



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 32

**TITLE:** Approving With Conditions an Application for Public Development (Application Number 1997-0257.012)

Commissioner McGlinchey moves and Commissioner Lohbauer seconds the motion that:

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

1997-0257.012

<b>Applicant:</b>	Ocean County
<b>Municipality:</b>	Little Egg Harbor Township
<b>Pinelands Overlay District:</b>	Parkway Overlay District
<b>Underlying Management Area:</b>	Pinelands Preservation Area District
<b>Date of Report:</b>	September 22, 2017
<b>Proposed Development:</b>	Construction of a 49 space commuter parking area within the existing right-of-way of the Garden State Parkway at Interchange 58

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 1997-0257.012 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	Galletta	X			Prickett	X		
Avery	X			Jannarone	X			Quinn		X	
Barr	X			Lloyd	X			Rohan Green		X	
Brown	X			Lohbauer	X			Earlen	X		
Chila			X	McGlinchey	X						

\* A = Abstained A/R = Recused

Adopted at a meeting of the Pinelands Commission

Date: October 13, 2017

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

September 22, 2017

C. Robert Mulloy, PE, PP  
Assistant County Engineer  
Ocean County  
PO Box 2191  
Toms River, NJ 08754

Re: Application # 1997-0257.012  
Garden State Parkway ROW  
Little Egg Harbor Township

Dear Mr. Mulloy:

The Commission staff has completed its review of this application for construction of a 49 space parking area within the existing right-of-way of the Garden State Parkway at Interchange 58. 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 October 13, 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. Hoyer, P.P.  
Director of Regulatory Programs

- Enc: Appeal Procedure
- 3/18/17 Public Comment
- c: Secretary, Little Egg Harbor Township Planning Board (via email)
- Little Egg Harbor Township Construction Code Official (via email)
- Little Egg Harbor Township Environmental Commission (via email)
- Secretary, Ocean County Planning Board (via email)
- Dan McGinnis, PE (via email)
- Bharat Patel (via email)





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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**

September 22, 2017

C. Robert Mulloy, PE, PP  
 Assistant County Engineer  
 Ocean County  
 PO Box 2191  
 Toms River, NJ 08754

Application No.: 1997-0257.012

Location: Interchange 58 Park and Ride Facility  
 Garden State Parkway ROW  
 Little Egg Harbor Township

This application proposes construction of a 49 space parking area within the existing right-of-way of the Garden State Parkway at Interchange 58 in Little Egg Harbor Township.

**STANDARDS**

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

Land Use (N.J.A.C. 7:50-5.35)

The proposed development will be located in the existing Garden State Parkway right-of-way. The existing Garden State Parkway right-of-way is designated in the CMP as the Parkway Overlay District. The proposed parking area with a bus stop is intended as a park and ride facility for commuters. As an accessory facility to the operation of the highway, the proposed parking area is a permitted land use in the Parkway Overlay District.

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

The proposed development will be located within existing graveled and forested areas. The proposed development will disturb approximately 1.5 acres of forested lands. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

Information available to the Commission staff indicated the potential presence of Northern Pine snake and Timber Rattlesnake in the vicinity of the proposed development. The applicant performed a threatened and endangered species survey for Northern Pine snake and Timber Rattlesnake. No individuals of either species or habitat critical to the survival of the local population of either species were identified during the survey. The applicant has demonstrated that the proposed development will not have an irreversible adverse impact on habitat that is critical to the survival of local populations of Northern Pine Snake and Timber Rattlesnake.

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

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

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

A cultural resource survey was prepared for this application. It was determined that there were no cultural resources eligible for Pinelands designation within the project area. The project area is not located within the National Register eligible Garden State Parkway Historic District.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Newspaper public notice was completed on February 17, 2017. Notice to required land owners within 200 feet of the above referenced site was completed on March 10, 2017. The application was designated as complete on the Commission's website on August 29, 2017. The Commission's public comment period closed on September 14, 2017. The Commission received one written public comment (attached) regarding this application.

Public Comment One: The commenter indicated that he is the owner of an adjacent property. The commenter is concerned that the location of the proposed parking area will require him to relocate access to his property. The commenter is concerned that the proposed development will result in a change in the location of the right-of-way line of Poor Man's Parkway by creating a new lot for the development of the proposed parking area. The commenter also believes that the location of the proposed parking area will result in the development of unnecessary driveways.

Staff Response: The Commission staff appreciates the commenter's interest in the Pinelands Area. The proposed development is located entirely within the existing Garden State Parkway right-of way. The proposed development will not result in a change to either the configuration of the commenter's existing property lines or its frontage on Poor Man's Parkway or County Route 539. To access the proposed parking area, the County proposes one new driveway on Poor Man's Parkway and one new driveway on County Route 539.

### CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 14 sheets, prepared by Remington, Vernick & Vena Engineers and dated as follows:

Sheets 1, 2 & 10 - dated June 2016 and revised to September 15, 2017

Sheet 4 - dated June 2016

Sheets 3 & 11-13 - dated June 2016 and revised to August 24, 2017.

Sheets 5-9 & 14 - dated June 2016 and revised to September 21, 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. Prior to development, the applicant must provide documentation that the concerned 0.25 acres, proposed to be subject of a preservation easement to meet the CMP nonstructural stormwater management standard, has been filed with the Ocean County Clerk's office.

### 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.

**Palak Associates, LLC**  
c/o Bharat Patel  
68 Old Road  
Princeton, NJ 08540

Date: March 18, 2017

Pinelands Commission  
P.O. Box 359  
New Lisbon, NJ 08084

Re: Pinelands Commission Appl. # 1997-0257.012

We are the property owner of a lot that adjoins project in question. At present, our property which is located at the corner of Route 539 and Poormans Parkway has access to both streets along entire frontages. I have reviewed the plans for referenced application. Our concern is the loss of access on Poormans Parkway as this project will move the right of way line of Poormans Parkway by inserting a new lot/use in between. The access point on Poormans Parkway will move almost 600' south causing unnecessary driveways.

Bharat Patel



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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 by the Commission's office no later than 5:00 pm on October 10, 2017. The appeal must include the following information:

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

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



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17-A 33

**TITLE:** Approving With Conditions an Application for Public Development (Application Number 2015-0094.001)

Commissioner Galletta moves and Commissioner Lohbauer seconds the motion that:

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

**2015-0094.001**

<b>Applicant:</b>	<b>Pemberton Township</b>
Municipality:	Pemberton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	September 21, 2017
Proposed Development:	Installation of 1,300 linear feet of potable water main.

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 2015-0094.001 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			X	Galletta	X			Prickett			R
Avery	X			Jannarone	X			Quinn			X
Barr	X			Lloyd	X			Rohan Green			X
Brown	X			Lohbauer	X			Earlen	X		
Chila			X	McGlinchey	X						

\* A = Abstained / R = Recused

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

Date: October 13, 2017  
  
Sean W. Earlen  
Chairman





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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

September 21, 2017

David Benedetti, Director of Community Development  
Pemberton Township  
500 Pemberton Browns Mills Road  
Pemberton, NJ 08068

Re: Application # 2015-0094.001  
Linnet and Reeves Avenues  
Block 8, Lots 5, 9 & 51  
Pemberton Township

Dear Mr. Benedetti:

The Commission staff has completed its review of this application for installation of 1,300 linear feet of potable water main. 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 October 13, 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)  
John Helbig (via email)





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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**

September 21, 2017

David Benedetti, Director of Community Development  
Pemberton Township  
500 Pemberton Browns Mills Road  
Pemberton, NJ 08068

Application No.: 2015-0094.001  
Linnet and Reeves Avenues  
Block 8, Lots 5, 9 & 51  
Pemberton Township

This application proposes installation of 1,300 linear feet of potable water main located on the above referenced 0.74 acre parcel and within the above referenced road rights-of-way 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. 7:50-5.28)**

The proposed development is located in a Pinelands Regional Growth Area. The proposed potable water main is a permitted use in a Pinelands Regional Growth Area.

#### **Wetlands Protection Standard (N.J.A.C. 7:50-6.13)**

There are wetlands located within 300 feet of the proposed development. A portion of the proposed potable water main will be located within the required buffer to wetlands.

The CMP permits linear improvements, such as water mains, in the required buffer to wetlands provided an applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative for the proposed development that does not involve development in the required buffer to wetlands or that will result in a less significant adverse impact to the required buffer to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions recommended below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands.

The applicant has indicated that the proposed water main is necessary to stabilize water pressure and provide a redundant looped water supply in this portion of the Township. The applicant has demonstrated that the need for the proposed water main overrides the importance of protection of the concerned buffer to wetlands.

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

The proposed development will be located under existing paved, graveled, forested and grassed areas. The proposed development will result in the clearing of approximately 1,500 square feet of forested area. All 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 proposes to revegetate the forested and grassed areas with a seed mixture that meets this recommendation.

