritage Village Redevelopment District, 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 recommended that Ordinance 1909-2015 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 1909-2015 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 Galloway Township Ordinance 1909-2015, adopting a redevelopment plan for that portion of the White Horse Pike Corridor Phase II – Pomona Road Redevelopment Area known as the Pomona Road Heritage Village Redevelopment District, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to the 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	ABS		AYE	NAY	NP	ABS		AYE	NAY	NP	ABS
Ashmun					Earlen					Prickett				
Avery					Galletta					Quinn				
Barr					Jannarone					Rohan Green				
Brown					Lloyd					Witt				
DiBello					McGlinchey					Lohbauer				

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Mark S. Lohbauer
Chairman



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



Chris Christie
 Governor

Kim Guadagno
 Lt. Governor

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

Mark S. Lohbauer
 Chairman

Nancy Wittenberg
 Executive Director

REPORT ON GALLOWAY TOWNSHIP ORDINANCE 1909-2015, ADOPTING A REDEVELOPMENT PLAN FOR THAT PORTION OF THE WHITE HORSE PIKE CORRIDOR – POMONA ROAD REDEVELOPMENT AREA KNOWN AS THE POMONA ROAD HERITAGE VILLAGE REDEVELOPMENT DISTRICT

July 31, 2015

Galloway Township
 300 E. Jimmie Leeds Road
 Galloway, NJ 08205

FINDINGS OF FACT

I. **Background**

The Township of Galloway is located in the southeastern portion of the Pinelands Area, in Atlantic County. Pinelands municipalities that abut Galloway Township include Port Republic City and Egg Harbor City, and the Townships of Hamilton, Egg Harbor, and Mullica in Atlantic County, as well as Washington and Bass River Townships in Burlington County.

On March 6, 1987, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Galloway Township.

On May 12, 2015, Galloway Township adopted Ordinance 1909-2015, approving a redevelopment plan for a portion of the White Horse Pike Corridor Phase II – Pomona Road Redevelopment Area, now referred to as the Pomona Road Heritage Village Redevelopment (PRHV) District. The new PRHV District is located in the Pinelands Village of Pomona. The Pinelands Commission received a certified, adopted copy of Ordinance 1909-2015 on May 29, 2015.

By letter dated June 18, 2015, the Executive Director notified the Township that Ordinance 1909-2015 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

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

- * Ordinance 1909-2015, adopting a redevelopment plan for the Pomona Road Heritage Village Redevelopment District in Galloway Township, introduced on April 28, 2015 and adopted on May 12, 2015.

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

1. **Natural Resource Inventory**

Not applicable.

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

Ordinance 1909-2015 adopts a Redevelopment Plan for a portion of the White Horse Pike Corridor, Phase II – Pomona Road Redevelopment Area in Galloway Township. The new Redevelopment Area, known as the Pomona Road Heritage Village Redevelopment (PRHV) District, encompasses eight lots (Block 526, Lots 4-11) and approximately six vacant acres. Permitted uses in the PRHV District are limited to mixed use development, consisting of affordable age-restricted multi-family housing and community commercial/office uses in the same building. Maximum residential density is 23.1 units per acre, and a minimum of 10,000 square feet of commercial/office space is required. A maximum height of 50 feet (four stories) is permitted. According to Ordinance 1909-2015, any development that occurs within the PRHV District must comply with all other municipal application requirements and development regulations, as well as the Pinelands Comprehensive Management Plan.

As depicted on the map attached as Exhibit #1, the new PRHV District is located at the intersection of Pomona Road and the White Horse Pike, within the Pinelands Village of Pomona. It is situated within the Township's HC-2 (Highway Commercial) Zone and is bounded by the White Horse Pike to the north and Atlantic Avenue (and the Atlantic City Rail Line) to the south. Another small redevelopment area (the PR-1 Pomona District) is located immediately across the White Horse Pike. Permitted uses in the PR-1 Pomona District are limited to convenience stores with fueling service dispensing facilities, while in the HC-2 District, a wide variety of nonresidential uses is permitted, including restaurants, hotels, shopping centers, offices, car dealerships, gas stations, grocery stores and funeral homes. As noted above, commercial uses will continue to be permitted in the PRHV District but must be developed as part of a mixed use building, with commercial development on the first floor and apartments above. By allowing this mixed use development to occur at the intersection of the White Horse Pike and Pomona Road, the Township hopes to attract additional commercial development to the area, thereby revitalizing the White Horse Pike corridor. The anticipated development of 100 apartment units

in the new PRHV District will also satisfy a portion of the Township's affordable housing obligation.

The Comprehensive Management Plan (N.J.A.C. 7:50-5.27(a)) authorizes any use within a Pinelands Village, provided public service infrastructure is available and the character and magnitude of the use is compatible with existing structures and uses in the Village. In terms of public service infrastructure, the mixed use development permitted in the new PRHV District will be served by sewer. Pomona is one of the few Pinelands Villages with existing sewer service. In terms of compatibility with other structures and uses, the anticipated mixed use building will contain both commercial and residential uses, fully consistent with existing land uses in Pomona. The Village currently contains a significant amount of single-family residential development on small (0.30 acre) lots, along with a mixture of residential, commercial and institutional uses fronting on the White Horse Pike. Existing and proposed uses in the immediate vicinity of the new redevelopment area include a new WaWa with a gas station, several older commercial buildings, a handful of single family dwellings and a large church with a convent and school playground. A maximum site coverage of 65% is permitted in the PRHV District, which is generally consistent with the 70% impervious coverage permitted in the surrounding HC-2 District and entirely appropriate within a seweried Pinelands Village. Based on the street elevations contained in the redevelopment plan (see Exhibits #2 and 3), the anticipated mixed use building will not be incompatible with existing uses in Pomona.

