



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



Chris Christie
 Governor

Kim Guadagno
 Lt. Governor


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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

MEMORANDUM

To: Members of the Commission

From: Nancy Wittenberg 
 Executive Director

Date: December 8, 2017

Subject: Summary of the December 12, 2017 Meeting Packet

Minutes

The November 3, 2017 Commission Meeting minutes are included in your packet. The Special Commission Meeting minutes of November 17, 2017 (open and closed session) are also included in your packet.

Public Development Applications

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

1. **Application Number 1989-1126.007/Ocean County**, Jackson Township, Pinelands Village, Construction of a 194.5 foot high wireless communication tower and an associated 3,600 square foot equipment compound.
2. **Application Number 2017-0167.001/Winslow Township**, Winslow Township, Regional Growth Area, Demolition of a single family dwelling, 50 years old or older.

Waivers of Strict Compliance

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

Private Development Applications

1. **Application Number 1981-0479.011-** Upper Pittsgrove to Lewis Transmission Right-of-Way (Buena Vista, Egg Harbor, Hamilton and Weymouth Townships and City of Estell Manor), Regional Growth Area, Rural Development Area, Forest Area and Agricultural Production Area, Replacement of 110 existing 100 foot tall electric transmission line lattice towers with new steel monopoles 105 to 125 feet in height, depending on the location.

Letters of Interpretation

One Pinelands Development Credit Letter of Interpretation (attached) was issued since the last Commission meeting, allocating 0.50 PDCs to 20.57 acres.

Off-Road Vehicle Event Route Map Approvals

There were three Off-Road Vehicle Event Route Map Approvals (attached) issued since the last Commission meeting.

Planning Matters

One municipal ordinance, Galloway Township Ordinance 1971-2017, is being recommended for certification at this month's meeting. Ordinance 1971-2017 adopts revised standards for signs, including electronic message center signs in the Township's Regional Growth Area, Pinelands Villages and Pinelands Town.

Also on the agenda is the adoption of amendments to the Comprehensive Management Plan. We have enclosed a resolution, an adoption notice dated November 29, 2017 and the September 18, 2017 rule proposal. All written public comments received on the proposed amendments are posted on the Commission's website next to the meeting packet. The comments can be accessed by logging onto <http://www.nj.gov/pinelands/home/meetings/documents/Public%20Comments%20Received%20%28Proposed%20CMP%20Amendments%29.pdf>. For ease of reference, the comments are bookmarked and numbered in accordance with the list provided in the adoption notice.

We are recommending that two revisions be made to the amendments upon adoption. First, references to Regional Growth Areas, Pinelands Towns and Pinelands Villages in the amended sign regulations need to be corrected due to publication errors made by the Office of Administrative Law. The corrected rule language appears on the last page of the adoption notice. More significantly, we are recommending that the Commission not adopt the proposed amendments to the application exemption for prescribed burning and fire breaks at N.J.A.C. 7:59-4.1(a)17. As discussed in the adoption notice, it is clear from the volume of public comment received on this issue that further discussion with the regulated community is advisable. Adoption of a revised exemption should therefore be postponed until the Commission has had an opportunity to gather additional information and meet with all stakeholders. In the meantime, prescribed burning and the clearing and maintenance of fire breaks will remain exempt from CMP application requirements. Pages 38-39 of the adoption notice reflect this recommendation.

Master Plans and Ordinances Not Requiring Commission Action

We have included a memorandum on two ordinance amendments that we reviewed and found to raise no substantial issues with respect to CMP standards. These amendments were submitted by Mullica Township and South Toms River Borough.

Other Resolutions

A resolution authorizing an amendment to a November 2009 Memorandum of Understanding (MOU) among the Pinelands Commission, the Camden County Municipal Utilities Authority (CCMUA), and Winslow Township is listed on the agenda. The 2009 MOU authorized Winslow Township and the

CCMUA to close a wastewater recharge facility that was located in the Great Egg Harbor River watershed and to purchase 1.5 million gallons per day of non-Kirkwood Cohansey water to offset the loss of recharge. As explained in the accompanying memorandum, the amendment provides credit for water conservation measures implemented by the Township and institutes annual and monthly caps for all Kirkwood Cohansey water withdrawals by the Township. We have also enclosed the original 2009 Memorandum of Understanding.

The packet includes a resolution to adopt the Commission's 2018 regular meeting schedule.

Other Items

We have included a list identifying pending Public Development and Waiver of Strict Compliance Applications that are accepting public comment.

Closed Session

The Commission may need to convene into closed session.

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

/ PC1



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

NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Tuesday, December 12, 2017

Richard J. Sullivan Center for Environmental Policy and Education

Terrence D. Moore Conference Room

15C Springfield Road

New Lisbon, New Jersey

9:30 a.m.

1. Call to Order

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

2. Adoption of Minutes

- November 3, 2017
- November 17, 2017 Special Meeting (open and closed session)

3. Committee Chairs' and Executive Director's Reports

4. Matters for Commission Consideration *Where the Record is Closed*

A. Permitting Matters

- Office of Administrative Law
 - None
- Review of Local Approval
 - None
- Public Development Projects, Waivers of Strict Compliance & Items for which there is no local approval
 - Approving With Conditions an Application for Public Development (Application Number 1989-1126.007) (Construction of a 194.5 foot high wireless communication tower and associated 3,600 square foot equipment compound.)

- Approving With Conditions an Application for Public Development (Application Number 2017-0167.001) (Demolition of a single family dwelling, 50 years old or older.)
- Approving With Conditions Pinelands Development Application Number 1981-0479.011 (Replacement of 110 existing lattice towers with 110 monopoles.)

B. Planning Matters

- Municipal Master Plans and Ordinances
 - Issuing an Order to Certify Ordinance 1971-2017, Amending Chapter 233 (Land Management) of the Code of Galloway Township
 - Other Resolutions
 - None
 - CMP Amendments
 - To Revise and Adopt Amendments to the Comprehensive Management Plan in Accordance with the Administrative Procedure Act (Application Fees; Escrows; Application Procedures; Landfills; Water Quality; Signs; Alternate Design Wastewater Treatment Systems Pilot Program)
5. Public Comment on Public Development Applications and Waivers of Strict Compliance (see attached list) and Resolutions *Where the Record is Not Closed* (to ensure adequate time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.)
6. Master Plans and Ordinances Not Requiring Commission Action
- Mullica Township Ordinance 9-2017
 - South Toms River Borough Ordinance 9-17
7. Other Resolutions
- Resolution Authorizing the Executive Director to Enter into an Amendment to an Existing Memorandum of Understanding Among the Pinelands Commission, Winslow Township, and the Camden County Municipal Utilities Authority Regarding the Winslow Township Wastewater Treatment Plant and Its Infiltration/Percolation Facility
 - Setting Pinelands Commission meeting dates for 2018

8. General Public Comment (*to ensure adequate time for all members of the public to comment, we will respectfully limit comments to three (3) minutes. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.*)
9. Resolution to Retire into Closed Session (if needed) – Personnel, Litigation and Acquisition Matters (*The Commission reserves the right to reconvene into public session to take action on closed session items.*)
10. Adjournment

Upcoming Meetings

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

Fri., January 12, 2018	Pinelands Commission Meeting (9:30 a.m.)
Fri., January 26, 2018	Policy and Implementation Meeting (9:30 a.m.)

Upcoming Office Closures

Monday, December 25, 2017 Christmas Day
Monday, January 1, 2018 New Year's Day



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

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

MINUTES

November 3, 2017

Commissioners Present

Alan W. Avery Jr., Bob Barr, Giuseppe Chila, Paul E. Galletta, Mark Lohbauer, Ed McGlinchey, Richard Prickett, Gary Quinn, and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Craig Ambrose and Deputy Attorney General (DAG) Yhin Zhou.

Commissioners Participating by Phone

None.

Commissioners Absent

Candace Ashmun, Jane Jannarone, Ed Lloyd and D'Arcy Rohan Green.

Chairman Earlen called the meeting to order at 9:34 a.m.

DAG Zhou read the Open Public Meetings Act Statement.

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (There were nine Commissioners who participated in the meeting.)

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

Minutes

Chairman Earlen presented both the open and closed session minutes from the October 13, 2017 Commission meeting. Commissioner Prickett moved the adoption of the minutes. Commissioner Barr seconded the motion.

The minutes of the October 13, 2017 Commission meeting were adopted by a vote of 9 to 0.

Staff Anniversaries

Rhonda Ward, an Environmental Specialist in the Regulatory Programs office, was presented with a plaque for her 20 years of service at the Commission.

John Keys, who is a Maintenance Technician at the Commission, was presented with a certificate for his 10 years of service.

Committee Chairs' Reports

Commissioner McGlinchey provided an update on the October 24, 2017 Policy and Implementation Committee meeting:

The Committee adopted the minutes of the September 29, 2017 meeting.

The Committee received a presentation and discussed a revised Memorandum of Understanding among the Pinelands Commission, Winslow Township and the Camden County Municipal Utilities Authority regarding water use in the Great Egg Harbor River Watershed.

Executive Director's Reports

ED Wittenberg said a transition summary memo was provided to the Governor's Authorities Unit in preparation for the incoming Administration. She also said that she has a conference call scheduled with the New Jersey Department of Environmental Protection to discuss progress at Wharton State Forest as it relates to the off-road vehicle issue.

Director Charles Horner said staff met with representatives from NJDEP regarding a forestry proposal surrounding the Bass River fire tower. He said some of the nearby trees have grown and are now obscuring the view from the tower.

Ed Wengrowski updated the Commission on the following:

- Some members of the Planning office staff recently held a meeting with 11 experts, seeking input on ways staff can improve the Long Term Economic Monitoring report. Commissioner Lohbauer attended the meeting.
- Staff has been working for a number of months with Winslow Township and the Camden County Municipal Utilities Authority to revise an existing Memorandum of Understanding that dates back to 2009.
- The Commission's Cultural Resource Planner recently held an Archaeology symposium where seven archeologists presented Pinelands-specific research. The

event was very well attended. The papers submitted as part of that event will assist in the Commission's review of cultural resources.

- The World Water Monitoring Challenge held on October 20th was an opportunity for the various Pinelands Commission offices to interact and educate students.
- Staff recently attended a New Jersey Water Supply Advisory Council meeting where Dr. Dan Van Abs reported on water trends in New Jersey. He said that per capita water use has fallen from 75 gallons per person to 50 gallons per person.

Stacey Roth reminded Commissioners that they must complete annual ethics training via an on-line module by November 10.

Paul Leakan updated the Commission on the following items:

- Staff recently gave a presentation to the Ocean City Utilities Advisory Commission, including a field trip in the Pinelands.
- Staff is working on the spring Pinelands Short Course that is scheduled for March 10, 2018.
- The 2018 Pinelands National Reserve calendars will be ready to distribute in early December.
- The contractor hired to construct the visitor center continues to work on providing fire rating information that the Division of Property has requested.

Public Development Projects and Other Permit Matters

Chairman Earlen presented a resolution recommending approval of four public development applications.

Commissioner Lohbauer moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 1984-0140.003, 1987-1058.075, 2005-0162.004 & 2017-0166.001) (See Resolution # PC4-17-39).

Commissioner Barr seconded the motion.

Commissioner Prickett asked about the duplex structure that is proposed for demolition (Application Number 2017-0166.001).

Director Horner said the structure is over 50 years old and that a picture of the duplex can be viewed in the file.

Commissioner Prickett asked about the precautions the Commission has implemented in protecting the red-headed woodpecker habitat as it relates to the nature path in Woodbine Borough (Application Number 2005-0162.004)

Director Horner said that the red-headed woodpecker has been sighted in the vicinity of the parcel where Woodbine Borough is proposing to create a recreation trail. He said that any clearing associated with the development of the trail cannot be undertaken during months when the red-headed woodpecker is nesting or fledging. He also said that as part of the conditions of this report, the construction of the trail and parking area can be cleared to the

center line, and the area must be staked and then inspected by a qualified ornithologist for nest cavity trees.

The Commission adopted the resolution by a vote of 9 to 0.

Commissioner Prickett said he would be recusing from voting on the next two resolutions. He left the dais.

Chairman Earlen presented a resolution recommending the approval for the road widening of Taunton Lakes Road in Evesham Township.

Commissioner Galletta moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1987-0914.004) (See Resolution # PC4-17-40). Commissioner Lohbauer seconded the motion.

The Commission adopted the resolution by a vote of 8 to 0.

Chairman Earlen presented a resolution recommending the approval of a wireless communications tower in Pemberton Township.

Commissioner Avery moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1989-0349.019) (See Resolution # PC4-17-41). Commissioner Quinn seconded the motion.

Commissioner Lohbauer said the proposed tower will stand 200 feet high, and he was curious about the impact to the viewshed.

Director Horner said there is no requirement for analysis of viewshed impacts because the tower will be constructed in a Pinelands Regional Growth Area. He said the cellular plan the Commission adopted many years ago, permits wireless communication facilities in Pinelands Regional Growth Areas and Towns.

The Commission adopted the resolution by a vote of 8 to 0.

Commissioner Prickett returned to the meeting.

Chairman Earlen presented a resolution recommending approval of a waiver of strict compliance for the development of a single family dwelling.

Commissioner Barr moved the adoption of a resolution Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1989-0139.003)(See Resolution # PC4-17-42). Commissioner McGlinchey seconded the motion.

Commissioner Lohbauer questioned why the septic system was permitted 270 feet from wetlands rather than the usual 300 feet.

Director Horner explained that the applicant applied for a waiver of strict compliance from the required 300 foot buffer to wetlands for the proposed septic system. Among other requirements to qualify for a waiver, an applicant must demonstrate that all development will maintain a minimum buffer to wetlands of 50 feet. For this waiver application, the proposed septic system is maintaining a 270 foot buffer to wetlands. He added that the applicant has met the other Comprehensive Management Plan standards for a waiver.

The Commission adopted the resolution by a vote of 9 to 0.

Public Comment on Public Development Applications and Resolutions where the Record is Not Closed

There was no public comment.

Ordinances Not Requiring Commission Action

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

- Egg Harbor Township 2017 Master Plan Use Element Amendment
- Egg Harbor Township 2017 Master Plan Recreation & Open Space Element Amendment
- Egg Harbor Township 2017 Master Plan Economic Plan Element
- Egg Harbor Township 2017 Master Plan Community Facilities Element
- Mullica Township Planning Board Resolution 8-2017
- Stafford Township Ordinance 2017-26

No members of the Commission had questions.

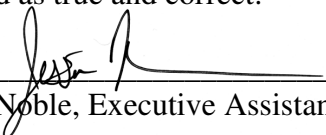
General Public Comment

There was no public comment.

Adjournment

Commissioner Barr moved to adjourn the meeting. Commissioner Avery seconded the motion. The Commission agreed to adjourn at 10:08 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: November 13, 2017



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 39

TITLE: Approving With Conditions Applications for Public Development (Application Numbers 1984-0140.003, 1987-1058.075, 2005-0162.004 & 2017-0166.001)

Commissioner Londoner moves and Commissioner Barr seconds the motion that:

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

1984-0140.003
Applicant: Waterford Township Board of Education
Municipality: Waterford Township
Management Area: Pinelands Village
Date of Report: October 13, 2017
Proposed Development: Installation of a replacement potable water well;

1987-1058.075
Applicant: South Jersey Transportation Authority
Municipality: Egg Harbor Township
Management Area: Pinelands Military/Federal Installation Area
Pinelands Regional Growth Area
Date of Report: October 13, 2017
Proposed Development: Widening of Amelia Earhart Boulevard and Airport Road;

2005-0162.004
Applicant: Woodbine Borough
Municipality: Borough of Woodbine
Management Area: Pinelands Town
Date of Report: October 13, 2017
Proposed Development: A recreation area; and

2017-0166.001
Applicant: Monroe Township
Municipality: Monroe Township
Management Area: Pinelands Regional Growth Area
Date of Report: October 13, 2017
Proposed Development: Demolition of a duplex dwelling.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1984-0140.003, 1987-1058.075, 2005-0162.004 & 2017-0166.001 for public development are hereby approved subject to the conditions recommended by the Executive Director.

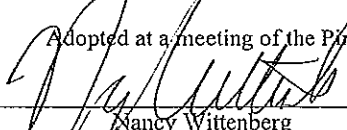
Record of Commission Votes

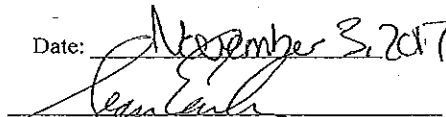
AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*					
Ashmun			X	Jannarone			X	Quinn	X				
Avery	X			Lloyd			X	Rohan Green				X	
Barr	X			Lohbauer	X			Earlen	X				
Chila	X			McGlinchey	X								
Galletta	X			Prickett	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date:


 Nancy Wittenberg
 Executive Director


 Sean W. Earlen
 Chairman



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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

October 13, 2017

Daniel J. Fox, Administrator
Waterford Township Board of Education
934 Lincoln Avenue
Atco, NJ 08004

Re: Application # 1984-0140.003
Block 4502, Lot 20
Waterford Township

Dear Mr. Fox:

The Commission staff has completed its review of this application for installation of a potable water well. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its November 3, 2017 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

- c: Secretary, Waterford Township Planning Board (via email)
- Waterford Township Construction Code Official (via email)
- Waterford Township Environmental Commission (via email)
- Secretary, Camden County Planning Board (via email)
- Veronica Foster





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Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

October 13, 2017

Daniel J. Fox, Administrator
 Waterford Township Board of Education
 934 Lincoln Avenue
 Atco, NJ 08004

Application No.: 1984-0140.003
 Block 4502, Lot 20
 Waterford Township

This application proposes installation of a 600 foot deep replacement potable water well on the above referenced 20.02 acre parcel in Waterford Township. The proposed well will replace an existing 93 foot deep potable water well. The proposed well will service the Waterford Elementary School located on the parcel.

The installation of the proposed well was necessitated by the failure of the existing well serving the school. The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.5) provides that the Commission’s Executive Director, after consultation with the Chairman of the Pinelands Commission, may authorize immediate action when it is necessary to remedy a condition dangerous to health. On September 5, 2017, the Commission issued a letter authorizing the immediate installation of the proposed 600 foot deep replacement potable water well to serve the school. The Commission’s September 5, 2017 letter required that an after-the-fact application for the proposed well be completed with the Commission. This application satisfies that requirement.

STANDARDS

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

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

The proposed development is located in the Pinelands Village of Waterford Works. The proposed installation of a potable water well to service an existing school is permitted in the Pinelands Area.

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

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

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant does not propose any revegetation.

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

The proposed replacement well will be located in the Wenonah-Mt. Laurel aquifer. The proposed well will pump less than 100,000 gallons per day and, therefore, does not require a New Jersey Department of Environmental Protection water allocation permit.

PUBLIC COMMENT

The CMP defines the proposed demolition as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on September 15, 2017. The Commission’s public comment period closed on October 13, 2017. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of four sheets, prepared by GPM Associates and dated as follows:

Sheet 1 - March 9, 2017
Sheet 2 - March 8, 2017
Sheet 3 - March 6, 2017
Sheet 4 - March 3, 2017
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



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PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00 PM on October 31, 2017 and include the following information:

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

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



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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

October 13, 2017

Stephen Mazur
South Jersey Transportation Authority
Route 54 and Trooper Lane
Hammonton, NJ 08037

Re: Application # 1987-1058.075
Amelia Earhart Boulevard & Airport Road
Block 101, Lots 9 & 10
Egg Harbor Township

Dear Mr. Mazur:

The Commission staff has completed its review of this application for widening of Amelia Earhart Boulevard and Airport Road. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its November 3, 2017 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

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





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Sean W. Earlen
 Chairman

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PUBLIC DEVELOPMENT APPLICATION REPORT

October 13, 2017

Stephen Mazur
 South Jersey Transportation Authority
 Route 54 and Trooper Lane
 Hammonton, NJ 08037

Application No.: 1987-1058.075
 Amelia Earhart Boulevard & Airport Road
 Block 101, Lots 9 & 10
 Egg Harbor Township

This application proposes widening of Amelia Earhart Boulevard and Airport Road located on the above referenced 2,464.7 acre parcel in Egg Harbor Township. The two roadways provide access to the William J. Hughes Technical Center and the Atlantic City International Airport.

The application proposes to widen a 3,500 linear foot portion of Amelia Earhart Boulevard from an existing paved width of 68 feet to 80 feet. The application also proposes to widen a 1,900 linear foot portion of Airport Road from an existing paved width of 59 feet to 65 feet.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.28(a) & 5.29(a))

The development is located partially in a Pinelands Regional Growth Area and partially in a Military and a Federal Installation Area. The proposed development is a permitted land use in a Regional Growth Area and a Military and Federal Installation Area.

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

There are wetlands located within 300 feet of the proposed development. A portion of the proposed roadway improvements will be located within the required buffer to wetlands.

The CMP permits road improvements (linear improvements) in the required buffer to wetlands provided the applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is

no feasible alternative to the proposed development that does not involve development in wetland buffers or that will result in a less significant adverse impact to wetland buffers. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetland buffers. The applicant has indicated that the proposed development will improve traffic safety. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetland buffer.

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

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

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

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

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

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

The evidence of cultural activity on the parcel lacks any potential for designation as a historic resource. Based upon this determination, a cultural resource survey was not required.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on February 25, 2017. The application was designated as complete on the Commission's website on September 27, 2017. The Commission's public comment period closed on October 13, 2017. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 65 sheets, prepared by STV, Inc., all sheets dated September 7, 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.

4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

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



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(609) 894-7300
www.nj.gov/pinelands



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00 PM on October 31, 2017 and include the following information:

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

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



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Chris Christie
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Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

October 13, 2017

William Pikolycky, Mayor
Woodbine Borough
501 Washington Avenue
Woodbine, NJ 08270

Re: Application # 2005-0162.004
Block 50, Lots 3-28 & 30-33
Block 50.01, Lots 2-24
Block 51, Lot 7
Block 54, Lot 1
Block 59, Lots 10-12
Block 59.01, Lots 13-16
Block 59.02, Lots 1-6
Block 59.03, Lots 1-12
Block 59.04, Lot 1
Borough of Woodbine

Dear Mayor Pikolycky:

The Commission staff has completed its review of this application for the development of a recreation area. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its November 3, 2017 meeting.

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



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

Sincerely,

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

Charles M. Horner, P.P.

Director of Regulatory Programs

- Enc: Appeal Procedure
10/28/26 Public Comment
- c: Secretary, Borough of Woodbine Planning Board (via email)
Borough of Woodbine Construction Code Official (via email)
Secretary, Cape May County Planning Board (via email)
Cape May County Health Department (via email)
Gerard & Lisa Gilroy (via email)
Bradley Rosenthal (via email)



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 Lt. Governor

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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

October 13, 2017

William Pikolycky, Mayor
 Woodbine Borough
 501 Washington Avenue
 Woodbine, NJ 08270

Application No.: 2005-0162.004
 Block 50, Lots 3-28 & 30-33
 Block 50.01, Lots 2-24
 Block 51, Lot 7
 Block 54, Lot 1
 Block 59, Lots 10-12
 Block 59.01, Lots 13-16
 Block 59.02, Lots 1-6
 Block 59.03, Lots 1-12
 Block 59.04, Lot 1
 Borough of Woodbine

This application proposes a recreation area on the above referenced 46.28 acre parcel in Woodbine Borough. The proposed recreation area will include approximately 6,800 linear feet of 8 foot wide gravel walking trails, approximately 2,700 linear feet of 8 foot wide paved bicycle trails, a playground/picnic area and the development of a 56 space parking lot. The Woodbine Elementary School is located on the parcel.

STANDARDS

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

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

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

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

The proposed development will be located within existing forested and maintained grass areas. The proposed walking trails and bicycling trails will result in approximately 2.5 acres of forest clearing and

the proposed playground/picnic area and parking area will result in approximately 3.5 acres of forest clearing. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant does not propose revegetation.

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

Information available to the Commission staff indicates that Red-headed woodpecker (RHW), a Pinelands Area threatened animal species, has been sighted in the general vicinity of the parcel proposed for development. The habitat on the parcel proposed for development is open forested area with sparse undergrowth; preferred habitat for RHW.

The Commission staff requested and the applicant completed a survey for RHW. The submitted survey concluded that “no RHW’s were detected by the observers at any point during the study.” Although the Commission staff considers the survey to be informative, the survey did not provide sufficient information to support a Commission staff finding that the proposed development would not have an irreversible adverse impact to habitat critical to the survival of any local population of RHW that may be present on the parcel.

To avoid irreversible adverse impact to habitat that could be critical to the survival of any local population of RHW that may be present on the parcel, the Commission staff recommends, as a condition of any approval for this application, that tree clearing on the parcel be limited to the period between August 1 through April 30 of any given year, which are the months when RHW is not typically nesting or fledging.

RHW is known to nest in trees in previously excavated nest cavities, natural nest cavities and newly excavated nest cavities. The Commission staff also recommends, as a condition of any approval, that prior to clearing for the walking or biking trails, the applicant be required to stake the center line of the proposed trails in the field. A qualified ornithologist, retained by the applicant and approved by the Commission’s Executive Director, shall inspect the 12 foot wide typical section of the proposed clearing for the entire length of the proposed trails to identify and flag any potential nest cavity trees. The routing of the proposed walking and biking trail shall be modified in the field to avoid removal of any identified potential nest cavity trees.

The Commission staff further recommends, as a condition of approval, that prior to any clearing of the approximately 3.5 acres of forest for the proposed parking area and playground/picnic area, that the applicant shall stake the proposed limits of clearing in the field. A qualified ornithologist, retained by the applicant and approved by the Commission’s Executive Director, shall inspect the area to identify and flag any potential nest cavity trees. If any potential nest cavity trees are identified in the approximately 3.5 acres proposed to be cleared, the applicant shall revise the proposed design and limits of proposed clearing to avoid removal of any potential nest cavity trees. Any proposed redesign shall not isolate any identified nest cavity tree. Any redesign of the proposed improvements within the limits of the approved 3.5 acre development area or adjacent existing cleared areas may be approved in writing by the Commission’s Executive Director. Any proposed redesign outside the limits of the approved 3.5 acre development area or adjacent existing cleared areas shall require an amended approval by the Commission.

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

The Woodbine Elementary School on the parcel is served by an existing onsite septic system. The applicant has demonstrated that the existing and proposed uses on the parcel will be consistent with the groundwater quality (septic dilution) standard of the Woodbine Borough land use ordinance and the CMP.

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

To meet the stormwater management standards for the proposed development, the applicant proposes porous pavement with subsurface infiltration beds for the proposed access road and parking area. The proposed development is consistent with the CMP stormwater management standards.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on October 21, 2016. Newspaper public notice was completed on October 26, 2016. The application was designated as complete on the Commission's website on October 2, 2017. The Commission's public comment period closed on October 13, 2017. The Commission received two public written comments regarding this application.

Comment: The commenter expressed general support for the proposal but raised concerns about whether vehicular access to the proposed recreation area will be from Adams Avenue.

Staff Response: The Commission staff appreciates the commenter's interest in the Pinelands. The existing school parcel is bordered by Webster Street, Monroe Avenue and Adams Avenue. Motor vehicle access to the proposed recreation area will be via a proposed access drive from Monroe Avenue.

Comment: The commenter requested a copy of the Executive Director's findings on this application.

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

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of nine sheets, prepared by Van-Note Harvey Associates and dated as follows:
 - Sheets 1-7 - dated June 30, 2017
 - Sheet 8 - dated June 30, 2017; revised to September 12, 2017
 - Sheet 9 - undated
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.

3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Tree clearing associated with the proposed development shall only occur between August 1 through April 30 of any given year. No tree clearing shall occur between May 1st and July 31st of any given year.
6. Prior to clearing for the walking or biking trails, the applicant shall stake the center line of the proposed trails in the field. A qualified ornithologist, retained by the applicant and approved by the Commission's Executive Director, shall inspect the 12 foot wide typical section of proposed clearing for the entire length of the proposed trails to identify and flag any potential existing nest cavity trees. The routing of the proposed walking and biking trail shall be modified in the field to avoid removal of any identified potential existing nest cavity trees.
7. Prior to clearing of the approximately 3.5 acres for the parking area, playground and pavilion, the applicant shall stake the proposed limits of clearing in the field. A qualified ornithologist, retained by the applicant and approved by the Commission's Executive Director, shall inspect the area to identify and flag any potential existing nest cavity trees. The applicant shall redesign the improvements within the 3.5 acre area and adjacent existing cleared area to avoid removal of any identified potential existing nest cavity trees. Any proposed redesign shall not isolate any identified potential existing nest cavity tree. Any proposed redesign within the limits of the approved 3.5 acre development area or adjacent existing cleared areas may be approved in writing by the Commission's Executive Director. Any proposed redesign outside the limits of the approved 3.5 acre development area or adjacent existing cleared areas shall require an amended approval by the Commission.

CONCLUSION

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

AppInfo - Gerard and Lisa Gilroy of 826 Adams Ave., Requesting an Appiontment with Pinelands Commission's office for inspection OF Pinelands Application No. 2005

From: Lisa Coppola <lisatkoppola@yahoo.com>
To: "AppInfo@njpines.state.nj.us" <AppInfo@njpines.state.nj.us>, me me <lisatkoppola@yahoo.com>, gerry gilroy <whistlerloop@yahoo.com>
Date: 10/28/2016 6:24 PM
Subject: Gerard and Lisa Gilroy of 826 Adams Ave., Requesting an Appiontment with Pinelands Commission's office for inspection OF Pinelands Application No. 2005

Dear Office of Pinelands Commission's Office ,Today is October 28,2016 . Per my letter from van-note Harvey, my Husband and I are requesting a copy of the Executive Director's findings and conclusion with RE: to VNHA#41760-400-21 Pinelands Application No. 2005-0162.004 Woodbine Open Space Eco-Park- Public Development Application 801Webster Street and Various Parcels. We would also like to request an appointment to review and voice our concerns .We would like the appointment to be locally held in Woodbine preferable .We really think this is a wonderful Idea . We just would like to know exactly what is the detailed plan proposed .One Concern that we have, Without Knowing, So please forgive me .We do not want any Vehicles to have access from Adams Ave., Woodbine . So we would like an appportunity to be involved with our community's planning . We are very optimistic about the said plan and are hoping for a amicable neighborly Plan. Thank you for your time.

Looking Forward,
Yours Truly,

Gerard and Lisa Gilroy
826 Adams Ave, Woodbine
NJ.08270
Gerard : 856-300-3271
Lisa : 610-348-1545
lisatkoppola@yahoo.com
Whistlerloop@yahoo.com

From: Bradley Rosenthal <rosenthalbt@cmcmua.com>
To: <Appinfo@njpines.state.nj.us>
Date: 10/24/2016 12:02 PM
Subject: Application No 2005-0162.004

When completed, I would like to receive a copy of the Executive Director's findings and conclusion for Application Number 2005-0162.004 - Woodbine Open Space Eco-Park. Thank You - Brad

--
Brad Rosenthal
Executive Assistant
Cape May County Municipal Utilities Authority
P.O. Box 610 | 1523 U.S. Route 9 North | Cape May Court House, N.J. 08210
609.465.9026 ext. 1210
rosenthalbt@cmcmua.com



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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00 PM on October 31, 2017 and include the following information:

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

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



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Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

October 13, 2017

Daniel Teefy, Mayor
 Monroe Township
 125 Virginia Avenue
 Williamstown, NJ 08094

Application No.: 2017-0166.001
 Block 11603, Lot 6
 Monroe Township

This application proposes demolition of a duplex dwelling located on the above referenced 0.23 acre parcel in Monroe Township. The Township owns the parcel.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.21)

The parcel is located in a Pinelands Regional Growth Area. The demolition of a building is permitted in the Pinelands Area.

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

The evidence of cultural activity on the parcel, including the existing building, lacks any potential for designation as a historic resource. Based upon this determination, a cultural resource survey was not required.

PUBLIC COMMENT

The CMP defines the proposed demolition as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on October 2, 2017. The Commission’s public comment period closed on October 13, 2017. No public comment was submitted to the Commission regarding this application.

CONDITIONS

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

CONCLUSION

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



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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00 PM on October 31, 2017 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 40

TITLE: Approving With Conditions an Application for Public Development (Application Number 1987-0914.004)

Commissioner Galletta moves and Commissioner Lehner seconds the motion that:

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

1987-0914.004

Applicant: Burlington County
Municipality: Evesham Township
Management Area: Pinelands Rural Development Area
Date of Report: October 13, 2017
Proposed Development: Widening of Taunton Lakes Road.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1987-0914.004 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: November 3, 2017

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Sean W. Earlen
Sean W. Earlen
Chairman



State of New Jersey

THE PINELANDS COMMISSION

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Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

October 13, 2017

Joseph Brickley, P.E.
Burlington County Board of Chosen Freeholders
P.O. Box 6000
Mt. Holly, NJ 08060

Re: Application # 1987-0914.004
Taunton Lakes Road
Evesham Township

Dear Mr. Brickley:

The Commission staff has completed its review of this application for the widening of Taunton Lakes Road. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its November 3, 2017 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Evesham Township Planning Board (via email)
Evesham Township Construction Code Official (via email)
Evesham Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Lisa Dunne (via email)
Bruce Easterly, PE





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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

October 13, 2017

Joseph Brickley, P.E.
 Burlington County Board of Chosen Freeholders
 P.O. Box 6000
 Mt. Holly, NJ 08060

Application No.: 1987-0914.004
 Taunton Lakes Road
 Evesham Township

This application proposes to widen approximately 5,200 linear feet of Taunton Lakes Road from Tomlinson Mill Road to Kings Grant Drive in Evesham Township. The roadway will be widened from an existing paved width of 23 feet to a proposed paved width of 40 feet.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.26(b)10)

The development is located in a Pinelands Rural Development Area. The proposed development is a permitted land use in a Pinelands Rural Development Area.

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

There are wetlands located within 300 feet of the proposed development. The proposed widening will require the disturbance of 1.388 acres of wetlands and will also be located in the required buffer to wetlands.

The CMP permits road improvements (linear improvements) in wetlands and the required buffer to wetlands provided the applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in wetlands or that will result in a less significant adverse impact to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetlands. The applicant has represented that the concerned roadway has a high number of motor vehicle accidents,

including fatalities. The proposed road improvements are necessary to improve the safety of the existing roadway. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetlands.

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

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

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

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

The applicant proposes to construct a stormwater infiltration basin at the Taunton Lakes Road and Tomlinson Mill Road intersection to collect and infiltrate stormwater runoff from the proposed road improvements. The proposed infiltration basin will store and infiltrate approximately 57% (16,022 cubic feet) of the stormwater volume required to meet the CMP stormwater management standard.

Based upon the proximity of wetlands to the existing road, the applicant has indicated that it is not feasible to construct additional stormwater facilities within the project area to meet the CMP stormwater management standards. The CMP (N.J.A.C. 7:50-6.84(a)6vi(4)) provides that if an applicant for public development demonstrates that the stormwater management standards cannot be met for a proposed project, the Commission may grant an exception to the standards. To grant such an exception, the Commission must find that the applicant proposes alternative stormwater management measures within the Pinelands Area and within the same drainage area as the proposed development and that the proposed stormwater management measures are sufficient to offset the granting of the exception.

As an alternative stormwater measure, the applicant also proposes to remove 27,878 square feet of pavement from the Taunton Lakes Road right-of-way between Tomlinson Mill Road and Westcott Roads. The pavement proposed to be removed is located within the Pinelands National Reserve, immediately adjacent to, but outside of the Pinelands Area. The pavement is located within the same drainage area as the proposed road improvements. Stormwater runoff from the pavement to be removed drains into the Pinelands Area.

The proposed stormwater infiltration basin and pavement removal will provide 95 percent of the volume of stormwater runoff required to be stored and infiltrated to meet the CMP stormwater standard for the proposed road improvement.

The applicant also proposes to connect two stormwater treatment devices to existing stormwater collection pipes serving Taunton Lakes Road, Taunton Boulevard and Hopewell Road. The stormwater treatment devices will be located approximately 6,000 linear feet from the proposed improvement to Taunton Lakes Road. The proposed treatment devices will result in improved water quality by removing sediment, debris and oils in stormwater currently being directly discharged to wetlands (Blue Lake Run). The two stormwater treatment devices will be located within the Pinelands Area and within the same drainage area as the proposed road improvement.

The proposed alternative stormwater management measures are sufficient to offset the granting of the stormwater management exception.

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

The applicant prepared a cultural resource survey for the proposed development. The survey determined that no cultural resources eligible for Pinelands designation were found within the project area.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on March 3, 2017. The application was designated as complete on the Commission's website on September 27, 2017. The Commission's public comment period closed on October 13, 2017. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the Road Reconstruction Plan, consisting of 13 sheets, prepared by Taylor, Wiseman & Taylor and dated as follows:

Sheets 1 & 3-12 - June 2008; revised to March 10, 2016

Sheet 2 - July 2008; revised to March 10, 2016

Sheet 13 - June 2008; revised to June 28, 2016

Except as modified by the below conditions, the proposed development shall adhere to the Pavement Removal Plan prepared by Taylor, Wiseman & Taylor and dated August 2017.

Except as modified by the below conditions, the proposed development shall adhere to the Stormwater Treatment Device Plan prepared by the Burlington County Engineering Office and dated July 2016.

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Prior to the construction of any portion of the proposed development which will result in the disturbance of any wetland area, a Freshwater Wetland Permit shall be obtained pursuant to the New Jersey Freshwater Wetlands Protection Act.
6. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been

completed and the area has been stabilized.

CONCLUSION

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



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THE PINELANDS COMMISSION
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NEW LISBON, NJ 08064
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www.nj.gov/pinelands



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00 PM on October 31, 2017 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 41

TITLE: Approving With Conditions an Application for Public Development (Application Number 1989-0349.019)

Commissioner Avery moves and Commissioner Quinn seconds the motion that:

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

1989-0349.019

Applicant:	Burlington County
Municipality:	Pemberton Township
Management Area:	Pinelands Agricultural Production Area Pinelands Regional Growth Area
Date of Report:	October 13, 2017
Proposed Development:	Construction of a 200 foot high wireless communication tower and a 4,900 square foot accessory equipment compound.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1989-0349.019 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Nancy Wiitenberg
Nancy Wiitenberg
Executive Director

Date: November 3, 2017

Sean W. Earlen
Sean W. Earlen
Chairman



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Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

October 13, 2017

Eve A. Cullinan, Administrator
Burlington County
PO Box 600
Westampton, NJ 08060-6000

Re: Application # 1989-0349.019
Block 812, Lot 9.01
Pemberton Township

Dear Ms. Cullinan:

The Commission staff has completed its review of this application for construction of a 200 foot high wireless communication tower and a 4,900 square foot accessory equipment compound. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its November 3, 2017 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Pemberton Township Planning Board (via email)
Pemberton Township Construction Code Official (via email)
Pemberton Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Dominic Villecco (via email)





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Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

October 13, 2017

Eve A. Cullinan, Administrator
Burlington County
PO Box 600
Westampton, NJ 08060-6000

Application No.: 1989-0349.019
Block 812, Lot 9.01
Pemberton Township

This application proposes construction of a 200 foot high wireless communication tower and a 4,900 square foot accessory equipment compound located on the above referenced 351.92 acre parcel in Pemberton Township.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.24 and 5.28)

The parcel is located partially in a Pinelands Regional Growth Area (101.92 acres) and partially in a Pinelands Agricultural Production Area (250 acres). The proposed development is located in the portion of the parcel located in a Pinelands Regional Growth Area. The proposed wireless communication tower is a permitted land use in a Pinelands Regional Growth Area.

Wetlands Standards (N.J.A.C. 7:50-6.14)

There are wetlands located on the parcel. The wetlands consist of maintained lawn areas and successional wooded wetlands. The proposed communications tower and equipment compound will maintain a greater than 300 foot buffer to wetlands. The proposed underground electrical and telephone service lines extending from the proposed tower to Pemberton-Browns Mill Road will maintain a 50 foot buffer to existing lawn wetland areas. The proposed development will not result in a significant adverse impact on the wetlands.