### **PUBLIC COMMENT**

The CMP defines the proposed water main 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 August 24, 2017. The Commission’s public comment period closed on September 14, 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 six sheets, prepared by Adams, Rehmann & Heggan Associates, Inc. and dated as follows:  
  
Sheets 1, 3 & 6 - dated May 15, 2017  
Sheets 2, 4 & 5 - dated May 15, 2017; revised to July 24, 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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Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

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

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission's office no later than 5:00 pm on October 9, 2017. The appeal must include the following information:

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

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



## RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 34

**TITLE:** Resolution Setting Forth the Process By Which the Pinelands Commission Will Review the Pinelands Development Application No. 1981-0479.011 Submitted by Atlantic City Electric Company for the Replacement of 110 Existing Lattice Towers with 110 Monopoles

Commissioner Avey moves and Commissioner Barr  
seconds the motion that:

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

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

WHEREAS, on February 17, 2016, the Atlantic Electric Company (ACE) submitted a development application to the Pinelands Commission for the replacement of 110, 100-foot lattice towers with 110, 105 to 125-foot steel monopoles within an electric transmission line right-of-way existing since 1928-29; and

WHEREAS, the portion of the pole replacement project to be installed within the Pinelands Area starts in the existing electric transmission line right-of-way at Union Road in Buena Vista Township and continues to State Route 50 in the City of Estell Manor and then proceeds from County Route Alt. 559 in Hamilton Township to the Garden State Parkway right-of-way in Egg Harbor Township; and

WHEREAS, approximately 5.7 miles of the replacement poles will be installed within a Regional Growth Area, approximately 3.1 miles will be installed within a Rural Development Area, approximately 2.1 miles will be installed within an Agricultural Production Area and approximately 7.1 miles will be installed within a Forest Area; and

WHEREAS, the Pinelands CMP at N.J.A.C. 7:50-5.2, notwithstanding the permitted use standards of the CMP, permits the continuation, expansion or alteration of an existing use, provided such use is not abandoned; and

WHEREAS, based on its review of the ACE application, the Pinelands Commission staff issued a Certificate of Filing on November 22, 2016 for the proposed monopole replacement project; and

WHEREAS, on June 30, 2017, the Board of Public Utilities (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 its pole replacement project, including the portion to be constructed within the Pinelands Area; and

WHEREAS, in light of the Appellate Division's decision in Matter of Petition of South Jersey Gas Co., 447 N.J. Super. 459, 478 (App. Div. 2016), it is necessary to articulate the process by which the Commission will review the proposed project and render a final decision as to its compliance with the standards of the Pinelands CMP; 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 will review the proposed monopole replacement project according to the following process:

1. The proposed project shall be included on the agenda for the November 3, 2107 Commission meeting under the heading of "Public Comment on Public Development Applications, Waivers of Strict Compliance Private Development Applications for which BPU has granted a N.J.S.A. 40:55D-19 petition and Resolutions Where the Record is Not Closed". The Commission will be accepting public comment at the November 3, 2017 Commission Meeting.
2. The Commission staff shall provide notice of the public's opportunity to provide both oral and written comments regarding Pinelands Development Application No. 1981-0479.011. Such notice shall be posted on the Commission's website and shall be sent to those official newspapers of the Pinelands Commission having general circulation in the area that may be affected by the proposed development. Such notice shall indicate that an opportunity to present oral comments will be provided at the November 3, 2017 Commission meeting and that written comments may be provided until 5:00 p.m. on November 3, 2017.
3. The Commission staff shall, following the close of the public comment period, review the record and any public comments provided and shall prepare a recommendation as to whether the proposed development is consistent with all applicable requirements of the Pinelands CMP. Such recommendation report shall be posted on the Commission's website no later than 18 days prior to the Commission meeting at which Commission staff plans to present it for the Commission's consideration.
4. Any interested party who possesses a particularized property interest sufficient to require a hearing on constitutional or statutory grounds in accordance with N.J.S.A. 52:14B-3.2 & 3.3 may submit a hearing request to the Commission within 15 days from the date of posting of the Commission staff's recommendation report (i.e. the date the report is posted shall count as "Day 1".)
5. At the next Commission meeting after the time for appeal set forth in Paragraph 4 above has expired, and provided a valid hearing request has not been submitted, the Commission, based on the Regulatory Program's application file for Pinelands Development Application No. 1981-0479.011, any public comments received and the Executive Director's Recommendation Report, shall either approve or disapprove such recommendation.

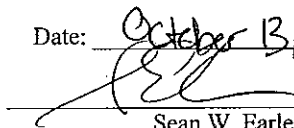
**Record of Commission Votes**

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

Adopted at a meeting of the Pinelands Commission

Date: October 13, 2017

  
Nancy Wittenberg  
Executive Director

  
Sean W. Earlen  
Chairman



## RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 35

**TITLE:** Issuing an Order to Certify Ordinances 1969-2017 and 1970-2017, Amending the Zoning Map and Chapter 233 (Land Management) of the Code of Galloway Township

Commissioner Galetta moves and Commissioner Bacc 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 August 15, 2017, Galloway Township adopted Ordinance 1969-2017, amending Chapter 233 (Land Management) of the Township's Code by revising permitted uses in the R5C Cluster Overlay District; and

WHEREAS, on August 15, 2017, Galloway Township also adopted Ordinance 1970-2017, amending the Township's Zoning Map by expanding the R5C Overlay District to include portions of three additional parcels; and

WHEREAS, the Pinelands Commission received certified copies of Ordinances 1969-2017 and 1970-2017 on August 17, 2017; and

WHEREAS, by letter dated August 18, 2017, the Executive Director notified the Township that Ordinances 1969-2017 and 1970-2017 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinances 1969-2017 and 1970-2017 was duly advertised, noticed and held on September 6, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Ordinances 1969-2017 and 1970-2017 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinances 1969-2017 and 1970-2017 are in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Ordinances 1969-2017 and 1970-2017 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinances 1969-2017 and 1970-2017 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 Ordinances 1969-2017 and 1970-2017, amending the Zoning Map and Chapter 233 (Land Management) of the Code of Galloway Township, are 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.

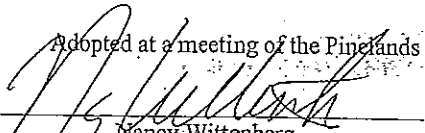
Record of Commission Votes

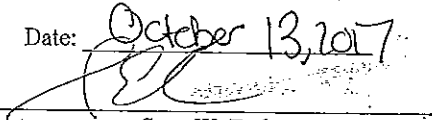
AYE	NAY	NP	AR*	AYE	NAY	NP	AR*	AYE	NAY	NP	AR*
			X	Galletta	X			Prickett	X		
	X			Jannarone	X			Quinn			X
	X			Lloyd	X			Rohan Green			X
	X			Lohbauer	X			Earlen	X		
			X	McGlinchey	X						
Ashmun											
Avery											
Barr											
Brown											
Chila											

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: October 13, 2017

  
 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 ORDINANCES 1969-2017 AND 1970-2017,  
 AMENDING THE ZONING MAP OF GALLOWAY TOWNSHIP AND CHAPTER 233 (LAND  
 MANAGEMENT) OF THE CODE OF GALLOWAY TOWNSHIP**

September 29, 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 City and Egg Harbor City, and the Townships of Hamilton, Egg Harbor, and Mullica in Atlantic County, as well as Washington and Bass River Townships in Burlington County.

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

On August 15, 2017, Galloway Township adopted Ordinance 1969-2017, amending Chapter 233 (Land Management) of the Township's Code by revising permitted uses in the R5C Cluster Overlay District. On that same date, the Township also adopted Ordinance 1970-2017, amending the Township's Zoning Map by expanding the R5C Cluster Overlay District to include portions of three additional parcels. The Pinelands Commission received certified, adopted copies of Ordinances 1969-2017 and 1970-2017 on August 17, 2017.

By letter dated August 18, 2017, the Executive Director notified the Township that Ordinances 1969-2017 and 1970-2017 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following ordinances have been submitted to the Pinelands Commission for certification:

- \* Ordinance 1969-2017, amending Chapter 233 (Land Management) of the Code of Galloway Township, introduced on July 11, 2017 and adopted on August 15, 2017; and

- \* Ordinance 1970-2017, amending the Zoning Map of Galloway Township, introduced on July 11, 2017 and adopted on August 15, 2017.

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

## **1. Natural Resource Inventory**

Not applicable.

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

Ordinance 1969-2017 amends Chapter 233 (Land Management) of the Code of Galloway Township by expanding the list of permitted uses in the R5C (Cluster Overlay) District. Specifically, Ordinance 1969-2017 adds public recreational facilities as a permitted use, subject to a number of conditions. Ordinance 1970-2017 amends the Township's Zoning Map by expanding the boundaries of the R5C District to include two lots (Block 647, Lots 1 and 7) and a portion of a third lot (Block 473, Lot 13) (see Exhibit #1). All three lots are municipally-owned and front on Duerer Street. Block 647, Lot 1 consists of preserved open space and is listed on the Township's Recreation and Open Space Inventory. Block 647, Lot 7 and Block 473, Lot 13 contain existing municipal recreation facilities. In total, Ordinance 1970-2017 adds 50 acres to the R5C Zone.

The R5C District is a unique zoning district located in the Pinelands Rural Development Area. It was established in 1987 when the Commission originally certified Galloway Township's master plan and land use ordinances. At that time, a Great Blue Heron rookery existed in the Township's Rural Development Area. This prompted the Township and the Commission to craft special ordinance provisions that would allow for development in appropriate areas while at the same time providing an opportunity for protection of the rookery and surrounding forested lands. The result was the R5C District (see Exhibit #2), within which a density transfer program was established. This density transfer program allowed nonresidential development (community commercial, offices and schools) in that portion of the R5C District outside the rookery. To achieve the permitted intensity of nonresidential development (900 square feet per acre), forested lands within and around the rookery had to be permanently preserved. Although normally not permitted in a Rural Development Area, sewer service was permitted throughout the R5C District as a means of further encouraging nonresidential development and, as a result, protection of the rookery.