The Comprehensive Management Plan (N.J.A.C. 7:50-5.16(a)) also requires that municipal zoning plans for Pinelands Villages do not provide for "an additional increment of development which is greater than the number of non-accessory structures that currently exist in the village." More commonly referred to as the "doubling rule," this standard is intended to ensure that when the minimum lot size requirements in a Pinelands Village are applied to the vacant developable land in that Village, the potential amount of new development does not exceed that which existed in 1979. Typically, the calculation is done based on residential development potential. In the case of Pomona Village, an estimated 325 residential units existed in 1979. Future residential development potential, based on the 12,000 square foot minimum lot size permitted in the VR (Village Residential) District, is estimated to be 55 new units. Thus, even with the additional potential for 100 apartments units in the redevelopment area, the number of new units permitted in Pomona will continue to be consistent with N.J.A.C. 7:50-5.16(a).

The only remaining issue with Ordinance 1909-2015 relates to the permitted height in the new PRHV District. According to the redevelopment plan, a maximum height of 50 feet is permitted for mixed use buildings in the PRHV District. The Comprehensive Management Plan (N.J.A.C. 7:50-5.4) generally limits building height to 35 feet in all Pinelands management areas other than Regional Growth Areas and Pinelands Towns. The PRHV District is located in a Pinelands Village, where the 35-foot height limitation applies.

Pinelands municipalities have the ability to refine the various standards and provisions of the Comprehensive Management Plan and tailor them to local conditions, provided Comprehensive Management Plan goals and objectives continue to be achieved. In this case, Galloway Township has chosen to define a small (six-acre) area within Pomona Village where one mixed use building exceeding the normal 35-foot height limitation will be permitted. The area in question is located on a major highway corridor (the White Horse Pike), at the intersection with Pomona Road. The extra 15 feet in height is permitted under the newly-adopted redevelopment plan in order to allow for the development of commercial and residential uses in the same

building, at a density sufficient to produce 100 affordable age-restricted apartments. The impact on surrounding uses is negligible due to the small size of the redevelopment area and the nature of surrounding uses (a new WaWa and gas station, church and scattering of older commercial and residential uses). Additionally, it should be noted that Pomona Village is unique in that it is bordered to the east and west along the White Horse Pike by commercially-zoned Regional Growth Areas, where the Comprehensive Management Plan imposes no height limitation. Ordinance 1909-2015 allows for one four-story mixed use building, at a key intersection along a sewer highway corridor in Pomona Village. This is an appropriate exercise of municipal flexibility and one that is consistent with the objectives of the Comprehensive Management Plan.

Ordinance 1909-2015 is consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

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

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Not applicable.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Galloway Township Ordinance 1909-2015, adopting a redevelopment plan for the Pomona Road Heritage Village Redevelopment District, is 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

Galloway Township Ordinance 1909-2015, adopting a redevelopment plan for the Pomona Road Heritage Village Redevelopment District, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

The redevelopment plan adopted by Ordinance 1909-2015 does not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Galloway Township's application for certification of Ordinance 1909-2015 was duly advertised, noticed and held on July 15, 2015 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 on Ordinance 1909-2015 were accepted through July 17, 2015 and were received from the following individuals:

July 16, 2015 letter from Theresa Lettman, Director of Monitoring Programs, Pinelands Preservation Alliance (see Exhibit #4)

July 16, 2015 email from Georgina Shanley, Citizens United for Renewable Energy (see Exhibit #5)

July 16, 2015 email from Ann Kelly (see Exhibit #6)

July 17, 2015 letter from Mark Demitroff (see Exhibit #7)

EXECUTIVE DIRECTOR'S RESPONSE

Three of the commenters (Exhibits #4, 5 and 6) state that the Commission should not approve Ordinance 1909-2015 because it would allow a building height of 50 feet in a Pinelands Village, thereby permitting a density that is far greater than that planned or envisioned for Pinelands Villages by the CMP. Based on the analysis provided in section 2 of this report, the Executive Director disagrees. Ordinance 1909-2015 provides an opportunity for the development of one four-story, mixed use building on a small parcel in the middle of Pomona Village, at the intersection of two major roads (the White Horse Pike and Pomona Road). Allowing for a height of 50 feet merely provides the opportunity for the entire project (100 affordable apartments and 10,000 square feet of commercial space) to be contained within one building. Were a maximum height of 35 feet to be maintained, multiple apartment buildings would be necessary and the ability to combine residential and commercial uses in the same structure would likely be lost. The mixed use development permitted by Ordinance 1909-2015 is wholly appropriate for a sewerred village such as Pomona. It will not be incompatible with existing or future development in Pomona or, for that matter, the surrounding management areas in Galloway Township. In addition, the redevelopment plan adopted by Ordinance 1909-2015 provides the potential for just 100 new units in Pomona, which is fully consistent with the standards for designation of Pinelands Villages in N.J.A.C. 7:50-5.16. Had Ordinance 1909-2015 provided for high-density residential development throughout the entire village, the Executive Director's conclusion would be far different. Likewise, if high-density mixed use development were proposed in other Pinelands Villages, where public service infrastructure does not exist and/or the predominant land use pattern consists of single-family homes on one-to-five acre lots, such a proposal would likely be inconsistent with the Comprehensive Management Plan.

One commenter (Exhibit #6) also states that Ordinance 1909-2015 should not be approved because it will destroy the integrity of the Pinelands by encouraging "unmitigated growth" and allowing endangered species and plants to be crowded out. On the contrary, Ordinance 1909-2015 provides for one mixed-use building on a small parcel within the existing boundaries of a sewerred Pinelands Village. The ordinance does not allow for, nor does it in any way encourage, growth or sprawl outside the designated Pinelands Village area. In addition, any development that is proposed within the new redevelopment area will be required to meet Comprehensive Management Plan standards for protection of threatened and endangered plants and animals.

The fourth commenter (Exhibit #7) does not raise specific issues with Ordinance 1909-2015 or the Pinelands Village of Pomona but focuses instead on general concerns with the lack of oversight on redevelopment in the Pinelands Area. In response, the Executive Director offers the following information:

- The Commission is required to review and approve all land use ordinances adopted by Pinelands Area municipalities. These ordinances include those that, like Galloway Township Ordinance 1909-2015, adopt redevelopment plans governing lands in the Pinelands Area. The review process for such redevelopment ordinances is the same as that for any ordinance that enacts a zoning change in the Pinelands Area. The standards against which redevelopment ordinances must be reviewed are the same as those for all land use ordinances. All municipal zoning boundaries, permitted uses and development standards, whether established in the land use chapter of a municipal code or in an adopted redevelopment plan, must be consistent with the Comprehensive Management Plan. Without Commission approval, such ordinances and redevelopment plans are not considered to be effective in the Pinelands Area. The Executive

Director has reviewed Ordinance 1909-2015, found it to be consistent with the Comprehensive Management Plan, and is recommending its certification by the Commission on that basis.