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

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

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant does not propose any revegetation.

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on October 2, 2017. The Commission’s public comment period closed on October 13, 2017. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 15 sheets, prepared by VCOMM Telecommunications Engineering, all sheets dated September 22, 2015 and revised to September 25, 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. The proposed development shall be located at least 50 feet from all maintained lawn wetlands.

CONCLUSION

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



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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00 PM on October 31, 2017 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 42

TITLE: Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1989-0139.003)

Commissioner Bess moves and Commissioner McGlinchey seconds the motion that:

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

1989-0139.003

Applicant: Robert Smith
Municipality: Monroe Township
Management Area: Pinelands Regional Growth Area
 Pinelands Rural Development Area

Date of Report: October 13, 2017
Proposed Development: Single family dwelling.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1989-0139.003 for a Waiver of Strict Compliance is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission
Nancy Wittenberg
Nancy Wittenberg
Executive Director

Date: November 3, 2017
Sean W. Earlen
Sean W. Earlen
Chairman



State of New Jersey

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Governor

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Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

October 13, 2017

Robert Smith (via email)
18 Steeplechase Drive
Turnersville, NJ 08012

Re: Application # 1989-0139.003
Block 9801, Lot 30
Monroe Township

Dear Mr. Smith:

The Commission staff has completed its review of this application for a Waiver of Strict Compliance ("Waiver") proposing the development of one single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its November 3, 2017 meeting.

FINDINGS OF FACT

This application is for the development of a single family dwelling served by an onsite septic system on the above referenced 44.27 acre parcel in Monroe Township. The parcel is located partially in a Pinelands Rural Development Area (44.08 acres) and partially in a Pinelands Regional Growth Area (0.19 acres). The Pinelands Rural Development Area portion of the parcel is located in Monroe Township's RD-A zoning district. The Pinelands Regional Growth Area portion of the parcel is located in Monroe Township's RG-MR zoning district. The proposed single family dwelling will be located within the Pinelands Rural Development Area portion of the parcel. In the Township's RD-A zoning district, a single family dwelling requires a minimum lot size of 8 acres in accordance with Monroe Township's certified land use ordinance.

A portion of the parcel is wetlands as defined in the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-6.5(a)). The wetland continues onto adjacent lands. Any development of the parcel would be located within 300 feet of these wetlands. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetlands. As there will be a significant adverse impact on wetlands located within 300 feet of the proposed development, the applicant is requesting a Waiver from the buffer to wetlands requirements contained in the N.J.A.C. 7:50-6.14.

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



The CMP (N.J.A.C. 7:50-4.65(b)6) requires that for an applicant to qualify for a Waiver to develop a single family dwelling in a Pinelands Rural Development Area, it must be demonstrated that no development, including clearing and land disturbance, will be located on or within 50 feet of wetlands. The applicant has demonstrated that no development, including clearing and land disturbance, will be located on or within 170 feet of wetlands.

Information available to the Commission staff indicates the potential presence of threatened and endangered (T&E) animal species or habitat critical to their survival and populations of T&E plant species on and in the vicinity of the parcel. The applicant proposes to locate all development on the 44.27 acre parcel within a proposed 0.405 acre development envelope fronting on an existing road. The applicant proposes to impose a deed restriction on the remaining 43.87 acres of the parcel to prohibit any further development, including clearing or land disturbance, unless a T&E species survey is undertaken demonstrating consistency with the T&E species protection standards of the Monroe Township land use ordinance and the CMP. With the conditions recommended below the applicant has demonstrated that the proposed development is designed to avoid irreversible adverse impacts on habitat that is critical to the survival of any local population of T&E animal species or to any local population of T&E plant species in accordance with N.J.A.C. 7:50-6.27 and 6.33.

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on April 19, 2017. Newspaper public notice was completed on July 27, 2017. The application was designated as complete on the Commission's website on September 8, 2017. The Commission's public comment period closed on October 13, 2017. No public comments regarding this application were submitted to the Pinelands Commission.

CONCLUSION

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

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

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

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

This application is only for a Waiver from the wetlands buffer requirements. The applicant is seeking to develop a single family dwelling on a lot within a Pinelands Rural Development Area that complies with the residential density and lot area standards set forth in N.J.A.C. 7:50-5.26(a) and (c). The proposed single family dwelling on the 44.27 acre parcel that meets the residential density and lot area standards established in this portion of the Pinelands Rural Development Area in Monroe Township's certified land use ordinances. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1vii.

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

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

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

The fifth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which permits a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not result in a substantial impairment of the resources of the Pinelands Area. N.J.A.C. 7:50-4.65(b) sets forth the circumstances which do not comply with N.J.A.C. 7:50-4.65(a). With the conditions recommended below, the proposed development will not violate any of the circumstances contained in N.J.A.C. 7:50-4.65(b). As a result, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)5.

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

As required by N.J.A.C. 7:50-4.62(b), the proposed dwelling will not result in substantial impairment of the resources of the Pinelands or be inconsistent with the provisions of the Pinelands Protection Act, the Federal Act or the CMP in accordance with the criteria set forth in N.J.A.C. 7:50-4.65.

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

The CMP (N.J.A.C. 7:50-4.62(d)) requires that the Waiver only grant the minimum relief necessary to relieve the extraordinary hardship. The proposed single family dwelling is the minimum relief necessary to relieve the extraordinary hardship which has been shown to exist. The CMP (N.J.A.C. 7:50-4.62(d)1.iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits (PDCs) whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the applicant is obtaining a Waiver

from the minimum buffer to wetlands standard (N.J.A.C. 7:50-6.14), a condition is included to require the applicant to purchase the requisite 0.25 PDCs. With the conditions recommended below, the applicant meets the requirements contained in N.J.A.C. 7:50-4.62(d).

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

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan prepared by Datz Engineering & Land Surveying, dated April 26, 2015 and last revised April 22, 2017.
2. The septic system shall be located in an area where the seasonal high water table is at least 5 feet below the natural ground surface and in the area shown on the above referenced plan.
3. Prior to Commission issuance of a letter advising that any municipal or county approval or permit may take effect, a copy of a recorded deed restriction proposed by the applicant must be submitted to the Commission prohibiting any development, including clearing and land disturbance, outside of the designated development envelope on the above referenced plan unless a threatened and endangered species survey is undertaken demonstrating consistency with the threatened and endangered species protection standards.
4. Appropriate measures shall be taken prior to construction to preclude sedimentation from entering wetlands.
5. Sufficient dry wells or a comparable alternative shall be installed to contain all stormwater runoff from the house.
6. The driveway shall be constructed of crushed stone or other permeable material.
7. The septic system shall be located at least 270 feet from all wetlands. All other development, including clearing and land disturbance, shall be located at least 170 feet from all wetlands. No development, including clearing and land disturbance, shall occur except as shown on the above referenced plan.
8. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.
9. Prior to Commission issuance of a letter advising that any county or municipal approval or permit may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 Pinelands Development Credits have been acquired and submitted to the Pinelands Development Credit Bank for redemption.
10. This Waiver shall expire November 3, 2022 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after November 3, 2022, or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
11. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to completing an application for development. The deed shall also specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance referring

to the application number. The deed shall state that the conditions are enforceable by the Pinelands Commission, Monroe Township, the Gloucester County Health Department, and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver from the requirements of N.J.A.C. 7:50-6.14.

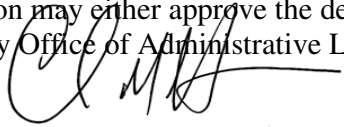
Since the applicant meets the provisions of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65 for the development of one single family dwelling on the parcel, it is recommended that the Pinelands Commission **APPROVE** the requested Waiver subject to the above conditions.

APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00 PM on October 31, 2017 and must include the following information:

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

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

Recommended for Approval by: 

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

- c: Secretary, Monroe Township Planning Board (via email)
 Monroe Township Construction Code Official (via email)
 Monroe Township Environmental Commission (via email)
 Secretary, Gloucester County Planning Board (via email)
 Gloucester County Health Department (via email)

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

MINUTES

November 17, 2017

Commissioners Present

Bob Barr, Paul E. Galletta, Mark Lohbauer, Ed McGlinchey, Richard Prickett, and Chairman Sean Earlen. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Craig Ambrose and Deputy Attorney General (DAG) Bruce Velzy.

Commissioners Participating by Phone

Candace Ashmun, Alan W. Avery Jr., Giuseppe Chila, Jane Jannarone and Gary Quinn.

Commissioners Absent

Ed Lloyd and D'Arcy Rohan Green.

Chairman Earlen called the meeting to order at 9:04 a.m.

DAG Velzy read the Open Public Meetings Act Statement.

Executive Director Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 11 Commissioners who participated in the meeting.)

Resolution to Retire into Closed Session

DAG Velzy read a resolution to enter into closed session to discuss revisions to the Commission's salary structure. The Commission agreed to retire into closed session by a vote of 11 to 0, beginning at 9:06 a.m.

Return to Open Session

The Commission entered back into open session at 9:27 a.m.

DAG Velzy said that in closed session the Commission discussed potential changes to the salary structure.

Chairman Earlen presented a resolution regarding the new salary structure.

Commissioner Lohbauer moved the adoption of a resolution to Implement the Organizational Restructuring (See Resolution # PC4-17-43). Commissioner McGlinchey seconded the motion.

The Commission adopted the resolution by a vote of 11 to 0.

Adjournment

Commissioner Prickett moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 9:31 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: November 17, 2017



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 43

TITLE: To Implement the Organizational Restructuring

Commissioner Lohbauer moves and Commissioner McGlinchey seconds the motion that:

WHEREAS, a comprehensive review was completed which concluded that a restructuring and revision of the Commission's Salary Structure was needed in order to offer and maintain "comparative salaries in similar positions in other governmental organizations", as required by the personnel policies; and

WHEREAS, since approximately April 2007, the certain members of the Commission staff have been represented by the Communications Workers of America (CWA), AFL-CIO, Local 1040; and

WHEREAS, the CWA, Local 1040 has reviewed the new Salary Structure attached to this Resolution and has signed the attached Memorandum of Agreement approving same; and

WHEREAS, the Personnel and Budget Committee reviewed the attached Salary Structure at its November 3, 2017 meeting; and

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

NOW, THEREFORE BE IT RESOLVED that the Commission:

- Adopts the attached Salary Structure and MOA that implements said Structure.
- Authorizes the Executive Director to execute the attached MOA in order to implement the Salary Structure.

Record of Commission Votes

	AYE	NAY	NP	AR*		AYE	NAY	NP	AR*		AYE	NAY	NP	AR*
Ashmun	X				Jannarone	X				Quinn	X			
Avery	X				Lloyd			X		Rohan Green			X	
Barr	X				Lohbauer	X				Earlen	X			
Chila	X				McGlinchey	X								
Galletta	X				Prickett	X								

Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission
Nancy Wittenberg
Nancy Wittenberg
Executive Director

Date: November 17, 2017
Sean W. Earlen
Sean W. Earlen
Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17-_____

TITLE: Approving With Conditions an Application for **Public Development** (Application Number 1989-1126.007)

Commissioner _____ **moves and Commissioner** _____
seconds the motion that:

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

1989-1126.007

Applicant:	Ocean County Engineering Department
Municipality:	Jackson Township
Management Area:	Pinelands Village
Date of Report:	November 15, 2017
Proposed Development:	Construction of a 194.5 foot high wireless communication tower and associated 3,600 square foot equipment compound.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1989-1126.007 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

November 15, 2017

John N. Ernst, P.E.
Ocean County Engineering Department
P.O. Box 2191
Toms River, NJ 08754

Re: Application # 1989-1126.007
Block 16701, Lot 7
Jackson Township

Dear Mr. Ernst:

The Commission staff has completed its review of this application for construction of a 194.5 foot high wireless communication tower and associated 3,600 square foot equipment compound. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its December 8, 2017 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Jackson Township Planning Board (via email)
Jackson Township Construction Code Official (via email)
Jackson Township Environmental Commission (via email)
Secretary, Ocean County Planning Board (via email)
Robin Kuri (via email)
Brad Lanute (via email)





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Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

November 15, 2017

John N. Ernst, P.E.
Ocean County Engineering Department
P.O. Box 2191
Toms River, NJ 08754

Application No.: 1989-1126.007
Block 16701, Lot 7
Jackson Township

This application proposes construction of a 194.5 foot high wireless communication tower and an associated 3,600 square foot equipment compound on the above referenced 2.07 acre parcel in Jackson Township. The proposed tower will be utilized for public safety communications. An Ocean County road maintenance garage is located on the parcel.

STANDARDS

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

Height Limitations (N.J.A.C. 7:50-5.4)

The CMP height limitation standard requires that no structure in a Pinelands Village, including wireless communication towers, shall exceed a height of 35 feet unless a comprehensive plan for siting such towers in the Pinelands Area has been certified (approved) by the Pinelands Commission. The proposed 194.5 foot high tower will be located in the 3 mile search area associated with Site #42 as identified in the Commission certified "Comprehensive Public Safety Tower Plan for Pinelands." As required by the height limitation standard of the CMP, the applicant has demonstrated that the proposed tower minimizes visual impacts.

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

The proposed development is located in the Pinelands Village of Vanhiseville. The proposed development is a permitted land use in a Pinelands Village.

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

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

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant does not propose any revegetation.

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on October 24, 2017. The Commission’s public comment period closed on November 3, 2017. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 13 sheets, prepared by Advantage Engineers, all sheets dated July 11, 2017.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



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Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission no later than 5:00 PM on December 4, 2017 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17-_____

TITLE: Approving With Conditions an Application for **Public Development** (Application Number 2017-0167.001)

Commissioner _____ **moves and Commissioner** _____
seconds the motion that:

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

2017-0167.001

Applicant: Winslow Township
Municipality: Winslow Township
Management Area: Pinelands Regional Growth Area
Date of Report: November 15, 2017
Proposed Development: Demolition of a single family dwelling, 50 years old or older.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 2017-0167.001 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



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Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

November 15, 2017

John Iannaco, Construction Office
Winslow Township
125 South Route 73
Braddock, NJ 08037

Re: Application # 2017-0167.001
Block 4506, Lot 14
Winslow Township

Dear Mr. Iannaco:

The Commission staff has completed its review of this application for demolition of a single family dwelling, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its December 8, 2017 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

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





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 Lt. Governor

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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

November 15, 2017

John Iannaco, Construction Office
 Winslow Township
 125 South Route 73
 Braddock, NJ 08037

Application No.: 2017-0167.001
 Block 4506, Lot 14
 Winslow Township

This application proposes demolition of a single family dwelling, 50 years old or older, located on the above referenced 1.25 acre parcel in Winslow Township. The Township owns the parcel.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.21)

The parcel is located in a Pinelands Regional Growth Area. The demolition of a dwelling is permitted in the Pinelands Area.

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

The evidence of cultural activity on the parcel, including the existing dwelling, lacks any potential for designation as a historic resource. Based upon this determination, a cultural resource survey was not required.

PUBLIC COMMENT

The CMP defines the proposed demolition as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on October 18, 2017. The Commission’s public comment period closed on November 3, 2017. No public comment was submitted to the Commission regarding this application.

CONDITIONS

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

CONCLUSION

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



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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00 PM on December 4, 2017 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17-_____

TITLE: **Approving** With Conditions Pinelands Development Application Number 1981-0479.011

Commissioner _____ **moves and Commissioner** _____
seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Executive Director's recommendation Report, which recommends that the following application to replace 110 existing, 100-foot-tall electric transmission line lattice towers with new steel monopoles 105-to 125-feet in height, depending on the location, be approved with conditions:

1981-0479.011

Applicant: **Atlantic City Electric Company**
Municipality: Buena Vista Township
Egg Harbor Township
City of Estell Manor
Hamilton Township
Weymouth Township

Management Area: Pinelands Agricultural Production Area
Pinelands Forest Area
Pinelands Regional Growth Area
Pinelands Rural Development Area

Date of Report: November 17, 2017

Proposed Development: Replacement of 110 existing lattice towers with 110 monopoles.

WHEREAS, in accordance with Pinelands Resolution No. PC4-17-34, the Pinelands Commission provided an opportunity for the public to present oral comments at its meeting on November 3, 2017 and accepted written comment until the close of business on that same date; and

WHEREAS, no comments were submitted by the public, either verbally or in writing, concerning this application; and

WHEREAS, the Pinelands Commission has had the opportunity to review the application file and the Executive Director's Recommendation Report, dated November 17, 2017; and

WHEREAS, the Pinelands Commission hereby finds that there is ample evidence in the record demonstrating that the proposed development with the conditions recommended by the Executive Director conforms to the minimum standards of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Pinelands Commission hereby finds that the proposed development with the conditions recommended by the Executive Director is consistent with the intent and objectives of the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq., and the Pinelands Comprehensive Management Plan, N.J. A.C. 7:50; and

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

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission **Adopts** the recommendation of the Executive Director, including the conditions contained within the Executive Director's Recommendation Report dated November 17, 2017; and

BE IT FURTHER RESOLVED that the Pinelands Commission hereby **determines** that the development proposed in the Pinelands Development Application No. 1981-0479.011 is **consistent** with the minimum standards of the Pinelands Comprehensive Management Plan.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



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Chris Christie
 Governor

Kim Guadagno
 Lt. Governor

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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

November 17, 2017

Ms. Christine Melillo
 Atlantic City Electric
 5100 Harding Highway
 Mays Landing, New Jersey 08330

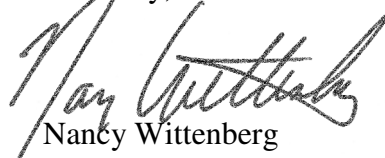
Re: Application # 1981-0479.011
 Upper Pittsgrove to Lewis Transmission Right-Of-Way
 Buena Vista Township
 Egg Harbor Township
 City of Estell Manor
 Hamilton Township
 Weymouth Township

Dear Ms. Melillo:

The Commission staff has completed its review of this application proposing the replacement of 110 existing electric transmission line lattice towers with new steel monopoles within an existing electric transmission right-of-way. Enclosed is a copy of an Executive Director's Recommendation Report. I am recommending that the Pinelands Commission approve the application with conditions at its December 8, 2017 meeting.

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

Sincerely,


 Nancy Wittenberg
 Executive Director

Enclosure





State of New Jersey

THE PINELANDS COMMISSION

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Chris Christie
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Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

EXECUTIVE DIRECTOR'S RECOMMENDATION REPORT

November 17, 2017

Ms. Christine Melillo
Atlantic City Electric
5100 Harding Highway
Mays Landing, New Jersey 08330

Application No.: 1981-0479.011

Location: Upper Pittsgrove to Lewis Transmission Right-Of-Way
Buena Vista Township
Egg Harbor Township
City of Estell Manor
Hamilton Township
Weymouth Township

This application proposes the replacement of 110 existing 100 foot tall electric transmission line lattice towers with new steel monopoles 105 to 125 feet in height, depending on the location. Atlantic City Electric (ACE) is also proposing the replacement of a double-circuited 138 kilovolt (kV) transmission line with a 238 kV transmission line (hereinafter the "proposed electric transmission tower replacement project".) The entire project crosses four counties and ten municipalities in southern New Jersey.

Approximately 19 miles of the overall approximately 40 mile proposed electric transmission tower replacement project will occur in the Pinelands Area. All of the work will occur within an existing electric transmission right-of-way. The right-of-way, which is 200 feet wide, is currently cleared to a width of 100 feet. The proposed electric transmission tower replacement project will be located within four Pinelands Management Areas: a Rural Development Area (3.9 miles); a Forest Area (7.1 miles); an Agricultural Production Area (2.3 miles); and a Regional Growth Area (5.7 miles).

BACKGROUND

ACE is an electric service public utility, regulated by the Board of Public Utilities (BPU) pursuant to N.J.S.A. 48:2-23, that supplies electricity to over 545,000 customers in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean and Salem Counties. On February 18, 2016, ACE submitted



a Pinelands Development Application to the Pinelands Commission for the proposed electric transmission tower replacement project.

Because ACE is a private entity, Commission staff review normally would have proceeded in accordance with the regulatory process specified in the Pinelands Comprehensive Management Plan (CMP) for private development. Specifically, once the application was deemed complete in accordance with N.J.A.C. 7:50-4.2(c), staff would have issued a Certificate of Filing (COF) pursuant to N.J.A.C. 7:50-4.34. Although not an approval, the COF authorizes a local permitting agency (municipality or county) to begin its review of the proposed development. In addition, once the local permitting agency issues its approval for the private development, that approval must be submitted to the Commission's Executive Director for a determination as to whether it raises a substantial issue with respect to its conformance with the CMP. Only if the Executive Director finds that the local approval raises a substantial issue, does the application go before the full Commission for a vote, following the development of the record before the Executive Director or the OAL. N.J.A.C. 7:50-4.37 & 4.42.¹

However, in this instance, ACE petitioned the BPU pursuant to the New Jersey Municipal Land Use Law at N.J.S.A 40:55D-19 to preempt municipal review of its proposed electric transmission tower replacement project. As a result, the application was reviewed by Commission staff under the coordinated state agency permitting provisions of the CMP at N.J.A.C. 7:50-4.81 through 4.85, which required the issuance of a COF to accompany the applicant's submission to the BPU.

On November 22, 2016, the Commission staff issued a COF for the application pursuant to N.J.A.C. 7:50-4.34 and 4.82. Commission staff reviewed the proposed electric transmission tower replacement project for compliance with all applicable CMP standards, specifically permitted land uses, wetlands, threatened or endangered plants and wildlife, and cultural resources. The staff made an initial determination that the proposed electric transmission tower replacement project was consistent with all of these standards

By letter dated June 21, 2017, the Executive Director transmitted a copy of the COF to the BPU. In that letter, the Executive Director requested that BPU provide the Commission with copies of documents issued and filed with BPU as part of its N.J.S.A. 40:55D-19 petition proceedings, including copies of the petition; notice of any hearing, public meetings or other formal proceedings pertaining to that petition; copies of any written reports or comments that the BPU received that raised issues concerning the standards of the CMP and copies of any Orders issued by the BPU concerning the petition. BPU subsequently submitted its record to the Commission staff, including all public comments and documents submitted as part of its public and evidentiary hearings.

On June 30, 2017, the BPU issued an Order Adopting Initial Decision approving, among other things, ACE's petition for preemption of municipal review in accordance with N.J.S.A. 40:55D-19 for the totality of the tower replacement project, including the portion to be constructed within the Pinelands Area. Consequently, and in light of the Appellate Division's decision in an unrelated matter, Matter of Petition of South Jersey Gas Co., 447 N.J. Super. 459, 478 (App. Div. 2016), the Commission at its October 13, 2017 meeting passed Resolution PC4-17-34 which articulates the process by which the

¹ If the Executive Director determines the local approval does not raise issue of CMP conformance, the approval may go into effect. However, if further review ("call-up") is necessary, an adjudicatory hearing is conducted by either the Executive Director or the Office of Administrative Law, followed by a vote of the Commission. Conversely, with regard to public development applications, which typically do not include a corresponding local permitting approval, the determination of CMP compliance is made by vote of the Commission.

Commission would review the proposed tower replacement project in order to render a final decision as to its compliance with the standards of the CMP.

On October 13, 2017, the Commission posted notice on its website and sent its officially designated newspapers notice of the public's opportunity to provide oral comment regarding the ACE application at the Commission's regularly scheduled meeting on November 3, 2017 and through submission of written comments until the close of business on November 3, 2017.

The Commission received no public comments on the application either at the November 3, 2017 meeting or in writing.

STANDARDS

The Commission staff has reviewed the proposed development for consistency with all applicable standards of the CMP. The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.28(a), 7:50-5.26(b)10 and 7:50-5.29(a))

As indicated in the Commission's November 22, 2016 COF, the portion of the project to be constructed within the Pinelands Area consists of the replacement of 110 lattice towers with 110 monopoles within an existing electric transmission line right-of-way located in Buena Vista, Egg Harbor, Hamilton and Weymouth Townships and the City of Estell Manor.

The proposed electric transmission tower replacement project will be located in a Rural Development Area (3.9 miles), a Forest Area (7.1 miles), an Agricultural Production Area (2.3 miles), and a Regional Growth Area (5.7 miles). The CMP defines electric transmission utilities as "public service infrastructure" at N.J.A.C. 7:50-2.11. Public service infrastructure is a permitted use² in a Regional Growth Area (N.J.A.C. 7:50- 5.28(a)) and a Rural Development Area (N.J.A.C. 7:50-5.26(b)10).

The continuation and expansion of existing public service infrastructure is also a permitted use in an Agricultural Production Area and Forest Area provided the development meets certain conditions contained in N.J.A.C. 7:50-5.2. These conditions stipulate that the use was not abandoned or terminated subsequent to January 14, 1981, that the expansion or alteration of the use is in accordance with the minimum standards of N.J.A.C. 7:50-6, and that the area of expansion does not exceed 50 percent of the floor area, the area of the use or the capacity of the use, whichever is applicable, in existence on January 14, 1981. Commission staff has determined that the proposed development meets these conditions and therefore is a permitted use in the Agricultural Production Area and Forest Area.

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

The CMP prohibits most development in wetlands and requires a 300 foot buffer to wetlands unless it is demonstrated that a lesser buffer will not result in a significant adverse impact to the wetland. ACE's proposed electric transmission tower replacement project is to be constructed entirely within an existing electric transmission right-of-way.

² A permitted use is a land use authorized by the CMP in a particular Pinelands management area pursuant to Subchapter 5, Minimum Standards for Land Uses and Intensities.

Portions of the existing right-of-way are located in and within 300 feet of wetlands. The proposed development will result in the permanent disturbance of approximately 218 square feet (0.05 acres) of wetlands.

The CMP (N.J.A.C. 7:50-6.13) permits the installation of utility transmission and distribution facilities in wetlands provided the following five conditions are met: 1) there is no feasible alternative route for the linear improvement that does not involve development in a wetland, or, if none, that another feasible route which results in less significant adverse impacts on wetlands does not exist; 2) the need for the proposed linear improvement cannot be met by existing facilities or modification thereof; 3) the use represents a need which overrides the importance of protecting the wetland; 4) development of the linear improvement will include all practical measures to mitigate the adverse impact on the wetland; and 5) the resources of the Pinelands will not be substantially impaired as a result of the facility and its development as determined exclusively based on the existence of special and unusual circumstances.

The information submitted as part of ACE's Pinelands Development Application, which was verified by the Commission staff, demonstrates compliance with the five conditions of N.J.A.C. 7:50-6.13. Specifically, based upon the staff's review, there is no feasible alternative route for the proposed existing electric transmission line that does not involve development in wetlands or another feasible route which results in an impact to less than 218 square feet of wetlands. The proposed development will increase the reliability and resiliency of the overall electricity distribution system, the need for which cannot be met by existing facilities or modifications thereof. The improved reliability represents a need which overrides the importance of protecting 218 square feet of wetlands. Development of the project will include all practical measures, including matting and the use of silt fence, to avoid earth disturbance in the wetland and minimal cutting of trees, to mitigate any adverse impact on the wetland. The permanent disturbance of the 218 square feet of wetland will not result in the resources of the Pinelands being substantially impaired.

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

The proposed electric transmission tower replacement project will be located entirely within an existing electric transmission line right-of-way. A total of nine trees will be removed to accommodate the proposed activity, three of which are in wetlands. In accordance with N.J.A.C. 7:50-6.23(a), the proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP (N.J.A.C. 7:50-6.26) recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. N.J.A.C. 7:50-6.26 lists grass species that meet this standard. To stabilize the disturbed areas associated with the transmission line pole replacement, the applicant should utilize a seed mixture which meets that recommendation.

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

The applicant completed a habitat suitability assessment and accompanying surveys for Pinelands designated threatened and endangered (T&E) animal species, and surveys for Pinelands designated T&E plant species. Suitable habitat for the local populations of two T&E animal species, Barred owl and Pine Barrens tree frog, was identified in portions of the wetlands located in the vicinity of the project. To avoid irreversible adverse impacts on habitats that are critical to the survival of known local populations of Barred owls and Pine Barrens tree frogs, the applicant proposes to prohibit development in and within 300 feet of those wetlands where critical habitat for these populations has been identified for the period

between March 1 and August 31. Critical habitat for known populations of Northern pine snakes was identified in the vicinity of, but not within, the existing right-of-way. To avoid impacts to individual Northern pine snakes during construction, the applicant proposes to utilize qualified professionals to monitor the development activities between April 1 and October 31. The proposed development activities therefore have been designed to ensure that there will be no irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species designated by the Department of Environmental Protection pursuant to N.J.S.A. 23:2A-1 *et seq.*

With regard to T&E plant species, the survey identified local populations of numerous threatened and endangered plant species within the existing right-of-way. The development and all activities necessary to accommodate the development, including access drives and work areas, have been designed so that the proposed project will not result in irreversible adverse impact on the survival of these local populations of these T&E plant species.

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

A cultural resource survey was completed for the application. The survey identified significant cultural resources below the ground surface in seven areas within the right-of-way. Construction matting is proposed to be installed in six of those areas to avoid potential impacts to these significant cultural resources. Impacts to the seventh area will be unavoidable and will be disturbed due to the placement of one of the monopoles. In accordance with the provisions of the CMP (N.J.A.C. 7:50-6.156(a)2), the submitted cultural resource survey accomplished the recordation of the significant cultural resource in the seventh area. The proposed development is consistent with the CMP cultural resource standards.

PUBLIC COMMENT

As noted above, the Commission provided an opportunity for the public to provide comment in person at its regularly scheduled meeting on November 3, 2017, and through the submission of written comments until the end of business the same day. Notice of these public comment opportunities was provided on the Commission's website and sent to the Asbury Park Press, Press of Atlantic City, Burlington County Times and Cherry Hill Courier Post on October 13, 2017, announcing the opening of the public comment period. No member of the public spoke concerning the application at the November 3, 2017 Commission meeting, and no written comments were received.

EXECUTIVE DIRECTOR'S RECOMMENDATION

The Executive Director concludes that the proposed ACE electric transmission tower replacement project, Application No 1981-0479.011, conforms to the standards of the CMP. The Executive Director therefore recommends that the Pinelands Commission **APPROVE** it subject to the following conditions:

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the following plans:

Site Plan, consisting of 37 sheets, prepared by Paulus, Sokolowski and Sartor, LLC and dated as follows:

Sheets 1-37, dated 3/4/2016, last revised 10/12/2016

Site Plan, consisting of 13 sheets, prepared by Gannett Fleming Inc. and dated as follows:
Sheets 1-13, dated 6/30/2016

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP found at N.J.A.C. 7:50-6.21 et. seq. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to the construction of any portion of the proposed development which will result in the disturbance of any wetland area, a Freshwater Wetland Permit shall be obtained pursuant to the New Jersey Freshwater Wetlands Protection Act.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and said measures shall be maintained in place until all development has been completed and the area has been stabilized.
6. To maintain consistency with the CMP cultural resource standards, the applicant shall install matting and fencing in the six areas identified in the applicant's Executive Summary and Phase III Archaeological Mitigation report, dated October 27, 2016, as containing significant cultural resources. The applicant shall submit to the Commission photo-documentation of pre-construction, in-progress and end of project conditions for the six locations.
7. To avoid irreversible adverse impacts on habitats that are critical to the survival of known local populations of Barred owls and Pine Barrens tree frogs, development in wetlands and the required 300 foot buffer to those wetlands that have been identified as critical habitat for these local populations is prohibited between March 1 and August 31 of any given year.
8. Prior to any development, the applicant shall obtain any other necessary permits and approvals.



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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

LETTER OF INTERPRETATION #2158

October 27, 2017

James & Leslie Davis
 75 Lincoln Road
 Pittsgrove, NJ 08318

Re: Application # 1995-1460.002
 Block 49.01, Lot 4
 Weeks Road
 Washington Township

FINDINGS OF FACT

The applicants own the above referenced 20.57 acre parcel in Washington Township. This acreage is based on the Township tax map. The parcel is located in the Pinelands Preservation Area District. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicants are requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are allocated to this parcel.

The parcel consists of 20.21 acres of undisturbed uplands and 0.36 acres of wetlands as defined by N.J.A.C. 7:50-6.5(a). The applicants reserve the right to undertake field mapping to further refine the acreage of uplands and wetlands on the parcel. The parcel is forested and vacant. There are no easements limiting the use of this parcel to non-residential uses. No resource extraction operation or development has been approved for this parcel pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP).

CONCLUSION

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

The CMP establishes the ratio by which Pinelands Development Credits (PDCs) are allocated in the Pinelands Preservation Area District (N.J.A.C. 7:50 5.43(b)1). One (1) PDC is allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit



approved pursuant to the provisions of the Plan. There are 0.2 PDCs allocated for every 39 acres of wetlands.

For the 20.21 acres of uplands, the applicants would be entitled to 0.52 PDCs. For the 0.36 acres of wetlands, the applicants would be entitled to 0.00 PDCs. There would be 0.52 PDCs allocated to this parcel.

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

Therefore, there are 0.5 PDCs allocated to Block 49.01, Lot 4.

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

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

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

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

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

Sincerely,



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

- c: Secretary, Washington Township Planning Board (via email)
- Washington Township Construction Code Official (via email)
- Secretary, Burlington County Planning Board (via email)
- Susan R. Grogan, Executive Director, PDC Bank (via email)
- James & Leslie Davis (via email)



State of New Jersey

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Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

October 24, 2017

Jack O'Connor (via email)
Pine Barrens Adventures, LLC
321 Osborn Avenue
Point Pleasant, NJ 08742

Re: Application # 1982-3054.071
Pine Barrens 500
October 27-29, 2017
Barnegat, Bass River,
Little Egg Harbor, Manchester,
Mullica, Pemberton, Shamong,
Southampton, Stafford, Tabernacle,
Washington, Waterford, Winslow
and Woodland Townships and
Town of Hammonton

Dear Mr. O'Connor:

Pursuant to N.J.A.C. 7:50-6.143(a) of the Pinelands Comprehensive Management Plan, the completion of your application has resulted in the issuance of the enclosed *Off-Road Vehicle Event Route Map Approval*.

If you have any questions, please contact Brian Szura of our staff.

Sincerely,

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

Enc: Off-Road Vehicle Event Route Map Approval

c: Town of Hammonton Clerk (via email)
Mullica Township Clerk (via email)
Bass River Township Clerk (via email)
Pemberton Township Clerk (via email)
Shamong Township Clerk (via email)
Southampton Township Clerk (via email)
Tabernacle Township Clerk (via email)



Washington Township Clerk (via email)
Woodland Township Clerk (via email)
Waterford Township Clerk (via email)
Winslow Township Clerk (via email)
Barnegat Township Clerk (via email)
Little Egg Harbor Township Clerk (via email)
Manchester Township Clerk (via email)
Stafford Township Clerk (via email)
David Robbins, Superintendent, Wharton State Forest (via email)
Tom Keck, Regional Superintendent, NJ State Park Service - Southern Region (via email)



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

OFF-ROAD VEHICLE EVENT ROUTE MAP APPROVAL #1309

Application #: 1982-3054.071

Applicant: Pine Barrens Adventures, LLC

Event Name: Pine Barrens 500

Event Date: October 27-29, 2017

Municipalities: Barnegat, Bass River, Little Egg Harbor, Manchester, Mullica, Pemberton, Shamong, Southampton, Stafford, Tabernacle, Washington, Waterford, Winslow and Woodland Townships and Town of Hammonton

Management Area: Agricultural Production Area, Forest Area, Infill Development Area, Pinelands Town, Pinelands Village, Preservation Area District, Rural Development Area, Special Agricultural Production Area

Lands Utilized

Belleplain, Brendan T. Byrne, Bass River, Penn, Greenwood & Wharton State Forests

Approved Route Map

Received in electronic format on October 6, 2017

October 24, 2017

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

Date

Please see reverse side for additional information and conditions.

BACKGROUND

- ♦ Three loops beginning and ending at the Hammonton EconoLodge
- ♦ 400 miles

CONDITIONS

- ♦ No deviation from the Approved Route Map shall occur without prior written approval from the Commission.
- ♦ No private lands shall be utilized without owner permission.
- ♦ No ORV event shall run until all necessary permits, approvals and authorizations have been obtained.
- ♦ In the event of cancellation or postponement, the Pinelands Commission shall be notified of the new date. A copy of the new insurance policy as well as documentation that the municipalities, the State Police, the State Forests, and any private land owners have been notified must also be submitted.



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Chris Christie
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Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

November 2, 2017

Mike Bradway (via email)
Tri-County Sportsmen Motorcycle Club, Inc.
P.O. Box 146
Port Elizabeth, NJ 08349

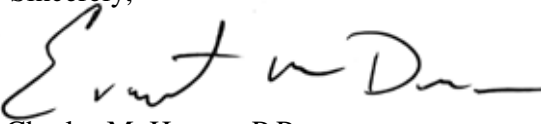
Re: Application # 1988-0757.058
National Dual Sport
November 4 and 5, 2017
Borough of Woodbine, City of Estell Manor,
City of Vineland, and Buena Vista,
Dennis, Maurice River & Upper Townships

Dear Mr. Bradway:

Pursuant to N.J.A.C. 7:50-6.143(a) of the Pinelands Comprehensive Management Plan, the completion of your application has resulted in the issuance of the enclosed *Off-Road Vehicle Event Route Map Approval*.

If you have any questions, please contact Brian Szura of our staff.

Sincerely,



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

Enc: Off-Road Vehicle Event Route Map Approval

c: Buena Vista Township Clerk (via email)
City of Estell Manor Clerk (via email)
Dennis Township Clerk (via email)
Upper Township Clerk (via email)
Borough of Woodbine Clerk (via email)
Maurice River Township Clerk (via email)
City of Vineland Clerk (via email)
Lorraine McCay, Superintendent, Belleplain State Forest (via email)





Chris Christie
Governor

Kim Guadagno
Lt. Governor

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

OFF-ROAD VEHICLE EVENT ROUTE MAP APPROVAL #1310

Application #: 1988-0757.058

Applicant: Tri-County Sportsmen Motorcycle Club, Inc.

Event Name: National Dual Sport

Event Date: November 4 and 5, 2017

Municipalities: Borough of Woodbine, City of Estell Manor, City of Vineland, and Buena Vista, Dennis, Maurice River & Upper Townships

Management Area: Forest Area, Pinelands Town, Pinelands Village, Rural Development Area

Lands Utilized

Belleplain State Forest, Whibco of New Jersey, Inc.

Approved Route Map

Received in electronic format on October 26, 2017

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

November 2, 2017

Date

Please see reverse side for additional information and conditions.

BACKGROUND

- ♦ Two routes, each beginning and ending at Franckle Lane on Weatherby Road in Port Elizabeth
- ♦ 160 miles

CONDITIONS

- ♦ No deviation from the Approved Route Map shall occur without prior written approval from the Commission.
- ♦ No private lands shall be utilized without owner permission.
- ♦ No ORV event shall run until all necessary permits, approvals and authorizations have been obtained.
- ♦ In the event of cancellation or postponement, the Pinelands Commission shall be notified of the new date. A copy of the new insurance policy as well as documentation that the municipalities, the State Police, the State Forests, and any private land owners have been notified must also be submitted.



State of New Jersey

THE PINELANDS COMMISSION

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NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

November 16, 2017

Tim Thigpen (via email)
Central Jersey Competition Riders
94 Major Road
Monmouth Junction, NJ 08852

Re: Application # 1988-0272.031
Pine Hill Enduro
November 19, 2017
Manchester, Pemberton
& Woodland Townships

Dear Mr. Thigpen:

Pursuant to N.J.A.C. 7:50-6.143(a) of the Pinelands Comprehensive Management Plan, the completion of your application has resulted in the issuance of the enclosed *Off-Road Vehicle Event Route Map Approval*.

If you have any questions, please contact Brian Szura of our staff.