In 2006, Galloway Township adopted Ordinance 1653-2006 to clarify permitted uses and the provisions of the density transfer program in the R5C District. Ordinance 1653-2006, certified by the Commission on September 8, 2006, delineated the boundaries of the Protected Rookery Area (see Exhibit #3). Essentially, the Protected Rookery Area includes all forested lands in the R5C

District between Genoa Avenue, Duerer Street, Zurich Avenue, Pomona Road and Jimmie Leeds Road. Ordinance 1653-2006 also specified that residential development in the R5C District must be clustered and located on existing roads. Although residential development is permitted in the Protected Rookery Area, nonresidential uses must be located outside the Protected Rookery Area.

The R5C Zone originally contained approximately 300 acres, 125 of which were in the Protected Rookery Area. Zoning changes since 1987 have reduced the size of the zone to a total of approximately 230 acres, although the amount of land in the Protected Rookery Area has remained the same. Land preservation efforts within the Protected Rookery Area have been successful. Most notably, 39 acres were permanently protected by Galloway Township in 2005 to facilitate development of a new school along Jimmie Leeds Road east of the Protected Rookery Area. That same year, another 29 acres were purchased and preserved by the Township with funding assistance from the Commission's CMCMUA Land Acquisition Program. As of 2017, nearly 70 percent of the Protected Rookery Area has been preserved, as displayed on Exhibit #3. Approximately 40 acres remain to be protected.

The amendments adopted by Ordinances 1969-2017 and 1970-2017 are designed to expand the permitted uses and boundary of the R5C District in order to recognize existing intensive public recreational facilities on Duerer Street and provide an opportunity for the construction of new bathroom facilities to be served by sanitary sewer.<sup>1</sup> Such development will be permitted only on Block 647, Lot 7 and that portion of Block 473, Lot 13 added to the R5C District. The third lot, Block 647, Lot 1, is already preserved and has been added to the Protected Rookery Area. Based on Ordinance 1969-2017, public recreational facilities will now be a permitted use in the R5C District, outside the Protected Rookery Area. If sewer service is proposed to serve such recreational facilities, lands within the Protected Rookery Area must be permanently protected. One acre in the Protected Rookery Area must be preserved for every acre of land devoted to existing or proposed recreational use, including associated parking. As example, if the recreational facilities on Block 647, Lot 7 and Block 473, Lot 13, occupy 25 acres, then 25 acres of land in the Protected Rookery Area would need to be preserved when and if construction of a sewer line to serve the recreational facilities is proposed. Finally, Ordinance 1969-2017 permits a maximum of 900 square feet per acre for recreational buildings, a requirement that may be met on-site or through the protection of noncontiguous lands in the Protected Rookery Area.

Expansion of the permitted uses and boundary of the R5C District will achieve the Township's goals, while at the same time ensuring that additional lands in the Protected Rookery Area are preserved. The likelihood of such preservation occurring was significantly reduced as a result of zoning changes over time, which removed relatively large tracts of vacant land from that portion of the R5C District where nonresidential development was permitted. Ordinances 1969-2017 and 1970-2017 restore the balance and provide a continued opportunity for the density transfer program to operate as originally intended. The ordinances do, as described above, allow sewer service to be extended to serve development in the Rural Development Area, something which the Comprehensive Management Plan normally permits only to correct a documented public health problem. This does not automatically render the Township's ordinances inconsistent with the Comprehensive Management Plan. Pinelands municipalities have the ability to refine the various standards and provisions of the Comprehensive Management Plan and tailor them to

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<sup>1</sup> Wetlands on and around the lots containing the recreational facilities render the siting of a new septic system infeasible because the required 300 foot buffer cannot be maintained.

local conditions, provided Comprehensive Management Plan goals and objectives continue to be achieved. In this case, Galloway Township has chosen to expand on a previously certified, creative zoning ordinance that allows sewerred nonresidential development in a small area, balanced by the permanent protection of sensitive lands in another location. The permitted nonresidential development is limited in intensity to that which could normally occur in the Rural Development Area using a septic system. The lands to be protected are wooded and the site of a (former) Great Blue Heron rookery. The R5C District and its expansion represent an appropriate exercise of municipal flexibility, one that meets the objectives of the Comprehensive Management Plan.

Ordinances 1969-2017 and 1970-2017 are consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

It should be noted that by expanding the R5C District, Ordinance 1970-2017 expands the area in Galloway Township in which sewer service is permitted. This will necessitate the submission of an Atlantic County Water Quality Management Plan amendment to the Department of Environmental Protection for review and approval.

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

Not applicable.

**4. Requirement for Municipal Review and Action on All Development**

Not applicable.

**5. Review and Action on Forestry Applications**

Not applicable.

**6. Review of Local Permits**

Not applicable.

**7. Requirement for Capital Improvement Program**

Not applicable.

**8. Accommodation of Pinelands Development Credits**

Not applicable.

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

Not applicable.

**10. General Conformance Requirements**

Galloway Township Ordinances 1969-2017 and 1970-2017, amending Chapter 233 (Land Management) of the Township's Code and adopting a revised Zoning Map, are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. This standard for certification is met.

**11. Conformance with Energy Conservation**

Not applicable.

**12. Conformance with the Federal Act**

Galloway Township Ordinances 1969-2017 and 1970-2017, amending Chapter 233 (Land Management) of the Township's Code and adopting a revised Zoning Map, are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

**13. Procedure to Resolve Intermunicipal Conflicts**

The zoning changes adopted by Ordinance 1970-2017 do not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

## **PUBLIC HEARING**

A public hearing to receive testimony concerning Galloway Township's application for certification of Ordinances 1969-2017 and 1970-20175 was duly advertised, noticed and held on September 6, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which the testimony was received:

Mayor Don Purdy thanked the Commission for its time and consideration. He stated that the Township would be submitting written comments.

Vincent Polistina, Galloway Township Engineer, stated that the two ordinances will be good for Galloway Township.

There being no further testimony, the hearing was concluded at 9:50 a.m.

Written comments on Ordinances 1969-2017 and 1970-2017 were accepted through September 13, 2017 and were received from the following individuals:

Undated written comments from Mayor Don Purdy (Exhibit #4)

## **CONCLUSION**

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinances 1969-2017 and 1970-2017 comply with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinances 1969-2017 and 1970-2017 of Galloway Township.

SRG/CGA  
Attachments



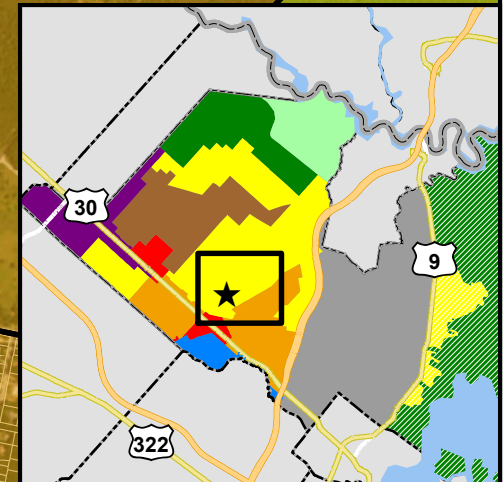
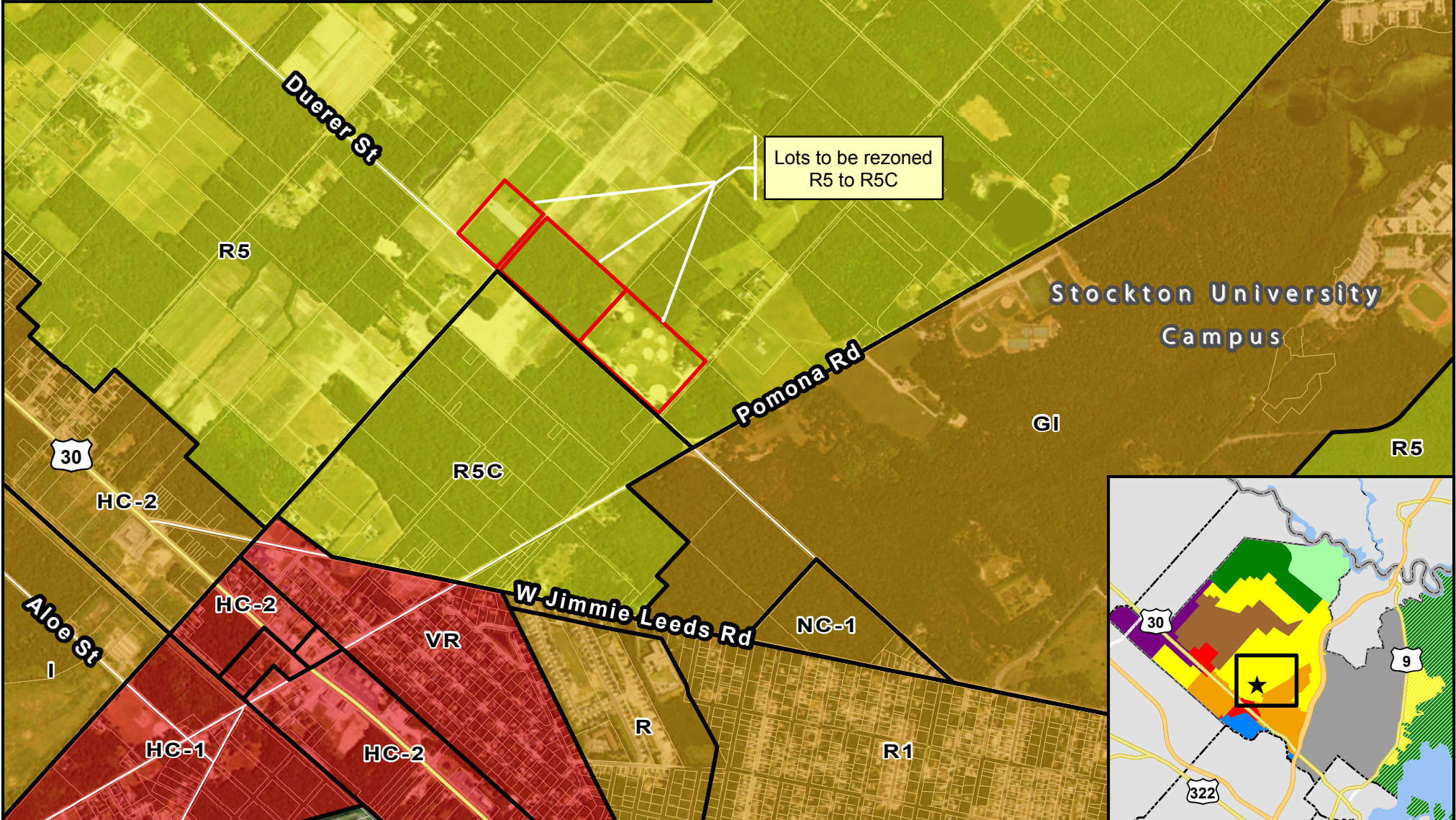
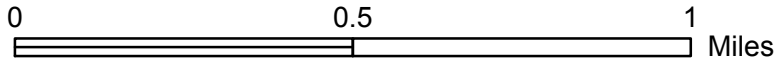