- Applications for development in the Pinelands Area must be submitted to the Commission for review. The fact that a proposed project may qualify as redevelopment or be located in a redevelopment area does not affect the review process. All development applications are reviewed by the Commission for consistency with the minimum environmental standards set forth in the Comprehensive Management Plan.
- The Commission has the authority to review municipal ordinances and public and private development applications only in terms of their consistency with the Comprehensive Management Plan. The Commission does not have the authority to determine whether an ordinance is consistent with the Municipal Land Use Law, nor can the Commission determine whether a Pinelands municipality correctly followed the New Jersey Local Redevelopment and Housing Law in designating an area to be in need of redevelopment.
- Upon determining that an area is in need of redevelopment, municipalities in New Jersey are required to submit such determinations to the Department of Community Affairs. Galloway Township did so in 2010 after adoption of Resolution 300-2010, which found the entire White Horse Pike Corridor Phase II – Pomona Road area to be in need of redevelopment. The Department of Community Affairs responded to Galloway Township’s submission by letter dated January 14, 2011 (see Exhibit #8). In that letter, the Department states that the parcels within the designated area are located in a Pinelands Village “where redevelopment is encouraged.”

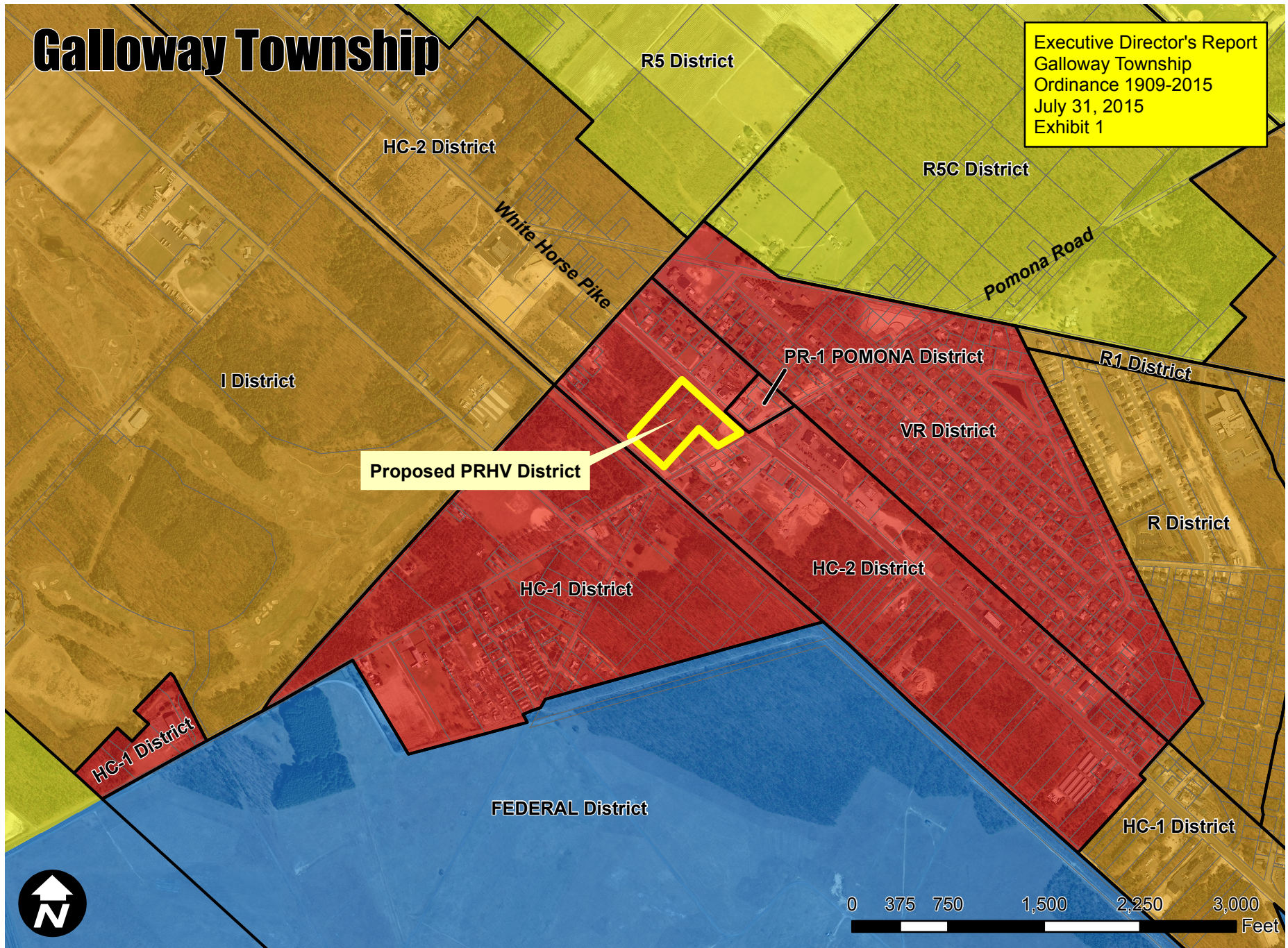
CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 1909-2015 complies with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinance 1909-2015 of Galloway Township.

SRG/CGA
Attachments

Galloway Township

Executive Director's Report
Galloway Township
Ordinance 1909-2015
July 31, 2015
Exhibit 1





STREET ELEVATION

THE ABOVE ILLUSTRATION ARE REPRESENTATIVE OF THE ARCHITECTURAL STYLE, THEY ARE NOT MEANT TO ILLUSTRATE THE FINAL DESIGN OR MATERIALS BUT ARE INTENDED TO DEPICT THE SIZE, MASS, AND GENERAL MATERIALS OF THE PROPOSED BUILDING.