Sincerely,

for Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Off-Road Vehicle Event Route Map Approval

c: Pemberton Township Clerk (via email)
Woodland Township Clerk (via email)
Manchester Township Clerk (via email)
Dave Robbins, Superintendent, Brendan T. Byrne State Forest (via email)
Tom Keck, Regional Superintendent, NJ State Park Service - Southern Region (via email)





Chris Christie
Governor

Kim Guadagno
Lt. Governor

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

OFF-ROAD VEHICLE EVENT ROUTE MAP APPROVAL #1311

Application #: 1988-0272.031

Applicant: Central Jersey Competition Riders

Event Name: Pine Hill Enduro

Event Date: November 19, 2017

Municipalities: Manchester, Pemberton & Woodland Townships

Management Area: Forest Area, Preservation Area District, Special Agricultural Production Area

Lands Utilized

Brendan T. Byrne State Forest

Approved Route Map

Received in electronic format on November 16, 2017

November 16, 2017

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

Date

Please see reverse side for additional information and conditions.

BACKGROUND

- ♦ Two loops beginning and ending at the campground in Brendan T. Byrne State Forest
- ♦ 84 miles

CONDITIONS

- ♦ No deviation from the Approved Route Map shall occur without prior written approval from the Commission.
- ♦ No private lands shall be utilized without owner permission.
- ♦ No ORV event shall run until all necessary permits, approvals and authorizations have been obtained.
- ♦ In the event of cancellation or postponement, the Pinelands Commission shall be notified of the new date. A copy of the new insurance policy as well as documentation that the municipalities, the State Police, the State Forests, and any private land owners have been notified must also be submitted.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17-_____

TITLE: Issuing an Order to Certify Ordinance 1971-2017, Amending Chapter 233 (Land Management) of the Code of Galloway Township

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 October 10, 2017, Galloway Township adopted Ordinance 1971-2017, amending Chapter 233 (Land Management) of the Township's Code; and

WHEREAS, Ordinance 1971-2017 establishes electronic message center signs as permitted uses in the Township's zoning districts within the Pinelands Regional Growth Area, Pinelands Town, and Pinelands Village Management Areas, including standards for controlling illumination levels, message duration, and message transition; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 1971-2017 on October 12, 2017; and

WHEREAS, by letter dated October 17, 2017, the Executive Director notified the Township that Ordinance 1971-2017 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 1971-2017 was duly advertised, noticed and held on November 1, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Ordinance 1971-2017 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 1971-2017, amending Chapter 233 (Land Management) of the Code of Galloway Township, is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Ordinance 1971-2017 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 1971-2017 and has reviewed the Executive Director's report; and

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

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

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to certify that the Ordinance 1971-2017, amending Chapter 233 (Land Management) of the Code of Galloway Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Galloway Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

**REPORT ON GALLOWAY TOWNSHIP ORDINANCE 1971-2017, AMENDING CHAPTER
233 (LAND MANAGEMENT) OF THE CODE OF GALLOWAY TOWNSHIP**

November 17, 2017

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 Township and Galloway Township, 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 October 10, 2017, Galloway Township adopted Ordinance 1971-2017, amending Chapter 233 (Land Management) of the Code of Galloway Township. Ordinance 1971-2017 adopts regulations controlling electronic message center (EMC) signs. In particular, it establishes such signs as permitted uses in the zoning districts located within the Pinelands Regional Growth Area, Pinelands Town, and Pinelands Village Management Areas of the Township, and provides additional standards for controlling illumination levels, message duration, and message transition. The Pinelands Commission received a certified copy of Ordinance 1971-2017 on October 12, 2017.

By letter dated October 17, 2017, the Executive Director notified the Township that Ordinance 1971-2017 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 1971-2017, amending Chapter 233 (Land Management) of the Code of Galloway Township, introduced on September 12, 2017 and adopted on October 10, 2017.

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

1. Natural Resource Inventory

Not applicable.

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

Ordinance 1971-2017 amends Chapter 233 (Land Management) Section 233-10 (Sign Regulations) of the Code of Galloway Township. In particular, it establishes regulations permitting and controlling for electronic message center (EMC) signs. These types of signs are electronically-activated, changeable-copy signs whose variable message and/or graphic presentation can be electronically programmed by a computer from a remote location and is typically illuminated by LED lights.

Ordinance 1971-2017 permits EMC signs to be used for a limited range of on-site identification sign categories including those for: institutional uses and public facilities; permitted professional offices; businesses; shopping centers; and industrial parks. In the Pinelands Area, Ordinance 1971-2017 permits EMC signs only within zoning districts that are within the Pinelands Regional Growth Area, Pinelands Town, and Pinelands Village Management Areas. Galloway Township includes two discrete Regional Growth Areas, portions of the Pinelands Town of Egg Harbor City and the entirety of the Pinelands Villages of Cologne-Germania and Pomona (see Exhibit 1).

Ordinance 1971-2017 establishes additional standards requiring that all such signs: incorporate automatic dimming controls; retain a minimum message display time of 8 seconds; shall not exceed a maximum luminance level of 750 cd/m² between sunset and sunrise; shall not use continuous scrolling and/or traveling, flashing, blinking, twinkling, spinning, rotating, and similar moving effects; and shall turn off or display a blank screen when malfunctioning; and where residential uses are located within 200 feet of the property, the sign shall dimmed and remain steady from 11:00 pm through 6:00 am.

The amendments made by Ordinance 1971-2017 must be evaluated in terms of their consistency with the CMP's scenic management program (N.J.A.C. 7:50-6, Part X), which contains standards for signs. The scenic management standards of the CMP include a general prohibition on signs that are designed to attract attention by physical or lighting change (N.J.A.C. 7:50-6.107(a)). Additionally, N.J.A.C. 7:50-6.107(e) requires that to the maximum extent practical, the character and composition of construction materials for all signs shall be harmonious with the scenic values of the Pinelands.

This ordinance presents a potential conflict with the 7:50-6.107(a) because, by design, EMC signs allow for the contents of a sign to change at relatively frequent intervals through the use of LED technology. It is noteworthy that the CMP does not provide any standards for sign lighting (e.g., internal or external lighting). Thus, it is not the use of the LED technology (internal illumination) by EMC signs that raises an issue with the CMP, but the fact that EMC signs involve the changing of one static image to another, or even the use of video, to attract attention. However, it is important to note that this particular standard of the CMP was written in 1980 at a time when such LED technology was not common, but is now in pervasive use.

Ordinance 1971-2017 incorporates numerous standards to control the location, size and appearance of EMC signs as outlined above. Given that these types of signs are permitted only in the Pinelands Regionals Growth Area, Pinelands Town, and Pinelands Village Management Areas of Galloway Township, where the CMP permits and encourages all types of residential and commercial development, these standards sufficiently address concerns with scenic management.

The amendments adopted by Ordinance 1971-2017 are consistent with the land use and development standards of the CMP. Therefore, this standard for certification is met.

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

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Not applicable.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance 1971-2017, amending Chapter 233 (Land Management) of the Code of Galloway Township, 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

Ordinance 1971-2017, amending Chapter 233 (Land Management) of the Code of Galloway Township, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

Not applicable.

PUBLIC HEARING

A public hearing to receive testimony concerning Galloway Township's application for certification of Ordinance 1971-2017 was duly advertised, noticed and held on November 1, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Mr. Lanute conducted the hearing, at which no testimony was received.

Written comments were accepted through November 3, 2017; however, no comments were received.

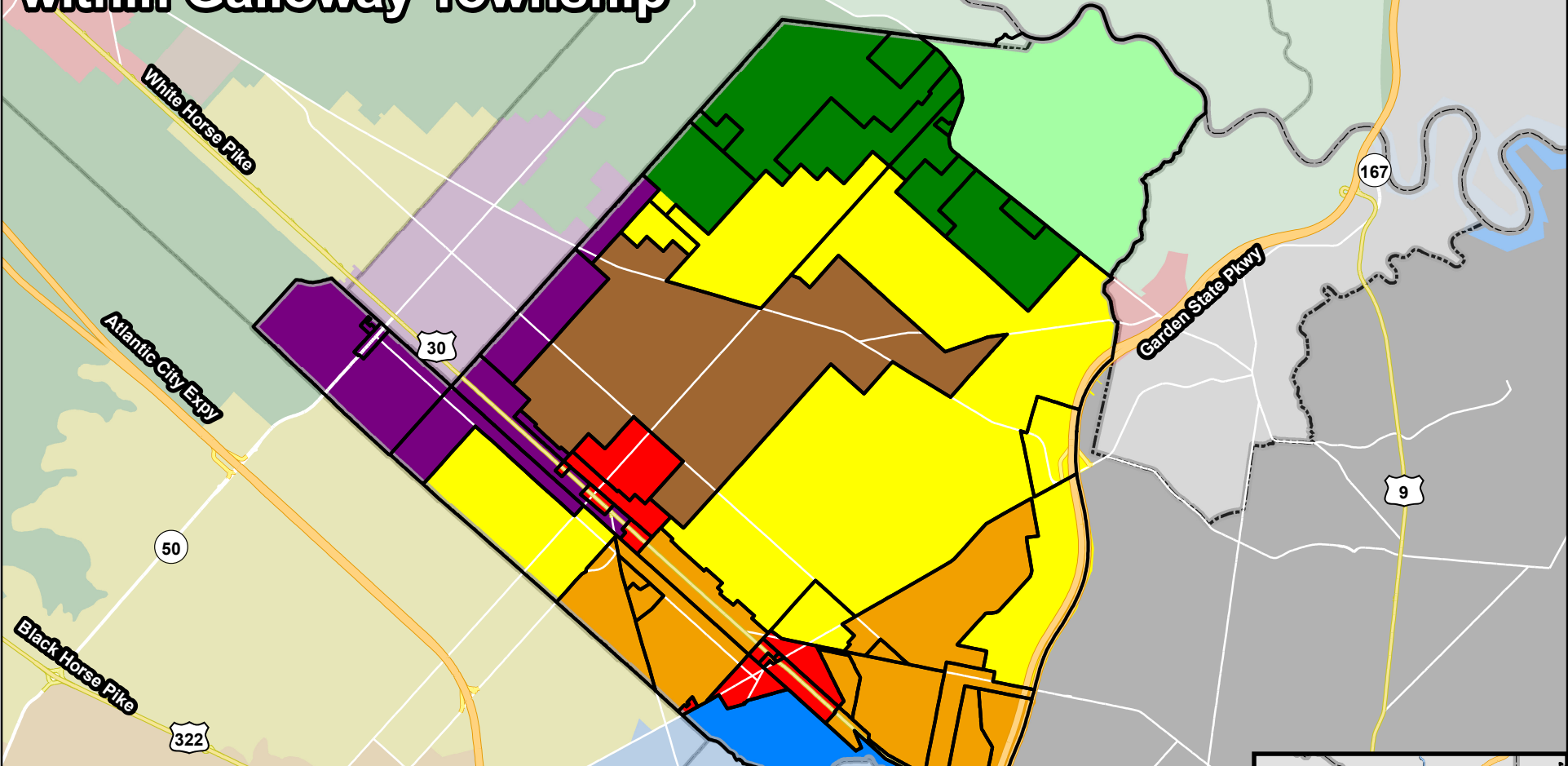
CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 1971-2017 complies with the Comprehensive Management Plan's standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinance 1971-2017 of Galloway Township.









SRG/DBL/CGA
Attachment


Pinelands Management Areas within Galloway Township

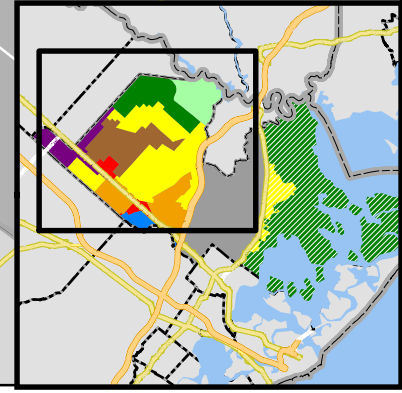
Executive Director's Report
Galloway Ordinance 1971-2017
Exhibit 1
11/17/2017



Pinelands Management Areas

 Preservation Area	 Regional Growth Area
 Forest Area	 Pinelands Town
 Agricultural Production Area	 Pinelands Village
 Rural Development Area	 Federal or Military Facility

0  5 Miles





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17-_____

TITLE: To Revise and Adopt Amendments to the Comprehensive Management Plan in Accordance with the Administrative Procedure Act (Application Fees; Escrows; Application Procedures; Landfills; Water Quality; Signs; Alternate Design Wastewater Treatment Systems Pilot Program)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, on July 14, 2017, the Pinelands Commission authorized the publication of proposed amendments to the Comprehensive Management Plan through adoption of Resolution PC4-17-22; and

WHEREAS, the proposed amendments were published in the September 18, 2017 issue of the New Jersey Register at 49 N.J.R. 3075(a); and

WHEREAS, the Pinelands Commission held a public hearing to elicit public comment on the proposed amendments on October 4, 2017; and

WHEREAS, the Pinelands Commission also solicited written comment on the proposed amendments through November 17, 2017; and

WHEREAS, the Pinelands Commission received both oral and written comments on the proposed amendments; and

WHEREAS, the Pinelands Commission has reviewed all public comments received; and

WHEREAS, based upon further review of the proposed amendments and public comments, the Commission has determined that the proposed amendments to N.J.A.C. 7:50-4.1(a)17, which relate to prescribed burning and the clearing and maintaining of fire breaks, should not be adopted at this time; and

WHEREAS, the Commission has further determined that minor technical changes to the amendments at N.J.A.C. 7:50-6.108(a)4 and 5 are necessary to correct publication errors made by the Office of Administrative Law; and

WHEREAS, the Pinelands Commission desires to revise and adopt the proposed amendments in accordance with the November 29, 2017 Notice of Adoption; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission in adopting the Comprehensive Management Plan or amendments thereto shall have force or effect until thirty (30) 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. The Pinelands Commission hereby revises the proposed Comprehensive Management Plan amendments, as published in the September 18, 2017 New Jersey Register, in accordance with the attached November 29, 2017 Notice of Adoption.
2. The Pinelands Commission hereby adopts the proposed Comprehensive Management Plan amendments, as published in the September 18, 2017 New Jersey Register, and in accordance with the attached November 29, 2017 Notice of Adoption.

3. The Executive Director shall forward the amendments and minutes of this action to the Governor of the State of New Jersey, and shall also forward these amendments to the United States Secretary of the Interior for review in accordance with Section 502 of the National Parks and Recreation Act of 1978.
4. The amendments shall take effect as provided in the Pinelands Protection Act and upon publication in the New Jersey Register.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman

PINELANDS COMMISSION

Pinelands Comprehensive Management Plan

Fees; Escrows; Definitions; Standards for Certification; Application

**Requirements and Procedures; Landfills; Water Quality; Signs; Petitions for
Amendment; Pilot Program for Alternate Design Wastewater Treatment
Systems**

**Adopted Amendments: N.J.A.C. 7:50- N.J.A.C. 7:50-1.6, 1.7, 2.11, 3.24, 3.39,
4.1, 4.3, 4.15, 4.18, 4.19, 4.20, 4.22, 4.23, 4.25, 4.26, 4.35, 4.37, 4.38, 4.40, 4.41,
4.53, 4.54, 4.55, 4.56, 4.66, 4.67, 4.68, 4.73, 4.74, 4.79, 4.91, 6.64, 6.75, 6.84,
6.85, 6.106, 7.3, 7.5, 9.7, 10.21, 20.22 and 10.23**

Adopted Repeals and New Rules: N.J.A.C. 7:50-6.107, 6.108 and 6.109

Proposed: September 18, 2017 at 49 N.J.R. 3075(a)

Adopted: December 8, 2017 by the New Jersey Pinelands Commission, Nancy
Wittenberg, Executive Director

Filed: December __, 2017, **with non-substantial changes** not requiring
additional public notice and comment (see N.J.A.C. 1:30-6.3) and **with
amendments at N.J.A.C. 7:50-4.1(a)17 not adopted.**

Authorized by: New Jersey Pinelands Commission

Authority: N.J.S.A. 13:18A-6j.

Effective Date: __, 2018

Expiration Date: Exempt.

The New Jersey Pinelands Commission (Commission) is adopting new
rules and amendments to Subchapters 1, General Provisions; 2, Interpretations

and Definitions; 3, Certification of County, Municipal and Federal Installation Plans; 4, Development Review; 5, Minimum Standards for Land Uses and Intensities; 6, Management Programs and Minimum Standards; 9, Acquisition of Properties with Limited Practical Use; and 10, Pilot Programs, of the Pinelands Comprehensive Management Plan (CMP). The amendments and new rules were proposed on September 18, 2017 at 49 N.J.R. 3075(a). The adopted amendments and new rules relate to fees, escrows, application requirements and procedures, public notice and mailing requirements, water quality standards, landfill closure, signs and the Pilot Program for Alternate Design Wastewater Treatment Systems. They codify current Commission practice, clarify existing standards and requirements, increase the efficiency of the Commission and its staff, eliminate unnecessary application requirements, simplify procedures for the Commission, Pinelands municipalities and applicants, clarify the circumstances under which installation of an impermeable cap is not necessary for existing Pinelands landfills, allow for the use of advanced treatment technologies as a means of facilitating expansion of certain existing nonresidential uses, update and revise CMP sign standards and recognize the successful participation of one alternate design wastewater treatment technology in a long-standing pilot program.

In association with publication of the proposed amendments and new rules in the September 18, 2017 issue of the New Jersey Register, the Pinelands Commission transmitted the proposal to each Pinelands municipality and county, as well as to other interested parties, for review and comment. Additionally, the Pinelands Commission:

- Sent notice of the public hearing to all persons and organizations that subscribe to the Commission's public hearing registry;
- Sent notice of the public hearing and provided a copy of the rule proposal to all Pinelands counties and municipalities, the health departments of all seven Pinelands counties, the alternate design wastewater treatment system vendors for technologies approved in the Pinelands Area and other interested parties;
- Placed advertisements of the public hearing in the four official newspapers of the Commission, as well as on the Commission's own web page;
- Submitted the proposed amendments and new rules to the Pinelands Municipal Council pursuant to N.J.S.A. 13:18A-7f;
- Distributed the proposed amendments and new rules to the news media maintaining a press office in the State House Complex; and
- Published a copy of the proposed amendments and new rules on its web page at www.nj.gov/pinelands.

Summary of Hearing Officer Recommendations and Agency Response:

A formal public hearing was held before the Commission staff on October 4, 2017. One person attended the hearing and provided oral testimony on the rule proposal.

The public hearing was recorded on magnetic tape which is on file at the Commission's office at 15 Springfield Road, New Lisbon, New Jersey. The record of this rulemaking is available for inspection in accordance with applicable law by contacting:

Betsy Piner

Pinelands Commission

P.O. Box 359

New Lisbon, NJ 08064

In addition to the oral testimony, the Commission received 669 written comments on the proposed amendments and new rules.

The hearing officer's recommendations are in accordance with the public comment and agency responses below.

Summary of Public Comments and Agency Responses:

The Commission accepted oral comments on the September 18, 2017 proposal at the above-discussed October 4, 2017 public hearing and written comments by regular mail, facsimile or e-mail through November 17, 2017.

The following individuals and organizations submitted comments:

1. Jean Q. Public
2. Mayor Chuck Chiarello, Buena Vista Township
3. Connie Herman
4. Roger Bynum
5. Laura Nesbitt
6. Charlotte Tomaszewski
7. Patricia Haines
8. Marko Capoferri
9. Kathy Antenar
10. Nancy Klein

11. Robert Bennett
12. Cheryl Baysal
13. Jeri Mower
14. Kevin Sparkman
15. Maria Scotto diCarlo
16. Norah English
17. Melissa Tomlinson
18. Michael McFadden
19. Kate Pourshariati
20. Cathy Patsco
21. Alina Taylor
22. Clayton Gashlin
23. Georgina Shanley
24. Greg Gates
25. Lisa Kruczek
26. Bill Brash, President, Board of Trustees, New Jersey Fire Safety Council
27. John Comella
28. Carroll Arkema
29. Holly McDonald
30. Chuck Graver
31. Hillary Persky
32. Patricia Mathis
33. Tom Harris

34. Frank DiDonato
35. David Steinberg
36. Paul Purcell
37. James Adams
38. Amy Hansen
39. Melissa Kendall
40. Joseph McConnell
41. Steven Fenster
42. April Redmond, Trustee, Tavistock Homeowners Association
43. Anthony DeStasio
44. Judith Kuhmichel, Chairperson, Country Walk of Lake Ridge Firewise
Program
45. Horace Somes
46. William Edwards
47. Anne Carroll
48. Stephen Marshall
49. Barbara Milloy
50. Janet Fair
51. Moira Flynn, chairperson, Community Safety Committee, Four Seasons at
Mirage, Barnegat
52. Denise Mackey
53. Manchester Township Council
54. Mayor Kenneth Palmer, Manchester Township

55. Kathleen Agolio
56. Edward & Elizabeth Lynch
57. Patrick Lenaghan
58. Betty Musetto
59. Horizons at Barnegat Firewise Committee
60. Diane Schlagel, President, Firewise Board of Brighton at Barnegat
61. P. Mondelli
62. Jay E. Mounier
63. Edward Walz, President, Board of Directors, Cedar Glen Lakes, Inc.
64. Barbara Trought
65. Robert R. Williams, Certified Forester, Pine Creek Forestry, LLC
66. Gordon Gross, Emergency Management Coordinator, Office of
Emergency Management, Maurice River Township
67. Mayor Dudley Lewis, Washington Township
68. Atul Bhankharia
69. Aaron Cela
70. Monty Tilles
71. Linda Mikes
72. Joan Walters
73. Dawn Boughal
74. Anita Rosinola
75. Julia Cranmer
76. Joann Eckstut

77. Jo Ann McGreevy
78. Robert Candelmo
79. Charles O'Donnell
80. Jazmene Smith
81. Caroline Binder
82. Ann Michalowski
83. Anita Kasbarian
84. Graham Ellis
85. Dennis Huyler
86. Bettina Hempel
87. Peter Lenshoek
88. Janis Todd
89. Gina Stagliano
90. Bonner Doemling
91. David Lawrence
92. Kathi Cooley
93. Marjorie Royle
94. Cheri Dzubak
95. Harriet Jernquist
96. Carol Lindsey
97. Izabela Lambert
98. Chris Hazynski
99. Irene Pendze

100. John Swanson
101. Jay Powell
102. Jeff Barton
103. Cori Bishop
104. Theresa Sapigo
105. Petr Khlyabich
106. Timothy Beitel
107. Susan Terris
108. Christopher D'Amato
109. Marilyn Wechselblatt
110. Nancy Feldman
111. Ronald Sverdlove
112. Aurelle Sprout
113. B. Fleitman
114. Nancy Keating
115. Arthur Anderson
116. Mary Loielo
117. James Merlo
118. Hennessy Hennessy
119. Joseph Attamante
120. Dale Smith
121. Robert Rader
122. Arlene Aughey

123. Dorothy Jackson
124. Jay Hendra
125. Jane Dineen
126. Jeffrey Rattner
127. Jeanne Out
128. Tara Cruser-Moss
129. Ae Petrilla
130. Jenny Ludmer
131. Chris Scholl
132. Barbara Darwin
133. Guy Harris
134. Louis Dallara
135. Rozina Barker
136. JosephPorter
137. Justin Kaluza
138. Tabernacle Township Committee
139. William Hague
140. Shawn Cutts, President, American Cranberry Growers Association
141. John Drew
142. Sam Mufalli
143. Alice Golin
144. Donald Cramer
145. Helene Matthews

146. Ibn-Umar Abbasparker
147. James Shea
148. Joseph Braun
149. Marian Reiff
150. William Frantz
151. Charles Davis
152. Clive Smith
153. Jean Publee
154. James Tomczyk
155. Mike Simonet
156. Leonard Berkowitz
157. Katherine Smith, Dr. Ryan Rebozo and Dr. Emile DeVito, Pinelands
Preservation Alliance
158. Don Vonderschmidt
159. Warren Tuttle, Sr.
160. David Vanek
161. Judith Arik-McGrail and Timothy McGrail
162. Heather John
163. Margaret Wianecki
164. Esterina Bodarky
165. Ruth Boroshok
166. Gina Megay
167. Lascinda Goetschius

168. Jutta Von Sivers
169. Steve Gross
170. James Angley
171. Sandy Pelland
172. Tom Murray
173. Elaine Goodman
174. Sharon Sauro
175. Marion Chayes
176. Kathy Hart
177. Terry Edlefsen
178. Lisa Blume
179. Aaron Kirtz
180. Matthew Garvin
181. Rhoda Lewis
182. Brian de Castro
183. Stewart and Barbara Carr
184. Kelly Riley
185. Candace Bassat
186. Olga Vannucci
187. Christopher Carlin
188. Keating, C
189. Sherry Gordon
190. Richard Anscher

191. John Wheeler
192. David Fritsche
193. Peter Burval
194. Paul Lerman
195. Richard Kelly
196. Brian Schranz
197. Robert Barrett
198. Carol Joseph
199. Glenn and Meg Turner
200. Paul Riley
201. Patricia Munn
202. Bruce Gordon
203. Rui Moreira
204. David Snope
205. Glenn Novak
206. Robert McPherson
207. Stephanie Eckert
208. Leora Broche
209. Richard Riggs
210. Gregory Rosmaita
211. Susan Tull
212. David Kaplan
213. Robert Szuter

214. Mark Canright
215. Michael Dawson
216. Lee Johnson
217. Carmen Dinescu
218. Stan Hershey
219. Karen Hauck
220. Wayne Strelecki
221. Kelley Nelson
222. Donna Pfeffer
223. Debra Johnson
224. Daniel Kurz
225. Frances Benson
226. Jeffrey Howell
227. Marie Street
228. MaryAnn Muscavage
229. Joseph Basralian
230. James Golden
231. Susan Chenelle
232. Mariusz Dziewulski
233. Carl Ford
234. Zorina Weber
235. Merelyn Dollins
236. Joseph Pylka

237. Sherry Taylor
238. Peter Ingerman
239. Margaret Bordak
240. Joseph Brigandi
241. Iris Block
242. Christine Balint
243. Alan Harwick
244. Diane Geary
245. Corey Schade
246. George Chernetz
247. Joyce Milinowicz
248. Kenneth Grosso
249. David Briede
250. Brooke Harris
251. Gail Andrews
252. Diane Bynum
253. Christina Perella
254. Karen Abel
255. Julie von Uffel
256. Julian Madison
257. Pete Mooney
258. M Sidey
259. Eleanor Liggio

260. Eugene Gorrin
261. Kerry Heck
262. John Bruce
263. Julie Aronson
264. Jackie Garwin
265. Maureen Levier
266. Helen Hamilton
267. Gregory Gates
268. Rosemary Topar
269. Joseph Matar
270. Walter Tulys
271. Tom Beatini
272. Renee Simone-Wiley
273. Gertrude Glazer
274. Dorian Charles
275. Donald White
276. Glenn Welsh
277. Bonnie Bayardi
278. Jean Kuhn
279. Ismael Rodriguez
280. Gairda Jensen
281. Jann Jasper
282. M March

283. H Cunningham
284. James Macaluso
285. Walt Anen
286. Sue Vanleeuwen
287. Shawn Liddick
288. Paul Lucas
289. Sandra Gordon
290. Kevin Kimmel
291. Michele Richards
292. Elsie Polsenski
293. Barbara Nyce
294. Charles Avatar
295. Betsy Hays Gatti
296. Ken Burkhardt
297. John Schreiber
298. Kate Gibbons
299. Margaret Yelenik
300. George Hurst
301. Steven Villani
302. Michael DiGiore
303. Linda Franklin Dreker
304. Stephen Piotrowski
305. Susan Covert

306. Miriam MacGillis
307. David Caccia
308. Matty Giuliano
309. Carl Casella
310. Ginger Mc Rae
311. Joseph Fysz
312. William Roller
313. Jay Steele
314. Matthew Di Clemente
315. Jason Bladzinski
316. Donna O'Leary
317. Margaret Mitchell
318. Felicia Lewis
319. Karen McGuinness
320. Kathleen Maher
321. Denise Summer
322. Lynn Mignola
323. Francie Goldstein
324. Patricia Martinelli
325. Gilda Dibenedetto
326. Nicholas Homyak
327. Sally Warner
328. Matthew Franck

329. MaryJo Kenny
330. William Diviney
331. Robert Veralli
332. Myron Rosenberg
333. Bruce Revesz
334. David Fisher
335. Wayne Jablonski
336. Beth Toussaint
337. Charissa Murray
338. Ann Tung
339. Lynnette Krueger
340. Leslie Lanphear
341. Eileen Corbett
342. Penny Bannister
343. Susan Hamann
344. Susan Godoy
345. Stephen V. Lee, III, President, Lee Brothers, Inc.
346. Jennifer Parisi
347. Tracey Tronolone
348. Jarrett Cloud
349. Dianne Swensen
350. Andrea Hall
351. Jack Spector

352. Rich McFeeters
353. David Schatanoff
354. Marcia Aronoff
355. Jill Arbuckle
356. Michael Gallaway
357. Robert Garcia
358. Betsy Barrett
359. Teresa Brown
360. Paul Petto
361. Lynn Roberts
362. Greg Krawczyk
363. Marco Palladino
364. Richard Reeves
365. Nancy Newcomer
366. Ruth H Varney
367. Louis Ginsburg
368. Lawrence Hoffman
369. Patricia Soteropoulos
370. Lisa Quartararo
371. Virginia & George Breza
372. Nancy Yarnall
373. Donna Nina
374. Kathi Lombardi

375. Carol Kuehn
376. John Bradford
377. Mark van Rossen
378. Martin Judd
379. Helen Schafer
380. Debra Miller
381. John Muits
382. Catherine Kuzma
383. Robert Smith
384. Thomas Koven
385. Patricia Castine
386. Roger Johnson
387. Elizabeth Bates
388. Jacob Johnson
389. Melanie Murphy
390. Leland Montgomery
391. Deborah Martin
392. Fran Ransom
393. Raphael Wolfson
394. Marta Garcia
395. Pamela Shuman
396. Patricia Nardone
397. Florence Wohl

398. Suzanne Hutter
399. Daniel Weinberger
400. Donald Widmyer
401. William Welkowitz
402. Gibson Reynolds
403. George Gallagher
404. Bonnie Hall
405. Colleen Loughran
406. Jim Van Arsdale
407. Janine Nichols
408. Tracy Foster
409. Thomas Bauer
410. Jeanette Gallagher
411. Marylis Saltzmann
412. Damian Velez
413. Jonathan Rosenblatt
414. Chris Stock
415. Patrica Guthrie
416. Robert Keller
417. Janice Dlugosz
418. Stuart Way
419. Meredith Kates
420. Nicole Scott-Harris

421. Jacob Pease
422. Linda McKillip
423. Harry Hudson
424. Jerry Rivers
425. Sharyn Magee
426. James Hemm
427. Marvin Feil
428. Barbara Spector
429. Sandra Garcia
430. C. Ortiz
431. Thomas Cahill
432. Jo Legg
433. Adam Gross
434. Phyllis Fast
435. Kenneth Maskell
436. Thomas Gillen
437. Amy Steinberg
438. Heidi Hess
439. Erica Johanson
440. Jason Ksepka
441. Lynn Gale
442. Pete Dershimer
443. Elizabeth Guimes

- 444. Naomi Lonergan
- 445. Jessica Anderson
- 446. Victoria Mack
- 447. Gennaro F. DeLucia
- 448. Deborah Bianco
- 449. Jeanne Rothwarf
- 450. Richard Puglisi
- 451. Mitzi Deitch
- 452. Kathy Pippen
- 453. John Teevan
- 454. MJ Cittadino
- 455. Mekala Ravishankar
- 456. Justin Powell
- 457. Brian Moscatello
- 458. Debbie Smith
- 459. George Bourlotos
- 460. John Pasqua
- 461. Pat Foltz
- 462. Deirdre Evangelista
- 463. Phillip Desousa
- 464. John Rech
- 465. Takako Ishii-Kiefer
- 466. Darvin Schild

467. Wayne Goldsboro
468. Joann Ramos
469. Jack Schwartz
470. Daniel D'Auria
471. Scott Bruinooge
472. Kathleen Metzger
473. Lara Richards
474. Paul Bartholomew
475. Kathy Aprile
476. Lorraine Brabham
477. David Herbert
478. Rhoda Ondov
479. Patrick Mulligan
480. Jennifer Bulava
481. Heather Bollwark
482. Linda Mack
483. Margaret Woo
484. John Bryans
485. Jacqueline Eliopoulos
486. Jim Miller
487. Kris Smalley
488. Denise Lytle
489. Frank Ferguson

490. Dolores Danks
491. Roland Patterson
492. Sean Derman
493. Curt Baker
494. Marya Parral
495. Ruth Coop
496. Judith Bennis
497. Maureen Neville
498. Kevin Bolembach
499. David Hubbard
500. Marie Keegan
501. Brian Reynolds
502. Cathy Cappiello
503. Sean Ebersole
504. Gregory Miller
505. Janice Buchalski
506. William J Bolen
507. Joan Maccari
508. Timothy Rolle
509. Michael Shakarjian
510. Susan Clark
511. Nicholas Bertram
512. Bryan Mitchell

513. Richard Watson
514. Robert Kwiecinski
515. Jim Kerner
516. Peter Green
517. Christine Mueller
518. Nichole Diamond
519. Jean Parsons
520. John D'Agostino
521. Heidi West
522. Natalie Weiss
523. Morgan Clark
524. Meredith DiMeola
525. Susan Shapiro
526. Teresa Petersen
527. Ashley Farreny
528. Charles Mcghee Hassrick
529. Dan Tollinchi
530. G Derner
531. Katharine Larocca
532. Catharine Flaherty
533. Christopher F. Vota
534. Felice Schlesinger
535. Joshua Noreuil

536. Murugan Elu
537. Meg Sleeper
538. Janice Ewertsen
539. Robert Carnevale
540. Lyle Finocchiaro
541. Mihaela Dinu
542. Edward Brigante
543. Karen Snow
544. Karen Pepe
545. Grace Ramus
546. Lauren Morse
547. Carol Meyer
548. Susan Warner
549. Adam Copestick
550. Linda Elsenhans
551. Mike Albar
552. Natalie Szuter
553. Benito Leon
554. Ann Plaisted
555. Brenda Carmichael
556. Andrea Bonette
557. Keith Megay
558. Kyle Bracken

559. Robert Hartman
560. Anu Hansen
561. Peter McCarthy
562. Arlene Griscom
563. Richard Boornazian, Assistant Commissioner, Natural and Historic
Resources, New Jersey Department of Environmental Protection
564. L. Helaudais
565. Susan Samtak
566. Jane Flanagan
567. Marjorie Woodward
568. Al Chazin
569. Len Wassum
570. Bernadette Tourtual
571. Maureen Crowley
572. Doris Jackson
573. Patricia Daly
574. Karen Taylor-Ogren
575. Lauren Beglin
576. Shiela Mitchell
577. Elizabeth George-Cheniara, Esq., Vice President of Regulatory and Legal
Affairs, New Jersey Builders Association
578. Gerald Reisner
579. Rita Sheehan

580. Stuart and Fran Brooks
581. Mary Hamilton
582. Susan Holland
583. Theodore Chase
584. Rosemary Doherty
585. Judith Navetta
586. Gerald and Ann Williams
587. Shawn Sori
588. James Rowley
589. Dan Vitelli
590. Alexander Hall
591. Bruce Smith
592. Loretta Aja
593. Jean Strickholm
594. David Approvato
595. Katherine Yvinskas
596. Alice Edgerton
597. Mercedes Dotter
598. Peggy Barbella
599. Mary Ann Cernak
600. Belinda Caraballo
601. Bill Simmons
602. Rita Thompson

603. Melissa Glick
604. Frank A. Brincka
605. Township of Ocean
606. Bethany Sattur
607. John Rossi
608. Jan Lilly
609. Kim Sellon
610. Dawn Canna
611. Ruby Weeks
612. Patricia Guida
613. Kathleen Huffman
614. Dionne Polk
615. Karen Kent
616. Andrew Levin
617. Marie Leithauser
618. Hyun Chul Kim
619. Jennifer Jacoppo
620. Carol Paszamant
621. Galen Preble, Trustee and Treasurer, Whiting Village at Crestwood
622. Elizabeth Brown
623. Krista Florin
624. Tom Conklin
625. Ellen Hochberger

626. Reshma Mongia
627. South Jersey Quail Project
628. D. Janszky
629. Brian Murray
630. George Schaefer
631. Tracy Carcione
632. Ian Whelan
633. Albert McComas, Board President, Country Walk of Lake Ridge
634. Amy Price
635. Mike Anderson
636. Cindy Kerekes
637. Donna Yavorsky
638. Hugh Carola
639. Rich Paterson
640. Chris Arney
641. Senator Christopher J. Connors
642. Douglas Cramer, Cramer & Son
643. Mark Villinger, Supervising Planner, Ocean County Planning Board
644. William J. Cutts, Cutts Brothers, LLC and Wading River Cranberries,
LLC
645. Peter J. Furey, Executive Director, New Jersey Farm Bureau
646. Dawn Gabriel
647. Claire Whitcomb

648. Ellen Bleidorn
649. Lauren Gonnella
650. Patty Wysong
651. Kate Schumacher
652. Athenia Ibragimov
653. Robert Deems
654. Gary Gentert
655. Anthony Ivankovic
656. David J Pustizzi Sr
657. Linda Williams
658. Lance Lacoff
659. Robert Graver
660. Joan detyna
661. Tatiana Durbak
662. Susan Farro
663. Linda O'Donnell
664. Dawn Zelinski
665. Marie Curtis
666. Jen Perlaki
667. Margaret M. Burns
668. Jerry Balabanian
669. Dave Maynard

The Commission's detailed response to the comments is set forth below. The numbers in parentheses after each comment correspond to the list of commenters above.

Application fees (N.J.A.C. 7:50-1.6)

1. COMMENT: One commenter suggested that the Commission immediately increase its development application fees by 1,000 percent, as a means of reducing the amount of development occurring in the Pinelands. (1)

RESPONSE: The proposed amendments to N.J.A.C. 7:50-1.6 increase most application fees by 25 percent. The Commission believes this is an appropriate increase, given application fee revenue and the costs incurred by the Commission to review and act on development applications.

2. COMMENT: One commenter stated that off-road vehicle events, for which an application fee is required, should be prohibited in the Pinelands due to their impacts on wildlife. (1)

RESPONSE: The proposed amendments to N.J.A.C. 7:50-1.6(c)1 increase application fees for off-road vehicle events from \$5.00 to \$6.25 per mile of the route proposed. The question of whether or not such events should be allowed in the Pinelands Area is not the subject of the current rulemaking effort.

3. COMMENT: One commenter stated that all solar energy facilities should be located on the roofs of building, rather than on the ground, so that land may be retained in its natural state. (1)

RESPONSE: The proposed amendments to N.J.A.C. 7:50-1.6(c)9 merely adopt specific fees for development applications involving solar energy facilities. The location of such facilities and the standards that apply to their development are not the subject of this rulemaking effort.

4. COMMENT: One commenter expressed support for the application fee amendments but raised concerns with any requirement for fees related to pre-application conferences, particularly as they might involve applications for general development plan approval in accordance with N.J.A.C. 7:50-1.6(l). (577)

RESPONSE: The Commission appreciates the support of the commenter. The Comprehensive Management Plan has never required fees for pre-application conferences, which are meetings between property owners, potential applicants and Commission staff to discuss possible development projects. The amendments do not impose fees for pre-application conferences, regardless of the type of development or application being proposed.

Definitions (N.J.A.C. 7:50-2.11)

5. COMMENT: One commenter supported the change in definition from “interested person” to “interested party”. (577)

RESPONSE: The Commission appreciates the expression of support.