# Existing Conditions of Lots to be Rezoned

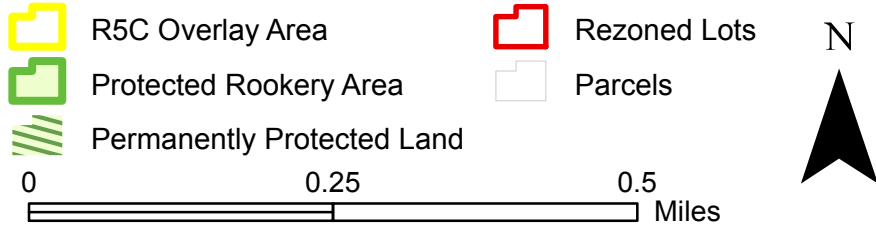
Executive Director's Report  
Galloway Ordinance 1970-2017  
Exhibit 2  
9/29/2017

- Pinelands Management Areas**
- Rural Development Area
  - Pinelands Village
  - Regional Growth Area

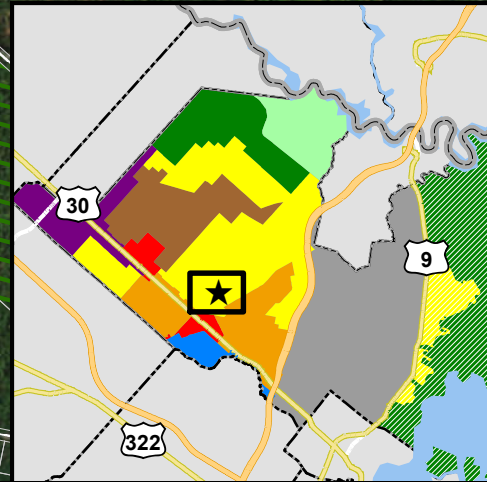
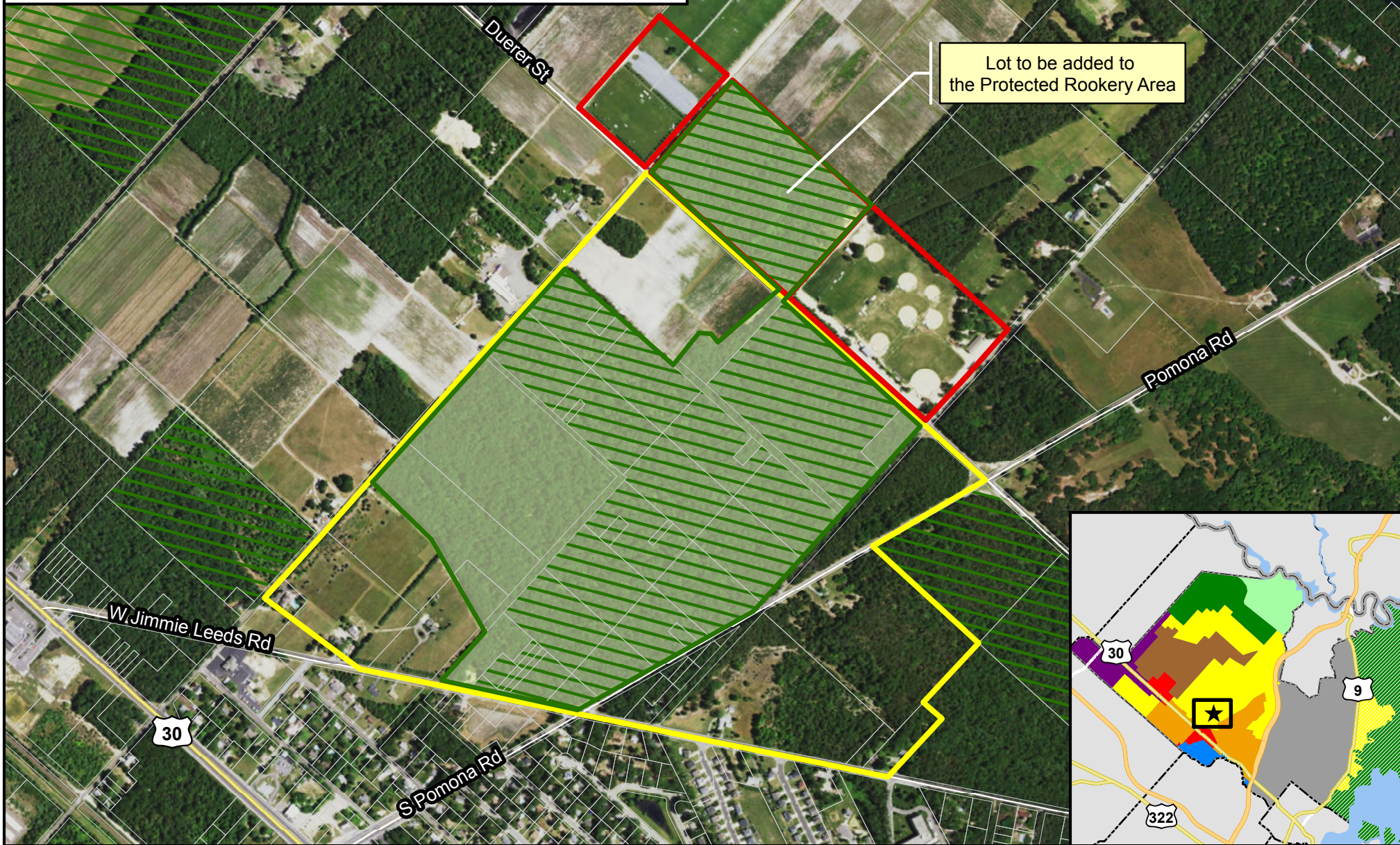
- Rezoned Lots
- Parcels
- Existing Zoning



# R5C Overlay Area - Protected Rookery Area



Executive Director's Report  
Galloway Ordinance 1970-2017  
Exhibit 3  
9/29/2017





**TOWNSHIP OF GALLOWAY  
DON PURDY, MAYOR**

300 E. JIMMIE LEEDS ROAD GALLOWAY, NJ 08205  
(609) 652-3700 EXT. 260 FAX: (609) 652-5259

I would like to first thank the Pinelands Commission and staff for their assistance in helping to resolve a public health issue that the Township has been working on for many years.

As the Commission is aware, the residential growth in Galloway has resulted in the need for recreation fields and amenities for children to use. As there was an existing recreation complex known as Gabriel Memorial Fields on Duerer Street at the intersection with Zurich Avenue (which we believe was built in the late 1960's), the Township expanded the recreational amenities on Duerer Street with the construction of Tartaglio Park at the intersection with Genoa Avenue just to the west of the Gabriel Fields.

Bathroom facilities at these complexes have been a problem since inception. The Township has attempted to install septic fields at Gabriel Fields and has relied on portable facilities at Tartaglio Park with limited success given the nature of the flows from the facilities. The significant use when recreational activities are happening and the lack of use when the fields are not in use has always presented a challenge for the Township and any bathroom facilities we have attempted to use. We have experienced failures in the septic system at Gabriel Fields and have never had adequate facilities at Tartaglio Park given the significant use of these complexes.

The Township believes that getting public sewer to the recreational areas will solve many of the problems with failed septic systems, the logistics of trying to have temporary facilities at these areas and security for children that utilize these areas. The Township intends to construct secure bathroom facilities at both of these locations if public sewer is permitted.

We recognize that these recreational complexes are in a Rural Development Area where public sewer is not generally permitted. We believe that the significant environmental benefits from the elimination of septic systems / portable bathroom facilities, continued protection of the Blue Heron Rookery on Genoa Avenue and allowing for secure facilities for kids (many of whom live in the Township's Regional Growth Area) outweigh any possible drawbacks. These changes will be limited to just the existing recreation facilities indicated.

We look forward to the Commission considering the changes which would allow for recreation facilities as a permitted use in the R5C Zone and allow their connection to public sewer. We thank the Commission staff for their assistance working with the Township on a solution as we believe public sewer is the answer. All of the sports organizations, parents, coaches and most importantly kids have been clamoring for the Township to figure out how we can provide better facilities at these parks for years. We are hopeful that this will move us closer to resolving the number one priority the sports organizations in the Township have been asking for.