Executive Director's Report on
 Galloway Township
 Ordinance 1909-2015
 July 31, 2015
 Exhibit #3



RESIDENTIAL ELEVATION

THE ABOVE ILLUSTRATION ARE REPRESENTATIVE OF THE ARCHITECTURAL STYLE, THEY ARE NOT MEANT TO ILLUSTRATE THE FINAL DESIGN OR MATERIALS BUT ARE INTENDED TO DEPICT THE SIZE, MASS, AND GENERAL MATERIALS OF THE PROPOSED BUILDING.

C.I.S.
 LAWRENCEVILLE, NJ

HERITAGE VILLAGE GALLOWAY
 GALLOWAY, NJ

BARTONPARTNERS
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2 OF 2

PROJECT NUMBER:

14001

DATE:

2015.02.27



PINELANDS PRESERVATION ALLIANCE

Bishop Farmstead ♦ 17 Pemberton Road ♦ Southampton, NJ 08088
Phone: 609-859-8860 ♦ ppa@pinelandsalliance.org ♦ www.pinelandsalliance.org

Executive Director's Report
on Galloway Township
Ordinance 1909-2015
July 31, 2015
Exhibit #4

July 16, 2015

N.J. Pinelands Commission
15C Springfield Road
New Lisbon, NJ 08064

Re: **Galloway Township Ordinance 1909-2015**

Dear Sir:

The Pinelands Preservation Alliance is submitting these comments on the certification of Galloway Township's Ordinance 1909-2015.

Galloway's ordinance should not be certified. The Comprehensive Management Plan (CMP) states, Section 7:50-5.4(a), " In all Pinelands Management Areas other than Regional Growth Areas and Pinelands Towns and in the Parkway Overlay District, **no structure**, including radio and television transmission and other communication facilities which are not accessory to an otherwise permitted use, **shall exceed a height of 35 feet.**" Galloway's ordinance will permit buildings that are 50 feet.

A building 50 feet high will not "maintain" the existing character of Pinelands Villages and will allow for a density that is far greater than that planned or envisioned for Pinelands Villages in the CMP.

Respectfully submitted,

Theresa Lettman
Director of Monitoring Programs

<p>Executive Director's Report on Galloway Township Ordinance 1909-2015 July 31, 2015 Exhibit #5</p>
--

From: Georgina Shanley <shanleyg2001@yahoo.com>
To: <comments@njpines.state.nj.us>
Date: 7/16/2015 11:39 AM
Subject: Public Comment Submissions

Below is the result of your feedback form. It was submitted by
 Georgina Shanley (shanleyg2001@yahoo.com) on Thursday, July 16, 2015 at 11:46:05

 email: shanleyg2001@yahoo.com

subject: Public Comment Submissions

Name: Georgina Shanley

Affiliation: Citizens United for Renewable Energy (CURE)

Mailing Address: 2117 Bay Avenue, Ocean City, NJ 08226

Phone Number: 6093981934

Comment Topic: Galloway Township Ordinance 1909-2015

Message: Our group requests that the Galloway ordinance should not be approved. The Comprehensive Management Plan (CMP) states, Section 7:50-5.4(a), " In all Pinelands Management Areas other than Regional Growth Areas and Pinelands Towns and in the Parkway Overlay District, no structure, including radio and television transmission and other communication facilities which are not accessory to an otherwise permitted use, shall exceed a height of 35 feet." Galloway's ordinance will permit buildings that are 50 feet.

A building 50 feet high will not "maintain" the existing character of Pinelands Villages and will allow for a density that is far greater a density that is far greater than that planned or envisioned for Pinelands Villages in the CMP.

Submit: Submit

Executive Director's Report
 on Galloway Township
 Ordinance 1909-2015
 July 31, 2015
 Exhibit #6

From: Ann Kelly <amerlekelly@yahoo.com>
To: <comments@njpines.state.nj.us>
Date: 7/16/2015 9:10 PM
Subject: Public Comment Submissions

Below is the result of your feedback form. It was submitted by
 Ann Kelly (amerlekelly@yahoo.com) on Thursday, July 16, 2015 at 21:16:52

 email: amerlekelly@yahoo.com

subject: Public Comment Submissions

Name: Ann Kelly

Affiliation: Citizen

Mailing Address: 2605 Rogers Walk Mount Laurel, NJ 08054

Phone Number: 856-283-3303

Comment Topic: Galloway Township Ordinance 1909-2015

Message: Galloway's ordinance should not be allowed. The Comprehensive Management Plan (CMP) states, Section 7:50-5.4(a), "In all Pinelands Management Areas other than Regional Growth Areas and Pinelands Towns and in the Parkway Overlay District, no structure, including radio and television transmission and other communication facilities which are not accessory to an otherwise permitted use, shall exceed a height of 35 feet." Galloway's ordinance will allow buildings that are 50 feet. A building 50 feet high will not be consistent with the existing character of Pinelands Villages and will increase the density that is planned or envisioned for Pinelands Villages in the CMP. These actions will destroy the integrity of the Pinelands and encourage unmitigated growth in an area that will be damaged by encroaching development and sprawl. Endangered species and plants will be crowded out if we continue to allow the Pinelands to be cut into!

Please don't allow further destruction of this precious natural resource as this ordinance clearly violates the Pinelands Comprehensive Management Plan.

Sincerely,

Ann Kelly

Submit: Submit

MARK DEMITROFF
822 MAIN AVENUE, VINELAND (RICHLAND), NJ 08360-9346

RE: PINELANDS VILLAGES

July 17, 2015
The Pinelands Commission
Box 359
New Lisbon, NJ 08064

Re: Galloway Township Ordinance 1909-2015

Dear Pinelands Commissioners,

Facets of redevelopment in Villages do not comport (comply) to the Pinelands Comprehensive Management Plan (CMP). Their presence is yet another way to allow more development than would normally occur under existing Pinelands rules (in this case building height restrictions). Redevelopment contains tools like eminent domain and public subsidies to private development, features that are not addressed in the CMP. For example redevelopment has eminent domain as a vested right. All development within the Pinelands National Reserve (PNR) must comport/comply to the CMP, and that the CMP has to have been adopted in accordance with the Pinelands Protection Act (*see addenda below* NJ Attorney General Paula Dow, November 23, 2011). The Pinelands Commission has control over all PNR development. Redevelopment is a form of development. The Pinelands Commission has limited control over redevelopment since it is not addressed in the CMP (Stacey Roth, Pinelands Commission Senior Counselor, May 12, 2010 & September 24, 2010 & June 24, 2011). Limited control is not sufficient to preserve and protect the Pinelands resources.