6. COMMENT: Numerous commenters objected to the change in definition from “interested person” to “interested party” at N.J.A.C. 7:50-2.11, stating that use of the amended definition will limit the rights of Pinelands homeowners and business owners. These commenters submit that the current definition in the CMP allows individuals to intervene if their properties or activities would be genuinely impacted by a Commission action, and should therefore remain unchanged. The commenters state that the proposed new definition fails to describe who is actually considered an interested party. The commenters assert that the amendments contradict the Commission’s mandate to encourage maximum public participation. (3-18, 20-25, 27-41, 47-50, 52, 57, 58, 61, 64, 68-137, 139, 141-344, 346-562, 564-576, 578, 579, 581-604, 606-620, 622-626, 628-632, 634-640, 646-669)

RESPONSE: The amendment being made to the definition of “interested person” at N.J.A.C. 7:50-2.11 and to the application procedures at N.J.A.C. 7:50-4.19(b), 4.25(b), 4.37 (b), 4.55, 4.68, 4.73(d), 4.79, 4.91, 6.64(a)2v and 9.7, are the Commission’s much-delayed response to the 1993 amendments to the Administrative Procedure Act, which curtailed third party adjudicatory hearing rights and withdrew the authority of State agencies to confer a right to an adjudicatory hearing to third-parties by rule or regulation. The Commission received numerous comments that seem to be based upon an amalgamation of the two types of hearings conducted by the Commission, public hearings and adjudicatory hearings. The amendments are not applicable to public hearings. The amendments do nothing more than align the CMP with existing law.

The amendments do not make a substantive change to the existing adjudicatory hearing rights afforded third parties under the CMP. Third party objectors to a decision by the Commission do not currently possess an automatic right to an adjudicatory hearing. The term “interested person” is currently defined as “any person whose right to use, acquire, or enjoy property is or may be affected by any action taken under this Plan, or whose right to use, acquire or enjoy property under this Plan or under any other law of this State or the United States has been denied, violated, or infringed upon by an action or a failure to act under this plan.” Implicit in this language is that in order to be considered an “interested person”, one must possess a property right that is being affected, denied, violated or infringed upon by an action taken or a failure to act under the CMP.

Moreover, the amendments are required to implement the third party hearing provisions of the Administrative Procedure Act at N.J.S.A. 52:14B-3.1 through 3.3. These provisions, which were enacted in 1993, curtailed the rights of third parties to obtain adjudicatory hearings. Additionally, these statutory provisions have been interpreted by the New Jersey courts to have withdrawn the power of State agencies to promulgate or apply regulations which allow third-party appeals of permit decisions unless authorized to do so by federal law or state statute. N.J.S.A. 52:14B-3.3(a). See also In re Amico/Tunnel Carwash, 371 N.J.Super. 199, 210 (App.Div.2004). The term “third party” includes anyone other than the State agency itself, an applicant or a person who has a particularized property interest sufficient to require a hearing on constitutional or statutory grounds. N.J.S.A. 52:14B-3.2. The Pinelands Protection Act, N.J.S.A.

13:18A-1 *et seq.*, does not grant a right to an adjudicatory hearing to a third party objector.

Thus, currently, the Commission may only grant a request for a hearing if the requestor can establish that s/he has a particularized property interest sufficient to require a hearing on constitutional or statutory grounds for a hearing. N.J.S.A. 52:14B-3.2. Absent such a property interest, or any state or federal law, the Pinelands Commission cannot grant a hearing. The proposed amendments conform to existing law, clarify the existing hearing provisions of the Plan, and eliminate any potential confusion concerning the conformance of such provisions with the 1993 third party hearing requirements of the Administrative Procedure Act.

Application exemptions (N.J.A.C. 7:50-4.1)

7. COMMENT: A number of organizations and individuals objected to the proposed amendments to the exemption for prescribed burning and the creation and maintenance of fire breaks at N.J.A.C. 7:50-4.1(a)17. These commenters cited a number of reasons for their objections, including concerns with air pollution, public safety, application fees, administrative procedures and increased workload for the Commission staff. Specific objections were raised to the proposed six-foot threshold at which clearing for a new fire break would require application to the Commission, with many commenters suggesting that the threshold should be increased to anywhere from 10 to 200 feet. A number of commenters warned that the imposition of application fees and procedures could

lead to decreased prescribed burning in the Pinelands, as well as decreased maintenance and fewer fire breaks, which in turn will create public safety issues. Many of the commenters encouraged the Commission to abandon the proposed amendment completely while others asked that the Commission delay adoption of the amendment until such time as consultation with appropriate agencies (such as the New Jersey Forest Fire Service) has occurred. (26, 42-46, 51, 53-56, 59, 60, 62, 63, 65-67, 138, 140, 157, 345, 563, 580, 605, 621, 627, 633, 641-645)

RESPONSE: The volume of comments received on this application exemption clearly indicate that prescribed burning and the creation of fire breaks in the Pinelands Area are of significant concern. It is also clear from the public comments that these practices are far more widespread than the Commission was previously aware, particularly on privately-owned properties and in association with agricultural uses. The Commission recognizes the importance of affording adequate time and effort to address this issue and is therefore making no changes to N.J.A.C. 7:50-4.1(a)17 at this time. Instead, the Commission will engage all stakeholders to discuss the issue and assist in developing an amended application exemption to be incorporated in a future rule proposal.

Public hearings (N.J.A.C. 7:50-4.3)

8. COMMENT: One commenter stated that the Commission needs to continue to hold public hearings, so that all can voice their concerns and take an interest in protecting nature and the future. (19)

RESPONSE: The amendments do not in any way curtail the public hearing requirements of the CMP. Rather, they merely require the Commission to post hearing notices on its website, in addition to publication in the newspaper and distribution to various individuals and governmental agencies, and shift the responsibility for notice of certain hearings from applicants to the Commission. Any matter for which the CMP required a public hearing prior to the adoption of these amendments will continue to require a hearing.

Notice and report requirements (N.J.A.C. 7:50- 4.19, 4.20, 4.22, 4.23, 4.25, 4.26, 4.37, 4.40 and 4.41)

9. COMMENT: Numerous commenters objected to the elimination of the requirements at 7:50-4.19(b) and (c), 4.20(a), 4.22(b), 4.23, 4.25(c), 4.26(a), 4.37(b) and (c), 4.40(b) and 4.41 that call for the Commission to provide notices to individuals who participate in the local (municipal) approval process for a development project in the Pinelands Area. These commenters stated that they can more easily voice their concerns to their municipal officials than to the Commission. The commenters stated that they do not have time to monitor the activities of the Commission, largely because the Commission meets during the day and the agency's headquarters are "difficult to get to". They suggested that notifying individuals who participated in the local approval process is reasonable and helpful to the Commission. The commenters submitted that elimination of these notice requirements will discourage public participation. (3-18, 20-25, 27-

41, 47-50, 52, 57, 58, 61, 64, 68-137, 139, 141-344, 346-562, 564-576, 578, 579, 581-604, 606-620, 622-626, 628-632, 634-640, 646-669)

RESPONSE: The amendments revise the provisions set forth at N.J.A.C. 7:50-4.18(d)7 and 4.35(d)7 that local approval agencies must meet when providing notice to the Commission of certain approvals. Approval agencies will no longer be required to include in such notices the names and mailing addresses of the individuals who testified or otherwise participated at a municipal planning, zoning or land use board meeting where an application for development in the Pinelands Area was heard.

The amendments make similar revisions to the notice requirements at 7:50-4.19(b) and (c), 4.20(a), 4.22(b), 4.23, 4.25(c), 4.26(a), 4.37(b) and (c), 4.40(b) and 4.41, which the Commission must follow when the Executive Director reviews a local approval and makes a determination as to its consistency with the CMP. The Commission will no longer be required to mail notices of such determinations to the individuals identified by the municipality as having actively participated at a local board meeting. The Commission will, however, continue to provide notice to individuals who have submitted information to the Commission on a particular development application and to those individuals who have requested a copy of the Executive Director's determination. In addition, the Commission will continue to provide notice to all individuals, organizations and agencies that have registered pursuant to N.J.A.C. 7:50-4.3(b)2i(2) to receive notice of all public hearings and determinations by the Executive Director on development applications.

The Commission disagrees that the amendments will curtail or otherwise negatively affect public participation. The amendments merely eliminate an inefficient and ineffective notice provision, one that may have made sense when the CMP was adopted in 1980 but is no longer necessary given today's technology. Ample opportunities remain for individuals concerned with development projects in the Pinelands Area to register their concerns directly with the Commission and receive notification of the Executive Director's determinations. Attendance or testimony at a Commission meeting is not required; rather, an email or phone call to the Commission will suffice.

The Commission also maintains a website that contains status reports on all active applications for development in the Pinelands Area. Reports on active public development applications and requests for waivers of strict compliance are updated daily. An updated status report on all development applications with recent activity is posted every week. These status reports are available to the public 24 hours a day, seven days a week. In a matter of minutes, anyone who is concerned with a particular application can identify its status and simply call or email the Commission for more detailed information and/or request to receive notice of future Commission actions on that application.

Water Quality (N.J.A.C. 7:50-6.84)

10. COMMENT: One commenter supported the amendments at N.J.A.C. 7:50-6.84(a)5iii that allow use of advanced wastewater treatment systems for the

expansion and improvement of certain existing businesses in the Pinelands Area.

(2)

RESPONSE: The Commission appreciates the support of the commenter and hopes the amendment will be of benefit to existing businesses in the more rural portions of the Pinelands Area.

Septic management (N.J.A.C. 7:50-6.85)

11. COMMENT: One commenter supported the amendments at N.J.A.C. 7:50-6.85 that refer to and rely on the Department of Environmental Protection's septic management requirements. (577)

RESPONSE: The Commission appreciates the support of the commenter.

Alternate Design Treatment Systems Pilot Program (N.J.A.C. 7:50-6.84 and 10.21-20.23)

12. COMMENT: One commenter supported the amendments at N.J.A.C. 7:50-10.21-23 that release the FAST wastewater treatment system from the Alternate Design Treatment Systems Pilot Program in recognition of the system's success in meeting CMP water quality standards for residential development. (577)

RESPONSE: The Commission appreciates the support of the commenter.

Miscellaneous

13. COMMENT: One commenter stated that affordable housing should be provided outside the Pinelands, in other portions of the State. (1)

RESPONSE: The opinion of the commenter is noted; however, none of the proposed amendments or new rules relate to the provision of affordable housing.

14. COMMENT: One commenter complained about the actions of certain Federal representatives and officials with respect to the Paris Climate Change agreement and the future of the planet. The commenter stated that such officials and the Commission should say no to all pipelines. (407)

RESPONSE: The opinion of the commenter is noted; however, none of the proposed amendments or new rules relate to these matters.

Summary of Agency-Initiated Changes:

The Commission is correcting errors made by the Office of Administrative Law in the publication of the proposed amendments. Specifically, references to “Pinelands villages” in N.J.A.C. 7:50-6.108(a)4iii and “Pinelands towns” in N.J.A.C. 7:50-6.108(a)4ii and iii and 5 are being replaced with “Pinelands Villages” and “Pinelands Towns”. This correction, which merely replaces lower case letters with upper case letters, will make clear that the rules refer to specific Pinelands management areas, as established and delineated in N.J.A.C. 7:50-5, rather than entire municipalities, towns or villages.

Federal Standards Analysis

Section 502 of the National Parks and Recreation Act of 1978 (16 U.S.C. §471i) called upon the State of New Jersey to develop a comprehensive management plan for the Pinelands National Reserve. The original plan adopted in 1980 was subject to the approval of the United States Secretary of the Interior, as are all amendments to the plan.

The Federal Pinelands legislation sets forth rigorous goals that the plan must meet, including the protection, preservation and enhancement of the land and water resources of the Pinelands. The adopted amendments are designed to meet those goals by providing an opportunity for water quality improvements through the use of advanced waste water treatment systems. The other amendments and new rules may be categorized as clarifications or largely procedural in nature.

There are no other Federal requirements that apply to the subject matter of these amendments.

Full text of the adoption follows (additions to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks

[thus]):

7:50-4.1 **Applicability**

- (a) For the purposes of this subchapter only, the following shall not be considered development except for development of any historic resource designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154: 1.-16. (No change from proposal.)

17. *[To control and reduce the threat of wildfire:
- i.]* Prescribed burning *[*;]* and
 - *[ii. Linear]* ***the*** clearing ***and maintaining*** of ***fire breaks*** *[vegetation, including subsequent maintenance of that cleared area and vegetation, provided the linear clearing does not exceed six feet in width]*;

18.-23. (No change.)

(b)-(d) (No change.)

7:50-6.108 Off-site signs

(a) Off-site signs are permitted only as follows:

- 1.-3. (No change.)
- 4. Off-site signs lawfully in existence as of January 14, 1981, shall be permitted in:
 - i. Regional Growth Areas;
 - ii. Pinelands ***[t]**T*owns**; and
 - iii. Certified municipal non-residential zones in Rural Development Areas and Pinelands ***[v]**V*illages** in existence as of December 5, 1994 if the sign is located within 1,000 feet of a Regional Growth Area or Pinelands ***[t]**T*own** and is located on a United States highway.
- 5. New off-site signs may be permitted by certified municipalities in Regional Growth Areas and Pinelands ***[t]**T*owns**, provided

that the applicant can demonstrate that, for each new sign, a non-conforming off-site sign pursuant to (b) below has been removed.

ENVIRONMENTAL PROTECTION

(a)

PINELANDS COMMISSION

Pinelands Comprehensive Management Plan

Fees; Escrows; Definitions; Standards for

Certification; Application Requirements and Procedures; Landfills; Water Quality; Signs; Petitions for Amendment; Pilot Program for Alternate Design Wastewater Treatment Systems

Proposed Amendments: N.J.A.C. 7:50-1.6, 1.7, 2.11, 3.24, 3.39, 4.1, 4.3, 4.15, 4.18, 4.19, 4.20, 4.22, 4.23, 4.25, 4.26, 4.35, 4.37, 4.38, 4.40, 4.41, 4.53, 4.54, 4.55, 4.56, 4.66, 4.67, 4.68, 4.73, 4.74, 4.79, 4.91, 6.64, 6.75, 6.84, 6.85, 6.106, 7.3, 7.5, 9.7, 10.21, 10.22, and 10.23

Proposed Repeals and New Rules: N.J.A.C. 7:50-6.107, 6.108, and 6.109

Authorized By: New Jersey Pinelands Commission, Nancy Wittenberg, Executive Director.

Authority: N.J.S.A. 13:18A-6.j.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2017-220.

A public hearing concerning this proposal will be held on:

Wednesday, October 4, 2017, at 7:00 P.M.
Richard J. Sullivan Center
15C Springfield Road
New Lisbon, New Jersey

Submit written comments by regular mail, facsimile, or e-mail by November 17, 2017, to:

Susan R. Grogan, P.P., AICP
Chief Planner
Pinelands Commission
PO Box 359
New Lisbon, NJ 08064
Facsimile: (609) 894-7330
E-mail: planning@njpinelands.state.nj.us or through the Commission's website at <http://www.nj.gov/pinelands/home/contact/planning.shtml>.

The name and mailing address of the commenter must be submitted with all public comments.

The agency proposal follows:

Summary

The New Jersey Pinelands Commission (Commission) proposes to amend Subchapters 1, General Provisions; 2, Interpretations and Definitions; 3, Certification of County, Municipal, and Federal Installation Plans; 4, Development Review; 5, Minimum Standards for Land Uses and Intensities; 6, Management Programs and Minimum Standards; 9, Acquisition of Properties with Limited Practical Use; and 10, Pilot Programs, of the Pinelands Comprehensive Management Plan (CMP). The Pinelands CMP has been guiding land use and development activities in the Pinelands since it took effect on January 14, 1981. Since that time, the CMP has been amended a number of times, most recently in September 2014 through a set of amendments related to application requirements and procedures, the duration of Letters of Interpretation, the allocation of Pinelands Development Credits, and the Pilot Program for Alternate Design Wastewater Treatment Systems (see 46 N.J.R. 1877(b)).

The amendments now being proposed by the Commission relate to fees, escrows, application requirements and procedures, public notice and mailing requirements, water quality standards, landfill closure, signs, and the Pilot Program for Alternate Design Wastewater Treatment Systems. They are intended to codify current Commission practice,

clarify existing standards and requirements, increase the efficiency of the Commission and its staff, eliminate unnecessary application requirements, simplify procedures for the Commission, Pinelands municipalities, and applicants, clarify the circumstances under which installation of an impermeable cap is not necessary for existing Pinelands landfills, allow for the use of advanced treatment technologies as a means of facilitating expansion of certain existing nonresidential uses, update and revise CMP sign standards, and recognize the successful participation of one alternate design wastewater treatment technology in a long-standing pilot program.

The proposed amendments are, in large part, an outgrowth of the Commission's fourth comprehensive review of the CMP. The Commission embarked on the plan review process in June of 2012. A Plan Review Committee, composed of five Commission members, was formed at that time and met 14 times, completing its work in Spring 2014. While all of the Plan Review Committee meetings were open to the public, the Committee also sought public comment at a series of additional public meetings throughout the summer of 2012. The submission of written comments on the CMP and its implementation was also encouraged. Notice of the opportunity to attend the public meetings and/or provide written comments was provided via press releases, posting on the Commission's website, and the Pinelands News Alert system, which involves e-mails to nearly 600 people. In addition, e-mails were sent to a wide variety of potentially interested individuals and groups, including all Pinelands Area municipalities, the Pinelands Preservation Alliance and other environmental groups, the New Jersey State League of Municipalities, the New Jersey Farm Bureau, the Chambers of Commerce of all Pinelands counties, the Builders League of South Jersey, the New Jersey Builders Association, and the members of the Commission's own Forest Advisory and Agricultural Advisory Committees. In response to these outreach efforts, both oral and written comments were received on a wide range of topics. All written comments received by the Commission were posted and remain available on the Commission's website at www.nj.gov/pinelands. Ultimately, the Commission's goal was to analyze its past actions, consider the public's input, and identify ways to strengthen the CMP through future amendments and administrative actions.

The first set of CMP amendments adopted as part of the ongoing plan review process was designed to implement various efficiency measures, codify current Commission practices, and provide for the continued installation of alternate design wastewater treatment systems in accordance with Alternate Design Wastewater Treatment Systems Program. The amendments now being proposed represent the second phase in the CMP review process. Analysis of other substantive issues raised during the plan review public comment process will continue over the next year and may lead to the proposal of additional CMP amendments. In the meantime, the Commission has determined it would be appropriate and beneficial to move ahead with the current proposal.

The proposed amendments were discussed and reviewed at multiple public meetings of the Commission's CMP Policy and Implementation Committee between 2014 and 2016. On July 28, 2016, Commission staff also provided a presentation on the proposed amendments at a public meeting of the Pinelands Municipal Council (PMC). The PMC, created by the Pinelands Protection Act (N.J.S.A. 13:18A-1 et seq.), is made up of the mayors of the 53 municipalities in the Pinelands Area or their designees. The Council is empowered to review and comment upon changes proposed by the Commission in the New Jersey Pinelands Comprehensive Management Plan and advises the Commission on matters of interest regarding the Pinelands.

A more detailed description of the proposed amendments follows.

Fees

Since April 2004, the Commission has charged application fees as a means to cover a portion of the costs associated with the review of development applications and related services that support the development application process. The Commission periodically reviews its fee schedule and adopted amendments to it in June 2006 (see 38 N.J.R. 2708(a)) and December 2008 (see 40 N.J.R. 6805(a)).

A series of amendments to the Commission's application fee requirements are now being proposed to increase the percentage of

application review costs that is covered by application fee revenue, better recognize specific types of development applications, reduce fees for solar energy facilities, codify current practices, clarify existing fee requirements, and eliminate inefficiencies in the application review process.

In Fiscal Year 2010, the first full year after the 2008 fee-related CMP amendments took effect, the Commission expended approximately \$1,384,000 on its application review functions and recouped 34% or \$472,000 in application fee revenue. Over the next seven fiscal years, the Commission's permit-related expenses decreased to an annual average of \$1,194,775. Application fee revenue varied widely during the same time period, from a high of \$648,750 in fiscal year 2016 to a low of \$253,000 in fiscal year 2014. Some of this variation was due to a decrease in the number of applications submitted each year. In fiscal year 2010, 577 new development applications were received. For fiscal years 2011 through 2017, the average number of applications received per year was only 457. The Commission's permitting expenses likewise decreased over time as project review staff retired, were laid off, or left for other reasons and were not replaced.

The Commission has charged application fees for development applications since 2004 and last increased the amount of those fees in 2008. Over the past seven fiscal years, fee revenue has covered an average of 37 percent of the cost incurred by the Commission to review and act on development applications. (Average annual fee revenue for the past seven fiscal years is just under \$450,000 and the Commission's annual average application review cost during the same time period is \$1,194,775). The balance of the cost is funded almost exclusively by annual General Fund appropriations. The Commission proposes to increase most application fees by 25 percent, which could yield an additional \$70,000 in revenue annually. Such an increase would allow fee revenue to cover approximately 43 percent of the cost incurred to review development applications. The proposed increase in application fees would ensure that fee revenue funds a more appropriate share of the cost incurred to review and act on development applications. For comparison, application fees assessed by the New Jersey Department of Environmental Protection program cover about 50 percent of the cost to review and act on those applications.

The proposed fee increases are reflected in the proposed amendments to N.J.A.C. 7:50-1.6(a), (b), (c), (e), (h), (i) and (j). It should be emphasized that the maximum application fees specified in N.J.A.C. 7:50-1.6(e)2 and 3 (\$50,000 for private development; \$25,000 for public development) will continue to apply. Likewise, the maximum application fee for a qualified tax-exempt religious association or non-profit organization will remain at \$500, as specified at N.J.A.C. 7:50-1.6(g).

In addition to the fee increases described above, N.J.A.C. 7:50-1.6(b) and (c) are amended to include specific references to N.J.A.C. 7:50-4.52, which contains the general requirements for public development in the Pinelands. Likewise, N.J.A.C. 7:50-1.6(f) is amended to include a reference to N.J.A.C. 7:50-4.56, which sets forth the procedures for Commission action on public development applications. N.J.A.C. 7:50-1.6(j) is also amended to make reference to fees for amended public development approvals. Although fees related to public development applications were instituted by the Commission in 2008, these sections were mistakenly not amended to include the appropriate cross-references at that time. Likewise, N.J.A.C. 7:50-1.6(b) is being further amended to include a reference to the application requirements set forth at N.J.A.C. 7:50-4.66, in order to clarify that fee requirements apply to applications for Waivers of Strict Compliance necessary to address compelling public needs. Finally, N.J.A.C. 7:50-1.6(j) is being further amended to include Certificates of Completeness, the document issued by the Commission to signify completion of an application for development in a municipality whose master plan and land use ordinances have not been certified by the Commission. As currently written, N.J.A.C. 7:50-1.6(j) refers only to the document issued by the Commission in certified municipalities, a Certificate of Filing. All of the proposed amendments described in this paragraph merely correct inadvertent omissions and codify existing Commission practice; they do not represent any change in policy.

N.J.A.C. 7:50-1.6(c) is being further amended to replace the lengthy description of fee requirements for commercial, institutional, industrial,

and other types of nonresidential development applications with a simple table. Also, N.J.A.C. 7:50-1.6(c) is being amended to delete the requirement for submission of a sworn statement of a licensed architect, licensed engineer, or other qualified individual as to the expected construction costs. Instead, the Commission will now require only that supporting documentation of expected construction costs be submitted as part of the application for development. If an applicant's calculations indicate that the maximum fee is required for a particular application (\$50,000 for private development; \$25,000 for public development; \$500 for applications by non-profit organizations), the submission of supporting documentation related to the fee will not be required. In such cases, the applicant would only need to indicate on the application form that he or she is paying the maximum fee.

The Commission expects the above-described amendments to simplify and streamline the initial stages of the development application process. Over time, it has become clear that the requirement for submission of sworn statements or sealed construction cost estimates as to the construction costs associated with a proposed development leads to unnecessary delays in the processing of applications. Under the current fee regulations, the Commission staff cannot review an application for commercial, institutional, or industrial development or consider such an application for development to be complete until the required fee and the accompanying sworn statement of a licensed architect or engineer has been received. Often, the fee is submitted, along with an estimate of construction costs, but the construction cost estimate is not signed or sealed. This leaves the application for development incomplete and requires the Commission to send a letter to the applicant noting the deficiency. In the meantime, no review of the application can occur. As an extreme example, when an applicant submits the maximum fee (for example, \$50,000 for a private development or \$500 for a qualified tax exempt religious or non-profit organization), the Commission must still request a sworn statement as to construction costs before the application can be deemed complete. The proposed amendments will allow an applicant to simply include supporting documentation of his or her construction cost estimates as an attachment to the development application form. This form (available on the Commission's website at [http://www.nj.gov/pinelands/appli/PinelandsDevelopmentApplicationInstructions&Form\(Final\).pdf](http://www.nj.gov/pinelands/appli/PinelandsDevelopmentApplicationInstructions&Form(Final).pdf)) must be signed by the applicant, attesting to the validity of all submitted information, which would include construction cost estimates. While there may still be occasions where the Commission will need to request additional information to support a particular fee calculation, the process should be much less cumbersome. This will allow the staff to begin review of applications for development more quickly.

N.J.A.C. 7:50-1.6(c)1 through 5 include fees for various types of development based on the number of acres affected by the development. All of these sections are being amended to clarify that the relevant fee applies per acre "or portion thereof." This represents a codification of current practice and should eliminate the questions that have been raised over the years as to whether the fee is assessed on the total acreage proposed for development or only on full acres.

N.J.A.C. 7:50-1.6(c)4 is being amended to clarify that bridges are not considered "linear development" for purposes of calculating required application fees.

N.J.A.C. 7:50-1.6(c)8 is being added to clarify that the application fee for the demolition of a structure, whether residential or nonresidential, is \$250. The current fee rules do not specifically address this type of application for development. The Commission's practice over the years has been to assess the minimum fee for demolition of a single family dwelling and to require a construction cost estimate and fee in accordance with N.J.A.C. 7:50-1.6(c) for demolition of a nonresidential structure. The proposed amendment will eliminate any confusion and establish a flat fee that is easy to administer and understand. It should be noted that it is only the demolition of structures 50 years or older that requires application to the Commission.

Proposed new N.J.A.C. 7:50-1.6(c)9 is being added to specifically address application fees for solar energy facilities. Currently, solar energy facilities are treated in the same fashion as commercial, institutional, and industrial uses, with application fees based on construction cost estimates. This has led to very large fee requirements,

including at least one at the \$50,000 maximum for private development projects. Under the proposed amendment, the required fee would be calculated on a per acre basis, similar to the fee requirements for resource extraction operations, golf courses, and other land extensive uses. N.J.A.C. 7:50-1.6(c)9 would require an initial fee of \$1,500, plus \$500 per acre, or portion thereof, of land to be developed for solar energy facility use, including any off-site development. Calculating the fee in this manner will lead to a reduction in required application fees. This reduction will be significant, for both large and small solar facilities. For example, an application for a three acre solar energy facility that required a fee of approximately \$10,000 under the current regulations (based on construction costs) could be required to pay only \$3,000 under the proposed amendment. Applications involving the development of approximately half an acre of solar panels could be required to pay as little as \$1,850 under the proposed amendment, whereas under the current rules, such applications required fees ranging from \$5,750 to \$12,500. The Commission believes that calculating application fees on a per acre basis is the more appropriate method for solar energy facilities.

N.J.A.C. 7:50-1.6(e)1 is proposed for amendment to correct and clarify cross-references to other sections of the fee regulations and CMP water quality standards.

N.J.A.C. 7:50-1.6(h)1 is proposed for amendment to clarify the circumstances under which a fee is assessed for an amended Letter of Interpretation (LOI) involving Pinelands Development Credits (PDCs). PDCs are transferable development rights that are allocated to certain properties within the Pinelands Area. An official allocation, determined by the Commission through an LOI, is valid for five years and is a prerequisite for property owners to sell their PDCs. No fee is assessed when a property owner initially requests an LOI for an allocation of PDCs or seeks to have an expired allocation re-issued. However, a fee is required when a property owner who has a valid LOI for PDCs decides to request an amended allocation because, for example, she or he decides to add or remove lands from the allocation or reserve the right to build additional homes on the property. In those cases, a fee is assessed pursuant to N.J.A.C. 7:50-1.6(h)1 to recognize the additional work that is required of the Commission. Amendments to this section are proposed to clarify that the fee for an amended LOI applies only when that application is submitted during the period of time when the original LOI is still valid. LOIs are now valid for five years, pursuant to the September 2014 CMP amendments mentioned previously. Therefore, the proposed amendment to N.J.A.C. 7:50-1.6(h)1 specifies that there will be a fee for an amended LOI requested within five years of issuance of the original LOI. Requests for renewed or amended LOIs after an LOI has expired do not incur a fee.

Proposed new N.J.A.C. 7:50-1.6(l) is being added to specifically address fees associated with general development plan applications. The Municipal Land Use Law (N.J.S.A. 40:55D- 45.1 et seq.) provides developers with the option of seeking general development plan approval for what are commonly viewed as "large" projects, those involving 100 or more acres, or, if less than 100 acres, 150,000 square feet of nonresidential floor area or 100 or more residential units. The general development plan process is based upon submission of conceptual plans to a municipal planning board prior to any application for site plan or subdivision approval. Once the planning board grants general development plan approval, the developer has the right to develop the property in accordance with that approval, regardless of any subsequent changes in municipal zoning. This period of protection can extend for as long as 20 years. Ultimately, municipal site plan or subdivision approval is still required; however, the general development plan process provides both the developer and the municipal planning board with the ability to discuss and review large projects at the concept stage, prior to the submission of detailed plans.

The CMP's current application fee regulations do not distinguish between general development plans and more traditional development applications that require municipal site plan or subdivision approval. As a result, the application fee for a project requiring general development approval from a municipality is currently based on the number of proposed residential units and the construction costs associated with any nonresidential component. These fees presume full Commission review

of the submitted application, including detailed stormwater calculations and threatened and endangered species surveys. Because general development plan applications normally do not include this level of detailed information, this has led to a significant application fee, at an inappropriate stage in the application process. The proposed amendment to subsection (l) would require 50 percent of the application fee be paid upon initial submission of an application involving a general development plan to the Commission. The remainder of the fee would be due when the applicant returns to the Commission seeking a new Certificate of Filing or Certificate of Completeness for a particular phase of the development, prior to obtaining preliminary or final subdivision or site plan approval from the municipality or county. At that time, more detailed information would be provided to the Commission as part of the application. If the number of units or nonresidential square footage in any phase of the development varies from what was contained in the general development plan approval, the required fee would be recalculated with those revised numbers in mind. This fee structure and process will allow the Commission to conduct an initial review of the application in its concept stage, with a more in-depth review conducted at a later date when detailed development plans are submitted for individual phases of the project.

The Commission has seen few general development plan applications over the years. However, in each case, questions have been raised about the need for an application to the Commission at all, the amount of any required fee, and the information that must be submitted as part of the application. The Commission believes it is worthwhile to eliminate any confusion about whether an application is required and, further, to structure the required application fee so that it appropriately recognizes the level of staff review required at each stage of the project. Just as a general development plan and its municipal approval will be "phased" over time, the Commission's fee structure and review for this type of project will also be phased.

The table below illustrates how the above-described fee amendments would affect selected types of development applications. For the listed nonresidential projects, estimated construction costs were used to generate the examples.

Development Application	Current Fee	Proposed Fee
1 single family dwelling	\$200.00	\$250.00
50 lot residential subdivision	\$11,150	\$13,937.50
15,000 square foot retail building	\$18,750	\$23,437.50
20 acre resource extraction application	\$2,100	\$2,625
3 acre solar energy facility	\$10,000	\$3,000
Municipal recreational improvements	\$1,600	\$2,000

Escrows

Pursuant to N.J.A.C. 7:50-1.7, the Executive Director of the Commission is currently authorized to require applicants to provide escrows to assist in the Commission's review of development applications or other matters pending before the Commission that involve complex issues (for example, comprehensive plans for local communications such as cellular - facilities). Escrow funds may be used to reimburse the Commission for the costs it incurs as a result of retaining consultants, expending a considerable amount of staff time or developing, implementing, and monitoring an intergovernmental memorandum of agreement. The amendment being proposed at N.J.A.C. 7:50-1.7 would provide the Executive Director with the ability to use escrow funds for unusual expenditures, including the purchase of software and other equipment necessary for review of a development application or memorandum of agreement. In addition, escrow funds could be used to procure services (for example, preparation of public meeting transcripts by court reporters) or rent off-site facilities necessary to accommodate larger than normal public attendance at meetings on

particular development applications or other matters pending before the Commission.

Since their incorporation in the CMP in 2004, the escrow provisions have been utilized only a handful of times. The proposed amendment does not expand the types of applications or matters for which an escrow can be required, nor will the amendment make it more likely the Commission will choose to require an escrow. The proposed amendment merely adds software, equipment, facilities, and services to the list of items that can be acquired with escrow funds. It provides the Commission with the flexibility to purchase software and complete the review of a complex development application itself, perhaps negating the need to identify and hire a consultant to do the same work. For example, the Commission might need to purchase GIS-based computer software capable of performing viewshed analyses to determine whether particular towers proposed as part of a comprehensive plan for local communications facilities comply with the visual impact and scenic standards of the CMP. As is the case under the current rules, any funds remaining in the escrow account after the Commission has rendered its decision on the matter pending before it will be returned to the entity who initiated the matter. Additional amendments are proposed at N.J.A.C. 7:50-1.7(a)2 for clarity.

Definitions

A definition of "electronic message display" is being proposed at N.J.A.C. 7:50-2.11 to clarify the term as it relates to the amended sign standards proposed at N.J.A.C. 7:50-6.109.

The definition of "interested person" in N.J.A.C. 7:50-2.11 is proposed for amendment to "interested party." It is also being reworded to clarify that it refers only to a person or entity who has either submitted an application for development to the Commission or who has a particularized property interest sufficient to require a hearing on constitutional or statutory grounds. This amendment is being made to better align the CMP with the 1993 amendments to the Administrative Procedure Act, which limited the right to third party hearings and withdrew authority from State agencies to confer a right to an Office of Administrative Law hearing by rule or regulation. The CMP currently uses the term "interested person" in the broadest possible sense, encompassing anyone who testifies at a public hearing, submits written comments, or simply is curious about the Commission's actions. The above-described amendment is being made to clarify who has the right to formally participate in the decision-making process, request hearings, or appeal the Commission's decisions. In order to reflect the revised definition and ensure that ample opportunities remain for other individuals and organizations to remain informed of the Commission's proceedings and decisions, amendments are being made throughout N.J.A.C. 7:50-4 (4.15, 4.19, 4.20, 4.22, 4.23, 4.25, 4.26, 4.35, 4.37, 4.38, 4.40, 4.41, 4.53, 4.54, 4.55, 4.56, 4.66, 4.67, 4.68, 4.73, 4.74, 4.79, and 4.91), as well as to N.J.A.C. 7:50-6.64 and 9.7. As these amendments make clear, the Commission will continue to provide copies of documents and otherwise notify those individuals who have submitted information on a particular application or matter, requested copies of the Commission's decision on a particular application or matter, or registered in accordance with N.J.A.C. 7:50-4.3(b)2i(2) to receive copies of all Commission hearing notices. There will be no change in the information provided by the Commission to these individuals. They will merely no longer be referred to as "interested parties" in the legal sense.

A definition of "mail" is proposed for addition at N.J.A.C. 7:50-2.11 to make clear that when the CMP requires the Commission to provide information to municipalities, applicants, or the public by mail, either regular mail or e-mail, will be acceptable means for doing so. In recent years, the Commission has increasingly used e-mail as its preferred method of communication but has been prevented from doing so in certain circumstances by the language in the CMP, which requires the use of regular or certified mail. This has led to inefficiencies in various procedures, primarily involving the review of development applications, as well as the unnecessary expense associated with use of certified mail. Originally drafted in the early 1980's, the CMP simply did not recognize e-mail as a possibility. Given that it is the manner in which the Commission and the regulated community increasingly communicate, an amendment to the CMP is warranted.

The definition of "off-site commercial advertising sign" in N.J.A.C. 7:50-2.11 is proposed for amendment to "off-site signs" and includes an expanded list of advertising topics that would constitute such a sign. The modification in terminology is proposed to remove the distinction between non-commercial and commercial off-site signs as CMP sign rules, proposed for amendment at N.J.A.C. 7:50-6.106 through 6.109, do not make such a differentiation in their application.

The definition of "sign" in N.J.A.C. 7:50-2.11 is proposed for amendment to remove any implicit exemptions from the signs standards in the CMP.

Application Exemptions

N.J.A.C. 7:50-4.1(a) includes a list of activities that do not require application to the Commission. Two of these "exemptions" are being clarified.

First, N.J.A.C. 7:50-4.1(a)4 is proposed for revision to include a reference to the types of off-site signs for which applications to the Commission are required. Standards for these off-site signs are being relocated to proposed new N.J.A.C. 7:50-6.108(a)3, 4, and 5. All on-site signs are and will continue to be exempt from application requirements.

Second, the exemption for prescribed burning and clearing and maintaining of fire breaks at N.J.A.C. 7:50-4.1(a)17 is proposed for clarification. Both activities will remain exempt from application to the Commission, provided they are conducted to control and reduce the threat of wildfire. The term "fire break" is being replaced with a more quantitative standard that will be easier to administer. Under the revised exemption, linear clearing of vegetation, up to six feet in width, will be exempt from application to the Commission, as will the maintenance of such cleared areas and vegetation.

Notice and Mailing Requirements

Various sections of the CMP require the Commission's transmission of notices and other documents via certified mail. Other sections require that municipalities provide certain information to the Commission via certified mail. The Commission would prefer to communicate with applicants, municipalities, and the general public via e-mail as much as possible, as it is a more efficient, less expensive method of transmitting information. Therefore, N.J.A.C. 7:50-3.24(c), 4.3(b)2i(1), 4.18(d) and (e), 4.19(b), 4.22(b), 4.25(b), 4.35(d) and (e), 4.37(b), and 4.40(b) are proposed for amendment to delete the requirement for use of certified mail. These sections will now only specify that information (notices, copies of various documents) be mailed by or to the Commission, opening up the possibility for use of e-mail as well as regular mail. In most cases, the Commission will elect to transmit information via e-mail and it will certainly encourage municipalities to do so as well. Certified mailings will not be eliminated entirely as there may still be instances where the Commission determines the use of certified mail to be necessary. The proposed amendments will provide the Commission (and municipalities) with the ability to choose the most appropriate method of communication.

The Commission is also proposing to revise its notice requirements for various types of public hearings. These notice requirements, set forth in N.J.A.C. 7:50-4.3(b)2i, apply to hearings held by the Commission on municipal and county master plans and land use ordinances, amendments to the CMP, intergovernmental memoranda of agreement, and comprehensive plans for local communications facilities. In each case, the Commission is proposing to add a requirement for posting of the notice on the Commission's website. This reflects the Commission's current practice.

The Commission is also proposing to amend the requirements and procedures for public hearings on waivers of strict compliance that are being considered to address compelling public needs. Although such waiver applications are rare, the Commission believes that when they do occur, it should be the Commission's obligation, rather than the applicant's, to schedule and provide notice for the public hearing required pursuant to N.J.A.C. 7:50-4.66(i). Therefore, N.J.A.C. 7:50-4.3(b)2ii(2) is proposed for amendment and new language is proposed at N.J.A.C. 7:50-4.3(b)2i(5) to specify that notice will be provided by the Commission for this type of public hearing. Amendments are also proposed at N.J.A.C. 7:50-4.66(d) to require that when an applicant

provides notice of the filing of a compelling public need waiver with the Commission, that notice state that a public hearing will be held at a future date and will be publicized on the Commission's website. Finally, N.J.A.C. 7:50-4.66(i) is being amended to eliminate the sentence that required the applicant to give notice of hearings.

Other notice requirements for applicants are also being amended. Specifically, N.J.A.C. 7:50-4.3(b)2ii(4) is proposed for deletion so that applicants will no longer be required to post copies of public notices on the property where development is proposed or a resource is proposed for designation pursuant to N.J.A.C. 7:50-6.154. Although the requirement for posting of notice on affected properties is a common one, originally taken from the Municipal Land Use Law and incorporated in the CMP decades ago, the Commission has come to realize that such notices are of little value in a large rural area such as the Pinelands Area. In general, people are driving by properties proposed for development or designation, not walking, and therefore have little to no opportunity to read the public notices. Applicants will continue to be required to post notices in the newspaper and provide notice to counties, municipalities, and adjacent landowners.