Don Purdy, Mayor



## RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 36

**TITLE:** Issuing an Order to Certify the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township

Commissioner McBlinchey moves and Commissioner Conbauer seconds the motion that:

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

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

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

WHEREAS, on August 8, 2017, the Manchester Township Planning Board adopted by resolution the Manchester Township 2017 Housing Element & Fair Share Plan; and

WHEREAS, the Pinelands Commission received a certified copy of the Manchester Township Planning Board resolution adopting the 2017 Housing Element & Fair Share Plan on August 11, 2017; and

WHEREAS, on July 10, 2017, Manchester Township adopted Ordinance 17-008, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township by establishing a Pinelands Affordable Housing (PAF-1) zone within the Pinelands Regional Growth Area to implement one of the recommendations made by the 2017 Housing Element & Fair Share Plan; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 17-008 on July 11, 2017; and

WHEREAS, by letter dated August 15, 2017, the Executive Director notified the Township that the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008 was duly advertised, noticed and held on September 6, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township, are in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008 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 Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township, are in conformance with the Pinelands Comprehensive Management Plan. This determination of conformance applies only to Ordinance 17-008 and the recommendations made in Manchester's 2017 Housing Element & Fair Share Plan that affect the portion of Manchester Township located in the Pinelands Area.
2. Any additional amendments to Manchester Township's certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

BE IT FURTHER RESOLVED that

3. This Order applies only to Ordinance 17-008 and the recommendations made in Manchester's 2017 Housing Element & Fair Share Plan that affect that portion of Manchester Township located in the Pinelands Area. Recommendations made in the 2017 Housing Element & Fair Share that involve land use and development in that portion of the municipality located in the Pinelands National Reserve but outside the state-designated Pinelands Area will only be reviewed by the Pinelands Commission if Manchester Township requests such review pursuant to N.J.A.C. 7:50-3.39(b).

Record of Commission Votes

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

\* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date:

October 13, 2017

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 THE MANCHESTER TOWNSHIP 2017 HOUSING ELEMENT & FAIR SHARE  
PLAN AND ORDINANCE 17-008, AMENDING CHAPTER 245 (LAND USE AND  
DEVELOPMENT) OF THE CODE OF MANCHESTER TOWNSHIP**

September 29, 2017

Township of Manchester  
1 Colonial Drive  
Manchester, NJ 08759

**FINDINGS OF FACT**

I. **Background**

Manchester Township is located in northwestern Ocean County, in the northern portion of the Pinelands Area. Pinelands Area municipalities that abut Manchester Township include, in Ocean County, the Borough of Lakehurst and the Townships of Berkeley, Jackson, Lacey, Plumsted, and Toms River as well as, in Burlington County, the Townships of Pemberton and Woodland.

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

On August 8, 2017, the Manchester Township Planning Board adopted the 2017 Housing Element & Fair Share Plan. The Pinelands Commission received an adopted copy of the 2017 Housing Element & Fair Share Plan, together with a copy of the Planning Board's resolution of adoption, on August 11, 2017.

On July 10, 2017, Manchester Township adopted Ordinance 17-008, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township. The ordinance establishes the PAF-1 zone along with its regulations regarding permitted uses, bulk standards and Pinelands Development Credit requirements. The ordinance rezones four lots in the Pinelands Regional Growth Area from the existing Pinelands Retirement Community (PRC-1) zone (see Exhibit 1). Three lots are to be rezoned to the PAF-1 zone (the MDG tract) and one lot is to be rezoned to the existing Pinelands Single-Family Residential (PR-40) zone. The Pinelands Commission received an adopted copy of Ordinance 17-008 on July 11, 2017.

By letter dated August 15, 2017, the Executive Director notified the Township that the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008 would require formal review and approval by the Pinelands Commission.

## II. Master Plans and Land Use Ordinances

The following amendments have been submitted to the Pinelands Commission for certification:

- \* Manchester Township 2017 Housing Element & Fair Share Plan, adopted August 8, 2017; and
- \* Ordinance 17-008, amending Chapter 245 (Land Use and Development) of the Code of Manchester Township, adopted on July 10, 2017

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

### 1. **Natural Resource Inventory**

Not applicable.

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

Manchester Township's 2017 Housing Element & Fair Share Plan contains updated data and analysis pertaining to the Township's current and projected demographic, housing stock, and employment characteristics as well as an updated Fair Share Plan for the cumulative period 1987-2025. The Township's Fair Share Plan reflects the terms of the Settlement Agreement between Manchester Township and the Fair Share Housing Center, executed on February 7, 2017. The agreement stipulates that Manchester Township has a rehabilitation obligation of 99 units, a prior round obligation of 370 units, and a third round prospective need of 340 units.

The Fair Share Plan also includes an accounting of the mechanisms that will fulfill the Township's affordable housing obligation for the cumulative period 1987-2025. A number of sites are identified for inclusionary and other future affordable housing development. The majority of these sites are located in the Pinelands National Reserve, outside the state-designated Pinelands Area. As such, they have not been reviewed and are not the subject of this report. Such a review would occur only if Manchester Township were to request Commission review and certification of its master plan and land use ordinances as they apply to lands outside the Pinelands Area, in accordance with N.J.A.C. 7:50-3.39(b). Manchester Township has not yet elected to take advantage of this optional process.

Within the Pinelands Area, the 2017 Fair Share Plan recommends the rezoning of one site in the Regional Growth Area from the Pinelands Retirement Community (PRC-1) zone to a new Pinelands Affordable Housing (PAF-1) Zone. This recommendation reflects the terms of a new

settlement agreement between Manchester Township and the Manchester Development Group, executed February 17, 2017, which will assist the Township in addressing its affordable housing obligation.

Ordinance 17-008 implements the recommendations of the Fair Share Plan in the Pinelands Area by establishing the PAF-1 zone along with its regulations regarding permitted uses, bulk standards and Pinelands Development Credit requirements. The ordinance rezones four lots in the Pinelands Regional Growth Area from the existing Pinelands Retirement Community (PRC-1) zone. Three lots are to be rezoned to the PAF-1 zone (the MDG tract) and one lot is to be rezoned to the existing Pinelands Single-Family Residential (PR-40) zone (see Table 1; and Exhibit 1).

The lots subject to rezoning are currently undeveloped, contiguous and situated on the northern side of Ridgeway Road (County-Route 571) between Ridgeway Boulevard and Quarry Road (see Exhibit 1). The lots have a combined area of approximately 95 acres, abut existing residential development, and are located entirely within the Pinelands Regional Growth Area and within the existing PRC-1 zone.

*Table 1. Summary of Lots to be Rezoned by Ordinance 17-008*

<b>PRC-1 to PAF-1</b>	<b>PRC-1 to PR-40</b>
<b>Area:</b> 89 acres	<b>Area:</b> 6 acres
<b>Existing Lots:</b> 3	<b>Existing Lots:</b> 1
<b>Lots included:</b> Block 62: Lots 15, 16, 33	<b>Lots included:</b> Block 62: Lot 14

#### Pinelands Retirement Community (PRC-1) Zone

The PRC-1 zone currently permits single family houses, home occupations, agriculture and a variety of institutional uses such as churches and cemeteries. Also permitted are planned retirement communities, retirement community multi-family housing, senior citizen light care and continuing care for the elderly. Rather than specifying a permitted residential density, the zone specifies a maximum number of market-rate units which may be developed on the MDG tract. A maximum of 300 market rate units and 15 affordable units is permitted on the MDG tract in accordance with a 2007 builder's remedy settlement agreement. Pinelands Development Credits must be acquired and redeemed for thirty percent of the market rate residential units in the PRC-1 zone.

#### Pinelands Affordable Housing (PAF-1) Zone

The new PAF-1 zone will be composed of the MDG tract's three lots totaling 89 acres. The purpose of the PAF-1 zone is to provide multi-family housing for low- and moderate-income households in accordance with the 2017 Settlement Agreement between the Manchester Development Group and Manchester Township. The entire 89 acre tract is required to be developed as a planned multi-family residential development. The maximum number of units is limited to 404 multi-family residential units with a maximum of sixty percent of the units consisting of apartments and the remaining balance of units consisting of townhomes. Twenty percent of the project's total units are required to be set aside for occupancy by low- and moderate-income households. Permitted uses include multi-family residential units, including



garden apartments as well as attached single family residential units (i.e., townhomes). Various bulk and landscaping standards are also included.

#### Pinelands Single Family Residential (PR-40) Zone

A single six acre lot will be rezoned from the PRC-1 zone to the PR-40 zone. The lot would be permitted to have single-family dwelling units on one acre lots. While Pinelands Development Credits can be used in the PR-40 zone for to achieve a density bonus, Manchester requires a subdivision of at least 25 units in order to be eligible to use Pinelands Development Credits for bonus density. The six acre lot does not have enough area to be eligible for such a density bonus. Therefore, the single lot has a potential for up to six residential units.

*Table 2. Summary of Residential Capacity Enabled by Ordinance 17-008*

<b>Current Residential Capacity</b>	<b>Proposed Residential Capacity</b>
<b>PRC-1 Zone (95 acres): 315 units<sup>1</sup></b>	<b>PAF-1 Zone (89 acres): 404 units<sup>2</sup></b> <b>PR-40 Zone (6 acres): 6 units<sup>3</sup></b>
<b>Total Units: 315</b>	<b>Total Units: 410</b>

*1. This residential capacity value is based on Ordinance 07-018 establishing the PRC-1 zone. It specifies the number of units permitted in the zone rather than establishing a density. The number of units permitted was established based on a Builders' Remedy Settlement Agreement.*

*2. This residential capacity value is based on a 2017 Settlement Agreement between the Manchester Development Group, LLC and Manchester Township. It specifies the number of units permitted in the zone rather than establishing a density.*

*3. The residential capacity value is based on the minimum lot size of 1 acre as established for the PR-40 Zone.*

As a result of the rezoning enabled by Ordinance 17-008, Manchester's Regional Growth Area residential zoning capacity has increased by 95 units (see Table 2).