Another problem is that when things go wrong there is no place to turn to for due process. I tried to find an entity who had jurisdiction over Pinelands redevelopment when pursuing multiple statute violations that occurred in Richland Village. Not a single person could, or can even today, tell me where to go, including councils for the Pinelands Commission, the Department of Community Affairs, and the Local Finance Board – nor could New Jersey's Attorney General. Attached is testimony sent to the Office for Planning Advocacy that lays out my case for the CMP hearing.

Everyone seems to associate redevelopment with run-down neighborhoods and dilapidated structures. That is no longer an accurate description of the term. The designation has become much more liberal as to what can be deemed in need of redevelopment. In a *Planning & Environmental Law* article titled "Has the *Mount Laurel* doctrine delivered on Smart Growth," Kinsey (2008: 7) wrote:

"A 2003 amendment to the Local Development and Redevelopment Law used the term 'smart growth principles' to add an absurdly vague criterion for designation of an 'area in need of redevelopment' that could potentially trigger the exercise of local government's power of eminent domain."

Anything within a Pinelands Village can now be redeveloped, including historic structures, wetlands, and habitat with documented threatened and endangered species. Resolution No. 118-2005 stated,

"the proposed Richland Village Redevelopment Area is suitable for commercial and residential development and due to existing conditions where lands have remained vacant and underutilized for a period of ten or more years cannot likely be developed through the instrumentality of solely private capital..."

Here is a list of some other dubious reasons for land in Richland Village was deemed in need of redevelopment (Geubtner, 2008).

"Criterion "c" is clearly applicable for the following reasons: a significant portion of the land is unimproved land and has remained so for well over ten (10) years and perhaps even longer. The location of land mass, lack of mean access to the interior of the site, conditions of soil, wetlands and habitat render the site unlikely to be developed solely by private capital without assemblage and public sector incentives.

- 1) There was a lack of roadways servicing the site (*i.e.*, undeveloped);
- 2) Soils were too poor for development (*i.e.*, Pine Barrens);
- 3) Wetlands were present (*i.e.*, the 52-acre package plant property);
- 4) Critical habitat (an ecological area inhabited by a particular species of flora or fauna) existed.

So what are “Redevelopment” and “Smart Growth?”

- According to the New Jersey Redevelopment Authority, "Our mission is to provide a unique approach to revitalization (a) efforts in New Jersey's cities (b). We develop programs and resources to improve the quality of life by creating value in urban communities (c)."

- According to the Department of Community Affairs, "What is Smart Growth? Smart Growth is the term used to describe well-planned, well-managed growth that adds new homes and creates new jobs, while preserving open space, farmland, and environmental resources (d)."

(a) How do you revitalize something that was never there in the first place?

(b) This is not city space, but State and Federally protected reserve lands.

(c) These locations are urban wilderness, not urban blight.

(d) As currently planned, these schemes are antithetic to underlined Smart Growth goals.

DISCUSSION

1) PINELANDS HAS AUTHORITY OVER DEVELOPMENT – One of the environmental controls of the CMP is that *all* PNR development is under the purview of the PC. This is true even if jurisdictions overlap, as in the case of Coastal Area Facility Review Act (CAFRA) regulations. According to Attorney General Dow (2011, *see addenda*), “N.J.S.A. 13:18:A-23 and N.J.A.C. 7:7E-3.44 ... provides that “[w]ithin the Pinelands National Reserve, the Pinelands Commission will serve as a reviewing agency for the coastal construction permit applications.”” Redevelopment is a State-constitution authorized land-use management designation. In extension, it seems reasonable that the PC also has management powers over redevelopment (a specific form of development).

2) REDEVELOPMENT IS DEVELOPMENT – According to the *Oxford English Dictionary* (2009), redevelopment is defined as “The action or an act of developing again (in various senses),” *specifically* “The redesigning and rebuilding of an urban area, typically after the demolition of existing

buildings. (The usual current sense.)” In fact, redevelopment is a form of development. According to the CMP (7:50-2.11 Definitions), *Development* means “change of or enlargement of any use or disturbance of any land...”

- 3) ALL DEVELOPMENT MUST COMPORT TO THE CMP – Herein lies a dilemma. According to Attorney General Dow (2011), “The New Jersey Pinelands Commission’s ... role in municipal redevelopment is only to ensure that any such redevelopment in the Pinelands Area comports with the ...CMP ... adopted in accordance with the Pinelands Protection Act, N.J.S.A. 13:18A-1 *et seq.*” According to the *Oxford English Dictionary* (2009), comport means to agree or endure, so redevelopment must coincide in all and any respect to the CMP. In implementation redevelopment does not agree (*i.e.*, harmonize or accord) in all its respects with the CMP.
- 4) THE STATE PLANNING ACT DOES NOT APPLY TO THE PINELANDS – Hartkopf (2010) noted that the State Planning Act (NJSA 52:18A-196 *et seq.*), which governs the SDRP, was “adopted by the State Legislature in 1985 in response to Mount Laurel II (Fair Housing Act, NJSA 52:27D-301 also passed in 1985)..... [but] The State Planning Act does not apply (NJSA 52:18A-206) to lands within the federally designated Pinelands (see Pinelands Protection Act, NJSA 13:18A-23 *et seq.*)” Hence compliance with the State Plan is not a PC *obligation*, just as COAH requirements are not a PC *obligation* (also Kinsey, 2008: 4 & 6, P.L. 1987, c. 267; N.J.S.A. 13:18A-12.b. and -15). It is also worth noting that this also means the PC is not *obligated* to turn Pinelands Villages into sewerred growth zones as suggested by Leaken (*see* Donio, 2011).
- 5) REDEVELOPMENT IS INCHOATELY REVIEWED – The PC can at best provide a partial examination of a redevelopment plan, their role limited to portions that are covered under the CMP. Also, pursuant to N.J.S.A. 40A:12A-8b&c, which is cited as statute in current Pinelands redevelopment plans, a redevelopment plan cannot be effected until State approval (when the SPC makes a determination that a redevelopment parcel meets their standards of “land in need of redevelopment).” Yet, as stated earlier in #4, the SPC (*also* DCA, OPA) has no jurisdiction over Pinelands redevelopment. Outside the Pinelands the State Planning Commission (SPC) reviews and endorses redevelopment plans, making

recommendations to enhance plan efficiency and effectiveness to insure redevelopment implementation is consistent to Smart Growth plans under the *State Development and Redevelopment Plan* (Hartkopf, 2010). Again, there is a deficiency in that no one performs that function in the Pinelands.