The Commission is also proposing to amend the notice requirements for amendment petitions set forth at N.J.A.C. 7:50-7.3(c) and 7.5(b) to be consistent with the above-described revisions. Specifically, N.J.A.C. 7:50-7.3(c)1iv is being amended to delete the requirement for posting of notices relative to amendment petitions on an affected property. N.J.A.C. 7:50-7.5(b) is being amended to require the Commission to post notices of petition on its website.

The Commission is also proposing to amend the notice and hearing procedures set forth in N.J.A.C. 7:50-4.3(e)3. This section of the CMP currently states that all decisions and orders of the Executive Director or the Commission shall be considered rendered three days after notice has been deposited in the United States Mail. In keeping with the above-described amendments related to the definition of "mail," the term "United States Mail" is being replaced with "mail" to allow for transmission of notices via e-mail. This section is being further clarified through the addition of a sentence indicating that for purposes of computing the three-day period after which decisions are considered rendered, the date the notice is mailed shall not be included in the calculation. The appeal procedures in N.J.A.C. 7:50-4.91 are also being amended to clarify that interested parties have 15 days from the date the Executive Director's decision is considered rendered pursuant to N.J.A.C. 7:50-4.3(e), to provide notice to the Commission of their intent to appeal.

Requirements of Local Approval Agencies

N.J.A.C. 7:50-4.18 and 4.35 set forth the requirements that local approval agencies (for example, municipal planning boards) must meet with respect to providing information to the Commission related to various applications for development. Pursuant to N.J.A.C. 7:50-4.18(d) and 4.35(d), local approval agencies are required to provide notice to the Commission of all preliminary site plan, subdivision, or other preliminary approvals. The required notice must include such information as the name and address of the applicant, the legal description of the parcel proposed for development, the date of the preliminary approval, and a copy of the approval itself, including the approved preliminary plans and any written reports received by the local approval agency on the application. As noted previously, the requirement that these notices be transmitted to the Commission via certified mail is being eliminated so that local approval agencies will be able to use regular mail or e-mail. In addition, N.J.A.C. 7:50-4.18(d)7 and 4.35(d)7 are proposed for deletion so that local approval agencies will no longer be required to submit the names and mailing addresses of all persons who participated in the local proceedings (for example, commented on a subdivision application at a municipal planning board meeting) to the Commission. Likewise, the requirement for Commission notification of the participating individuals as to the Executive Director's or Commission's decisions on applications is proposed for deletion from N.J.A.C. 7:50-4.19(b) and (c), 4.20(a), 4.22(b), 4.23, 4.25(c), 4.26(a), 4.37(b) and (c), 4.40(b), and 4.41. Originally thought to be a good way of keeping the Commission and public informed of each other's interest in a particular application, implementation of this

requirement has proven, over time, to be cumbersome and ineffective. Individuals who testify at local planning board meetings often do not provide their addresses, thereby making it difficult, if not impossible, for the municipality to comply with the notice requirements. This results in incomplete submissions, which in turn cause delays in the Commission's review process. The required submission of names and addresses also creates the false impression that the Commission will review and address the concerns raised by individuals at municipal proceedings. Because only the contact information for these individuals is provided by the municipality, the Commission is generally unaware of the nature of their concerns, comments, or interest in the relevant application. When the Commission is made aware of the concerns that were raised, they frequently relate to matters outside the Commission's jurisdiction (for example, a side yard setback requirement or height of a proposed fence). There is little the Commission can do beyond providing copies of letters evidencing the results of its review of an application.

Persons who wish to be informed of the Commission's review or decision on a particular application will still have ample opportunity to obtain this information. They need only call or e-mail the Commission to request a copy of the Commission's written decision, or, if they have a general interest in all matters pending before the Commission, register pursuant to N.J.A.C. 7:50-4.3(b)2i(2) to receive written copies of all hearing notices. In addition, persons who have submitted information to the Commission concerning a particular application will continue to be provided with copies of the Commission's decision on that application. It is only the automatic requirement for notification of any person who participated in a municipal or other local proceeding that is proposed for deletion.

Landfills

The CMP at N.J.A.C. 7:50-6.75(c) requires that landfills in the Preservation Area that ceased operation on or after September 23, 1980, be permanently covered with an impermeable cap. Landfills in the Protection Area that ceased operation on or after January 14, 1981, are subject to the same requirement. An impermeable landfill cap prevents stormwater from percolating into the buried refuse, thereby significantly reducing the discharge of landfill leachate into ground water and nearby surface water bodies. Prior to the adoption of the CMP, more than 60 sanitary landfills operated in the million-acre Pinelands Area. With only one exception, all of these facilities ceased operations on or after January 14, 1981, at the direction of the New Jersey Department of Environmental Protection (NJDEP) and as a result of the implementation of the CMP. The Cape May County Municipal Utilities Authority's Landfill is the only exception. It currently operates pursuant to N.J.A.C. 7:50-6.75(i) and is equipped with leachate collection, gas venting, and impermeable capping systems.

N.J.A.C. 7:50-6.75(c) provides certain exemptions from the impermeable cap requirement. Specifically, landfills that accepted only vegetative or construction waste are not required to have impermeable caps (N.J.A.C. 7:50-6.75(c)1), nor are landfills that are not generating a leachate plume (N.J.A.C. 7:50-6.75(c)3). In addition, applicants may seek to demonstrate that an alternative means of addressing public health and ecological risks is available and will afford an equivalent level of protection to Pinelands resources (N.J.A.C. 7:50-6.75(c)2). The Commission has always interpreted this section to mean that the "alternative means of addressing the public health and ecological risks associated with a landfill" may include no landfill cap at all. Over time, however, questions have been raised, so the Commission believes a clarification would be useful. To that end, the Commission is proposing new N.J.A.C. 7:50-6.75(c)4 that will clearly exempt from the impermeable capping requirement landfills for which a leachate plume exists but poses no significant ecological risk to wetlands. This is not a change in policy; rather, it is a clarification of the circumstances under which an impermeable cap will not be required.

The Commission will be aided in its determinations by the results of the Commission's recently completed Rapid Landfill Assessment, which uses existing NJDEP landfill monitoring data and GIS land feature data as part of a screening tool developed by the U.S. Geological Survey, New Jersey Water Science Center to quantify the level of concern posed by contaminants from Pinelands landfills that lack leachate reduction

and containment controls. Completed in 2014, the screening tool uses a model to estimate concentrations of contaminants reaching receptors such as wetlands and existing homes. Details on the landfill assessment and screening tool are available on the Commission's website at <http://www.nj.gov/pinelands/landuse/current/rapid/>.

Water Quality

Amendments are being proposed at N.J.A.C. 7:50-6.84(a)5 to accomplish two objectives: (1) recognize the successful participation of the FAST wastewater technology in the Commission's Alternate Design Wastewater Treatment Systems Pilot Program; and (2) provide an opportunity for the use of advanced treatment systems, such as FAST, for certain nonresidential uses in the Pinelands Forest, Agricultural Production, and Rural Development Areas.

The FAST technology was one of five advanced treatment systems authorized for residential use in the Pinelands Area pursuant to the Commission's Alternate Design Wastewater Treatment Systems Pilot Program. Established in 2002 through an amendment to the CMP (see 34 N.J.R. 2804(b)), the pilot program was implemented to provide a means to test whether the five identified technologies could be maintained and operated so as to meet the water quality standards of the CMP in a manner that a homeowner could be reasonably expected to follow. Implementation of the Pilot Program commenced on August 5, 2002, with the first pilot program treatment system installed and brought on line in April 2004.

Since that time, one of the five technologies (Ashco) was removed from the pilot program due to its commercial unavailability in the Pinelands. Another (Cromaglass) was removed from the pilot program in 2014 because it failed to demonstrate compliance with CMP water quality standards. Two others, Amphidrome and Bioclere, were able to demonstrate compliance and, in 2010, were released from the pilot program and granted permanent approval status for residential use on lots of at least one acre in size. Finally, in the 2014, 2015, and 2016 annual reports on the pilot program, the Executive Director recommended that the last of the original pilot program technologies, the FAST system, also be granted permanent approval status, subject to special administrative controls. The Executive Director found that the pilot program has demonstrated that the FAST technology, with proper operation and maintenance, is capable of meeting the water quality objectives of the Pinelands CMP and the Pinelands Protection Act. In the 2016 annual report, the Executive Director clarified that each FAST system, when used to serve residential development, would need to be located on a parcel of at least 1.4 acres in size in order to meet CMP water quality standards. A copy of the 2016 annual report is available on the Commission's website at <http://www.nj.gov/pinelands/landuse/current/altseptic/2016%20FINAL%20SEPTIC%20PILOT%20PRORAM%20ANNUAL%20REPORT.pdf>.

Based on this recommendation, the Commission is proposing to amend the CMP to authorize the use of the FAST technology on a permanent basis, subject to long-term management of the systems via service contracts with qualified service technicians. To that end, a new N.J.A.C. 7:50-6.84(a)5iv(2)(B) is proposed for addition to allow for the use of the FAST technology for residential development on lots of at least 1.4 acres in size (or at a density not to exceed one unit per 1.4 acres of land). Existing N.J.A.C. 7:50-6.84(a)5iv(2)(A) is proposed for revision to clarify that it applies only to the Amphidrome and Bioclere technologies, which continue to be authorized on lots of one acre in size. Use of the FAST system will be subject to a series of requirements, including mandatory recording of deed notices, conveyance of an approved operation and maintenance manual to the homeowner, compliance with construction standards, as-built certifications, alarm requirements, system warranty requirements, and renewable operation and maintenance service agreements. These requirements, set forth at recodified N.J.A.C. 7:50-6.84(a)5iv(2)(C) through (J), are identical to those that apply to the Amphidrome and Bioclere technologies. They are similar to those imposed under the pilot program, except that no water quality testing is required. The Commission believes retention of these safeguards for the three permanently authorized advanced treatment systems (Amphidrome, Bioclere, and now FAST) is necessary to ensure

their continued performance in a manner that meets CMP water quality standards.

N.J.A.C. 7:50-10.21(c), 10.22(a)3 and 4, 10.23(c), 10.23(d), and 10.23(i) are also proposed for amendment to reflect the Commission's decision to authorize the FAST treatment technology to be used on a permanent basis, subject to the provisions of proposed N.J.A.C. 7:50-6.84(a)5iv(2)(B) through (J).

The above-described amendments relative to the FAST technology apply to residential development throughout the Pinelands Area. The Commission is also proposing to further amend N.J.A.C. 7:50-6.84(a)5 in order to expand opportunities for the use of advanced treatment technologies, such as FAST, for nonresidential development. Since 1987, advanced treatment systems have been permitted to serve nonresidential development only in the growth-oriented areas of the Pinelands, namely, the Regional Growth Area, Pinelands Villages, and Pinelands Towns, and in small infill areas within the Preservation Area District. Given its successful experience over the years with evaluating advanced treatment systems proposed for various types of commercial uses in the Pinelands Area, the Commission believes it is now appropriate to allow the nonresidential use of advanced treatment systems in additional Pinelands management areas, subject to a number of important conditions.

Therefore, proposed N.J.A.C. 7:50-6.84(a)5iii(2) is being added to authorize the use of advanced treatment systems for certain nonresidential development in the Rural Development Area, Forest Area, and Agricultural Production Area. Pursuant to proposed N.J.A.C. 7:50-6.84(a)5iii(2)(A), the proposed nonresidential development must constitute expansion of a nonresidential use that was in existence on January 14, 1981, the effective date of the CMP. The change of such an existing use to another permitted nonresidential use will also qualify. In either case, the existing nonresidential use must currently be using an on-site wastewater disposal system that does not reduce the level of nitrate/nitrogen in the waste water, as specified in N.J.A.C. 7:50-6.84(a)5iii(2)(B) and the existing nonresidential use must be of such a size and scale that it does not currently comply with CMP water quality standards, as specified in N.J.A.C. 7:50-6.84(a)5iii(2)(C). Finally, the proposed nonresidential development must not exceed 50 percent of the floor area, area of the use, or the capacity of the existing nonresidential use on January 14, 1981, as specified in proposed N.J.A.C. 7:50-6.84(a)5iii(2)(D).

The CMP does not permit sewer service in the Rural Development, Forest, or Agricultural Production Areas, unless necessary to address a documented public health problem. Therefore, all development in these management areas must rely on some type of septic system and have sufficient land area to comply with CMP septic dilution requirements. The use of a standard septic system can require approximately one acre of land for every 800-1,000 square feet of nonresidential floor area. Nonresidential uses constructed prior to the CMP are frequently located on lots that are too small to provide sufficient area for dilution. Under current CMP standards, expansion of such uses is only feasible when additional vacant, contiguous lands can be acquired and used for dilution purposes. Allowing these uses to install advanced treatment systems will serve two purposes. First, current and future waste water from the uses will be treated such that nitrate/nitrogen levels are reduced to comply with CMP water quality standards. Second, the existing uses will be able to expand or change to other nonresidential uses that might have increased waste water flows. The result will be improved water quality and a greater likelihood that pre-existing uses, often of great economic importance to the more rural communities of the Pinelands Area, will remain viable.

New N.J.A.C. 7:50-6.84(a)5iii(1) is proposed to make clear that the use of advanced treatment systems for nonresidential development in Regional Growth Areas, Pinelands Villages, and Pinelands Towns continues to be permitted without the above-described new conditions. This new subsection will now also reference Military and Federal Installation Areas. Second, nonresidential development in infill areas within the Preservation Area District will be subject to the new conditions specified at proposed N.J.A.C. 7:50-6.84(a)5iii(2). Although advanced treatment systems were previously permitted to serve nonresidential development in infill areas, the Commission believes it is

appropriate that such development in this most sensitive of Pinelands management areas be limited, just as it will be in the Rural Development, Forest, and Agricultural Production Areas. The impacts of this particular amendment are expected to be very limited, given that there are only five infill zones in the Pinelands, they total less than 2,100 acres in size, and are primarily intended for residential development.

It is impossible for the Commission to accurately estimate the number of existing businesses in the Rural Development, Forest, Agricultural Production, and Infill Areas that might qualify for expansion through use of an advanced treatment system. There are only a handful of commercial and industrial zones in the Forest, Agricultural Production, and Infill Areas and they are small in terms of land area. However, other scattered pre-existing uses do exist and could qualify. Most eligible nonresidential uses are likely to be in the Rural Development Area, which contains larger nonresidential zoning districts and serves as a transition area between the growth- and conservation-oriented areas of the Pinelands. The Commission does not expect that a large number of existing businesses in these areas will seek to use advanced treatment systems as a means of facilitating expansion, simply because the advanced treatment systems are not inexpensive. However, the Commission's hope is that several of the larger existing businesses will take advantage of the opportunity.

Septic Management

N.J.A.C. 7:50-3.39(a)2x and 6.85(c)1 and 2 are proposed for deletion to remove from the CMP requirements for the municipal establishment of long-term maintenance programs for alternate design wastewater treatment systems. These requirements, added to the CMP in 2010, were originally intended to ensure that maintenance of alternate design systems would continue beyond the five year duration of the maintenance contracts required under the Commission's Alternate Design Wastewater Treatment System Pilot Program. Since that time, NJDEP has adopted rules (see N.J.A.C. 7:9A-8.3 and 12.3) to require long-term maintenance and monitoring programs for such wastewater treatment systems throughout the State. Therefore, the CMP requirements are duplicative and, therefore, no longer necessary. The Commission will continue to assist Pinelands counties and municipalities and the NJDEP with the establishment of maintenance and monitoring programs, including providing data on existing alternate design wastewater treatment systems in the Pinelands Area.

Signs

The fourth comprehensive review of the CMP recommended further inquiry into the signage standards of the CMP as they relate to new sign technologies. After a comprehensive review of the current CMP signage provisions, Commission practices, and best current practices in signage regulation, the Commission proposes to amend N.J.A.C. 7:50-6.106 through 6.109 in order to clarify the signage standards of the CMP, delegate regulatory control of on-site signage to local municipalities, and to regulate the use of electronic message displays on off-site signs.

The Commission proposes to amend the section headings for N.J.A.C. 7:50-6.107, 6.108, and 6.109 to on-site signs, off-site signs, and provisions for permitted signs, respectively. These new section headings reflect a reorganization of CMP signage regulations into a more easily interpretable structure that more closely aligns with current practices for local municipal sign regulation.

The Commission proposes to delegate regulatory authority of on-site signs to the municipalities of the Pinelands Area in N.J.A.C. 7:50-6.107. Since the adoption of the CMP, Pinelands Area municipalities have been the primary regulators of on-site signs due to the exemption of on-site signs from CMP application requirements. This policy change is further supported due to the local scale of signage impacts and the ability of municipalities to better adapt and respond in a timely fashion to evolving community values and new sign technologies. This amendment would also afford Pinelands Area municipalities the opportunity to regulate on-site business signs on an equal basis, regardless of the Pinelands management area wherein the business is located.

The Commission proposes to make clarifying amendments to provisions regulating off-site signs in N.J.A.C. 7:50-6.108. The proposed rules clarify which signs are non-conforming, and therefore, eligible to

count towards a new off-site sign if removed, and which signs are unlawful, and therefore, ineligible to count towards a new off-site sign and must be removed immediately. Such non-conforming signs would only include those off-site signs that: (1) predate the CMP and (2) are located outside of the Regional Growth Area, Pinelands Towns, and prescribed areas of the Rural Development Area and Pinelands Villages. These changes reflect the current practices of the Commission.

The Commission proposes to permit, at the option of the municipality, off-site signs with electronic message displays in N.J.A.C. 7:50-6.109. The proposed rules would prohibit use of electronic message display by non-conforming, off-site signs. For example, the CMP would not permit the conversion of an existing off-site sign in the Forest Area or Preservation Area District to an electronic message display. The allowance of such electronic message displays would not extend to those signs advertising agricultural commercial establishments because of their typical locations in Special Agricultural Areas and Agricultural Production Areas.

If a municipality opts to permit electronic message displays on off-site signs, the proposed amendment would require the municipality to adopt provisions controlling the message transition and duration between transitions. These rules are closely aligned with New Jersey Department of Transportation standards in N.J.A.C. 16:41C-11.1. Additionally, such municipalities would be required to adopt some degree of brightness standards that would be reviewed by the Commission as part of the ordinance certification process. Lastly, these rules would require such signs to have a built-in automatic dimming technology that adjusts the sign's brightness to ambient light conditions.

The proposed rules for electronic message displays would only apply to off-site signs. Therefore, it would be at the discretion of the municipality to determine how to regulate on-site signs with regard to such technologies.

As the Commission has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

No significant adverse social impact is anticipated as a consequence of the adoption of the proposed amendments. Society as a whole benefits from the protection of the Pinelands and the proposed amendments are designed to do just that. Any social impacts that do result are expected to be positive.

The proposed fee amendments are expected to have a positive social impact for New Jersey's taxpayers because the fees will, on a relative basis, reduce the need for general State funding to support the legislatively mandated permitting responsibilities of the Commission. In addition, society as a whole will continue to benefit from the protection of the unique resources of the Pinelands, the nation's first national reserve. The Pinelands Area is comprised of pine-oak forests, cedar swamps, extensive surface and groundwater resources of high quality, threatened and endangered species, and other unique natural, ecological, agricultural, scenic, cultural, and recreational resources. The proposed amendments to the Commission's application fee schedule will help to ensure that the Commission has the resources necessary to undertake its statutorily mandated review of development applications to ensure that such projects adhere to the land use and environmental requirements of the Pinelands CMP. Applicants are also likely to avoid significant application processing delays that could occur if less revenue results in a significant reduction in resources dedicated to application reviews. On the other hand, applicants may also view these proposed rates in a negative light because the proposed amendments will increase their review costs.

The proposed decrease in development application fees for solar energy facilities could have a positive social impact if it encourages more landowners in the Pinelands Area to develop such facilities.

The proposed escrow amendments are expected to have a positive social impact for New Jersey's taxpayers as they will allow the Commission to purchase software or other equipment necessary to review the complex matters that are from time-to-time brought before the Commission by private or other public entities, without the need to expend public funds. Likewise, escrow funds will be available for use if

a particularly complex or contentious application necessitates rental of a larger public meeting space than the Commission can provide at its own offices.

The proposed amendments to the Commission's hearing procedures, set forth at N.J.A.C. 7:50-4.3(b)2i, continue to provide ample opportunities for public notice and involvement. Notices for all public hearings held by the Commission will be posted on the Commission's website and provided to relevant municipalities and counties at least 10 days in advance of any hearing. Notices will also continue to be provided to any member of the public who has asked to be included on the Commission's hearing registry, established pursuant to N.J.A.C. 7:50-4.3(b)2i(2). Such notices are provided free of charge via e-mail to all persons on the registry and at a small fee to cover the costs of copying and postage if the notices must be sent via regular mail. Elimination of the requirement that certain hearing and other notices be posted on properties proposed for development is not expected to reduce public awareness of or participation at hearings held by the Commission.

The proposed clarifications to CMP landfill capping requirements may encourage more municipalities and other applicants to approach the Commission to discuss their landfill closure plans because they will have a better understanding of the circumstances under which an impermeable cap is not required. For those that qualify, proper closure of these old landfills may then proceed more quickly, which will have a positive social impact on the communities in which they are located.

The proposed amendments provide permanent approval status to the FAST advanced treatment technology because it has demonstrated, through participation in the pilot program, that it is capable of meeting Pinelands water quality standards when used to service residential development on lots as small as 1.4 acres. Adoption of the amendments will have a positive social impact by permitting the use of this proven technology on parcels between 1.4 and 3.2 acres in size, without the expense of water quality testing. The amendments do not in any way affect permitted residential densities or minimum lot size requirements in the Pinelands Area. Thus, no significant changes in land use patterns will result from the proposed amendments.

Economic Impact

The proposed amendments clarify and make a number of changes to the Commission's application fee requirements. Fees for solar energy facility applications will decrease, in some cases quite significantly. Fees for all other types of development applications submitted to the Commission will increase, particularly those submitted to resolve identified violations of the CMP. It is difficult to predict the exact impacts of these amendments, as the actual amount of revenue generated by the application fees in the future will be a function of the number and type of development applications submitted to the Commission each year.

The following examples help to illustrate the impact of the proposed fee changes on several types of projects:

- A 50-lot residential subdivision will be subject to a \$2,787.50 fee increase, amounting to an additional cost of \$55.75 per lot;
- The fee for a 20-acre resource extraction (mining) proposal will increase by \$525 or \$26.25 per acre of land to be mined;
- A 15,000 square foot municipal building with an estimated construction cost of \$1,875,000 will be subject to a fee increase of \$2,344, or an additional cost of \$0.16 per square foot.

Although the Commission views these as modest increases, it also recognizes that applicants may view them in a negative light. However, it should be noted that the Commission's fee schedule is not designed to recapture all of the Commission's permit-related expenses. Rather, the Commission expects that, if current application trends continue, perhaps 43 percent of the Commission's permit-related expenses could be recouped through application fee revenue.

The proposed amendments at N.J.A.C. 7:50-1.7 that allow the Executive Director to request escrows to cover the cost of software, equipment, facilities, or services necessary to review a particular development application will increase costs for some private or public entities that seek the Commission's approval of various plans or agreements. These escrows will, however, better enable the Commission to handle these matters and complete its review procedures in a timely

and informed manner. This should result in an improved and more efficient review by the Commission, partially offsetting the increased financial obligation of the applicant.

The Commission also expects there to be decreased costs to the Commission as a result of the efficiency measures implemented in the proposed amendments. In particular, eliminating the need to send certain documents via certified mail will save both time and money. In the past five years alone, the Commission spent approximately \$6,500 to send over 1,050 letters to applicants via certified mail pursuant to N.J.A.C. 7:50-4.37(b) and 4.40(b). Had those same 1,050 documents been sent via e-mail, as would be permitted under the proposed amendments, there would have been no cost to the Commission. Had they been sent via regular mail, which would also be permitted under the proposed amendments, the expenditure of less than \$500 would have been required. Based on current development activity levels, it is estimated that the Commission could save as much as \$1,300 per year by eliminating certified mailing requirements. The proposed amendments also eliminate certified mailing requirements for municipalities; thus, there will be a cost savings for those entities as well.

The proposed amendments allowing for use of advanced treatment systems for certain nonresidential uses in the Rural Development, Forest, and Agricultural Production Areas should have a positive economic impact. Under current CMP standards, these businesses are precluded from expansion because they do not currently meet CMP water quality standards. The proposed amendments provide a new opportunity for up to 50 percent expansion of existing businesses that meet certain conditions and install an advanced waste water treatment system.

The flexibility granted to municipalities in the regulation of on-site signs may provide businesses opportunities to install more signage and/or utilize modern sign technologies in their advertising. The flexibility granted to municipalities in the regulation of off-site signs may provide additional revenues and business opportunities to the owners of off-site signs if permitted to convert to a sign with an electronic message display.

The proposed amendments release the FAST technology from the pilot program and grant permanent approval status to this technology. Granting of permanent approval status is expected to result in a positive economic impact to the residents of the Pinelands. Permanent approval means that the FAST technology will no longer be subject to laboratory analysis of treated wastewater discharged from this technology. The elimination of laboratory testing requirements is expected to result in cost savings to owners of a FAST system.

Environmental Impact

The Commission does not anticipate that the proposed amendments will have any negative environmental impact.

Decreased fees for solar energy facilities may serve to encourage applicants to move forward with the development of such facilities, consistent with the goals of the New Jersey Energy Master Plan.

The Commission does not anticipate that the proposed amendments to the Commission's application fee schedule will have any negative environmental impact. The proposed amendments do not modify the land use and environmental requirements of the CMP in any way. Applications for development will still need to demonstrate that they satisfy the land use and environmental standards of the Plan, as is the case now.

The proposed amendments at N.J.A.C. 7:50-6.84(a)5iii(2) allow certain existing nonresidential uses in the Pinelands Rural Development, Forest, and Agricultural Production Areas to use advanced wastewater treatment systems as a way of improving water quality and facilitating expansion of businesses that were constructed prior to the effective date of the CMP (January 14, 1981). Use of such systems, which treat waste water rather than simply diluting it, will enable the existing businesses to come into conformance with CMP water quality standards, providing an obvious environmental benefit to the Pinelands.

The proposed amendments to allow electronic message displays for on-site signs and certain off-site signs may be viewed by some as detracting from the scenic qualities of the Pinelands and posing a threat to ecosystem functioning due to ecological light pollution. However,

these types of off-site signs will only be permitted where they are consistent with other permitted, similar nonresidential uses, that is, in Regional Growth Areas, Pinelands Towns, and in non-residential zones in the Rural Development Areas and Pinelands Villages close to the Regional Growth Areas and Pinelands Towns. Furthermore, provisions have been included to mandate the shielding of external lights on off-site signs that are directed to the sky. Also, it is worth noting that the type of lighting used in electronic message displays tends to be less intense than the more traditional lighting used in older signs. As such, light impacts may actually be reduced through the use of electronic message displays. With regard to the impacts of ecological light pollution, the literature on the impacts of artificial light at night was investigated, but the field of study has yet to reach a consensus on science-based brightness standards for signs that would mitigate such ecological impacts.

Federal Standards Analysis

Section 502 of the National Parks and Recreation Act of 1978 (16 U.S.C. §471i) called upon the State of New Jersey to develop a comprehensive management plan for the Pinelands National Reserve. The original plan adopted in 1980 was subject to the approval of the United States Secretary of the Interior, as are all amendments to the plan.

The Federal Pinelands legislation sets forth rigorous goals that the plan must meet, including the protection, preservation, and enhancement of the land and water resources of the Pinelands. The proposed amendments are designed to meet those goals by providing an opportunity for water quality improvements through the use of advanced waste water treatment systems. The other proposed amendments may be categorized as mere clarifications or largely procedural in nature.

There are no other Federal requirements that apply to the subject matter of these amendments.

Jobs Impact

The proposed amendments are not expected to have any significant jobs impacts. Although the amendments do increase development application fees on the private and public sectors, the added costs, as explained in the Economic Impact section above, are not significant and are not expected to result in a loss of jobs.

The remainder of the proposed amendments are not expected to have any impact on the creation or loss of jobs.

Agriculture Industry Impact

The proposed amendments make changes to the Commission's fee schedule. To the extent that members of the agriculture industry located within the Pinelands intend to engage in activities that will necessitate submission of a development application, they may be impacted. Fees for most commercial activities (agricultural commercial establishments, agricultural processing facilities, etc.) are being increased. Application fees for solar energy facilities are being decreased and this may be of benefit to farm owners. For the most part, principal agricultural activities do not require the submission of development applications and therefore will continue to pay no fees to the Commission. The Commission does not believe that the proposed amendments will have any significant impact on the agriculture industry.

The proposed amendments to N.J.A.C. 7:50-6.84(a)5iii(2) provide an opportunity for existing businesses in the Agricultural Production Area to expand by using advanced waste water treatment systems. To the extent such businesses are owned, operated, or used by members of the agriculture industry, they will benefit from these new provisions.

Regulatory Flexibility Analysis

The proposed amendments revising the Commission's application fee schedule will not impose any additional reporting or recordkeeping requirements on small businesses, nor will the amendments require small businesses to employ professional services. As discussed in the Economic Impact section above, the proposed amendments may have an impact on developers, contractors, and property owners involved or interested in certain development projects within the Pinelands Area. Because most businesses in the Pinelands Area may be characterized as small in size and number of employees, the proposed fee amendments may have an impact on "small business" as defined by the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. However, because the Commission's fee schedule is based on the type of development

application submitted, the proposed amendments are expected to have the same impact on small businesses as on any other entity. Given that the resources of the Pinelands are important to all State citizens, and the proposed amendments are necessary to provide revenue for appropriate review and protection of these resources, no lesser requirements for small businesses are provided.

The proposed amendments also allow the Commission to require escrow funds for the acquisition of software, equipment, facilities, or services deemed necessary for the review of matters pending before the Commission that involve complex issues, necessitate specialized expertise, or require considerable staff review. While it would be impossible to identify all of the matters brought before the Commission that might result in an escrow requirement, the two most likely are comprehensive plans for local communications facilities and intergovernmental memoranda of agreement. In neither of those cases would small businesses as defined under the Regulatory Flexibility Act be affected by the amended escrow requirements.

No adverse economic impact on small businesses is to be expected from the revised sign standards. New revenue opportunities may occur for outdoor advertising companies permitted to install an electronic message display on their off-site signs. Such technologies would allow multiple advertising messages to be displayed in a given period of time thus providing more sources of revenue for the sign owner and/or land owner. Similarly, small businesses may be afforded more flexibility in the size, quantity, and design of their on-site signs, which may provide more effective advertising.

The proposed amendments to N.J.A.C. 7:50-6.84(a)5iii(2) provide a new opportunity for expansion of existing businesses in the more rural portions of the Pinelands Area. Although an exact percentage is unknown, many of the affected businesses are likely to qualify as small businesses under the Act and will benefit from the amendments.

The proposed amendments will not impose any other reporting, recordkeeping, or compliance requirements on small businesses.

Housing Affordability Impact Analysis

In accordance with N.J.S.A. 52:14B-4, the Commission has evaluated the proposed amendments to determine the impact, if any, on the affordability of housing.

Clearly, increased development application fees will have an impact on those applicants seeking to build new residential developments in the Pinelands Area. The increased fees will constitute a very small portion of the total project cost for such developments. Therefore, the Commission believes it is extremely unlikely the economic impacts of the proposed fee amendments would evoke a change in the average costs associated with housing.

The proposed amendments have the potential to reduce the cost of alternate design wastewater treatment systems for those landowners seeking to develop homes on lots between 1.4 and 3.2 acres in size in the unsewered portions of the Pinelands Area. This is because the FAST system will now be authorized for use on a permanent basis in association with such development. The costs associated with monitoring this technology will be eliminated, resulting in decreased costs of the systems for homeowners. In addition, adding a third system to the list of those authorized for permanent use may increase competition amongst the three systems (Amphidrome, Bioclere, and FAST) and result in reduced prices.

It is unlikely that any of the other proposed amendments would evoke a change in the affordability or average costs associated with housing.

Smart Growth Development Impact

N.J.S.A. 52:14B-4 requires that proposed amendments be evaluated to determine their impacts, if any, on housing production in Planning Areas 1 or 2, or within designated centers, under the State Development and Redevelopment Plan (State Plan). Planning Areas 1 and 2 do not exist in the Pinelands Area. Likewise, the State Plan does not designate centers within the Pinelands Area. Instead, N.J.S.A. 52:18A-206.a provides that the State Plan shall rely on the Pinelands CMP with respect to the Pinelands. Therefore, the Commission has evaluated the impact of the proposed amendments on Pinelands management areas that are equivalent to Planning Areas 1 and 2 and designated centers (that is,

Regional Growth Area, Pinelands Villages, and Pinelands Towns), as designated by the CMP.

The proposed amendments are not anticipated to have any significant impact on housing production. The proposed amendments relative to the FAST treatment technology will allow for the installation and use of this technology on a permanent basis in unsewered areas of the Pinelands that are zoned for residential development on lots of less than 3.2 acres in size. With few exceptions, these areas are located in Regional Growth Areas, Pinelands Villages, and Pinelands Towns, management areas designated for development by the Comprehensive Management Plan and equivalent to designated centers under the State Plan.

No other smart growth impacts are anticipated from the proposed amendments.

Full text of the rules proposed for repeal may be found in the New Jersey Administrative Code at N.J.A.C. 7:50-6.107, 6.108, and 6.109.

Full text of the proposed amendments and new rules follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

SUBCHAPTER 1. GENERAL PROVISIONS

7:50-1.6 Fees

(a) Except as provided in (a)1 and 2 below, all applications required or permitted by any provision of this Plan shall be accompanied by a nonrefundable application fee of [\$200.00] **\$250.00** or a fee calculated according to the fee schedule set forth in (b) through [(k)] **(l)** below, whichever is greater. No application filed pursuant to this Plan shall be reviewed or considered complete unless all fees required by this Part have been paid and any escrow required pursuant to N.J.A.C. 7:50-1.7 has been submitted.

1.-2. (No change.)

(b) The application fee for a residential development application submitted pursuant to N.J.A.C. 7:50-4.14, [or] 4.33, **4.52, or 4.66** shall be calculated as follows:

1. There shall be a [\$200] **\$250.00** fee for a residential development consisting of one unit or one lot; and

2. The fee for all other residential developments shall be calculated based on the number of proposed dwelling units or lots, whichever is greater, including those to be utilized for stormwater facilities, open space, recreational facilities, or other accessory elements of a residential development, according to the following:

- i. [\$200.00] **\$250.00** per dwelling unit or lot for the first four units or lots;
- ii. [\$225.00] **\$281.25** per dwelling unit or lot for units/lots five through 50;
- iii. [\$125.00] **\$156.25** per dwelling unit or lot for units/lots 51 through 150; and
- iv. [\$100.00] **\$125.00** per dwelling unit or lots for units/lots in excess of 150.

(c) The application fee for a commercial, institutional, industrial, or other non-residential development application submitted pursuant to N.J.A.C. 7:50-4.14, [or] 4.33, **4.52, or 4.66** shall be calculated in accordance with the following, based on typical construction costs, except as provided in (c)1 through [7] **9** below: [one percent of construction costs for the first \$500,000 of the total construction cost; three-fourths percent of construction costs for the portion of the construction costs between \$500,000 and \$1 million; and one-half percent of construction costs for the portion of the construction costs in excess of \$1 million.] Typical construction costs shall include all costs associated with the development for which the application is being submitted, including, but not limited to, site improvement and building improvement costs, but shall not include interior furnishings, atypical features, decorative materials or other similar features. [For fees calculated based on the percentage of construction costs, such costs shall be supported by the sworn statement of a licensed architect, licensed engineer, or other qualified individual, if an architect or engineer has not been retained for the project, as to the expected construction costs.]

Construction Cost	Required Application Fee
\$0 - \$500,000	1.25 percent of construction costs
\$500,001 - \$1,000,000	\$6,250 + one percent of construction costs above \$500,000
Greater than \$1,000,000	\$11,250 + 0.75 percent of construction costs above \$1,000,000

Supporting documentation of the expected construction costs shall be submitted as part of the application for development, unless the maximum fee pursuant to (e)4 below is required, in which case no such documentation shall be necessary.

1. For an off-road vehicle event conducted in accordance with N.J.A.C. 7:50-6.143(a)4, the fee shall be [\$5.00] **\$6.25** per mile, or portion thereof, of the route proposed;

2. For a forestry application or renewal application, submitted pursuant to N.J.A.C. 7:50-6.43(b) or (c), for forestry activities involving 10 or more acres, the fee shall be [\$5.00] **\$6.25** per acre, or portion thereof, that is subject to the forestry activities;

3. For the development of a golf course, the fee shall be [\$150.00] **\$187.50** per acre, or portion thereof, devoted to the golf course facility, including, but not limited to, the golf course and associated forested areas, club house, putting greens, driving range, parking areas, locker rooms, and accessory buildings, such as rest rooms, maintenance buildings, and other recreational areas depicted on the site plan submitted as part of the application. All areas associated with the planning, construction, operation, or maintenance of a golf course facility, including those areas not directly associated with golfing or a recreational activity, must be included in the acreage used to calculate the applicable application fee for the development of a golf course;

4. For a proposed linear development, the application fee shall be [\$150.00] **\$187.50** per acre, or portion thereof, of all land included in the right of way of the proposed linear development project [plus \$150.00 per acre] and all land located outside of the right of way that will be disturbed as part of a linear development project. "Linear development" means land uses such as roads, railroads, sewerage, and stormwater management pipes, gas and water pipelines, electric, telephone, and other transmission or distribution lines, which have the basic function of connecting two points, the rights-of-way therefor, and any accessory structures or uses directly associated therewith. [Linear] **For purposes of this section, linear development shall not include residential, commercial, office or industrial buildings, improvements within a development such as utility lines or pipes, bridges, or internal circulation roads;**

5. For a resource extraction permit application or permit renewal application, the application fee shall be [\$1,500] **\$1,875** plus [\$30.00] **\$37.50** per acre to be mined, or portion thereof, within each permit period;

6. For a change of use with no additional development or a home occupation[s], the application fee shall be [\$200.00] **\$250.00**; [and]

7. For an application for a subdivision or resubdivision only, with no other development, the application fee shall be calculated according to the formula in (b)2 above, based on the total number of lots [which] **that** will exist following the subdivision or resubdivision regardless of the number of lots that existed prior to the subdivision[.];

8. For the demolition of a structure 50 years or older, the fee shall be \$250.00; and

9. For the development of a solar energy facility, the fee shall be \$1,500 plus \$500.00 per acre of land to be developed, or portion thereof, including any off-site development.

(d) (No change.)

(e) The application fee required at the time of submission of a development application in accordance with (a) through (d) above or (f) below shall:

1. Be increased by [\$2,500] **\$3,125** if an individual on-site septic system is proposed pursuant to N.J.A.C. 7:50-[6.84(a)5] **6.84(a)5iv(2)(I) or (3);**

2.-3. (No change.)

(f) An application fee in accordance with (a) through (d) above shall be submitted for an application where a certificate of filing [or], a certificate of completeness, or a public development approval has not been issued pursuant to N.J.A.C. 7:50-4.34 [or], 4.15, or 4.56 and either no direct activity in furtherance of the Commission's application process has occurred for a period of two years or there has been a significant or material change in the proposed development that is the subject of the application.

(g) (No change.)

(h) The fee for a Letter of Interpretation or Amended Letter of Interpretation submitted pursuant to N.J.A.C. 7:50-4, Part VI, shall be determined according to the following:

1. There shall be no fee for a Letter of Interpretation involving the allocation of Pinelands Development Credits except for an Amended Letter of Interpretation requested within five years of issuance of the original Letter of Interpretation, in which case the fee shall be [\$200.00] **\$250.00** plus [\$5.00] **\$6.25** per acre of land for which the amended allocation is requested; and

2. The application fee for any other Letter of Interpretation or Amended Letter of Interpretation shall be [\$200.00] **\$250.00**.