The development intensities, permitted uses and zoning changes adopted by Ordinance 17-008 are otherwise consistent with the standards for Pinelands Regional Growth Areas set forth in the Comprehensive Management Plan. Therefore, this standard for certification is met.

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

Not applicable.

### **4. Requirement for Municipal Review and Action on All Development**

Not applicable.

**5. Review and Action on Forestry Applications**

Not applicable.

**6. Review of Local Permits**

Not applicable.

**7. Requirement for Capital Improvement Program**

Not applicable.

**8. Accommodation of Pinelands Development Credits**

N.J.A.C. 7:50-3.39(a)8 requires that municipal ordinances provide for sufficient residentially zoned property in the Pinelands Regional Growth Area to be eligible for an increase in density via Pinelands Development Credits (PDCs) as provided for in N.J.A.C. 7:50-5.28(a)3. Pursuant to N.J.A.C. 7:50-5.28(a), Manchester Township's Regional Growth Area is required to provide an opportunity for the development of residential units at a base-density of 3.5 units per acre, with a bonus-density of up to 5.25 units per acre with the use of PDCs. This traditional approach requires that municipalities provide the *opportunity* for use of PDCs for 33% of the total number of residential units permitted in their Regional Growth Areas.

Ordinance 17-008 does not change the total area of residentially-zoned land in Manchester Township's Pinelands Regional Growth Area. However, as discussed in Section 1 above, the rezoning enabled by the ordinance does increase residential zoning capacity. The Township's prior zoning plan provided an opportunity for development of 315 units on the MDG tract, including 300 market rate units and 15 affordable units (a 5% set-aside). Based on the zoning changes adopted by Ordinance 17-008, a total of 404 units will now be permitted on the MDG tract, including 323 market rate units and 81 affordable units (a 20% set-aside).

The prior zoning plan for the MDG tract required the acquisition and redemption of PDCs for 30% of the market rate units developed on the site. In order to remain in compliance with N.J.A.C. 7:50-5.28(a)3, Ordinance 17-008 incorporates the same 30% PDC requirement within the new PAF-1 Zone. Units made affordable to low- and moderate-income households are excluded from the PDC requirement, up to the 20% set-aside required in the ordinance. It is important to note that affordable units beyond the required 20% will require that PDCs be acquired and redeemed at the 30% rate. As noted above, while PDCs are permitted to be used for a density bonus in the PR-40 Zone, the Township requires at project to have at least 25 lots within the subdivision in order to apply PDCs. Therefore, the one lot rezoned to the PR-40 Zone is not large enough to accommodate a 25-lot subdivision and no PDC use is anticipated.

The PDC requirements adopted by Ordinance 17-008 will result in an opportunity for the use of 97 rights (24.25 Pinelands Development Credits). While the overall PDC opportunity provided by the ordinance is not as high a number as would be provided through the more traditional approach described above requiring 33%, it is important to remember that the traditional base-

density/bonus-density approach utilized throughout the Pinelands Area only provides an *opportunity* for the use of PDCs. There is no requirement under the traditional approach that any PDCs be used in any particular development project. Ordinance 17-008 *guarantees* a PDC redemption rate of 30% for much of the potential development within the rezoned area while recognizing Manchester's need to increase density and provide for affordable housing. Furthermore, under the currently certified zoning plan, the development of a 100% affordable housing project would not require the purchase of any PDCs. The provisions included in Ordinance 17-008 that limit the percentage of affordable units exempt from PDC requirements prevent such an outcome in the new PAF-1 Zone. Given the greater certainty provided by this approach, the Executive Director finds that the PDC requirements adopted by Ordinance 17-008 are consistent with Comprehensive Management Plan standards.

This standard for certification is met.

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

Not applicable.

#### **10. General Conformance Requirements**

The Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan.

This standard for certification is met.

#### **11. Conformance with Energy Conservation**

Not applicable.

#### **12. Conformance with the Federal Act**

The Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008 are consistent with standards and provisions of the Pinelands Comprehensive Management Plan.

No special issues exist relative to the Federal Act; however, it should be noted that the Township's 2017 Housing Element & Fair Share Plan do recommend land use and development changes in that portion of the municipality located in the Pinelands National Reserve, outside the state-designated Pinelands Area. The Township has not requested that the Commission review and certify its master plan and land use ordinances applicable to that portion of the municipality; therefore, the Executive Director's review and recommendations concerning the 2017 Housing Element & Fair Share Plan are limited to only those provisions affecting the Pinelands Area.

This standard for certification is met.

### **13. Procedure to Resolve Intermunicipal Conflicts**

The lands rezoned by Ordinance 17-008 are not contiguous with or adjacent to any other municipalities. Therefore, this standard is not applicable.

#### **PUBLIC HEARING**

A public hearing to receive testimony concerning Manchester Township's application for certification of the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008 was duly advertised, noticed and held on September 6, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which no testimony was received.

Written comments on the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008 were accepted through September 13, 2017; however, none were received.


#### **CONCLUSION**


Based on the Findings of Fact cited above, the Executive Director has concluded that the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Accordingly, the Executive Director recommends that the Commission issue an order to certify the Manchester Township 2017 Housing Element & Fair Share Plan and Ordinance 17-008.

SRG/DBL/CMT  
Attachments

# Existing Conditions of Lots to be Rezoned

## Pinelands Management Areas

 Regional Growth Area

 Rezoned Lots

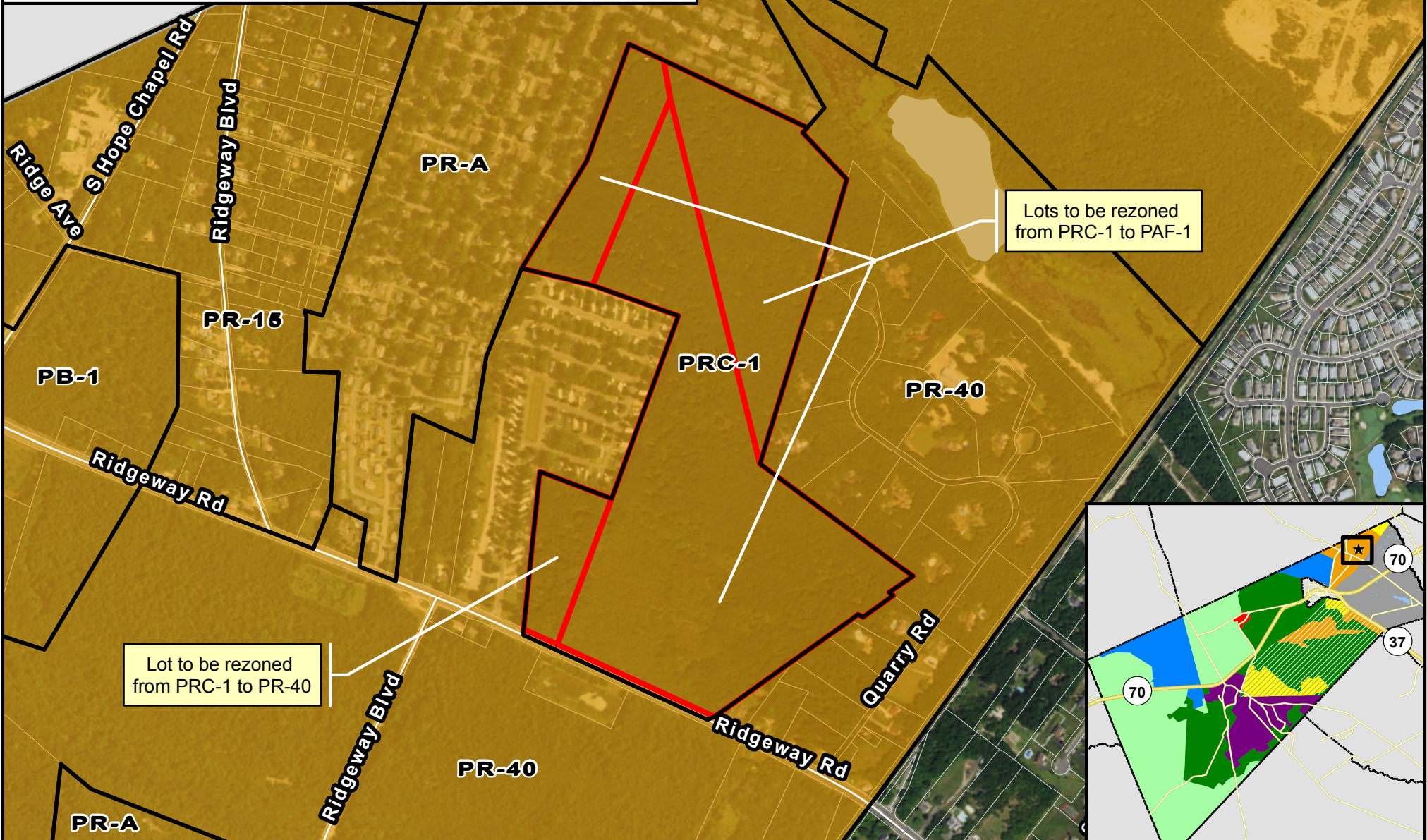
 Parcels

 Existing Zoning

N



0 0.25 0.5 Miles





## RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 37

TITLE: Issuing an Order to Certify Ordinance 662 of Maurice River Township

Commissioner Lombauer moves and Commissioner Jannarone  
seconds the motion that:

WHEREAS, on December 3, 1982, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Maurice River Township; and

WHEREAS, Resolution #PC4-82-93 of the Pinelands Commission specified that any amendment to Maurice River 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 #PC4-82-93 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 July 20, 2017, Maurice River Township adopted Ordinance 662, approving a Redevelopment Plan and establishing a new PB-O (Pinelands Business Overlay) zoning district for one parcel within the Pinelands Rural Development Area; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 662 on July 21, 2017 and a copy of the adopted Redevelopment Plan on July 23, 2017; and

WHEREAS, by letter dated August 3, 2017, the Executive Director notified the Township that Ordinance 662 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 662 was duly advertised, noticed and held on September 6, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Ordinance 662 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 662 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 662 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 662 and has reviewed the Executive Director's report; and

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

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

NOW, THEREFORE BE IT RESOLVED that

- 1. An Order is hereby issued to certify that Ordinance 662 of Maurice River Township is in conformance with the Pinelands Comprehensive Management Plan.
- 2. Any additional amendments to Maurice River 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.