- 6) ONLY PC PLANS AND REGULATIONS CAN BE USED TO REACH SDRP OBJECTIVES – According to MOA (1999: 2, II. D) between the PC and SPC (*also* DCA, OPA), it was recognized that “the SPC will rely on the adopted plans and regulations of the PC to achieve the objectives of the SDRP.” Redevelopment is a tool of the SPC, and not the PC. This is inconsistent with current MOA applicability, and is another reason that redevelopment should not be used in the PNR.

D. This MOA acknowledges the statutory treatment of the New Jersey’s Pinelands under the Pinelands Protection Act and the State Planning Act and recognizes that the SPC will rely on the adopted plans and regulations of the PC to achieve the objectives of the SDRP .

(*above*) Excerpt from MOA (1999: 2).

7. REDEVELOPMENT LACKS OVERSIGHT – Additionally, there doesn’t seem to be an entity that has oversight of Pinelands redevelopment law. PC plan endorsement only provides an illusion of due process. In actuality, State redevelopment statutes can be cited but then can be ignored with impunity within the PNR. For example I use Richland Village, where redevelopment was touted as “a prototype for the immediate region as well as the State” (Karabashian/Eddington Planning Group, 2006: 1). The Township began redevelopment at least two-years before the PC gave the municipality permission to move forward. In response to violations in State redevelopment statutes (*e.g.*, issuance of bonds and accumulating real property before they had a plan), I tried to find an entity who had jurisdiction over Pinelands redevelopment. Not a single person could, or can, tell me where to go, including councils for the PC, the Department of Community Affairs (DCA), and the Local Finance Board (LFB). Examples of their responses are provided below:

a – *On multiple occasions the PC indicated they had no such authority;*

The third reason for your appeal request is alleged deficiencies by Buena Vista Township under the New Jersey Local Redevelopment and Housing Law. The Pinelands Commission has no authority to enforce the requirements of this Law. The Commission's authority is limited to its enabling act, the Pinelands Protection Act. The Executive Director's recommended approval

(above) Excerpt from a letter by Pinelands Senior Counselor S. Roth to M. Demitroff denying his appeal to the Office of Administrative Law, May 12, 2010, even though I lived within 200-feet of the parcel in question and was not notified pursuant to N.J.S.A. 40:55D-12.

With respect to the question concerning the review and enforcement of local redevelopment and housing laws, the Executive Director would only submit that the Pinelands Commission's authority is limited to determinations of whether municipal redevelopment plans are consistent with the Pinelands Protection Act and the Comprehensive Management Plan. The Commission does not have the authority to review or enforce local redevelopment and housing laws. To the

(above) Excerpt from CMP Policy & Implementation Committee Meeting, September 24, 2010.

Permitting, of this comment. Public Comment: Additional comments regarding "redevelopment lands" and authority of the Township Engineer to proceed with developing Sawmill Park were offered by the commentor. Staff Response: These matters are not regulated by the Commission.

(above) Excerpt from Pinelands Commission Report on an Application for Public Development, June 24, 2011.

b – *The DCA indicated it has no authority to review or enforce Pinelands redevelopment rules;*

In addition, you inquired as to whether the Office of Smart Growth was aware of six points relating to the project. While we are aware that you have concerns regarding the process by which the Township has conducted their redevelopment activity, that issue must be addressed at the local level. The Office of Smart Growth has not been actively involved in assisting Buena Vista Township in its redevelopment efforts, and as a result is unable to comment on their activities.

(above) Excerpt from DCA's Acting Executive Director, D. Rendeiro, Office of Smart Growth, response to M. Demitroff's query, October 1, 2009.

c – *The NJ LFB indicated it has no authority to review or enforce Pinelands redevelopment rules;*

was secured, (or attempted to be secured). Please also be advised that the Board has no jurisdiction over the Pinelands Commission, the Local Redevelopment and Housing Law or the Municipal Land Use Law. It is suggested that you speak to a private attorney concerning the possibility of filing civil action to represent your interests in a court of law.

(above) Excerpt from NJLFB Chair, T. Neff, response to M. Demitroff's query, February 28, 2011.

Redevelopment is a powerful tool for the land-use planner, and it must be used wisely and fairly. The NJ State Comptroller recently expressed his concern about historical evidence of corruption of the redevelopment process (Boxer, 2010: 6, 13). Many redevelopment ordinances are written by the developer (Boxer, 2010: 16). Boxer indicated that more County and other officials should be “involved at earlier stages of the redevelopment process” and that there should be “fulsome public discussion” of redevelopment dynamics that goes beyond the “modicum of public notice” (Boxer, 2010: 22).

Municipal land-use applications within the PNR cannot have less oversight and jurisdictional accountability than areas outside the Pinelands. As it stands, it appears that only the redeveloper (the municipality) is minding the hen-house (*see #4–7 above*). Reforms are needed so that the mechanism properly fits the PC’s mission to preserve, protect, and enhance the environmental and cultural environment of the Pinelands. Heed NJAPA’s (2006) warning, that “planning professionals should exercise extreme caution when advising clients regarding redevelopment practices.” Redevelopment can be rife with controversy (*e.g.*, eminent domain). We, the Pinelands residents, are the PC’s primary clients – not the developers, and the PC must fully safeguard our individual and societal rights, as well as the Pinelands cultural and environmental ecosystem.