(i) The application fee for the review and processing of a request for a letter stating information that is available in a municipal land use ordinance or stating other information readily available to the public from a source other than the Pinelands Commission shall be [\$200.00] **\$250.00**.

(j) The application fee for an Amended Certificate of Filing, Amended Certificate of Completeness, or amended public development approval shall be [\$200.00] **\$250.00** or 10 percent of the original permit fee, whichever is greater, with a maximum fee of [\$3,000] **\$3,750**. If a request for an Amended Certificate of Filing, Amended Certificate of Completeness, or amended public development approval is submitted more than five years following the issuance of the original Certificate of Filing, Certificate of Completeness, or public development approval, the fee shall be calculated as if a new application had been submitted.

(k) (No change.)

(l) The application fee for a Certificate of Filing or Certificate of Completeness associated with an application for general development plan approval in accordance with N.J.S.A. 40:55D-45.3 shall be one-half of the estimated application fee calculated in accordance with (b) through (d) above. The remainder of the application fee, adjusted as necessary to reflect any changes from the general development approval, shall be due upon submission of any subsequent applications for individual phases of the development, each of which shall require a new Certificate of Filing or Certificate of Completeness.

7:50-1.7 Escrows

(a) Notwithstanding any other provision of N.J.A.C. 7:50-1.6, the Executive Director may request an escrow for development applications or other matters pending before the Commission that involve complex issues which, either because of the need for specialized expertise, necessitate the retention of consultants to assist in the Commission's review, or will require considerable staff review or unusual expenditures, including costs associated with specialized software, equipment, facilities, or services. Should the Executive Director determine that an escrow is necessary:

1. (No change.)

2. Monies submitted pursuant to (a)1 above shall be held in an escrow account and shall be used by the Commission to reimburse any costs it incurs [either as a result of retaining any consultants or for the considerable amount of staff time required for the review and, in] pursuant to (a) above. In the case of an escrow for an intergovernmental memorandum of agreement authorized pursuant to N.J.A.C. 7:50-4.52(c)2, monies submitted shall also be used for developing, implementing, and monitoring such agreement;

3.-7. (No change.)

(b) (No change.)

SUBCHAPTER 2. INTERPRETATIONS AND DEFINITIONS

7:50-2.11 Definitions

When used in this Plan, the following terms shall have the meanings ascribed to them.

"Alternate design pilot program treatment system" means an individual or community on site waste water treatment system that has the capability of providing a high level of treatment, including a significant reduction in the level of total nitrogen in the wastewater, and [includes the systems listed below, as described in the report prepared by Anish R. Jantrania, Ph.D., P.E., M.B.A. entitled "Performance Expectations for Selected On-site Wastewater Treatment Systems," dated December, 2000, incorporated herein by reference, and available at the principal office of the Commission, that have been authorized for use for residential development by the pilot program established in N.J.A.C. 7:50-10, Part IV. In addition, alternate design pilot program treatment system shall also include any technology or technologies that have] that has been approved by the Commission for participation in the alternate design wastewater treatment systems pilot program pursuant to N.J.A.C. 7:50-10.23(b). Detailed plans and specifications for each authorized technology are available at the principal office of the Commission.

[1. FAST; or

2. Other nitrogen reducing technologies approved by the Commission pursuant to N.J.A.C. 7:50-10.23(b).]

"Electronic message display" means an element of a sign that is capable of displaying words, symbols, figures, or images that electronically or mechanically change by remote or automatic means.

"Interested [person] party" means any [persons whose right to use, acquire or enjoy property is or may be affected by any action taken under this Plan, or whose right to use, acquire or enjoy property under this Plan or under any other law of this State or of the United States has been denied, violated or infringed upon by an action or a failure to act under this Plan] person or entity who has either submitted an application for development to the Pinelands Commission or who has a particularized property interest sufficient to require a hearing on constitutional or statutory grounds.

"Mail" shall mean regular mail or e-mail.

"Off-site [commercial advertising] sign" means a sign [which] that directs attention to a business, commodity, product, service, [or] entertainment, or other attraction conducted, sold, or offered at a location other than the premises on which the sign is located.

"Sign" [means any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state or city, or any fraternal, religious or civic organizations; merchandise, pictures or models of products or services incorporated in a window display; works of art which in no way identify a product; or scoreboards located on athletic fields.] means any structure including, but not limited to, an advertising structure and sign face used outdoors and affixed to or upon property to display messages and/or images within public view that is designed to attract, or does attract, the attention of pedestrians or operators or passengers of motor vehicles using the roads, highways, and other public thoroughfares and places, and shall include any writing, printing, painting, display, emblem, drawing, or other device whether placed on the ground, rocks, trees, tree stumps, or other natural structures, or on a building, structure, signboard, billboard, wallboard, roofboard, frame, support, fence, or elsewhere, and any lighting or other accessories used in conjunction therewith.

SUBCHAPTER 3. CERTIFICATION OF COUNTY, MUNICIPAL,
AND FEDERAL INSTALLATION PLANS

7:50-3.24 Revocation of delegation and notice thereof

(a)-(b) (No change.)

(c) Notice of revocation: Within 10 days following entry of any order entered by the Commission pursuant to (b) above, revoking, suspending, or modifying any delegation pursuant to N.J.A.C. 7:50-3.22(b), the Executive Director shall give notice of such order and of its terms, by [certified] mail, to the affected county and to all municipalities within such county.

7:50-3.39 Standards for certification of municipal master plans and land use ordinances

(a) Municipal master plans and land use ordinances, and any parts thereof, shall be certified only if:

1. (No change.)

2. They include provisions [which] **that**:

i.-vii. (No change.)

viii. Establish and implement a mitigation plan as part of any municipal stormwater management plan and ordinance adopted in accordance with N.J.A.C. 7:8-4.2(c)11 [which] **that**:

(1)-(4) (No change.)

(5) Requires that the municipality expend any contributions collected pursuant to (a)2viii(4) above within five years of their receipt; **and**

ix. Are designed to implement a clear and straightforward process for the review of applications for residential cluster development in the Forest and Rural Development Areas, in accordance with the requirements for cluster development set forth in N.J.A.C. 7:50-5.19(c) and (d). The Commission may certify municipal clustering ordinances that contain different clustering standards than those set forth in N.J.A.C. 7:50-5.19(c) and (d) provided that those standards are supported through the application of sound land use planning principles, are based upon local conditions or circumstances that warrant such changes and do not undermine the overall goals and objectives of the Forest and Rural Development Area clustering program set forth at N.J.A.C. 7:50-5.19(c) and (d); and].

[x. Establish a program for the long-term maintenance of Pinelands alternate design wastewater treatment systems which, at minimum, complies with and implements the provisions of N.J.A.C. 7:50-6.85(b) and (c), and N.J.A.C. 7:15-5.25(e)3. Said program may include the municipal collection of reasonable fees for the issuance of any required permits or other authorizations. The Commission may certify municipal ordinances that contain additional and/or different standards or procedures than those set forth in N.J.A.C. 7:50-6.85(b) and (c), provided those standards and procedures are based upon local conditions or circumstances that warrant such changes and will ensure the protection of surface and ground water quality consistent with N.J.A.C. 7:50-6, Part VIII.]

3.-13. (No change.)

(b) No change.

SUBCHAPTER 4. DEVELOPMENT REVIEW

7:50-4.1 Applicability

(a) For the purposes of this subchapter only, the following shall not be considered development except for development of any historic resource designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154:

1.-3. (No change.)

4. The construction, repair, or removal of any sign, except for the construction or replacement of any off-site [commercial advertising] sign in accordance with N.J.A.C. 7:50-6.108(a)3, 4, or 5;

5.-16. (No change.)

17. **To control and reduce the threat of wildfire:**

i. Prescribed burning; and [the]

ii. **Linear clearing [and maintaining of fire breaks] of vegetation, including subsequent maintenance of that cleared area and**

vegetation, provided the linear clearing does not exceed six feet in width;

18.-23. (No change.)

(b)-(d) (No change.)

7:50-4.3 Commission hearing procedures

(a) (No change.)

(b) Notice of public hearing.

1. (No change.)

2. Persons entitled to notice:

i. Notice of public hearings shall be given by the Commission:

(1) By sending a copy of the notice to the applicant [by certified mail];

(2) (No change.)

(3) If the public hearing involves certification of a municipal master plan or land use ordinance[s], by **posting the notice on the Commission's website, publication of the notice in an official newspaper of the Commission having general circulation in the area,** and sending a copy of the notice, by mail, to the municipal clerk and the planning board secretary of the municipality seeking certification, the **municipal clerk and planning board secretary** of each Pinelands municipality bordering the municipality seeking certification and [to] the county clerk and the county planning board secretary of the county in which the municipality seeking certification is located and of the adjacent county if the municipality borders another county.

(4) If the public hearing involves certification of a county master plan or regulations, by **posting the notice on the Commission's website, publication of the notice in an official newspaper of the Commission having general circulation in the area,** and sending a copy of the notice, by mail, to the [municipal] clerk and the planning board secretary of the county seeking certification, each Pinelands municipality in the county seeking certification and [to the county clerk and county planning board secretary of] each Pinelands county bordering the county seeking certification.

[(5) If the public hearing involves certification of a county or municipal master plan or municipal land use ordinance or county development ordinance, by publication of a copy of the notice, at least once, in an official newspaper of the Pinelands Commission having general circulation in the area;]

(5) **If the public hearing involves an application for a Waiver of Strict Compliance submitted pursuant to N.J.A.C. 7:50-4.64(a)1, by sending a copy of the notice, by mail, to the applicant and the secretary of the county and municipal planning board and environmental commission, if any, with jurisdiction over the parcel on which development is proposed. In addition, a copy of the notice shall be posted on the Commission's website and published in an official newspaper of the Commission having general circulation in the area.**

(6) If the public hearing involves an amendment proposed by the Commission pursuant to N.J.A.C. 7:50-7, by sending a copy of the notice, by mail, to the mayor of each Pinelands municipality and to the freeholder director and county executive of each Pinelands county. In addition, a copy of the notice shall be published in all the official newspapers of the Pinelands Commission **and posted on the Commission's website.**

(7) If the public hearing involves an inter-governmental **memorandum of agreement** pursuant to N.J.A.C. 7:50-4.52, by sending a copy of the notice, by mail, to the mayor of each Pinelands municipality and the freeholder director and county executive of each Pinelands county that may be directly affected by the memorandum of agreement under consideration. In addition, a copy of the notice shall be published in those official newspapers of the Pinelands Commission having general circulation in the area that may be directly affected by the memorandum of agreement **and posted on the Commission's website.**

(8) (No change.)

(9) If the public hearing involves a comprehensive plan submitted to the Commission pursuant to N.J.A.C. 7:50-5.4(c)6, by sending a copy of the notice and the comprehensive plan, by mail, to the mayor of each Pinelands municipality and the freeholder director and county executive, if any, of each Pinelands county. In addition, a copy of the notice shall

be published in all the official newspapers of the [Pinelands] Commission and posted on the Commission's website.

ii. Notice of public hearings shall be given by the applicant:

(1) (No change.)

(2) If the public hearing relates to an application for development approval [or an application for a Waiver of Strict Compliance submitted pursuant to N.J.A.C. 7:50-4.64(a)1], by sending a copy of the notice, by mail, to:

(A) The secretary of the county and municipal planning board and environmental commission, if any, with jurisdiction over the parcel on which development has been proposed; and

(B) Any landowners within 200 feet of any border of the parcel proposed for development[, except as otherwise provided in N.J.A.C. 7:50-4.66(c).]; and

(3) By publication of a copy of the notice, at least once, in a newspaper having general circulation in the area[.];

[(4) By conspicuous posting on any parcel proposed for development or proposed for designation pursuant to N.J.A.C. 7:50-6.154.]

3.-4. (No change.)

(c)-(d) (No change.)

(e) Content and service of decision of Executive Director or Commission:

1.-2. (No change.)

3. All decisions and orders of the Executive Director or the Commission shall be considered rendered three days after notice of such decisions and orders has been deposited in the [United States Mail] mail addressed to those persons identified in (e)2 above. For purposes of computing the three-day period, the date of deposition of the notice in the mail shall not be included.

7:50-4.15 Action by Executive Director on application

Within 90 days following the receipt of a complete application for development, the Executive Director shall review the application and all information submitted by the applicant or any other person relating to the application and upon completion of such review issue a Certificate of Completeness stating whether the application should be approved, approved with conditions, or disapproved. The application may be approved or approved with conditions only if the development as proposed, or subject to any conditions which may be imposed, conforms to each of the minimum standards for development approval established by N.J.A.C. 7:50-4.16. The Executive Director may propose in said Certificate of Completeness any reasonable condition [which] that he or she finds is necessary to achieve the objectives of this Plan. The Executive Director shall provide a copy of the Certificate of Completeness to the applicant, the Commission, [interested persons, including] all persons who have individually submitted information concerning the application, [as well as] all persons who have requested a copy of said decision, and any person, organization, or agency [which] that has registered under N.J.A.C. 7:50-4.3(b)2i(2).

7:50-4.18 Report requirements of local permitting agency with respect to applications for development

(a)-(c) (No change.)

(d) Notice of preliminary approval: Notice of any grant of preliminary site plan or subdivision approval or any other preliminary approval of any application for development provided for by the Municipal Land Use Law or any county or municipal regulation or ordinance shall be given to the Commission by the local agency, by [certified] mail, within five days following such grant or approval. Such notice shall be in such form as the Executive Director shall from time to time specify, but shall contain at least the following information:

1.-6. (No change.)

[7. The names and addresses of all persons who actively participated in the local proceedings.]

(e) Notice of final determination: Notice of any final determination approving or denying any application for development shall be given to the Commission by the local agency, by [certified] mail, within five days following such determination and shall be in such form as the Executive Director shall from time to time specify; but such notice shall contain at least the following information:

1.-6. (No change.)

(f) (No change.)

7:50-4.19 Commission review following preliminary approval

(a) (No change.)

(b) Notice of decision and hearing: Within 30 days following receipt of a notice of preliminary approval containing all the information specified in N.J.A.C. 7:50-4.18(d), the Executive Director shall give notice of his or her determination by mail to the applicant, the local permitting agency [which] that granted such preliminary approval, [interested persons, including] all persons who have individually submitted information concerning the application [or who participated in the local approval process, as well as], all persons who have requested a copy of said decision, and any person, organization, or agency [which] that has registered under N.J.A.C. 7:50-4.3(b)2i(2). If the Executive Director determines that the preliminary approval should be reviewed by the Commission, [the notice shall be sent by certified mail to the applicant and the local agency which granted the approval. The] the notice shall indicate that the applicant, the local permitting agency, or any interested [person] party may, within 21 days of mailing of such notice, request that a hearing be held before an Administrative Law Judge pursuant to the procedures established by N.J.A.C. 7:50-4.91 for the purpose of reviewing such preliminary approval.

(c) [Notices to interested persons:] If the Executive Director determines that a preliminary approval shall be reviewed by the Commission and a hearing has been requested before an Administrative Law Judge pursuant to (b) above, he or she shall notify all persons who [actively participated in the proceedings before the local permitting agency and all persons who] individually submitted information on the application to the Commission, [that they may participate in any proceedings held pursuant to this Part] all persons who have requested a copy of the Commission's decision, and any person, organization, or agency that has registered under N.J.A.C. 7:50-4.3(b)2i(2).

(d)-(e) (No change.)

7:50-4.20 Decision on review

(a) If no hearing is requested pursuant to N.J.A.C. 7:50-4.19(b), the Executive Director shall, within 60 days after the time to request an appeal has expired, review the application, all other information in the file, the Certificate of Completeness, and the local approval and determine whether the preliminary approval is in conformance with the minimum standards of this Plan. The Executive Director may recommend the Commission approve the preliminary approval, approve the preliminary approval with conditions or disapprove the preliminary approval. The Executive Director shall give written notification of his or her findings and conclusions to the applicant, the Commission, the local permitting agency, [interested persons, including] all persons who have individually submitted information concerning the application, [or who participated in the local approval process, as well as] all persons who have requested a copy of said determination, and any person, organization, or agency [which] that has registered under N.J.A.C. 7:50-4.3(b)2i(2).

(b)-(d) (No change.)

7:50-4.22 Commission review following final local approval

(a) (No change.)

(b) Notice of decision and hearing: Within 15 days following receipt of a notice of final determination containing all the information specified in N.J.A.C. 7:50-4.18(e), the Executive Director shall give notice of his or her determination by mail to the applicant, the local permitting agency [which] that granted such approval, [interested persons, including] all persons who have individually submitted information concerning the application, [or who participated in the local review process, as well as] all persons who have requested a copy of said decision, and any person, organization, or agency [which] that has registered under N.J.A.C. 7:50-4.3(b)2i(2). If applicable, such notice shall set a date, time, and place for public hearing as required by N.J.A.C. 7:50-4.23. [Any notice scheduling a public hearing shall be sent by certified mail to the applicant and the local agency which granted the approval.]

(c)-(d) (No change.)

7:50-4.23 Public hearing

If the Executive Director determines that the approval should be reviewed by the Commission, he or she shall, within 45 days following receipt of a completed notice of final determination given pursuant to N.J.A.C. 7:50-4.18(e), conduct a public hearing to be held pursuant to the procedures set out in N.J.A.C. 7:50-4.3 of this Plan. The applicant shall have the burden of going forward and the burden of proof at the public hearing. Following conclusion of the public hearing, the Executive Director shall review the record of the public hearing and issue a report on the public hearing to the Commission. The Executive Director may recommend that the Commission approve the application, approve the application with conditions or disapprove the application. The Executive Director shall give written notification of his or her findings and conclusions to the applicant, the Commission, the local permitting agency, [interested persons, including] all persons who have individually submitted information concerning the application, [or who participated in the local review process, as well as] all persons who have requested a copy of said determination, and any person, organization, or agency [which] that has registered under N.J.A.C. 7:50-4.3(b)2i(2). However, an applicant may, at his or her option, waive all time limits for review imposed by the Pinelands Protection Act or this Plan and request that the hearing be held by an Administrative Law Judge pursuant to the procedures established in N.J.A.C. 7:50-4.91.

7:50-4.25 Commission review following local denial

(a) (No change.)

(b) Notice of decision and hearing: Within 30 days following receipt of a notice of a denial containing all the information specified in N.J.A.C. 7:50-4.18(e) the Executive Director shall give notice of his or her determination by mail to the applicant, the local permitting agency [which] that denied the applicant, [interested persons, including] all persons who have individually submitted information concerning the application, [as well as] all persons who have requested a copy of said decision, and any person, organization or agency which has registered under N.J.A.C. 7:50-4.3(b)2i(2). If the Executive Director determines that the denial should be reviewed by the Commission, the notice shall be sent by [certified] mail to the applicant and the local agency [which] that granted the approval. The notice shall indicate that the applicant, the local permitting agency, or any interested [person] party may, within 21 days of mailing of such notice, request that a hearing be held before an Administrative Law Judge pursuant to the procedures established by N.J.A.C. 7:50-4.91 for the purpose of reviewing the denial.

(c) [Notices to interested persons:] If the Executive Director determines that a denial shall be reviewed by the Commission and a hearing before an Administrative Law Judge has been requested pursuant to (b) above, he or she shall notify all persons who [actively participated in the proceedings before the local permitting agency and all persons who] **individually** submitted information on the application to the Commission, [that they may participate in any proceedings held pursuant to this Part] **all persons who have requested a copy of the Commission's decision and any person, organization, or agency that has registered under N.J.A.C. 7:50-4.3(b)2i(2).**

7:50-4.26 Decision on review

(a) If no hearing is requested pursuant to N.J.A.C. 7:50-4.25(b), the Executive Director shall, within 60 days after the time to request an appeal has expired, review the application and all other information in the file, the Certificate of Completeness and the local denial and determine whether the denial is in conformance with the minimum standards of this Plan. The Executive Director may recommend the Commission approve the application, approve the application with conditions, disapprove the application, or allow the local denial to stand. The Executive Director shall give written notification of his or her findings and conclusions to the applicant, the Commission, the local permitting agency, [interested persons, including] all persons who have individually submitted information concerning the application, [or who participated in the local approval process, as well as] all persons who have requested a copy of said determination, and any person, organization, or agency [which] that has registered under N.J.A.C. 7:50-4.3(b)2i(2).

(b)-(d) (No change.)

7:50-4.35 Report requirements of local permitting agency with respect to applications for development

(a)-(c) (No change.)

(d) Notice of preliminary approval: Notice of any grant of preliminary site plan or subdivision approval or any other preliminary approval of any application for development provided for by the Municipal Land Use Law or any county or municipal regulation or ordinance shall be given to the Commission, by [certified] mail, within five days following such grant or approval. Such notice shall be in such form as the Executive Director shall from time to time specify, but shall contain at least the following information:

1.-4. (No change.)

5. Any written reports or comments received by the local permitting agency on the application for development [which] that have not been previously submitted to the Commission; and

6. A copy of the resolution or other documentation of the preliminary approval and a copy of the submitted preliminary plans [which] that were approved by the local permitting agency[; and].

[7. The names and addresses of all persons who actively participated in the local proceedings.]

(e) Notice of final determination: Notice of any final determination with respect to any application for development shall be given to the Commission, by [certified] mail, within five days following such determination and shall be in such form as the Executive Director shall from time to time specify; but such notice shall contain at least the following information:

1.-6. (No change.)

(f) (No change.)

7:50-4.37 Commission review following preliminary approval

(a) (No change.)

(b) Notice of decision and hearing: Within 30 days following receipt of a notice of preliminary approval containing all the information specified in N.J.A.C. 7:50-4.35(d), the Executive Director shall give notice of his or her determination by mail to the applicant, the local permitting agency [which] that granted such preliminary approval, [and interested persons, including] all persons who have individually submitted information concerning the application, [or who participated in the local review process, as well as] all persons who have requested a copy of said decision, and any person, organization, or agency [which] that has registered under N.J.A.C. 7:50-4.3(b)2i(2). If the Executive Director determines that the preliminary approval should be reviewed by the Commission, the [notice shall be sent by certified mail to the applicant and the local agency which granted the approval. The] notice shall indicate that either the applicant, the local permitting agency or any interested [person] party may, within 21 days of mailing of such notice, request that a hearing be held before an Administrative Law Judge pursuant to the procedures established by N.J.A.C. 7:50-4.91 for the purpose of reviewing such preliminary approval.

(c) [Notices to persons participating in local permitting process; opportunity to comment:] If the Executive Director decides to review a preliminary approval and a hearing before an Administrative Law Judge has been requested pursuant to (b) above, he or she shall notify all persons who [actively participated in the proceedings before the local permitting agency of such determination and inform them that they may participate in any proceedings held pursuant to this Part] **have individually submitted information concerning the application, all persons who have requested a copy of said decision, and any person, organization, or agency that has registered under N.J.A.C. 7:50-4.3(b)2i(2).**

(d)-(e) (No change.)

7:50-4.38 Decision on review

(a) Determination by Executive Director: If no hearing is requested by the applicant, the local permitting agency or any interested [person] party pursuant to N.J.A.C. 7:50-4.37(b), the Executive Director shall, within 60 days after the time to request a hearing has expired, review the application, all other information in the file including any staff reports and the local approval and determine whether the preliminary approval is in conformance with the minimum standards of this Plan and the provisions of the relevant certified local ordinance. The Executive

Director may recommend the Commission approve the preliminary approval, approve the preliminary approval with conditions, or disapprove the preliminary approval. The Executive Director shall give written notification of his or her findings and conclusions to the applicant, the Commission, the local approving agency, [interested persons, including] all persons who have individually submitted information concerning the application, [as well as] all persons who have requested a copy of said determination, and any person, organization, or agency [which] that has registered under N.J.A.C. 7:50-4.3(b)2i(2).

(b)-(d) (No change.)

7:50-4.40 Commission review following final local approval

(a) (No change.)

(b) Notice of decision and hearing: Within 15 days following receipt of a notice of final determination containing all the information specified in N.J.A.C. 7:50-4.35(e), the Executive Director shall give notice of his or her determination by [certified] mail to the applicant, [and] the clerk of the local permitting authority [which] that granted such approval, [and interested persons, including] all persons who have individually submitted information concerning the application, [or who participated in the local review process, as well as] all persons who have requested a copy of said decision, and any person, organization, or agency [which] that has registered under N.J.A.C. 7:50-4.3(b)2i(2). If applicable, such notice shall set a date, time, and place for public hearing, as required by N.J.A.C. 7:50-4.41. [Any notice scheduling a public hearing shall be sent by certified mail to the applicant and the local agency which granted the approval.]

(c)-(d) (No change.)

7:50-4.41 Public hearing

If the Executive Director determines that the approval should be reviewed by the Commission, he or she shall, within 45 days following receipt of a completed notice of final determination given pursuant to N.J.A.C. 7:50-4.35(c), conduct a public hearing to be held pursuant to the procedures set out in N.J.A.C. 7:50-4.3. The applicant shall have the burden of going forward and the burden of proof at the public hearing. Applications from applicants who do not provide notice for any hearing and do not make a timely request for adjournment shall be recommended for denial. For applicants who do not appear at more than one scheduled public hearing, the Executive Director may determine that no further adjournment of the public hearing will be provided. Following conclusion of the public hearing, the Executive Director shall review the record of the public hearing and issue a report on the public hearing to the Commission. The Executive Director may recommend that the Commission approve the application, approve the application with conditions, or disapprove the application. The Executive Director shall give written notification of his or her findings and conclusions to the applicant, the Commission, the local permitting agency, [interested persons, including] all persons who have individually submitted information concerning the application, [or who participated in the local review process, as well as] all persons who have requested a copy of said determination, and any person, organization, or agency [which] that has registered under N.J.A.C. 7:50-4.3(b)2i(2). However, an applicant may, at his or her option, waive all time limits for review imposed by the Pinelands Protection Act or this Plan and request that the hearing be held by an Administrative Law Judge pursuant to the procedures established in N.J.A.C. 7:50-4.91.

7:50-4.53 Pre-application conference and submission requirements

(a)-(d) (No change.)

(e) The notice in (c) and (d) above shall state:

1.-5. (No change.)

6. That any person who provides comments or requests a copy of the Executive Director's findings and conclusion shall be provided a copy of said findings and conclusion and that any interested [person] party who is aggrieved by said determination is entitled to a hearing by appealing the determination.

(f)-(h) (No change.)

7:50-4.54 Review of submission by Executive Director

Within 30 days following receipt of a completed application for public development, the Executive Director shall review the application and all information submitted by the applicant or any other person relating to the application and upon completion of such review make a determination whether the application should be approved, approved with conditions, or disapproved. The application may be recommended for approval or approval with conditions only if the development as proposed, or subject to any conditions [which] that may be imposed, conforms to each of the minimum standards for development approval established by N.J.A.C. 7:50-4.57. The Executive Director may attach to any determination to recommend approval of an application any reasonable condition [which] that he or she finds is necessary to achieve the objectives of this Plan. The Executive Director shall give written notification of his or her findings and conclusion to the applicant, the Commission, [interested persons, including] all persons who have individually submitted information concerning the application, [as well as] all persons who have requested a copy of said decision, and any person, organization, or agency which has registered under N.J.A.C. 7:50-4.3(b)2i(2).

7:50-4.55 Rights of appeal

Any interested [person] party who is aggrieved by any determination made by the Executive Director pursuant to this Part may within 15 days appeal the Executive Director's determination to the Commission as provided by N.J.A.C. 7:50-4.91. Additional information not included in the Executive Director's determination may only be presented to the Pinelands Commission by requesting a hearing pursuant to N.J.A.C. 7:50-4.91.

7:50-4.56 Action by Commission

At the next regular Commission meeting after the time for appeal under N.J.A.C. 7:50-4.91 has expired and no interested [person] party has requested a hearing, the Commission may approve the determination of the Executive Director or refer the determination of the Executive Director to the Office of Administrative Law. If the Pinelands Commission fails to take any action at said meeting, the determination of the Executive Director shall be referred to the Office of Administrative Law unless an extension of time for the Commission to act is approved pursuant to N.J.A.C. 7:50-4.4. If the Executive Director's determination is referred to the Office of Administrative Law, the referral shall be treated as a petition for appeal in accordance with the provisions of N.J.A.C. 7:50-4.91.

7:50-4.66 Application

(a)-(c) (No change.)

(d) The notice in (b) and (c) above shall state:

1. (No change.)

2. **That the Pinelands Commission will schedule and hold a public hearing on the application, the date and time of which will be posted on the Commission's website;**

[2.] 3. (No change in text.)

[3.] 4. That written comments on the application may be submitted to the Pinelands Commission **at the public hearing or in writing** and that all such comments received within 10 days of the mailing or publication of the notice **or within the notice period established for the public hearing** will be considered in the review of the application;

[4.] 5. (No change in text.)

[5.] 6. The **mailing** address, [and] phone number, **and website address** of the [Pinelands] Commission; and

[6.] 7. That any person who provides comments or requests a copy of the Executive Director's findings and conclusion shall be provided a copy of said findings and conclusion and that any interested [person] party who is aggrieved by said determination is entitled to a hearing by appealing the determination.

(e)-(h) (No change.)

(i) For an application submitted pursuant to N.J.A.C. 7:50-4.64(a)1, the Executive Director shall set the date, time, and place for a public hearing for consideration of the application. The public hearing shall be noticed and held by the Executive Director in accordance with the provisions of N.J.A.C. 7:50-4.3. [The applicant shall give notice of the

hearing in accordance with N.J.A.C. 7:50-4.3(b)2ii and the notice required pursuant to (b) or (c) above may be incorporated therein.]

7:50-4.67 Action by Executive Director on application

Within 90 days following the receipt of a complete application for waiver, the Executive Director shall review the application and all information submitted by the applicant and any other person relating to the application and upon completion of such review make a determination whether the application should be approved, approved with conditions, or disapproved. The application may be recommended for approval or approval with conditions only if the applicant, subject to any conditions [which] that may be imposed, meets the standards for a Waiver of Strict Compliance established in N.J.A.C. 7:50-4.62. The Executive Director shall give written notification of his or her findings and conclusion to the applicant, the Commission, [interested persons, including] all persons who have **individually** submitted information concerning the application, [as well as] all persons who have requested a copy of said determination, and any person, organization, or agency which has registered under N.J.A.C. 7:50-4.3(b)2i(2).

7:50-4.68 Rights of appeal

Any interested [person] party who is aggrieved by any determination made by the Executive Director pursuant to this Part may within 15 days appeal the Executive Director's determination to the Commission as provided by N.J.A.C. 7:50-4.91. Additional information not included in the Executive Director's determination may be presented to the Pinelands Commission only by requesting a hearing pursuant to N.J.A.C. 7:50-4.91. If the appeal is based on an allegation that the parcel does not have a beneficial use even considering the allocation of Pinelands Development Credits pursuant to N.J.A.C. 7:50-4.62(c)2, the applicant must include specific documentation concerning the economic value of each of the permitted uses of the parcel once the Pinelands Development Credits are transferred and documentation of the value necessary to give the parcel a beneficial use as part of the appeal process. If the applicant demonstrates that the allocation of the Pinelands Development Credits based on fair market value along with the other permitted uses of the parcel does not result in the parcel having a beneficial use, the allocation of Pinelands Development Credits shall be increased to the number necessary to provide the parcel with a beneficial use.

7:50-4.73 Request for interpretation

(a)-(c) (No change.)

(d) The notice in (b) and (c) above shall state:

1.-5. (No change.)

6. That any person who provides comments or requests a copy of the Executive Director's findings and conclusion shall be provided a copy of said findings and conclusion and that any interested [person] party who is aggrieved by said determination is entitled to a hearing by appealing the determination.

(e)-(g) (No change.)

7:50-4.74 Interpretation by Executive Director

Except as provided in N.J.A.C. 7:50-4.75, the Executive Director shall, within 45 days following the receipt of a completed request for clarification or interpretation, review the application and all information submitted by the applicant or any other person relating to the application and upon completion of such review issue a letter of clarification or interpretation. A copy of the letter shall be provided to the appropriate municipal or county planning board, environmental commission, if any, [interested persons, including] all persons who have **individually** submitted information concerning the application, [as well as] all persons who have requested a copy of said determination and any person, organization, or agency, which has registered under N.J.A.C. 7:50-4.3(b)2i(2). The letter issued by the Executive Director shall specify the grounds, reasons, and analysis upon which the clarification or interpretation is based. In the event the Executive Director fails to render a letter of clarification or interpretation within 45 days of receipt of a completed application or such longer period of time as may be agreed to by the applicant, the applicant is entitled to request a hearing pursuant to N.J.A.C. 7:50-4.91. Nothing in this section shall be

construed to prevent any person from resubmitting a request for clarification or interpretation.

7:50-4.79 Appeal

Any interested [person] party who is aggrieved by any clarification or interpretation given by the Executive Director pursuant to this Part may within 15 days appeal the Executive Director's clarification or interpretation to the Commission as provided in N.J.A.C. 7:50-4.91.

7:50-4.91 Appeal

(a) Notice: Any [person] **interested party** who [is granted, by any provision of this Plan,] has a right to appeal any determination made by the Executive Director to the Commission shall, within 15 days [after] **of the date** the decision is **deemed rendered in accordance with N.J.A.C. 7:50-4.3(e)3**, perfect such right by giving notice by mail of his or her intent to appeal to the Commission. Such notice shall include:

1.-5. (No change.)

(b) Any [person] **interested party** who [is granted, by any provision of this Plan,] has a right to request a hearing conducted by the Office of Administrative Law concerning a local approval [which] that the Executive Director has determined should be reviewed by the Pinelands Commission shall, within 15 days [after] **of the date** the Executive Director's determination is **deemed rendered in accordance with N.J.A.C. 7:50-4.3(e)3**, perfect such right by giving notice by mail of his or her intent to request a hearing to the Commission. Such notice shall include the information specified in (a)1 through 5 above.

(c)-(e) (No change.)

SUBCHAPTER 6. MANAGEMENT PROGRAMS AND MINIMUM STANDARDS

7:50-6.64 Time limit and scope of resource extraction permits

(a) No permit authorizing resource extraction shall be issued for any period exceeding two years unless a program extending the duration of such permits has been established and certified by the Commission pursuant to N.J.A.C. 7:50-3.39. Such a program may allow permits authorizing resource extraction to be issued for periods exceeding two years, provided that:

1. (No change.)

2. Every such permit shall be issued subject to the following conditions to ensure conformance with the approved permit:

i.-iv. (No change.)

v. Any interested [person] party who is aggrieved by any determination of the Executive Director pursuant to (a)2iii or iv above may, within 15 days, appeal the Executive Director's determination to the Pinelands Commission as provided in N.J.A.C. 7:50-4.91(a). The Executive Director shall thereafter conduct a hearing pursuant to N.J.A.C. 7:50-4.3, unless the applicant requests a hearing before an Administrative Law Judge in which case the matter shall be referred to the Office of Administrative Law pursuant to N.J.A.C. 7:50-4.91(b), and submit a hearing report to the Pinelands Commission for a final determination;

vi.-vii. (No change.)

(b)-(c) (No change.)

7:50-6.75 Landfills

(a)-(b) (No change.)

(c) All landfills [which] that ceased operation on or after September 23, 1980, if located in the Preservation Area or on or after January 14, 1981, if located in the Protection Area shall be capped with an impermeable material unless it can be clearly demonstrated that:

1. (No change.)

2. An alternative means of addressing the public health and ecological risks associated with the landfill is available that will afford an equivalent level of protection of the resources of the Pinelands than would be provided if the landfill were capped with an impermeable material; [or]

3. No leachate plume associated with the landfill exists and the landfill is not generating leachate[.]; or

4. A leachate plume associated with the landfill exists, but poses no significant ecological risk to wetlands.

(d)-(i) (No change.)

7:50-6.84 Minimum standards for point and non-point source discharges

(a) The following point and non-point sources may be permitted in the Pinelands:

1.-4. (No change.)

5. Individual on-site septic waste water treatment systems [which] that are intended to reduce the level of nitrate/nitrogen in the waste water, provided that the following standards are met:

i.-ii. (No change.)

iii. The proposed development is either residential, or, if non-residential, is located in [a]:

(1) A Regional Growth Area, a Pinelands Village, a Pinelands Town, or a Military and Federal Installation Area; or

(2) A Rural Development Area, a Forest Area, an Agricultural Production Area, or in an area within the Preservation Area District designated pursuant to N.J.A.C. 7:50-5.22(b)7[;], subject to the following conditions:

(A) The proposed nonresidential development constitutes expansion of a nonresidential use existing on January 14, 1981, or the change of a nonresidential use existing on January 14, 1981, to another nonresidential use that is a permitted use pursuant to the certified municipal land use ordinance;

(B) The existing nonresidential use relies on an existing on-site waste water disposal system that is not designed to reduce the level of nitrate/nitrogen in the waste water;

(C) The existing nonresidential use is of such a size and scale that it does not comply with N.J.A.C. 7:50- 6.84(a)4ii; and

(D) The proposed nonresidential development will not exceed 50 percent of the floor area, the area of the use or the capacity of the use, whichever is applicable, on January 14, 1981;

iv. The design of the system and its discharge point, and the size of the entire contiguous parcel on which the system or systems is located, will ensure that ground water exiting from the entire contiguous parcel or entering a surface body of water will not exceed two parts per million nitrate/nitrogen calculated pursuant to the Pinelands dilution model dated December[,] 1993, as amended, (Appendix A) subject to the provisions of (a)5v below and based on the following assumptions and requirements. For purposes of this section, the entire contiguous parcel may include any contiguous lands to be dedicated as open space as part of the proposed development but may not include previously dedicated road rights-of-way or any contiguous lands that have been deed restricted pursuant to N.J.A.C. 7:50-5.30 or 5.47:

(1) (No change.)

(2) For Amphidrome, [and] Bioclere, and FAST systems:

(A) For residential development using the Amphidrome or Bioclere system, the system will be located on a parcel of at least one acre for each individual single family residential dwelling unit or the system or systems for multi-family developments will be located on a parcel with an overall density equal to or greater than one residential unit per acre of land;

(B) For residential development using the FAST system, the system will be located on a parcel of at least 1.4 acres for each individual single family residential dwelling unit or the system or systems for multi-family developments will be located on a parcel with an overall density equal to or greater than one residential unit per 1.4 acres of land;

Recodify existing (B)-(I) as (C)-(J) (No change in text.)

(3) (No change.)

v.-ix. (No change.)

6. (No change.)

7:50-6.85 Individual and non-individual onsite subsurface sewage disposal systems and petroleum tank maintenance

(a) (No change.)

(b) All Pinelands alternate design wastewater treatment systems in active use shall be equipped with functioning alarm dialing capability and shall be covered under a renewable operation and maintenance agreement for as long as the system is in active use. The operation and maintenance agreement shall, at minimum, provide for at least once

annual service calls by a qualified service technician. The operation and maintenance agreement shall also provide for periodic onsite inspection and maintenance service visits [which] that meet the minimum operation and maintenance requirements of the Pinelands alternate design wastewater treatment system manufacturer or vendor.

(c) Every owner or operator of a Pinelands alternate design wastewater treatment system in the Pinelands Area shall[:] comply with the maintenance and monitoring requirements of N.J.A.C. 7:9A-8.3 and 12.3.

[1. Obtain from the municipality in which the system is located or from another responsible management entity designated by said municipality an initial permit or other authorization to operate said system. Said initial permit or authorization shall be valid for no more than three years; and

2. Prior to the expiration of the initial permit or authorization required in (c)1 above, apply to the municipality in which said system is located or to another responsible management entity designated by said municipality to renew said permit or authorization. The following information shall accompany any such application for permit renewal:

i. Certification by a qualified service technician that the system is covered under a renewable operation and maintenance agreement which meets the requirements of the Pinelands alternate design wastewater treatment system manufacturer or vendor;

ii. Certification by a qualified service technician that all of the components of the Pinelands alternate design wastewater treatment system are in good repair; and

iii. Certification by a qualified service technician that the Pinelands alternate design wastewater treatment system is operating in conformance with the manufacturer's specifications and is functioning properly, meaning that the system is denitrifying, does not show evidence of ponding or breakout of sewage or effluent onto the surface of the ground, sewage or effluent is not seeping into below ground portions of the building served, there is no back-up of sewage into the building and there is no evidence of a direct discharge of sewage or effluent to a surface water body.]