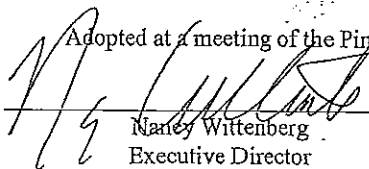
Record of Commission Votes

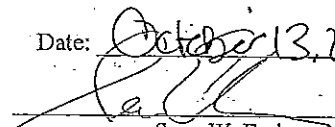
AYE NAY NP AR*				AYE NAY NP AR*				AYE NAY NP AR*			
Ashmun			X	Galletta	X			Prickett	X		
Avery	X			Jannarone	X			Quinn			X
Barr	X			Lloyd	X			Rohan Green			X
Brown	X			Lohbauer	X			Earlen	X		
Chifa			X	McGlinchey	X						

\* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: October 13, 2017

  
 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 MAURICE RIVER TOWNSHIP ORDINANCE 662, ADOPTING THE  
 PINELANDS BUSINESS OVERLAY REDEVELOPMENT PLAN**

September 29, 2017

Maurice River Township  
 P.O. Box 218  
 Leesburg, NJ 08327

**FINDINGS OF FACT**

I. Background

The Township of Maurice River is located in eastern Cumberland County, in the southern portion of the Pinelands Area. Pinelands municipalities that abut Maurice River Township include the City of Vineland in Cumberland County, the Townships of Buena Vista and Weymouth and the City of Estell Manor in Atlantic County and the Townships of Dennis and Upper in Cape May County.

On December 3, 1982, the Pinelands Commission fully certified the Master Plan and Development Regulations Ordinance of Maurice River Township.

On July 20, 2017, Maurice River Township adopted Ordinance 662, approving a redevelopment plan for a property in the Pinelands Rural Development Area. The Pinelands Commission received a certified, adopted copy of Ordinance 662 on July 21, 2017 and a copy of the adopted Redevelopment Plan on July 23, 2017.

By letter dated August 3, 2017, the Executive Director notified the Township that Ordinance 662 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 662, adopting a redevelopment plan for the Pinelands Business Overlay Redevelopment Area in Maurice River Township, introduced on June 7, 2017 and adopted on July 20, 2017.



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

**1. Natural Resource Inventory**

Not applicable.

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

Ordinance 662 adopts a Redevelopment Plan and establishes a new Pinelands Business Overlay (PB-O) zoning district for one property within Maurice River Township. The new PB-O zoning district encompasses one lot (Block 257, Lot 1) of approximately four acres in size. The primary purpose of the Redevelopment Plan is to encourage revitalization and redevelopment of the property, which was once the site of a boat repair and storage yard. As depicted on the map attached as Exhibit #1, the new PB-O District is located in the Township's PB (Pinelands Business) Zone, within the Pinelands Rural Development Area. It is triangular in shape and bordered by roads on all sides, with State Route 347 to the northeast, State Route 47 to the southwest and County Route 670 to the southeast. The Redevelopment Plan seeks to promote redevelopment of the property in a way that is consistent with existing nonresidential uses in the vicinity, takes advantage of the property's frontage and access to two state highways, creates job opportunities for Township residents and attracts new retail uses to serve the community and summer shore traffic.

Permitted uses in the PB-O District are limited to retail stores, personal service establishments, offices and restaurants, including drive-thru facilities. Other standards include a minimum lot size requirement of 3.95 acres, maximum impervious coverage of 50 percent, maximum building height of 35 feet and various parking, signage, landscaping and design requirements. These permitted uses and development standards are all consistent with those established by the Comprehensive Management Plan (N.J.A.C. 7:50-5.26) for Pinelands Rural Development Areas.

In terms of wastewater treatment, the Redevelopment Plan adopted by Ordinance 662 permits new development in the PB-O zoning district to be served by either a conventional septic system or an advanced treatment system. No matter the type of system used, the Redevelopment Plan requires that Comprehensive Management Plan water quality standards be met. Because the one property included in the PB-O zoning district is entirely surrounded by state and county highways, there are no contiguous lands that could be used for septic dilution purposes. This significantly limits the potential for any meaningful amount of commercial development on the site if a conventional septic system is used. Allowing an advanced treatment system to service the site will provide an opportunity for a modest amount of new commercial development while at the same time ensuring that Pinelands water quality standards (two parts per million nitrate/nitrogen at the property boundary) are satisfied.

It should be noted that the Comprehensive Management Plan (N.J.A.C. 7:50-6.84(a)5iii) generally limits the use of advanced treatment systems for nonresidential development to

Regional Growth Areas, Pinelands Villages and Pinelands Towns. The new PB-O zoning district is located in a Pinelands Rural Development Area, where the Comprehensive Management Plan permits the use of advanced treatment systems only for residential uses. However, Pinelands municipalities do have the ability to refine the various standards and provisions of the Comprehensive Management Plan and tailor them to local conditions, provided Comprehensive Management Plan goals and objectives continue to be achieved. In this case, the Comprehensive Management Plan seeks to control the intensity of nonresidential development in the Rural Development Area by limiting available wastewater service options to conventional septic systems, which can require significant amounts of land for septic dilution purposes.

To address this Comprehensive Management Plan objective, Maurice River Township's Redevelopment Plan requires that, if an advanced treatment system is proposed in the PB-O zoning district, vacant noncontiguous lands elsewhere in the Township's Rural Development Area will need to be acquired and permanently protected from future development. The amount of land that must be protected will be determined based on the projected wastewater flow from a proposed commercial use and how much land would be required to dilute that wastewater down to the two parts per million standard using a conventional septic system. After subtracting the acreage of the property to be developed (Block 257, Lot 1), the property owner or applicant will then need to permanently protect (i.e., deed restrict) the remaining balance of land at an off-site location elsewhere in the Township's Rural Development Area.

Requiring the permanent protection of noncontiguous lands is akin to the Pinelands density transfer program, which the Comprehensive Management Plan authorizes for residential development on undersized lots in the Rural Development Area. Under the density transfer program, if a new home is proposed on a one acre lot in a zoning district that normally requires five acres for every home, an applicant would be required to permanently protect four noncontiguous acres elsewhere in the municipality's Rural Development Area. This allows the overall residential density permitted in that Rural Development Area to remain unchanged, despite that fact that a smaller than normal piece of property is being developed. Here, the same concept is being applied, but for commercial, rather than residential, development.

Maurice River Township has chosen to recognize the unique circumstances of a single, small property within a Rural Development Area commercial zone. The Redevelopment Plan ensures that all Comprehensive Management Plan environmental standards will be met on-site, and the overall permitted intensity of development in the management area will not be increased. Therefore, this is an appropriate exercise of municipal flexibility and one that is consistent with the objectives of the Comprehensive Management Plan.

Ordinance 662 complies with the land use and development standards of the Comprehensive Management Plan. 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**

Maurice River Township Ordinance 662, adopting a redevelopment plan for the Pinelands Business Overlay District, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. This standard for certification is met.

**11. Conformance with Energy Conservation**

Not applicable.

**12. Conformance with the Federal Act**

Maurice River Township Ordinance 662, adopting a redevelopment plan for the Pinelands Business Overlay District, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

### 13. Procedure to Resolve Intermunicipal Conflicts

The redevelopment plan adopted by Ordinance 662 does not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

#### **PUBLIC HEARING**

A public hearing to receive testimony concerning Maurice River Township's application for certification of Ordinance 662 was duly advertised, noticed and held on September 6, 2017 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which the following testimony was received:

Maurice River Township Councilman Ken Whildin stated that the redevelopment plan addresses an "odd" situation created in the mid-1990s when traffic patterns were changed. A triangular lot, bordered on all three sides by roads, was the result. Mr. Whildon noted that a boat storage and repair business was previously operated on the property but was abandoned some time ago. The lot is located across the street from an existing gas station and WaWa. Mr. Whildin stated that the Township is trying to accommodate the development of a new Dunkin Donuts on the lot, to capture shore traffic and provide the municipality with a new economic ratable. The Township is large geographically (94 square miles) but very small in terms of population (3,500). Mr. Whildin stated that a new Dunkin Donuts would be a boon for the Township, one they've been waiting many years for.