Deputy Attorney General Sean Moriarty is courtesy copied in hopes his office will review the merits of my argument, as the Attorney General’s office has power of oversight of such issues. So far, no one at his office has been able to tell me who has jurisdiction over Pinelands Redevelopment. When I object to redevelopment violations, there is no place to go as no one has authority over something that doesn’t exist in the first place. That can’t be.

Sincerely,
Mark Demitroff

cc: Mr. Sean Moriarty, Deputy Attorney General

ADDENDA

4) **Mark Demitroff (Richland Village, Buena Vista Township resident)**

Mr. Demitroff introduced the topic of redevelopment and issues that he has had in addressing violations of state redevelopment statutes by Buena Vista Township. He initially approached the Department of Community Affairs (DCA), whose representatives indicated that a Memorandum of Understanding between DCA and the Pinelands Commission granted jurisdiction over development in the Pinelands Area to the Pinelands Commission. When Mr. Demitroff approached the Pinelands Commission with his concerns, the Commission responded that the Commission lacked authority to enforce the state redevelopment statutes and directed him to contact the Local Finance Board. The Local Finance Board indicated that the Pinelands Commission has jurisdiction over redevelopment in the Pinelands Area and suggested he contact a New Jersey Deputy Attorney General (DAG) for guidance. The DAG considered Mr. Demitroff's question and consulted with the Attorney General (AG), Paula Dow. Attorney General Dow made the determination that all development in the Pinelands, including redevelopment, must comply with the CMP. However, the CMP contains no provisions to give the Commission authority to review violations of the state redevelopment statute. As a result, Mr. Demitroff suggested that redevelopment be addressed in the CMP, to the effect that redevelopment should not be permitted in the Pinelands.



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
25 MARKET STREET
PO Box 093
TRENTON, NJ 08625-0093

PAULA T. DOW
Attorney General

ROBERT M. HANNA
Director

November 23, 2011

Via Regular & Certified Mail

Mark Demitroff
822 Main Ave.
Vineland, NJ 08360-9346

Re: September 23, 2011 Correspondence to the Office of
the Attorney General

Dear Mr. Demitroff:

I am in receipt of your September 23, 2011 correspondence to the Office of the Attorney General. You asked for a determination as to "who has authority over redevelopment within the Pinelands National Reserve."

As noted in the August 1, 2011 correspondence sent to you by DAG Julie Cavanagh, this office is unable to provide you with legal advice or assistance.

That being said, the New Jersey Constitution authorizes redevelopment. N.J. Const., art. VIII, § III, ¶ 1. Municipal redevelopment is primarily governed by the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., which gives municipalities the authority to designate "areas in need of redevelopment." N.J.S.A. 40A:12A-5. The New Jersey Pinelands Commission's ("Commission") role in municipal redevelopment is only to ensure that any such redevelopment in the Pinelands Area comports with the Pinelands Comprehensive Management Plan ("CMP") adopted in accordance with the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq. See N.J.A.C. 7:50-4.11 et seq. (development in municipalities not certified in compliance with the CMP); N.J.A.C. 7:50-4.31 et seq. (development in municipalities certified in compliance with the CMP). The Commission has no authority to implement the New Jersey Local Redevelopment and Housing Law.



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November 23, 2011
Page 2

Finally, it should be clarified that, since your letter asks who has authority over redevelopment in the "Pinelands National Reserve," the Commission's authority is limited to the "Pinelands Area" as defined by N.J.S.A. 13:18A-11. See also N.J.S.A. 13:18A-3; N.J.S.A. 13:18A-8. Although the CMP constitutes the management plan called for by the National Parks and Recreation Act of 1978, 16 U.S.C. §471i(f), the Commission's jurisdiction is limited to those portions of the Pinelands National Reserve that overlap with the Pinelands Area. The New Jersey Department of Environmental Protection has primary jurisdiction over those portions of the Pinelands National Reserve located outside the Pinelands Area within the Coastal Area. See N.J.S.A. 13:18A-23 and N.J.A.C. 7:7E-3.44 which provides that "[w]ithin the Pinelands National Reserve, the Pinelands Commission will serve as a reviewing agency for the coastal construction permit applications."

Sincerely yours,

PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY

By: 

Kristen D. Heinzeling
Deputy Attorney General

C: AAG Kevin Auerbacher
AAG Robert H. Stoloff
DAG John Renella
DAG Christine Piatek

- Boxer, A.M. (State Comptroller), 2010: *A Programmatic Examination of Municipal Tax Abatements*. Office of the State Comptroller, State of New Jersey, Trenton, NJ, 30 pp.
- Donio, G., 2011: Pinelands: sewer plants OK. *The Hammonton Gazette*. **15**, 38: 1, 12, 16.
- Dow, P. (by K. Heinzerling), 2011: Re: September 23, 2011 Correspondence to the Office of the Attorney General. Letter from P, Dow to M. Demitroff, 2 pp. (*added as addenda*).
- Hartkopf, K. (Planning Director, Office of Smart Growth), 2010: The State Development and Redevelopment Plan: New Jersey Planning Law Review. PowerPoint presentation for the NJAPA, April 10, 2010.
- Kinsey, D.N., 2008: Has the *Mount Laurel* doctrine delivered on Smart Growth? *Planning & Environmental Law*. **60**, 6: 3–9.
- MOA, (1999): Memorandum by and between the New Jersey Pinelands Commission and the New Jersey State Planning Commission. June 1, 1999. 11 pp.
- NJAPA, (New Jersey Chapter, American Planning Association), 2006: Position statement on redevelopment planning and exercise of eminent domain. c/o URS Corporation, One Gateway Center, Suite 1000, Newark, NJ, 6 pp.

m/c
cc: 1/27/11
hmg



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO BOX 800
TRENTON, NJ 08625-0800

JAN 24 2011 (13) 01/25/11

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

LORI GRIFA
Commissioner

January 14, 2011

Executive Director's Report
on Galloway Township
Ordinance 1909-2015
July 31, 2015
Exhibit #8

Honorable Keith Hartman, RPh
Mayor
Township of Galloway
300 East Jimmie Leeds Road
Galloway, N.J. 08205

Re: Review of Area in Need of Redevelopment Designation

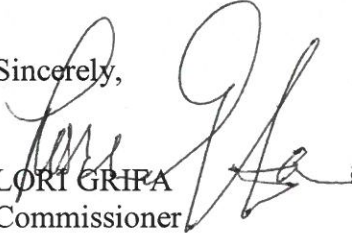
Dear Mayor Hartman:

We are in receipt of Lisa Tilton's letter of December 21, 2010 and Resolution 300-2010 designating the listed blocks and lots as an area in need of redevelopment.