(d) (No change.)

7:50-6.106 Signs

Each municipality shall adopt provisions governing signs in its municipal master plan and ordinances. [N.J.A.C. 7:50-6.107 contains provisions which must be included in all municipalities; N.J.A.C. 7:50-6.108 contains mandatory provisions for municipalities in the Preservation Area District and Special Agricultural Production Areas; and N.J.A.C. 7:50-6.109 contains suggested guidelines for additional sign provisions for other areas of the Pinelands.] On-site signs are generally permitted in the Pinelands pursuant to N.J.A.C. 7:50-6.107. Off-site signs are permitted only in accordance with N.J.A.C. 7:50-6.108. Mandatory provisions for off-site signs are provided in N.J.A.C. 7:50-6.109. Each municipality may adopt additional provisions governing signs including, but not limited to, the establishment of sign types and associated regulations governing the appropriate location and manner of such signs provided that such provisions do not conflict with N.J.A.C. 7:50-6.107 through 6.109.

7:50-6.107 On-site signs

(a) On-site signs may be permitted in any management area.

(b) Municipalities are encouraged to adopt the standards for electronic message displays and lighting in N.J.A.C. 7:50-6.109(a)3 and 4 in formulating municipal ordinance standards for on-site signs.

7:50-6.108 Off-site signs

(a) Off-site signs are permitted only as follows:

1. Off-site directional signs may be permitted in any management area;

2. Off-site temporary signs may be permitted in any management area;

3. Off-site signs advertising an agricultural commercial establishment shall be permitted in Agricultural Production Areas and Special Agricultural Production Areas and may be permitted in any other management area;

4. Off-site signs lawfully in existence as of January 14, 1981, shall be permitted in:

- i. Regional Growth Areas;
- ii. Pinelands towns; and
- iii. Certified municipal non-residential zones in Rural Development Areas and Pinelands villages in existence as of December 5, 1994, if the sign is located within 1,000 feet of a Regional Growth Area or Pinelands town and is located on a United States highway; and

5. New off-site signs may be permitted by certified municipalities in Regional Growth Areas and Pinelands towns, provided that the applicant can demonstrate that, for each new sign, a non-conforming off-site sign pursuant to (b) below has been removed.

(b) Any off-site sign in existence prior to January 14, 1981, that does not conform to (a)1, 3, or 4 above shall be deemed a non-conforming sign and shall be removed no later than December 5, 1996. Any off-site sign erected on or after January 14, 1981, that does not conform to (a) above shall be deemed unlawful and shall be removed immediately.

7:50-6.109 Provisions for permitted signs

(a) Permitted signs shall comply with the following provisions:

1. Off-site directional signs shall comply with the following standards:

- i. They shall contain no advertising and shall be limited to the name of the public or private use and any necessary directions;
- ii. The quantity of signs per use shall be limited to the minimum necessary to give adequate directions; and
- iii. The size of such signs shall be limited to that necessary to convey directions;

2. Off-site signs advertising agricultural commercial establishments shall comply with the following standards:

- i. A maximum of two signs may be placed in any one direction along each road directly approaching the stand; and
- ii. Each sign along four lane State or United States highways shall be limited to a maximum of 50 square feet in area; each sign along all other roads shall be limited to a maximum of 32 square feet in area;

3. Off-site signs permitted pursuant to N.J.A.C. 7:50-6.108(a)4 and 5 may have electronic message displays provided that:

- i. The electronic message display is programmed to freeze in one position if a malfunction occurs;
- ii. The transition of one displayed message to another displayed message is accomplished within one second or less;
- iii. The duration of the interval between the end of any transition and the start of its subsequent transition is at least eight seconds; and

iv. The municipality has adopted provisions governing the permitted brightness of the display at varying ambient light conditions and the brightness of the display is automatically adjusted based on ambient light conditions through the use of an integrated light sensing device; and

4. Except as provided in (a)3 above, off-site signs shall not contain, include, or be illuminated by any flashing, intermittent, scrolling, or moving light or lights. All sources of illumination shall be shielded or directed such that light is not directed towards the sky.

(b) Off-site signs that are required to be removed pursuant to N.J.A.C. 7:50-6.108(h) shall not have electronic message displays.

(c) Noncommercial copy shall be permitted to replace the message on any permitted sign.

SUBCHAPTER 7. AMENDMENTS TO THE COMPREHENSIVE MANAGEMENT PLAN

7:50-7.3 Proposed amendments; petitions for amendment

(a)-(b) (No change.)

(c) For petitions filed pursuant to (b) above, the petitioner shall be required to provide notice of the filing of the petition within 20 days after receiving notification from the Executive Director pursuant to

N.J.A.C. 7:50-7.5(b) that a complete petition has been filed with the Commission as follows:

1. If the petition proposes to change the classification of any parcel as shown on the Land Capability Map or is intended to affect a specific parcel or an area less than 100 acres in size:

i. (No change.)

ii. Notice shall be given to owners of all real property within 200 feet of any parcel or area that would be directly affected by the proposed amendment as provided for in N.J.S.A. 40:55D-[12(b)]12.b. The administrative officer of the municipality in which the subject parcel or area is located shall provide a certified list of said property owners as provided for in N.J.S.A. 40:55D-[12(c)]12.c. The petitioner shall be entitled to rely upon the information contained in said certified list as provided in N.J.S.A. 40:55D-[12(c)]12.c; and

iii. Notice shall be given by publication in the official newspaper of the municipality in which the subject parcel or area is located, if there is one, or in a newspaper of general circulation in the municipality as provided for in N.J.S.A. 40:55D-12[; and].

[iv. Notice shall be given by conspicuous posting on any parcel or parcels that would be directly affected by the proposed amendment.]

2.-3. (No change.)

7:50-7.5 Action on petitions for amendment

(a) (No change.)

(b) Upon determining that a petition for amendment is complete, the Executive Director shall so notify the petitioner and shall, within 15 days, prepare and file a notice of petition for rulemaking with the Office of Administrative Law in accordance with N.J.A.C. 1:30- 3.6(a). **The Executive Director shall thereafter publish the notice of petition on the Commission's website.**

(c)-(e) (No change.)

SUBCHAPTER 9. ACQUISITION OF PROPERTIES WITH LIMITED PRACTICAL USE

7:50-9.7 Rights of appeal

Any interested [person] party who is aggrieved by any determination made by the Executive Director pursuant to this subchapter may, within 15 days, appeal the Executive Director's determination to the Commission as provided by N.J.A.C. 7:50-4.91. Additional information not included in the Executive Director's determination may be presented to the Pinelands Commission only by requesting a hearing pursuant to N.J.A.C. 7:50-4.91.

SUBCHAPTER 10. PILOT PROGRAMS

7:50-10.21 Purpose

(a)-(b) (No change.)

(c) In 2000, the Commission formed a special committee to investigate alternate septic system technologies that would better meet the water quality requirements of N.J.A.C. 7:50-6, Part VIII, for residential development on lots smaller than 3.2 acres where such lots are currently authorized by N.J.A.C. 7:50-5. After conducting extensive research, the Committee identified five technologies that can be expected to meet these water quality requirements for residential development. The Committee recommended that an interim program be developed for the approval, installation, and monitoring of the five technologies for use under certain conditions and safeguards. Based on the available information, the Committee recommended that the Ashco RFS III system be allowed on residential lots of at least 1.5 acres and the other four systems be allowed on residential lots of at least one acre. In November 2006, the Commission decided to remove the Ashco RFS III system from the Alternate Design Treatment Systems Pilot Program. The Commission made this decision due to the manufacturer's failure to make systems commercially available in the Pinelands during the initial five-year period of the pilot program or to otherwise demonstrate the ability or intention for future participation in the pilot program. Residential development using any of the authorized systems would still have to conform to the lot size and density requirements contained in the municipal land use ordinances that have been certified by the Commission pursuant to N.J.A.C. 7:50-3. In 2010, the Commission

decided to release two of the original pilot program technologies (Amphidrome and Bioclere) from the pilot program and authorize them for permanent use, subject to the provisions of N.J.A.C. 7:50-6.84(a)5iv(3). The Commission also decided to provide an opportunity for expansion of the pilot program to include certain other residential nutrient reducing onsite wastewater treatment technologies that have attained verification and/or certification through the United States Environmental Protection Agency Environmental Technology Verification (USEPA ETV) Program or the National Sanitation Foundation/American National Standards Institute (NSF/ANSI) Standard 245 testing program. Information regarding the USEPA ETV Program is available from the United States Environmental Protection Agency website at: <http://www.epa.gov/etv/vt-wqp.html#dwtt> and <http://www.epa.gov/etv/pubs/600s07004.pdf>. Information regarding the NSF/ANSI Standard 245 testing program is available from the National Sanitation Foundation website at: http://www.nsf.org/business/wastewater_certification/standards.asp?program=WastewaterCer#245. In 2013, the Commission decided to remove the Cromaglass technology from the Alternate Design Treatment Systems Pilot Program. The Commission made this decision based on the Cromaglass technology's inability to meet the water quality standards contained in N.J.A.C. 7:50-6, Part VIII. In 2016, the Commission released the only remaining original pilot program technology (FAST) from the pilot program and authorize it for permanent use on parcels of at least 1.4 acres in size, subject to the provisions of N.J.A.C. 7:50-6.84(a)5iv(3).

(d) (No change.)

7:50-10.22 General standards

(a) Alternate design pilot program treatment systems shall be authorized for residential use in all municipalities provided that the following standards are met:

1.-2. (No change.)

3. Subject to being increased during the pilot program based on the results of a hearing conducted pursuant to (a)5 below, each [FAST system shall be located on a parcel containing at least one acre for each dwelling unit that will be served by the system. Each] USEPA ETV or NSF/ANSI Standard 245 technology approved by the Commission for participation in the pilot program pursuant to N.J.A.C. 7:50-10.23(b) shall be located on a parcel containing sufficient land area to comply with the two parts per million nitrogen requirement and the water quality standards contained in N.J.A.C. 7:50-6, Part VIII, as calculated using the Pinelands Septic Dilution Model and the expected effluent total nitrogen value for the technology based upon the findings of the USEPA ETV and/or NSF/ANSI Standard 245 test data.

4. The [FAST alternate design pilot program treatment system identified in (a)3 above and the] USEPA ETV or NSF/ANSI Standard 245 technologies approved by the Commission for participation in the pilot program pursuant to N.J.A.C. 7:50-10.23(b) are authorized to be installed until August 5, 2018.

5.-6. (No change.)

(b)-(c) (No change.)

7:50-10.23 Pinelands Commission approval and evaluation

(a)-(b) (No change.)

(c) The Executive Director shall review this pilot program relative to [the FAST treatment technology and] any approved USEPA and NSF/ANSI Standard 245 treatment technologies no later than August 5, 2017, and shall report to the Commission within three months of that date on its implementation. The Executive Director shall determine whether the pilot program is successful in accordance with the following criteria:

1.-6. (No change.)

[(d) If the Executive Director finds that the number of monitoring events for the FAST treatment technology is not adequate to evaluate that technology under this pilot program in accordance with (c) above, the Executive Director shall so inform the Commission and, upon receiving the Commission's approval, initiate a second review to be completed no later than August 5, 2019.]

Recodify existing (e)-(h) as (d)-(g) (No change in text.)

[(i) (h) Nothing in this section shall be construed to authorize the installation of [a FAST alternate design pilot program treatment system

or] any USEPA ETV and NSF/ANSI Standard 245 treatment technology approved by the Commission for participation in the pilot program after August 5, 2018, as set forth in N.J.A.C. 7:50-10.22(a)4, unless a rule has been adopted by the Commission [which] that expressly authorizes such installation pursuant to [(g)] (f) or [(h)] (g) above.

INSURANCE

(a)

DEPARTMENT OF BANKING AND INSURANCE
INDIVIDUAL HEALTH COVERAGE PROGRAM
BOARD

Individual Health Coverage Program
Individual Health Benefits Plans

Proposed Amendments: N.J.A.C. 11:20-1.2, 12.4,
24.2A, and 24.4, and 11:20 Appendix Exhibits A
and B

Authorized By: New Jersey Individual Health Coverage Program Board, Ellen DeRosa, Executive Director.

Authority: N.J.S.A. 17B:27A-2 et seq.

Calendar Reference: See Summary below for explanation of inapplicability of calendar requirement.

Proposal Number: PRN 2017-237.

As required by N.J.S.A. 17B:27A-16.1, interested parties may testify with respect to the standard health benefits plans set forth in N.J.A.C. 11:20 Appendix Exhibits A and B at a public hearing to be held at 11:00 A.M. on August 31, 2017, at the New Jersey Department of Banking and Insurance, 11th floor Conference Room, 20 West State Street, Trenton, New Jersey.

Submit comments by September 6, 2017, to:

Ellen DeRosa
Executive Director
New Jersey Individual Health Coverage Program Board
PO Box 325
Trenton, NJ 08625-0325
Fax: 609-633-2030
E-mail: ellen.derosa@dobi.nj.gov

The agency proposal follows:

Summary

The Individual Health Coverage (IHC) Program was established in accordance with P.L. 1997, c. 161. The IHC Program is administered through a Board of Directors (Board). The primary functions of the IHC Program and its Board are the creation of standard health benefits plans (standard plans) to be offered in the individual market in New Jersey and the regulation of the individual health coverage market. There are five standard plans, which have been established through rule, and are set forth in Exhibits A and B of the Appendix to N.J.A.C. 11:20. The rules for the IHC Program, along with Exhibit C, provides explanations of how certain variables in the standard plans may be used by carriers.

The IHC Board proposes to amend the definition of "resident" found at N.J.A.C. 11:20-1.2 to conform to the requirements of 45 CFR 147.104. The requirement to be present in New Jersey at least six months out of each calendar year would be a barrier to guaranteed availability. The IHC Board recognizes that the text was inadvertently retained. The IHC Board notes that neither the Buyer's Guide nor the standard plans contain the six month requirement.

To comply with the requirements of 45 CFR 155.420(d), as amended most recently by the Market Stabilization Rule, 87 FR 18346, the IHC Board proposes to amend the definition of Triggering Event as found at N.J.A.C. 11:20-1.2 and 24.2A(b) and as found in the definitions section of N.J.A.C. 11:20 Appendix Exhibits A and B to state that:

1. A marketplace redetermination of eligibility is a triggering event only for marketplace coverage;



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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

Pending Public Development and Waiver of Strict Compliance Applications
accepting public comment at the December 8, 2017 Commission Meeting

Public Development Applications

Application No. 1991-1108.011 – Pemberton Township Board of Education

Received on: June 28, 2017

Project: Construction of a 43 space parking lot at the Isaiah Haines School

Municipality: Pemberton Township

Block 773, Lot 3; Block 941, Lot 2

Application No. 1991-1108.012 – Pemberton Township Board of Education

Received on: July 7, 2017

Project: Placement of two classroom buildings at the Isaiah Haines School

Municipality: Pemberton Township

Block 773, Lots 3 - 4, & 10.01 - 10.02; Block 941, Lot 2

Application No. 2006-0039.003 – Medford Township

Received on: October 18, 2017

Project: Installation of 544 linear feet of sewer main within Old Marlton Pike right-of-way

Municipality: Medford Township

Block 906.01, Lot 8.01

Application No. 2017-0204.001 – Pemberton Township

Received on: October 25, 2017

Project: Demolition of a single family dwelling

Municipality: Pemberton Township

Block 553, Lot 1

Waiver of Strict Compliance Applications

None



State of New Jersey

THE PINELANDS COMMISSION

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Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

MEMORANDUM

To: Members, Pinelands Commission
From: Larry L. Liggett, Director, Land Use Programs
Gina A. Berg, Resource Planner
Date: November 13, 2017
Subject: Proposed First Amendment to the Memorandum of Understanding among Winslow Township, the Camden County Municipal Utilities Authority and the Pinelands Commission

This is to provide you with staff's recommendation to authorize a proposed amendment to the Memorandum of Understanding (MOU) with Winslow Township and the Camden County Municipal Utilities Authority (CCMUA). The original MOU and the First Amendment to the MOU are both attached. The purposes and basis for the original MOU and this First Amendment are detailed below.

Original MOU – To solve sewer bans and to reduce wastewater treatment costs

Prior to the original MOU, both Winslow Township and the CCMUA desired to correct wastewater issues through adoption of an amendment to the Tri-County Water Quality Management Plan (WQMP.) For Winslow Township, they wished to have a sewer ban lifted. The New Jersey Department of Environmental Protection (DEP) had placed the Township under the restrictions of a sewer ban that disallowed new connections to its sewage collection system. In the case of the CCMUA, they needed the WQMP amendment to allow them to close the Winslow Township Wastewater Treatment Plant (WTWTP) at Sicklerville and instead send that effluent to the Delaware No. 1 Water Pollution Control Facility in the City of Camden. These wastewater management actions required a WQMP amendment. The rules for WQMP amendments required the consent of the Pinelands Commission to the proposed amendment.

Although the service area and the WTWTP at Sicklerville, as well as the CCMUA Delaware No. 1 plant are outside the Pinelands Area, the Commission had an interest in protecting the resources of the Pinelands related to the proposed closing of the Sicklerville plant and discharge of wastewater to the Delaware No. 1 plant. First, the proposed sewer main extensions would result in an interbasin transfer out of the Great Egg Harbor River watershed. Second, the Sicklerville plant treatment process included

infiltration lagoons that recharged water in the Great Egg Harbor River basin to the Kirkwood Cohansey (K/C) aquifer. Since the CMP restricts interbasin transfer and because the loss of effluent recharge had the potential to affect the resources of the Pinelands Area by depleting the Kirkwood Cohansey aquifer and by reducing the baseflow of the headwaters of the Great Egg Harbor River, the Commission would provide positive comment on the WQMP amendment only through implementation of the conditions of the MOU.

At the Commission meeting on December 4, 2009, the Commission authorized the Executive Director to execute the original MOU with a number of conditions in it to protect the resources of the Pinelands where the Commission would not otherwise have the ability to act. The document was fully executed with the final signature on February 1, 2010. By signing the MOU, the Commission provided endorsement of the amendment to the WQMP. This allowed DEP to adopt the amendment and allowed the CCMUA to proceed with decommissioning the Sicklerville plant and installing sewer mains to carry effluent from Winslow Township to the Delaware No. 1 facility.

Conditions of the original MOU

The conditions of the MOU were intended to prevent adverse ecological impact to the resources of the Pinelands and are summarized as follows:

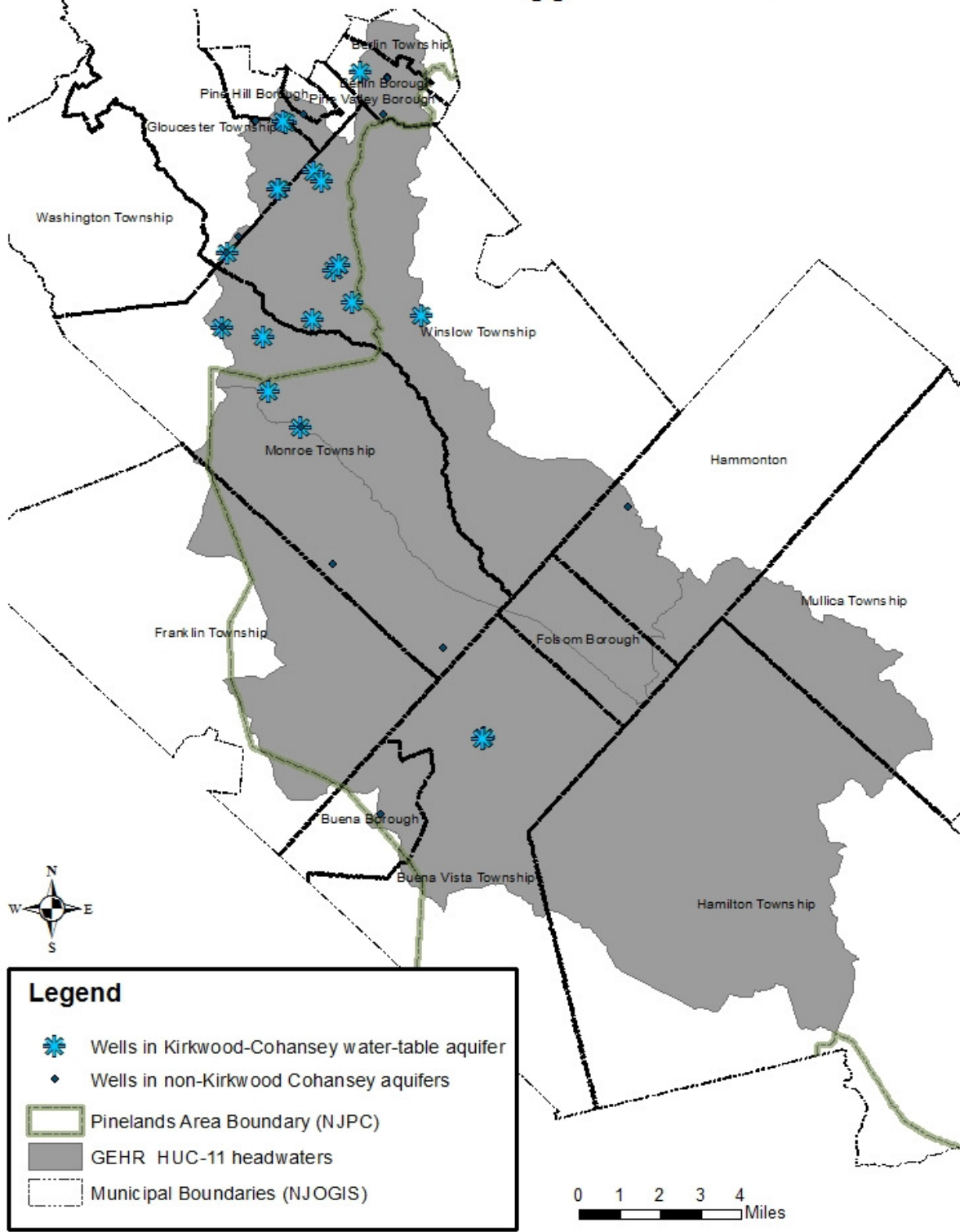
1. Winslow Township would purchase a minimum of 1.5 million gallons per day (MGD) of non-K/C water for their public supply system to offset the loss of recharge due to closing the infiltration lagoons at the Sicklerville plant. *(Status: complete and ongoing)*
2. The Township would send reports to the Commission containing data on monthly water use from Kirkwood Cohansey wells and would be required to purchase additional non-K/C water for any new development in the municipality. *(Status: complete and ongoing)*
3. Winslow Township would sequence use of Kirkwood Cohansey wells in accordance with United States Geological Survey (USGS) recommendations. *(Status: complete and ongoing)*
4. The CCMUA would fund the creation of two continuous stream flow monitoring stations (study sites) in the Great Egg Harbor River watershed and would deliver stream monitoring data to the Township and the Commission. *(Status: complete)*
5. The CCMUA would prevent the export of additional water as effluent from the Great Egg Harbor River by placing a cap on sewage flows unless it was documented that no adverse ecological impact was occurring based on stream flow analysis. *(Status: complete)*
6. Winslow Township would prepare stream flow analysis for each month of the year for the stream monitoring stations compared to index stations to document that no adverse ecological impact was occurring. This was intended to continue until the Commission was assured that no impacts would occur from future development. *(Status: Incomplete and inconclusive)*
7. The Commission would endorse a WQMP amendment. *(Status: complete)*

While other conditions of the MOU were fully met, the condition requiring analysis of stream flow was not productive. The analyses that were done were both incomplete and inconclusive. Analysis of stream flow was the tool to be used for evaluating adverse ecological impact in the Great Egg Harbor River watershed due to the reduction in withdrawals, the reduction in recharge, and the removal of the wastewater treatment plant. The methodology and data available for evaluating adverse ecological impact created a situation where it could be argued that any impact seen may not necessarily be due to Winslow Township diversions, but from any of the many other diversions in the watershed. See the map below for reference regarding the number of diversions in the upper Great Egg Harbor River. Modeling was completed that demonstrated that the purchase of non-K/C water offset the loss of

recharge to the aquifer. For these reasons, the procedure for evaluating overall basin stream flow impacts would be better set to a numerical standard, such as the Low Flow Margin offered by the State Water Supply Plan 2017-2022 issued in October 2017.

Under the original MOU, Winslow contracted with the United States Geological Survey to produce a report that recommended sequencing use of the Township's wells in order to minimize aquifer impacts. The Township subsequently created a Supervisory Control and Data Acquisition (SCADA) system to implement the recommendations of the USGS for sequencing well use. The report recommendations focused on using a K/C well in the Mullica watershed as the primary well for the Township. Under a separate Memorandum of Agreement (MOA) between the Commission and the CCMUA, interbasin transfer from the Mullica watershed is also limited. As future water demand increases, it is possible that the limits set under the Mullica MOA will be reached. While this First Amendment to the 2009 MOU has directed that well use will be sequenced to comply with the terms of this MOU instead of complying with the USGS report, it may be necessary to re-open discussions relative to well sequencing at some future date when Winslow's demand approaches the maximum for either the Mullica watershed or for all its K/C wells.

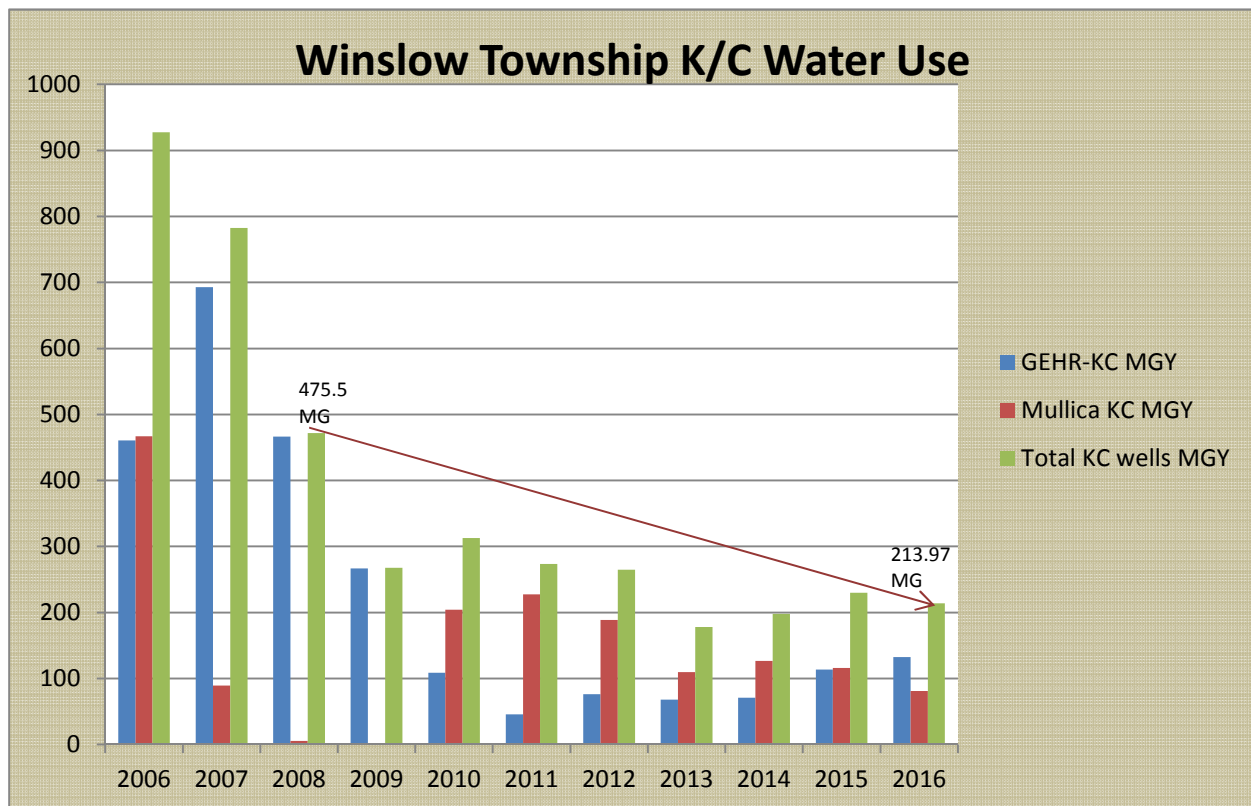
Kirkwood Cohansey Wells in the Headwaters of the Great Egg Harbor River Basin



Proposed Amendment (to give credit for water conservation measures and to clarify how to administer the provisions in the future)

1) Conservation Credit:

Currently, Winslow Township is requesting certain amendments to the MOU. The request hinges on the fact that water use in the municipality has declined significantly since the year 2008. That year was the first full year after the Township began purchasing 1.5 MGD of water from NJAWC to offset closing the infiltration lagoons at Sicklerville. Around that time, the Township also instituted a water conservation ordinance and a water utility rate structure that encouraged water conservation. Below is a chart that shows Winslow's use of Kirkwood Cohansey water dropping, first from the purchase of water from NJAWC and second, in 2008, from enactment of water conservation measures.



Total K/C use in 2008 = 475.5 MGY. Current K/C water use is 213.97. Under the amendment to the MOU, Winslow would receive credit for conservation at the difference between use in 2008 and use in 2016, i.e., $475.5 - 213.97 = 261.53$ MGY credit.

At 270 gallons per dwelling unit, the credited water volume is the equivalent of 2,653 units or at 0.125 g/sf/d, it is the equivalent of 5,732,164 sf of office/retail.

2) New Control:

In October 2017, the NJDEP issued the State Water Supply Plan 2017-2022. That document relates the potential for ecological impacts to a standard described as 25% of the Low Flow Margin (LFM25.) The Low Flow Margin is the difference between the average low flow of a stream and the September low flow for a seven-day period in ten years, or what essentially is the drought flow of the stream. The Water Supply Plan allows that on average 25% of the Low Flow Margin may be withdrawn without adverse ecological impacts. The Water Supply Plan

goes on to compare peak use in a watershed to the LFM25 volume. If peak annual use is greater than the LFM25, then adverse ecological impacts occur and the watershed is stressed.

In the headwaters of the Great Egg Harbor River where most of Winslow Township wells are located, the Water Supply Plan indicates that peak year usage in 2007 was between 159% and 202% of the LFM25. As described by the Water Supply Plan, ecological impacts occur in a watershed when peak use exceeds LFM25 volume. Therefore, steps should be taken to reduce Kirkwood Cohansey withdrawals below the 2007 volume. Amending the MOU to apply the findings of the Water Supply Plan relative to the LFM25 in the headwaters of the Great Egg Harbor River affords the opportunity to set a finite number on Winslow Township's Kirkwood Cohansey diversions and to reduce adverse ecological impacts. The amended MOU would set the total Kirkwood Cohansey volume for Winslow Township at the use reported in 2008 (475.5 Million Gallons Yearly) which is less than the peak use volume. Although Winslow Township withdrawals represent only a portion of the stresses on the headwaters of the Great Egg Harbor River, by limiting the municipal withdrawals to less than the peak year volume, it will begin to address ecological impacts from existing usage and better protect the resources of the Pinelands Area.

With regard to using the LFM25 to determine adverse ecological impacts, we note that Commission studies of the Kirkwood Cohansey aquifer may not support its application in every HUC-11 watershed. The LFM25 is a statewide average used in the Water Supply Plan to assess whether ecological impacts can be expected in a watershed. However, in any specific watershed, the actual percentage of the LFM when impacts occur may be greater or less than 25%. Use of the State Water Supply Plan in the case of this MOU is not intended to set a precedent for implementing the LFM25 in all watersheds of the Pinelands area. In the future, the Commission may consider whether it is appropriate in the Pinelands Area to consider some other standard for water use to minimize the potential for adverse ecological impacts in specific HUC-11s.

The amended MOU also puts in place a monthly maximum withdrawal of 85.67 Million Gallons (MG). This limit is intended to prevent stream flow depletion during summer months when stream flow would be at its lowest and water demand at its highest. The volume is calculated using a peaking factor of 2.18 (no units) which is multiplied by the average monthly use. The peaking factor is intended to describe the ratio between maximum demand and average demand. Average monthly demand in 2008 was determined to be 39.5 MG. By applying the peaking factor to set the maximum monthly withdrawal, we recognize changing daily demand while still keeping total demand within the cap.

3) New Planning Effort:

Further actions will be needed to compensate for past use impacts to the Great Egg Harbor River basin. The State Water Supply Plan lacks a specific action plan but recommends that work should be done to identify the methods and means to reduce demand where greater than the LFM25 volume is in demand at peak use or at full allocation. A condition of the amended MOU requires a collaborative effort to begin to delineate specific actions to reduce stress on the Great Egg Harbor River basin.

Conditions of the First Amendment to the MOU

A summary of the conditions in the amended MOU follows:

1. Continue water use purchase of 547.5 MGY of water from NJAW to offset loss of infiltration (Township)
2. Continue water use monitoring (Township)
3. Withdraw no more than a total sum not to exceed 475.5 MGY from K/C wells, unless it is for development of a grandfathered project (Township)
4. Provide greater protection from summer peak use impacts by setting a new limit on monthly maximum withdrawal not to exceed 85.67 MG
5. Grandfathered projects are listed and assigned specific volumes (Township)
6. Continue effluent monitoring (CCMUA)
7. Review water use and effluent discharge reports (Pinelands)
8. Initiate Watershed Work Group to develop an action plan to further reduce K/C use in the upper GEHR (Pinelands)

Conclusion

In preparing the amended MOU, staff corresponded extensively with parties to the agreement. Further, staff and the Township met with representatives from the Pinelands Preservation Alliance and the Great Egg Harbor Watershed Association, both of which expressed an interest in the MOU. Comments and concerns of the signatories, as well as the interested parties have been incorporated into the amended MOU.

The proposed amendment to the 2009 MOU would provide benefits to the Township, the CCMUA and to the resources of the Pinelands. It allows the Township to plan for future development with the assurance that there will be credit for conservation in water supply capacity. The amendment requires the CCMUA to continue to report effluent discharges. Lastly, the amendment provides a firm cap against which we can measure ecological impacts to the Great Egg Harbor River basin.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17-_____

TITLE: Resolution Authorizing the Executive Director to Enter into an Amendment to an Existing Memorandum of Understanding Among the Pinelands Commission, Winslow Township, and the Camden County Municipal Utilities Authority Regarding the Winslow Township Wastewater Treatment Plant and Its Infiltration/Percolation Facility

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, the New Jersey Pinelands Commission (the Commission) is a public body, corporate and politic which was established to prepare and administer the Pinelands Comprehensive Management Plan (the “CMP”) to protect the resources of the Pinelands Area of the State of New Jersey; and

WHEREAS, Section 6 of the Pinelands Protection Act authorizes the Commission “to enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or endorsement of actions to be taken just outside of the Commission’s jurisdiction that are nevertheless of import to the Pinelands area; and

WHEREAS, the Commission authorized the original Memorandum of Understanding (MOU) among the parties by Resolution PC4-09-69; and

WHEREAS, the MOU was fully executed on February 1, 2010; and

WHEREAS, the MOU provided endorsement of the Camden County Municipal Utilities Authority amendment to the Tri-County Water Quality Management Plan (WQMP); and

WHEREAS, the WQMP amendment allowed the Camden County Municipal Utilities Authority to decommission the Winslow Township wastewater treatment plant and infiltration lagoons at Sicklerville and replace that treatment facility with sewer connections to the Camden County Municipal Utilities Authority Delaware No. 1 water pollution control facility in the City of Camden on the Delaware River; and

WHEREAS, implementation of the WQMP amendment resulted in an interbasin transfer of water from the Great Egg Harbor River basin to the Delaware basin; and

WHEREAS, implementation of the WQMP amendment also resulted in the loss of recharge through the infiltration lagoons at the Winslow Township wastewater treatment plant to the Kirkwood Cohansey aquifer potentially affecting stream flows in the Great Egg Harbor River headwaters; and

WHEREAS, the CMP limits the inter-basin transfer of water between watersheds to the maximum extent practical; and

WHEREAS, the CMP provides that increases in water supply diversions from the Kirkwood Cohansey aquifer may be permitted only if it is demonstrated that said increases will not result in any adverse ecological impact on the Pinelands Area; and

WHEREAS, the original MOU established offsetting measures to address potential adverse ecological impacts due to the implementation of the WQMP amendment; and

WHEREAS, the offsetting measures included effluent flow monitoring and establishment of two continuous stream monitoring sites in the Great Egg Harbor River watershed by the Camden County Municipal Utilities Authority; and

WHEREAS, the offsetting measures included purchase of not less than 1.5 MGD of water from New Jersey American Water Company, purchase of additional non-Kirkwood Cohansey water for all new

development, as well as water use monitoring and a requirement for stream flow analysis by Winslow Township; and

WHEREAS, Winslow Township also instituted water conservation ordinances and has demonstrated success in reducing water use since instituting those ordinances and the offsetting measures in the year 2008; and

WHEREAS, Winslow Township has requested an amendment to the MOU to provide credit for water conservation and to allow the Township to withdraw a volume of water from the Kirkwood Cohansey aquifer that will not exceed the volume withdrawn in 2008, thereby delaying the purchase of additional non-Kirkwood Cohansey water; and

WHEREAS, the Commission wishes to recognize the successful conservation efforts of the Township but also to clarify the diversion limits of water that may be withdrawn from the Kirkwood Cohansey aquifer from Township wells and to restructure stream flow monitoring conditions; and

WHEREAS, the parties have developed a First Amendment of the MOU; and

WHEREAS, the New Jersey Water Supply Plan 2017-2022 has been issued and its recommendation of using no more than 25% of the Low Flow Margin to protect against adverse ecological impacts is considered in the cap on Kirkwood Cohansey withdrawals for the purposes of the First Amendment of the MOU; and

WHEREAS, the Policy and Implementation Committee has reviewed the proposed First Amendment of the MOU attached hereto and dated November 13, 2017 and recommends it for approval; and

WHEREAS, the Commission finds that the First Amendment of the MOU is authorized under Section 6 of the Pinelands Protection Act as referenced above, 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 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 agrees to enter into the First Amendment to the Memorandum of Understanding with Winslow Township and the Camden County Municipal Utilities Authority Regarding the Winslow Township Wastewater Treatment Plant and Its Infiltration/Percolation Facility dated November 13, 2017 attached, and hereby authorizes the Executive Director to execute the agreement.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman

**FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BY AND AMONGST THE
TOWNSHIP OF WINSLOW, THE CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY AND
THE NEW JERSEY PINELANDS COMMISSION**

This First Amendment to the Memorandum of Understanding dated November 23, 2009 (hereinafter the 2009 MOU) is made as of this _____ day of _____ in the year of 2017, by and amongst

The **Township of Winslow** (hereinafter, “Winslow”), a municipal corporation of the State of New Jersey;

The **Camden County Municipal Utilities Authority** (hereinafter, “CCMUA”), a municipal authority of the State of New Jersey; and

The **New Jersey Pinelands Commission** (hereinafter, “Pinelands Commission”), an independent political subdivision of the State of New Jersey, in but not of the Department of Environmental Protection.

WHEREAS, through its execution of the 2009 MOU, the Pinelands Commission endorsed the CCMUA’s proposal to decommission the Winslow Township Wastewater Treatment Plant (WTWTP) and its appurtenant Infiltration and Percolation Facility (I/P Facility) which had served to recharge treated wastewater to the Kirkwood Cohansey (K/C) Aquifer; and

WHEREAS, decommissioning the WTWTP and redirecting the wastewater to the CCMUA’s Water Pollution Control Facility (WPCF) enabled the New Jersey Department of Environmental Protection (NJDEP) to lift a moratorium on new sewer connections in the Sicklerville section of Winslow Township, thereby facilitating the potential for new development and increased water demand in Winslow Township; and

WHEREAS, with the execution of the 2009 MOU, the Parties agreed to an inter-basin transfer of water from the Great Egg Harbor River Basin through Winslow Township’s public water supply system to the Delaware River Basin via the CCMUA’s WPCF; and

WHEREAS, the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50-6.86(a) provides that to the maximum extent practical the inter-basin transfer of water between watersheds should be avoided; and

WHEREAS, the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50-6.86(e) provides that increases in water-supply diversions from the K/C Aquifer may be permitted only if it is demonstrated that said increases will not result in any adverse ecological impact on the Pinelands Area; and

WHEREAS, conveying wastewater from the Sicklerville section of Winslow Township to the CCMUA’s WPCF has the potential to reduce low-flows of the headwaters of the Great Egg Harbor River Basin; and

WHEREAS, a reduction in base-flows or low-flows of the headwaters of the Great Egg Harbor River Basin will potentially have an adverse ecological impact on the Pinelands Area; and

WHEREAS, without an offsetting, non-K/C Aquifer source of water, as development within Winslow increases, concomitant increases to its water-supply diversions from the K/C Aquifer will also occur; and

WHEREAS, appropriate offsetting measures were outlined in the 2009 MOU and are continued in this amended MOU to address potential adverse ecological impacts on the Pinelands Area that may occur as a result of a reduction in base flows or low flows of the headwaters of the Great Egg Harbor River Basin; and

WHEREAS, these offsetting measures are aimed at maintaining base-flows and low-flows in the streams within the Great Egg Harbor River Basin; and

WHEREAS, Winslow currently purchases not less than 1.5 MGD of water through annual contracts with the New Jersey American Water (hereinafter, "NJAW"); and

WHEREAS, offsetting measures implemented by Winslow Township pursuant to the 2009 MOU, that Winslow will continue to implement included (1.) the purchase of at least 1.5 MGD from non-K/C water sources(s) and (2.) managing/sequencing the use of its wells in accordance with a USGS-conducted Aquifer Study in order to minimize impacts to stream flow in the Great Egg Harbor River Basin; and

WHEREAS, paragraphs A.7 through A.8 of this First Amendment to the MOU require Winslow Township to remedy any potential adverse ecological impacts caused by the diversion of more than the annual or monthly maximums outlined in paragraphs A.3 to A.5 not later than April 1 of the calendar year following such exceedance(s); and

WHEREAS, without offsetting measures, a reduction in base-flows or low-flows of the headwaters of the Great Egg Harbor River Basin will potentially have an adverse ecological impact on the Pinelands Area; and

WHEREAS, Winslow Township has petitioned the Pinelands Commission to consider amending the 2009 MOU to credit Winslow Township for having accomplished significant reductions in K/C water usage through a variety of voluntary actions; and

WHEREAS, Winslow Township has demonstrated that it has achieved significant reductions in water diversions from the K/C Aquifer as a result of: (1) the 2008 adoption of a Water Conservation Program Ordinance, (2) the requirement for Water Pressure Reducing Valves on all new water connections, (3) the 2014 enhancement of a Water Conservation Program which incorporates water use rate restructuring to further discourage excessive water use, and (4) ongoing efforts to remediate losses from the K/C Aquifer due to ground water inflow and infiltration into sanitary sewer lines; and

WHEREAS, Winslow Township has implemented a Supervisory Control and Data Acquisition (SCADA) system to manage/sequence its potable water supply wells in a manner that is consistent with the USGS Aquifer Study; and

WHEREAS, Winslow has renewed its contract to purchase a minimum of 1.5 MGD from NJ American Water through the year 2047 (30 years); and

WHEREAS, the total K/C water use for Winslow from both the Great Egg Harbor River and Mullica River watersheds, as a result of the actions delineated above, has decreased from the base K/C Aquifer well withdrawal of 475.5 Million Gallons Yearly (MGY) in the year 2008, down to approximately 213.97 MGY, in 2016; and

WHEREAS, Winslow has requested that it be allowed to continue to withdraw up to 515.018 MGY from its K/C Aquifer wells which includes the water allocations previously granted to the “grandfathered” developments delineated in Paragraph A.5 below; and

WHEREAS, although the Pinelands Commission recognizes the water conservation efforts successfully undertaken by Winslow, it also must ensure that annual water diversions from the K/C Aquifer will not continuously increase due to increased development that may result from lifting of the sewer connection moratorium, and

WHEREAS, conveying wastewater from the WTWTP to the CCMUA’s Delaware No. 1 WPCF obviated the discharge of any wastewater into the WTWTP’s I/P Facility and thereby, eliminated a potential source of pollutant loading within the Great Egg Harbor River Basin and potentially improved its water quality; and

WHEREAS, if Winslow exceeds the well withdrawals provided for in this First Amendment of the 2009 MOU, then Winslow will be required to purchase additional water from a non-K/C Aquifer supplier of water in amounts sufficient to ensure that it will not divert more than 475.5 MGY plus the volume associated with development any of the grandfathered projects listed below from K/C water sources in either the Great Egg Harbor or Mullica watersheds; and

NOW, THEREFORE, Winslow, the CCMUA, and the Pinelands Commission hereby agree to amend the 2009 MOU as follows:

A. To Alleviate Impacts on Average Streamflow in the Great Egg Harbor River and Mullica River Basins

1. Winslow shall continue to purchase a minimum of 1.5 MGD of water exclusively for use within the Great Egg Harbor River Basin-portion of the Township through annual contracts with NJAW, or obtain said water amount from another non-K/C Aquifer water source, for as long as (1) Winslow’s wastewater is conveyed to the CCMUA’s Delaware No. 1 Water Pollution Control Facility, or anywhere else outside of the Great Egg Harbor Basin; and (2) Winslow’s treated wastewater is not recharged into the K/C Aquifer.
2. In addition to the water purchased pursuant to paragraph A.1, Winslow shall purchase additional water amounts from a non-K/C Aquifer water source in accordance with the terms of paragraph A.8 below, for as long as (1) Winslow’s wastewater is conveyed to the CCMUA’s Delaware No. 1 Water Pollution Control Facility, or anywhere else outside of the Great Egg Harbor Basin; and (2) Winslow’s treated wastewater is not recharged into the K/C Aquifer.
3. Winslow shall not increase its K/C well withdrawals above the Base K/C Well Withdrawal, which is 475.5 MGY, plus that volume associated with the specific

development projects set forth in paragraph A.5 below, which shall be considered a “grandfathered” allocated volume.

4. Winslow shall not increase its K/C well withdrawals above a monthly maximum of 85.67 million gallons MG in any month;
5. Winslow shall be allowed to exceed the Base K/C withdrawal of 475.5 MGY upon development of any of the projects listed below and then only by the volume noted as “Grandfathered”. The total additional volume, if all five developments were to proceed, shall not exceed 39.518 MGY. This dedicated, grandfathered volume is not transferrable to any other projects.

NJDEP Permit Number*	Project Description	Grandfathered Number of Units	Daily Demand (@ 270 gal per unit)	permit Before MOA date	Grand-fathered (MGD)
WCP040002	Braddock Preserves	54	14580	Yes	0.01458
WCP040003	LDM Services Phase 1&2	20	5400	Yes	0.0054
WCP050002	Wiltons Corner Th-4	27	7290	Yes	0.00729
WCP060002	Cedar Brook	274	108,230	Yes	0.10823
WCP080001	Oak Leaf Estates	26	7020	Yes	0.00702
	Sum	401	108,270		0.10827

6. Winslow shall provide to the Pinelands Commission, no later than April 1 of each year, an annual report detailing the actual water usage related to the above tabulated “grandfathered” projects for the time period between March 1 of the preceding year to February 28 of the reporting year. Winslow’s obligation to provide annual water usage reports, which went into effect upon execution of the 2009 MOU, shall continue in effect beyond execution of this First Amendment to the 2009 MOU.
7. Winslow shall provide to the Pinelands Commission, no later than April 1 of each year, a copy of its contract with NJAW or any other non-K/C Aquifer water source for the annual purchase of potable water or confirm that such contract remains in place. Winslow’s obligation to provide copies of such annual water purchase contracts, which went into effect upon execution of the 2009 MOU, shall continue beyond execution of this First Amendment to the 2009 MOU.
8. In addition to the water obtained pursuant to paragraph A.1 of this amended MOU, Winslow shall purchase or obtain additional water amounts from a non-K/C Aquifer water source once it has exceeded the Base K/C Well Withdrawal of 475.5 MGY. The Township may only exceed the Base K/C Well Withdrawal by the amount of the grandfathered allocation, set forth in paragraph A.5, for any of the grandfathered developments that may be constructed. Winslow shall also offset any monthly use above the monthly maximum use noted in paragraph A.4 by obtaining an equivalent volume of non-K/C water for the total volume of the monthly exceedances by April 1 in the

calendar year following exceedance of the monthly maximum. Such offset will be required only for the year following the exceedance. If the monthly maximum is exceeded in successive years, the Township will continue to obtain non-K/C water equal to the yearly exceedance of the monthly maximum. volume in each year. the monthly maximum equivalent volume shall be reviewed annually and may or may not become a permanent source of water in addition to the 1.5 MGD purchased from NJAW.

B. Well Use Impact Alleviation and Optimal Management

1. The State Water Supply Plan shows that the upper reaches of the Great Egg Harbor River basin are stressed. To mitigate the stress on this basin, the parties to this First Amendment to the 2009 MOU will initiate a collaborative effort with neighboring municipalities, the New Jersey Department of Environmental Protection, and the New Jersey Department of Agriculture to delineate specific methods and actions aimed at reducing water use in the Great Egg Harbor basin.
2. Winslow shall continue to use its SCADA system to manage/sequence the use of its K/C Aquifer wells in a manner that is consistent with this Memorandum of Understanding, and thereby minimize the impacts of the use of its K/C Aquifer wells on stream base-flow, low-flow and related water table elevations in the headwaters of the Great Egg Harbor River Basin for so long as Winslow's wastewater is conveyed to the CCMUA's Delaware No. 1 WPCF, or anywhere else outside of the Great Egg Harbor River Basin, and for so long as Winslow's treated wastewater is not recharged into the K/C Aquifer.
3. At no time shall Winslow, as it manages and sequences the use of its K/C Aquifer wells, increase the amount of its withdrawals from the Mullica River basin to the Great Egg Harbor basin or elsewhere in excess of 246.375 MGY (675,000 gallons per day.) This volume is prescribed in the Memorandum of Agreement between the Camden County Municipal Utility Authority and the Pinelands Commission, dated February 8, 1991.
4. Should the limits set forth in paragraphs A.3 through A.5 be exceeded, Winslow shall obtain water, no later than April 1 in the year following such exceedance, in an equivalent volume from a non-K/C water source. When the annual K/C volume is exceeded, Winslow shall obtain the equivalent volume from a non-K/C source and that volume will be purchased continuously going forward in addition to the 1.5 MGD purchased from NJAW.

C. Definition and Duration of Adverse Ecological Impact

1. This First Amendment to the 2009 MOU prevents additional adverse ecological impacts, as defined by the year of peak use (2007) cited in the report entitled "New Jersey Water Supply Plan 2017-2022" issued by the New Jersey Department of Environmental Protection in October 2017, by restricting withdrawals for all Winslow's K/C aquifer wells to a volume below the peak use in 2007.

D. Manage Growth Impacts to Wastewater Discharges

1. Wastewater Flows Not Exceeding 2.9 MGD: The CCMUA has constructed two parallel sanitary sewer lines which connect the Sicklerville section of Winslow to the CCMUA's regional sewerage collection system and allow for the conveyance of wastewater from such section to the Delaware No. 1 Water Pollution Control Facility. One of the two sewer lines, known as the Phase I line, has been designed to accommodate up to 2.9 MGD of wastewater flow. Only the Phase I line shall be permitted to handle wastewater, so long as the ninety-day average wastewater flow in the Phase I line does not exceed eighty percent of 2.9 (i.e., 2.32 MGD).
2. Wastewater Flows Exceeding 2.9 MGD but not exceeding 3.5 MGD: The other of the two sewer lines, known as the Phase II line, has been designed to accommodate an additional 600,000 gallons per day of wastewater flow. When the ninety-day average wastewater flow of the Phase I line has reached eighty percent of its 2.9 MGD-capacity (i.e., 2.32 MGD) the CCMUA may activate the Phase II line if, and only if, Winslow's K/C well-management practices are not causing exceedance of the annual cap or the monthly maximum described in paragraphs A.3 and A.4.
3. Wastewater Flows Exceeding 3.5 MGD (Wastewater Flows in Excess of Winslow's Anticipated Build-out): Winslow agrees that it will not seek to permit additional development to occur that would increase wastewater flow in excess of 3.5 MGD unless, at that time, Winslow Township is in compliance with the annual cap and the monthly maximum described in paragraphs A.3 and A.4. Winslow agrees that it shall obtain the CCMUA's approval prior to conveying additional wastewater flow in excess of 3.5 MGD.

E. Activation of Wastewater Facilities

1. The Phase II line, and any subsequent lines, shall only be activated if all of the conditions regarding their activation, set forth in Paragraph D above, of this First Amendment to the 2009 MOU regarding their activation are satisfied;
2. CCMUA shall condition all future amendments to the Camden County Wastewater Management Plan upon Winslow's continuing compliance with the terms of the 2009 MOU and this First Amendment to the 2009 MOU.

F. Plan Compliance/Remedies for Default

1. Should the CCMUA or Winslow fail for any reason to fulfill its obligations under the 2009 MOU or this First Amendment to the 2009 MOU, CCMUA shall not permit any additional sewer connections within the Sicklerville section of Winslow.
2. The Pinelands Commission may, by way of illustration and in no way limiting the remedies available to it at law or equity:
 - a. Seek specific performance of the defaulting party's obligations in any appropriate proceeding in law or equity in any Court or administrative tribunal having jurisdiction; and

- b. Comment negatively on all future Water Allocation Permit applications; Wastewater Management Plan amendments; and, Water Quality Management Plan amendments concerning the Winslow Township, until such time as CCMUA and/or Winslow shall resume compliance with the terms of the 2009 MOU or this First Amendment to the 2009 MOU
 - c. Call-up for review any development approval in portion of Winslow Township located within the Pinelands Area that will connect to the wastewater collection system or to the water supply distribution system.
 - d. Request the Department of Environmental Protection to issue a moratorium on new sewer or water supply connections for any new development in Winslow Township, until such time as CCMUA and/or Winslow shall resume compliance with the terms of the 2009 MOU or this First Amendment to the 2009 MOU.
3. In the event CCMUA or the Pinelands Commission intends to take any action to remedy a default, such party shall provide all parties to this First Amendment to the 2009 MOU, ten (10) calendar days written notice of its intent to take such action and a detailed plan, including milestones, of how such breach will be remedied.
 4. The forbearance of any party to this First Amendment of the 2009 MOU to enforce any of its terms or to exercise their rights hereunder in the event of any breach by one of the parties for any period of time shall in no event be deemed a waiver or estoppel of the right thereafter to enforce the same or exercise a right hereunder.

G. Effective Date & Duration

1. In accordance with N.J.S.A. 13:18A-5(h), shall take effect following the conclusion of the Governor's review period or approval of the Pinelands Commission's minutes authorizing entry of this First Amendment to the 2009 MOU and then upon approval and signature by the authorized representative of all parties; the date of execution of the last signatory shall constitute the effective date of this First Amendment to the 2009 MOU and shall be written above.
2. This First Amendment to the 2009 MOU shall remain in effect unless amended by the written consent of all parties.
3. This First Amendment to the 2009 MOU may only be terminated with the consent of the Pinelands Commission. In order to obtain such consent, the party wishing to terminate shall: (1) provide ten (10) calendar days written notice and (2) confirmation that Winslow secured a non-K/C aquifer source of water for the totality of its volume being conveyed to CCMUA's WPCF through the Phase I and II sewer lines constructed as a result of the 2009 MOU.

IN WITNESS WHEREOF, the parties have caused their duly authorized representative to execute this First Amendment to the 2009 Memorandum of Understanding on and as of the day and year first written above. This Memorandum of Understanding shall be executed in at least three original copies of which one is to be delivered to the Township of Winslow; one of which

is to be delivered to the Camden County Municipal Utilities Authority; and, one of which is to be delivered to the New Jersey Pinelands Commission.

Township of Winslow

Witnessed:

By: _____

By: _____

Name: **Hon. Barry M. Wright**

Name: _____

Title: **Mayor**

Title: _____

Date: _____

Date: _____

Camden County Municipal Utilities Authority

Witnessed:

By: _____

By: _____

Name: **Michael G. Brennan**

Name: _____

Title: **Chair**

Title: _____

Date: _____

Date: _____

New Jersey Pinelands Commission

Witnessed:

By: _____

By: _____

Name: **Nancy Wittenberg**

Name: _____

Title: **Executive Director**

Title: _____

Date: _____

Date: _____

**MEMORANDUM OF UNDERSTANDING BY AND AMONGST THE TOWNSHIP OF WINSLOW, THE
CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY AND THE NEW JERSEY PINELANDS
COMMISSION**

This **Memorandum of Understanding** is made as of this _____ day of _____ in the year of 2010 by and amongst

The **Township of Winslow** (hereinafter, “Winslow”), a municipal corporation of the State of New Jersey;

The **Camden County Municipal Utilities Authority** (hereinafter, “CCMUA”), a municipal authority of the State of New Jersey; and,

The **New Jersey Pinelands Commission** (hereinafter, “Pinelands Commission”), an independent political subdivision of the State of New Jersey, in but not of the Department of Environmental Protection.

WHEREAS, the CCMUA’s Winslow Township Wastewater Treatment Plant (hereinafter, “WWWTP”)(NJPDES permit NJ0061760), located within the Great Egg Harbor River Basin, has reached its current wastewater treatment and recharge capacity and Winslow is currently prohibited by the New Jersey Department of Environmental Protection (hereinafter, “NJDEP”) from permitting additional sewer connections;

WHEREAS, site constraints and other considerations make it infeasible for the CCMUA to further expand the WWWTP;

WHEREAS, the CCMUA has proposed to connect the WWWTP, which it has operated since 1990, to the CCMUA’s regional sewage collection system, located within the Delaware River basin;

WHEREAS, upon connection to the CCMUA’s regional sewage collection system, the CCMUA has proposed to decommission the WWWTP including its nearby Infiltration/ Percolation facility (hereinafter, “I/P Facility”), which recharges approximately 2.25 million gallons per day (hereinafter, “mgd”) of treated wastewater from the WWWTP into the K/C Aquifer and thereby has the potential to contribute to the base-flow of the headwaters of the Great Egg Harbor River that flows through the Pinelands Area as well as the Great Egg Harbor River Basin;

WHEREAS, upon connection to the CCMUA’s regional sewage collection system, all current and future wastewater from the WWWTP will be conveyed to the CCMUA’s Delaware No. 1 Water Pollution Control Facility (NJPDES permit NJ0026182) located in the City of Camden;

WHEREAS, conveying wastewater from the WWWTP to the CCMUA’s Delaware No. 1 Water Pollution Control Facility will result in the inter-basin transfer of water between watersheds;

WHEREAS, conveying wastewater from the WWTP to the CCMUA's Delaware No. 1 Water Pollution Control Facility has the potential to reduce base-flows of the headwaters of the Great Egg Harbor River Basin;

WHEREAS, conveying wastewater from the WWTP to the CCMUA's Delaware No. 1 Water Pollution Control Facility has the potential to reduce low-flows of the headwaters of the Great Egg Harbor River Basin;

WHEREAS, without offsetting measures, a reduction in base-flows or low-flows of the headwaters of the Great Egg Harbor River Basin will potentially have an adverse ecological impact on the Pinelands Area;

WHEREAS, appropriate offsetting measures are hereinafter outlined which will address potential adverse ecological impacts on the Pinelands Area which may occur as a result of a reduction in base-flows or low-flows of the headwaters of the Great Egg Harbor River Basin;

WHEREAS, conveying wastewater from the WWTP to the CCMUA's Delaware No. 1 Water Pollution Control Facility will obviate the need to discharge any wastewater into the WWTP's I/P Facility and thus will eliminate a potential source of pollutant loading within the Great Egg Harbor River Basin thereby potentially improving water quality therein;

WHEREAS, without an offsetting, non-K/C Aquifer source of water, Winslow will continuously increase its water-supply diversions from the K/C Aquifer as development therein increases;

WHEREAS, Winslow currently purchases not less than 1.5 mgd of water exclusively for use within the Great Egg Harbor River Basin-portion of the Township through annual contracts with New Jersey American Water (hereinafter, "NJAW");

WHEREAS, under the circumstances provided hereinafter, Winslow may be required to purchase additional water from a non-K/C Aquifer supplier of water in amounts sufficient to ensure that it not continuously increase its annual water-supply diversions from the K/C Aquifer as development therein increases;

WHEREAS, the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50-6.86(a) provides that to the maximum extent practical the inter-basin transfer of water between watersheds should be avoided;

WHEREAS, the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50- 6.86(e) provides that increases in water-supply diversions from the K/C Aquifer may be permitted only if it is demonstrated that said increases will not result in any adverse ecological impact on the Pinelands Area;

WHEREAS, Winslow and the CCMUA seek endorsement of the proposal to decommission the WWTP and convey all current and future wastewater to the CCMUA's Delaware No. 1 Water Pollution Control Facility;

NOW, THEREFORE, Winslow, the CCMUA and the Pinelands Commission hereby agree as follows:

A. To Alleviate Impacts on Average Streamflow

1. Upon execution of this Memorandum of Understanding (hereinafter, "MOU") and for so long as Winslow's wastewater is conveyed to the CCMUA's Delaware No. 1 Water Pollution Control Facility, or anywhere else outside of the Great Egg Harbor River Basin, and for so long as Winslow's treated wastewater is not recharged into the K/C Aquifer, Winslow shall continue to purchase not less than 1.5 mgd of water exclusively for use within the Great Egg Harbor River Basin-portion of the Township through annual contracts with NJAW, or obtain said water amount from another non-K/C Aquifer water source;
2. Upon execution of this MOU and for so long as Winslow's wastewater is conveyed to the CCMUA's Delaware No. 1 Water Pollution Control Facility, or anywhere else outside of the Great Egg Harbor River Basin, and for so long as Winslow's treated wastewater is not recharged into the K/C Aquifer, in addition to the water obtained pursuant to paragraph 1 hereof, Winslow shall purchase or obtain additional water amounts from a non-K/C Aquifer water source in accordance with the terms hereof;
3. For all development within the Township for which the approvals, permits or other authorizations required to begin work have been issued after the execution of this MOU, but not including development currently under construction or development for which a NJDEP Safe Drinking Water permit has been issued prior to the execution of this MOU, Winslow shall increase its annual water purchase amount from NJAW, or another non-K/C Aquifer water source, in accordance with the lesser of the following: (a) 270 gallons per day for each new dwelling unit and 0.12 gallons per day for each square foot of new nonresidential construction; or, (b) the actual water usage as recorded between March 1st of each year and February 28th of the following year for each new dwelling unit and each new nonresidential structure;
4. Winslow shall annually provide a report detailing the actual water usage as recorded between March 1 of each year and February 28 of the following year for all new dwelling units and all new nonresidential structures to the Pinelands Commission not later than April 1 of each year. Winslow's obligation to provide annual water usage reports shall become effective upon execution of this MOU;
5. Winslow shall annually provide a copy of its annual water purchase contracts with NJAW, or another non-K/C Aquifer water source, to the Pinelands Commission not later than April 1 of each year. Winslow's obligation to provide annual water purchase contracts shall become effective upon execution of this MOU;
6. Upon execution of this MOU and for so long as its Administrative Consent Order with the NJDEP, dated August 9, 2007, which is attached hereto and incorporated herein by

reference, remains in effect, Winslow shall continue to comply with the Capacity Assurance Program's Inflow and Infiltration requirements of said Administrative Consent Order;

B. Manage Growth and Well Usage Impacts

7. Wastewater Flows Not Exceeding 2.9 mgd (up to approximately 0.7 mgd of Additional Wastewater Flow): The CCMUA shall simultaneously construct two parallel sanitary sewer lines which will connect the WWTP to the CCMUA's regional sewerage collection system and allow for the conveyance of wastewater from the WWTP to the Delaware No. 1 Water Pollution Control Facility. One of the two sewer lines, to be known as the Phase I line, shall be designed to accommodate up to 2.9 mgd of wastewater flow. So long as the ninety-day average wastewater flow in the Phase I line does not exceed eighty percent of 2.9 mgd (i.e., 2.32 mgd) only the Phase I line shall be permitted to handle wastewater;
8. Wastewater Flows Exceeding 2.9 mgd but Not Exceeding 3.5 mgd (up to approximately 1.3 mgd of Additional Wastewater Flow): The other of the two sewer lines, to be known as the Phase II line, shall be designed to accommodate an additional 600,000 gallons per day of wastewater flow. When the ninety-day average wastewater flow in the Phase I line has reached eighty percent of its 2.9-mgd-capacity (i.e., 2.32 mgd) the CCMUA may activate the Phase II line if, and only if, (a) decommissioning the WWTP; (b) not recharging Winslow's treated wastewater therefrom into the K/C Aquifer and conveying wastewater therefrom outside of the Great Egg Harbor River Basin; and, (c) Winslow's K/C well-management practices are not causing an Adverse Ecological Impact (as defined by paragraph 16 hereof) upon the Pinelands Area (more specifically, the Great Egg Harbor River Basin);
9. Wastewater Flows Exceeding 3.5 mgd (Wastewater Flows in Excess of Winslow's Anticipated Build-out): Winslow agrees that it shall not seek to permit additional development to occur that would increase wastewater flow in excess of 3.5 mgd unless, at that time, there is no Adverse Ecological Impact (as defined by paragraph 16 hereof) upon the Pinelands Area (more specifically, the Great Egg Harbor River Basin) resulting from (a) decommissioning the WWTP; (b) not recharging Winslow's treated wastewater therefrom into the K/C Aquifer and conveying wastewater therefrom outside of the Great Egg Harbor River Basin ; and, (c) Winslow's K/C well-management practices. Winslow agrees that it shall obtain the CCMUA's approval prior to conveying additional wastewater flow in excess of 3.5mgd. The CCMUA shall not approve the conveyance of wastewater flow in excess of 3.5 mgd absent NJDEP's approval of an amendment to the Camden County Wastewater Management Plan permitting such increased wastewater flow;
10. As soon as is practicable following execution of this MOU and prior to the conveyance of any wastewater flows through the Phase I line, Winslow shall execute a contract with the U.S. Geological Survey (hereinafter, "USGS") whereby USGS will conduct an Aquifer Study of the area where Winslow's K/C Aquifer wells and I/P Facility (hereinafter,

“Study Area”) are located. The Aquifer Study shall include the creation of a groundwater model capable of (1) ascertaining current hydrological conditions relative to stream base-flow and related water table elevations in the headwaters of the Great Egg Harbor River Basin; and, (2) predicting likely changes in stream base-flow and water table elevations in the headwaters of the Great Egg Harbor River Basin resulting from possible changes in water withdrawal amounts from Winslow’s K/C Aquifer wells and concurrent changes to inputs to the I/P Facility. On the basis of the results produced by using the groundwater model, the contract shall also require USGS to develop three well management/sequencing options and determine the difference between current stream base-flow and related water table elevations in the headwaters of the Great Egg Harbor River Basin and simulated stream base-flow and related water table elevations in the headwaters of the Great Egg Harbor River Basin based on the effect of each of the three well management/sequencing options. All costs related to the USGS Aquifer Study shall be the sole responsibility of Winslow;

11. Winslow shall manage/sequence the use of its K/C Aquifer wells in accordance with the results of the Aquifer Study, or shall do so in accordance with another method acceptable to the Pinelands Commission which acceptance shall not be unreasonably withheld, such that it will thereby minimize the impacts of the use of its K/C Aquifer wells on stream base-flow, low-flow and related water table elevations in the headwaters of the Great Egg Harbor River Basin. Winslow’s obligation to manage/sequence the use of its K/C Aquifer wells in accordance with this paragraph shall become effective immediately upon completion of the Aquifer Study and shall be an ongoing obligation for so long as Winslow’s wastewater is conveyed to the CCMUA’s Delaware No. 1 Water Pollution Control Facility, or anywhere else outside of the Great Egg Harbor River Basin, and for so long as Winslow’s treated wastewater is not recharged into the K/C Aquifer;
12. Winslow shall provide well water withdrawal information to the Pinelands Commission on an annual basis not later than April 1 of each year. Winslow’s obligation to provide annual well water withdrawal information shall become effective upon execution of this MOU;

C. Monitoring, Impact Alleviation and Optimal Management

13. Upon execution of this MOU, the CCMUA, with the assistance of the USGS, shall convert or upgrade, as necessary, the Great Egg Harbor River-stream monitoring stations located at USGS Site No. 01410820 (Great Egg Harbor River near Blue Anchor NJ) and at USGS Site No. 0140784 (Great Egg Harbor River near Sicklerville)(hereinafter, the “Study Sites”) to continuous stream monitoring stations. The monitoring provided by these continuous monitoring stations shall continue until such time as the Commission has accepted Winslow’s demonstration (which acceptance shall not be unreasonably withheld) that any remaining potential development (including redevelopment of existing, developed areas) within the Township will not increase K/C well withdrawals by more than 5% (hereinafter, the “Maximum K/C Well Withdrawal”), and until Winslow’s K/C Aquifer quarterly well withdrawals have not increased in three consecutive years by more than 5% from the corresponding quarter in the prior years.

Winslow shall not increase its K/C well withdrawals above the amount determined to be the Maximum K/C Well Withdrawal. All costs related to said monitoring shall be the sole responsibility of the CCMUA. The USGS shall provide all stream monitoring data to CCMUA on a monthly basis not later than 10 days following the last day of the preceding month.;

14. The CCMUA shall provide the stream monitoring data obtained from the Great Egg Harbor River monitoring station(s) to Winslow and the Pinelands Commission on a monthly basis not later than 30 days following the last day of the preceding month, or within 10 days of receiving said data from the USGS, whichever occurs later. CCMUA's obligation to provide monthly stream monitoring data shall become effective upon execution of this MOU;
15. In the event that the stream-monitoring data obtained from the Great Egg Harbor River monitoring stations demonstrates that decommissioning the WWTP or Winslow's K/C well-management practices are causing an Adverse Ecological Impact on the Pinelands Area (more specifically, the Great Egg Harbor River Basin), Winslow shall, within 90 days of the occurrence of the Adverse Ecological Impact, take appropriate measures to eliminate the Adverse Ecological Impact including, but not limited to,: purchasing additional water from a non-K/C Aquifer source; implementing mandatory water conservation measures; revising the Aquifer Study to reflect this stream-monitoring data and manage the use of its K/C Aquifer wells in accordance with the results of the revised Aquifer Study such that its revised well-management practices will eliminate the Adverse Ecological Impact of the use of its K/C Aquifer wells on water table elevation within the Great Egg Harbor River Basin and on base-flows and low-flows of the headwaters of the Great Egg Harbor River; providing for recharge of stormwater, treated wastewater or other suitable recharge waters to offset the impact; and, implementing a moratorium on all additional sewer connections. The measures set forth in this section are in no particular order of priority and the implementation of these, or other, measures shall be at the discretion of Winslow so as to carry out the effect of this provision;

D. Definition and Duration of Adverse Ecological Impact

16. Using all streamflow monitoring data available for the Study Sites as well as for the three Index Sites (USGS Site No. 01409400 (Mullica River near Batsto), USGS Site No. 01411456 (Little Ease Run near Clayton) and USGS Site No. 0411000 (Great Egg Harbor River at Folsom)), Winslow Township shall, upon execution of this MOU, develop individual regression models for each month of the year by plotting the log - log relationship between the daily flows at each of the Study Sites and each of the three Index Sites. Winslow Township shall plot the prediction interval (the range established by each of the individual regression models within which all future daily streamflows at each of the Study Sites may be expected, with 95% assurance, to occur). Following decommissioning of the WWTP Winslow Township shall measure and record flows for the Study Sites on a daily basis and plot them against corresponding daily flows for the Index Sites. If two or more of the data points plotted in any month at either Study Site fall below the prediction interval for two of the three Index Sites in three of any 12

consecutive months (hereinafter, "Scenario A"); or, the same month for three consecutive years (hereinafter, "Scenario B"), then an Adverse Ecological Impact has occurred. For purposes of Scenario A, an Adverse Ecological Impact will be determined to have ceased if in two consecutive months following the determination that an Adverse Ecological Impact has occurred the applicable condition is not met. For purposes of Scenario B, an Adverse Ecological Impact will be determined to have ceased if the applicable condition is not met in the same month of the subsequent year. If a determination of Adverse Ecological Impact is made based on Scenario A, then the measures of paragraph 15 above need only be implemented until the impact is determined to have ceased. If a determination of Adverse Ecological Impact is made based on Scenario B, then the measures of paragraph 15 above need only be implemented during the particular month in question and during the two months preceding the month in question and only until the impact is determined to have ceased;

E. Construct Necessary Facilities

17. As soon as practicable following the execution of this MOU, the stream monitoring required pursuant to paragraph 13 hereof and the construction of the Phase I and II sanitary sewer lines shall begin; however, no wastewater shall be conveyed through said lines to the Delaware No. 1 Water Pollution Control Facility until: (1) Winslow has commenced managing/sequencing the use of its K/C Aquifer wells in accordance with paragraph 11 hereof or the CCMUA has reported for a minimum of 12 consecutive months the continuous stream monitoring data required pursuant to paragraphs 13 and 16 hereof and reliable, stage-discharge relationships for the Study Sites have been established by the USGS for the purposes of continuous stream monitoring, whichever occurs first; (2) all reports required to be delivered to the Pinelands Commission pursuant hereto have been delivered; and, (3) all water amounts required to be purchased pursuant to paragraphs 1 through 3 hereof have been purchased. If, and only if, all of the conditions of this paragraph have been satisfied, upon completion of the construction of both parallel sanitary sewer lines, the CCMUA shall decommission the WWTP, including its I/P Facility, and begin conveying wastewater to the Delaware No. 1 Water Pollution Control Facility using only the Phase I line initially. Immediately thereafter, Winslow's obligation's under paragraph 15 hereof shall become effective. The Phase II line, and any subsequent lines, may be activated if, and only if, all of the conditions set forth in this MOU regarding their activation are satisfied;
18. Upon execution of this MOU, the CCMUA shall condition all future amendments to the Camden County Wastewater Management Plan concerning the subject matter hereof upon Winslow's continuing compliance with the terms hereof;

F. Pinelands Commission Endorsement

19. By executing this MOU, the Pinelands Commission expresses its endorsement of the CCMUA's amendment to the Camden County Wastewater Management Plan which permits the decommissioning of the WWTP and the conveyance of wastewater to the Delaware No. 1 Water Pollution Control Facility; and,

G. Plan Compliance

20. Should the CCMUA or Winslow fail for any reason to fulfill its obligations hereunder, the CCMUA shall not permit any additional sewer connections within the area previously served by the WWTP and the Pinelands Commission shall, by way of illustration and in no way limiting the remedies available to the Pinelands Commission at law or equity, seek specific performance of the defaulting party's obligations hereunder; and, comment negatively on all future Water Allocation Permit applications; Wastewater Management Plan amendments; and, Water Quality Management Plan amendments concerning the subject matter hereof, until such time as CCMUA and/or Winslow shall resume compliance with the terms hereof. In the event the CCMUA or the Pinelands Commission intends to take any action hereunder, they shall provide all parties, including Winslow, ten (10) days written notice of its intent to take such action.

H. Effective Date & Duration

21. In accordance with N.J.S.A. 13:18A-5(h), this Memorandum of Understanding, and any subsequent amendments hereto, shall take effect following the conclusion of the Governor's review period and/or approval of the Pinelands Commission's minutes authorizing entry of this Memorandum of Understanding and then upon approval and signature by the authorized representative of all parties; the date of execution of the last signatory shall constitute the effective date and shall be written above.

22. This Memorandum of Understanding shall remain in effect unless amended by the written consent of all parties.

23. This Memorandum of Understanding may be terminated at any time by the written consent of all parties.

IN WITNESS WHEREOF, the parties have caused their duly authorized representatives to execute this Memorandum of Understanding on and as of the day and year first written above. This Memorandum of Understanding shall be executed in at least three original copies of which one is to be delivered to the Township of Winslow; one of which is to be delivered to the Camden County Municipal Utilities Authority; and, one of which is to be delivered to the New Jersey Pinelands Commission.

Township of Winslow

By: Sue Ann Metzner
Hon. Sue Ann Metzner, Mayor

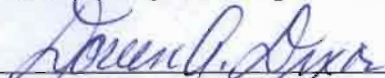
Date: 1/25/2010


Witnessed:

By: [Signature]
Name: DEBORAH A. TUCHAKJIAN
Title: Municipal Clerk

Camden County Municipal Utilities Authority

Witnessed:

By: 
Doreen A Dixon, Chairperson

By: 

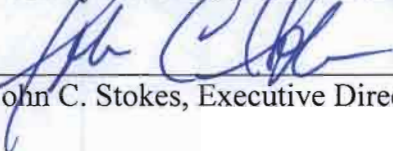
Name: Sandra Cevallos

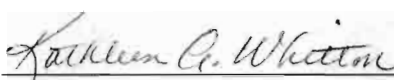
Date: 2/1/10

Title: Asst. Authority Secretary

New Jersey Pinelands Commission

Witnessed:

By: 
John C. Stokes, Executive Director

By: 

Name: Kathleen A. Whitton

Date: 1/21/10

Title: Secretary to the Exec. Dir.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17-_____

TITLE: Setting Pinelands Commission meeting dates for 2018

Commissioner _____ moves and Commissioner _____ seconds the motion that:

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission shall conduct its meetings on the following dates in 2018 beginning at the specified time at the Pinelands Commission's Richard J. Sullivan Center for Environmental Policy and Education, 15 C Springfield Road, New Lisbon, Pemberton Township, New Jersey, unless notice is otherwise provided in accordance with the Open Public Meetings Act:

- | | |
|--------------------------------------|--|
| Friday, January 12, 2018 (9:30 a.m.) | Friday, July 13, 2018 (9:30 a.m.) |
| Friday, February 9, 2018 (9:30 a.m.) | Friday, August 10, 2018 (9:30 a.m.) |
| Friday, March 9, 2018 (9:30 a.m.) | Friday, September 14, 2018 (9:30 a.m.) |
| Friday, April 13, 2018 (9:30 a.m.) | Friday, October 12, 2018 (9:30 a.m.) |
| Friday, May 11, 2018 (9:30 a.m.) | Friday, November 9, 2018 (9:30 a.m.) |
| Friday, June 8, 2018 (9:30 a.m.) | Friday, December 14, 2018 (9:30 a.m.) |

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

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



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




Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

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

MEMORANDUM

To: Members of the Pinelands Commission

From: Susan R. Grogan 
Chief Planner

Date: November 29, 2017

Subject: No Substantial Issue Findings

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

Mullica Township Ordinance 9-2017- amends Chapter 144 (Land Development) of the Township's Code by revising application fees and standards related to accessory uses, home occupations and signs. In response to several sets of recent CMP amendments, Ordinance 9-2017 also incorporates the following: revised definitions for alternate design pilot program treatment system, immediate family, and solar energy facility; a revised deadline for installing alternate design pilot program treatment systems; a revised list of permitted uses to be specified in the deed restriction required for the sale, conveyance, or transfer of a Pinelands Development Credit; a revised list of activities not considered development under the CMP; and revised submission requirements for applicants giving notice of local decisions on development.

South Toms River Borough Ordinance 9-17- amends the Dover Road Redevelopment Plan, which was previously adopted by Ordinance 8-17 and certified by the Commission on September 14, 2017. Specifically, Ordinance 9-17 clarifies that the Redevelopment Plan serves as a supplement to the underlying SED (Special Economic Development) Zone, rather than superseding the underlying zoning. Ordinance 9-17 also clarifies certain minimum and maximum requirements set forth in the Bulk Standard Table. Maximum permitted residential density in the Redevelopment Area (17 units per acre) remains unchanged.