The Office of Planning Advocacy has mapped the designated parcels as situated in a Pinelands Village where redevelopment is encouraged. In accordance with N.J.S.A. 40A:12A-6, the township's approval took effect upon transmittal to the Department of Community Affairs and no further action is necessary from the department to effectuate your designation.

The department's approval of this designation should not be construed, and does not constitute, a determination by the department that the area in question otherwise complies with the pertinent requirements of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. and other applicable legal principles governing the designation of areas in need of redevelopment and rehabilitation under that law.

Sincerely,


LORI GRIFA
Commissioner

C: Charles Richman, Assistant Commissioner
Gerard Scharfenberger, Ph.D. Office of Planning Advocacy





DRAFT

RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15-_____

TITLE: Determining the Eligibility of a Parcel of Land for Acquisition by the Department of Environmental Protection Pursuant to the Limited Practical Use Program

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Findings of Fact, Conclusion and recommendation of the Executive Director that the following parcel is eligible for acquisition under the Limited Practical Use program:

2001-0150.001 **Dominic S. Constantine**, Block 2101, Lot 6, Medford Township, 0.57 ac.; Pinelands Regional Growth Area (GD-Growth District); waiver application denied July 10, 2015.

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

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for this parcel; and

WHEREAS, the Pinelands Commission hereby determines that the parcel conforms to the criteria set forth in N.J.A.C. 7:50-9.2 and 9.3 for eligibility for acquisition under the Limited Practical Use program; and

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

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission approves the acquisition of the following parcel and authorizes the Executive Director to transmit the name of this property owner to the Department of Environmental Protection for acquisition, provided that the landowner freely agrees to sell his parcel:

2001-0150.001 **Dominic S. Constantine**, Block 2101, Lot 6, Medford Township, 0.57 ac.; Pinelands Regional Growth Area (GD-Growth District); waiver application denied July 10, 2015.

Record of Commission Votes

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS			
Ashmun				Earlen				Prickett			
Avery				Galletta				Quinn			
Barr				Jannarone				Rohan Green			
Brown				Lloyd				Witt			
DiBello				McGlinchey				Lohbauer			

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Mark S. Lohbauer
Chairman



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



Chris Christie
 Governor

Kim Guadagno
 Lt. Governor

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

Mark S. Lohbauer
 Chairman

Nancy Wittenberg
 Executive Director

**REPORT ON PROPERTY ELIGIBILITY FOR THE
 PINELANDS LIMITED PRACTICAL USE PROGRAM**

July 22, 2015

Dominic S. and Anna F. Constantine
 60 Neeta Trail
 Medford Lakes, NJ 08055

Please Always Refer to
 This Application Number
 App. No. 2010-0150.001
 Medford Township
 Block 2101, Lot 6

Dear Mr. and Mrs. Constantine:

I am pleased to inform you that Pinelands Commission Executive Director, Nancy Wittenberg, is recommending the above referenced parcel for eligibility in the Limited Practical Use land acquisition program.

FINDINGS OF FACT

This application is for a determination of eligibility for the Pinelands Limited Practical Use Land Acquisition Program. The property is located in the Pinelands Regional Growth Area and contains 0.57 acres. An application for a Waiver of Strict Compliance by the applicant for this parcel was denied by the Pinelands Commission on July 10, 2015.

The subject parcel contains all contiguous land in common ownership on or after January 14, 1981. There are no principal structures located on the parcel. No resource extraction operation has been approved for this parcel. No development has been approved for this parcel. There are no Pinelands Development Credits allocated to the parcel. Based on the available information, the parcel cannot be developed consistent with the requirements of the Comprehensive Management Plan. The applicant owns less than 50 acres of land in the Pinelands as of July 17, 1995.

CONCLUSION

N.J.A.C.7:50-9.2 and 7:50-9.3 set forth the standards which must be met in order for a property to be determined eligible for the Limited Practical Use Program. The first condition is that the Pinelands Commission has either denied a Waiver of Strict Compliance for the parcel in question pursuant to N.J.A.C. 7:50-4, Part V or has approved a Waiver of Strict Compliance for the parcel and granted a transferable development right to other lands in accordance with N.J.A.C.7:50-4.66(b)3 and 5.30(a). As the applicant received a Waiver denial on July 10, 2015, the applicant meets the criteria contained in N.J.A.C. 7:50-9.2(a)1.

The second condition is that the parcel contains less than 50 acres. As the parcel contains 0.57 acres, the parcel meets the criteria contained in N.J.A.C. 7:50-9.2(a) 2.

The third condition is that the standards contained in N.J.A.C. 7:50-9.3 relative to the ownership and the present and potential uses of the parcel in question have been met. The applicant has demonstrated that the parcel meets the standards contained in N.J.A.C. 7:50-9.3 so the parcel meets the criteria contained in N.J.A.C. 7:50-9.2(a)3.

The property is eligible for the Limited Practical Use acquisition program because all program eligibility criteria in N.J.A.C. 7:50-9.2 and N.J.A.C. 7:50-9.3 have been met. As a result, it is recommended that the Pinelands Commission APPROVE the application and notify the Department of Environmental Protection that the subject parcel is eligible to be acquired under the provisions of N.J.A.C. 7:50-9.

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 within eighteen days of the date of this Report and must include the following information:

- A. the name and address of the person requesting the appeal ;
- B. the application number;
- C. a brief statement of the basis for the appeal; and
- D. 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 will act on this application at its meeting on August 14, 2015. At this meeting, the Commission may either approve the determination of the Executive Director or refer the application to the Office of Administrative Law for a hearing.

If you have any questions, please contact Betsy Piner, of our staff.

Sincerely,

Susan R. Grogan, P.P., AICP
Chief Planner