Mayor Patricia Gross stated that the property in question was purchased by an investor three years ago. The property is located in an existing business corridor and is one of the only sites available in the municipality for new commercial development. She stated that the Township has been stagnant for many years; there have been no new businesses. She noted that the existing WaWa is one of the busiest in the county. She stated that the new Dunkin Donuts will be an asset to the Township economically by providing additional taxes and employment opportunities. In addition, the owner will be a good steward of the site. Development of the property is very important to the Township; the hope is that new commercial business at this site will encourage other new businesses to open in the existing, empty storefronts outside the Pinelands Area.

Mr. Ashwin Chaudhary introduced himself as the owner of the property included in the redevelopment plan and a successful Dunkin Donuts franchisee. He stated that this particular store would hire 15-20 employees. He stated that right now, Maurice River residents must travel to the Dunkin Donuts in Vineland for employment. Mr. Chaudhary stated that 70% of Dunkin Donuts business is now drive-thru, which should be factored in to the Commission's water quality (septic dilution) calculations. He noted that this new store will rely on well water, not city water or sewer. Their water consumption will be low. There will be no cooking (frying, grease) at the store; all of the cooking is now done at a central bakery, rather than in the individual Dunkin Donuts stores. He stated that normally, Dunkin Donuts provides three years for a franchisee to obtain approvals and construct a new store. He has been working longer than that on the current site; however, the company feels this is a great location and the Township has been very welcoming. Therefore, the development is still being pursued but the company is pushing to have it completed. He noted the long lines at WaWa at certain times of day, particularly when shift changes occur at the nearby prison. Mr. Chaudhary concluded by

emphasizing plans for community involvement at the new store, including blood drives, fundraisers and sponsorship of local teams and events.

There being no further testimony, the hearing was concluded at 9:50 a.m.

Written comments on Ordinance 662 were accepted through September 13, 2017; however, none were received.

### **CONCLUSION**




Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 662 complies with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinance 662 of Maurice River Township.




SRG/CMR  
Attachment

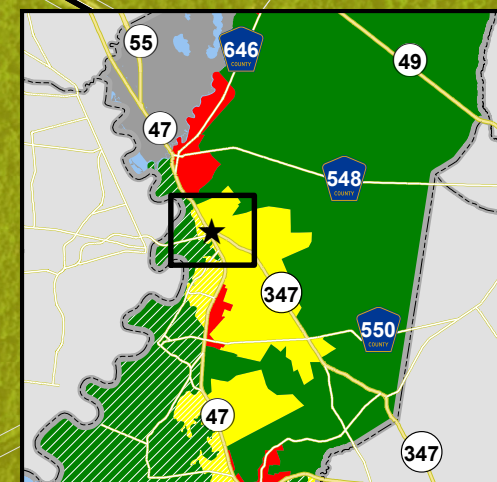
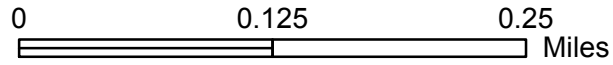
# Existing Conditions of Lot to be Rezoned

Executive Director's Report  
Maurice River Ordinance 662  
Exhibit 1  
9/29/2017

## Pinelands Management Areas

-  Rural Development Area
-  Rural Development Area (PNR)
-  Forest Area (PNR)

-  Rezoned Lot
-  Parcels
-  Existing Zoning





## RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 38

**TITLE:** To Adopt the Pinelands Commission's Fiscal Year 2018 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund, Katie Trust Fund and the Pinelands Conservation Fund

Commissioner Lohbauer moves and Commissioner McBlinney seconds the motion that:

WHEREAS, pursuant to the Pinelands Protection Act, the Pinelands Commission is charged with the continuing implementation and monitoring of the Pinelands Comprehensive Management Plan; and

WHEREAS, the State of New Jersey has appropriated \$2,649,000 to support the Commission's operations during Fiscal Year 2018; and

WHEREAS, the Department of the Treasury informed the Commission that \$687,000 of budgeted health benefits and pension costs will be covered through the State's interdepartmental accounts in FY 2018; and

WHEREAS, the Commission anticipates that additional funding sources of \$1,295,370 will be available to further support the Commission's operations; and

WHEREAS, the FY 2018 Operating Budget anticipates a \$394,468 draw from the Commission's unreserved, undesignated fund balance; and

WHEREAS, the Commission is adopting an Operating Budget for FY 2018 totaling \$5,025,838; and

WHEREAS, the remaining unreserved, undesignated fund balance amount is sufficient to cover unforeseen or emergency expenditures in the near future; and

WHEREAS, the Kirkwood Cohansey Aquifer Assessment Study Fund budget for FY 2018 recommends expenditures of \$163,792 which will be drawn from the Fund Balance for this project; and

WHEREAS, the Katie Trust Fund Garden Budget for FY 2018 recommends expenditures of \$20,638 which will be drawn from the Fund Balance for the Garden project; and

WHEREAS, a financial plan for the Pinelands Conservation Fund (PCF), which designated four programs (Land Acquisition, Conservation Planning and Research, Community Planning and Design and Education and Outreach) within the Fund, was approved by the Commission in April 2005, and revised in August 2009, and revised again in August 2014; and

WHEREAS, during FY 2018, the budget for the Land Acquisition program totals \$538,465; and

WHEREAS, the FY 2018 budget for the Conservation Planning and Research program totals \$438,626; and

WHEREAS, the FY 2018 budget for the Community Planning and Design program totals \$141,273; and

WHEREAS, the FY 2018 budget for the Education and Outreach program totals \$180,711; and

WHEREAS, the total budget for the Pinelands Conservation Fund during FY 2018 totals \$1,299,075 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 hereby adopts the attached Fiscal Year 2018 Budgets for the Operating Fund totaling \$5,025,838; the Kirkwood Cohansey Aquifer Assessment Study Fund totaling \$163,792; the Katie Trust Fund Garden Budget totaling \$20,638 and the Pinelands Conservation Fund totaling \$1,299,075.

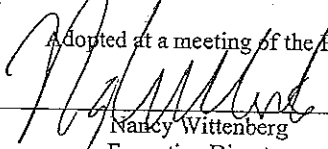
Record of Commission Votes

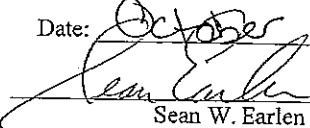
AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun			X	Galletta	X			Prickett	X		
Avery	X			Jannarone	X			Quinn			X
Barr	X			Lloyd	X			Rohan Green			X
Brown	X			Lohbauer	X			Earlen			X
Chila			X	McGlinchey	X						

\* A = Absained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: October 13, 2017

  
Nancy Wittenberg  
Executive Director

  
Sean W. Earlen  
Chairman



**PINELANDS COMMISSION  
OPERATING BUDGET REVENUES  
GENERAL FUND  
FISCAL YEAR 2018**

Revenue Source	FY2015 Budget	FY2016 Budget	FY2017 Budget	FY2018 Anticipated	Notes
State Appropriation	2,469,000	2,499,000	2,649,000	2,649,000	1
State Supplemental Funding (Fringe Benefits)	687,000	687,000	687,000	687,000	2
Miscellaneous Income	500	300	300	600	
Interest Income	1,500	1,500	2,000	5,000	3
MTMUA Hydrologic Monitoring	16,500	0	0	0	
CCMUA Hydrologic Monitoring	16,500	17,952	16,500	8,000	4
EPA Buffer Grant	41,500	0	0	0	
NPS - Long Term Environmental Monitoring	178,820	181,277	118,000	329,750	5
NPS - Long Term Economic Monitoring	105,280	106,723	37,000	328,750	5
Stockton College MOA	0	20,000	20,000	20,000	6
Vehicle Auction Proceeds	2,000	2,000	0	0	
Wetlands Permitting	3,000	200	200	2,000	7
Pinelands Application Fees	253,000	425,000	500,000	340,000	8
Utility Companies ROW Program	59,200	59,200	59,200	59,200	9
<b>TOTAL REVENUE</b>	<b>3,833,800</b>	<b>4,000,152</b>	<b>4,089,200</b>	<b>4,429,300</b>	
Microfilm Reserve Anticipated	13,650	3,650	3,650	3,650	10
Computer Reserve Anticipated	21,600	21,600	18,420	18,420	11
Fenwick Manor Painting Reserve Anticipated	0	40,000	80,000	100,000	12
Administrative Assessment (Pnlds. Conserv. Fund)	80,000	80,000	80,000	80,000	13
Undesignated Fund Balance Anticipated	366,482	496,310	370,442	394,468	14
<b>TOTAL OTHER INCREASES</b>	<b>481,732</b>	<b>641,560</b>	<b>552,512</b>	<b>596,538</b>	
<b>TOTAL REVENUE AND OTHER INCREASES</b>	<b>4,315,532</b>	<b>4,641,712</b>	<b>4,641,712</b>	<b>5,025,838</b>	

**PINELANDS COMMISSION  
OPERATING BUDGET EXPENDITURES  
GENERAL FUND  
FISCAL YEAR 2018**

Expenditure Account	FY2015 Budget	FY2016 Budget	FY2017 Budget	FY2018 Anticipated	Notes
<b>PERSONNEL</b>					
Salaries & Wages	2,452,800	2,473,705	2,540,554	2,691,781	15
Fringe Benefits	1,353,650	1,539,755	1,448,268	1,594,542	16,37
<b>TOTAL PERSONNEL</b>	<b>3,806,450</b>	<b>4,013,459</b>	<b>3,988,822</b>	<b>4,286,323</b>	
<b>SUPPLIES</b>					
Printing & Office Supplies	26,982	15,500	19,505	18,080	17
Vehicular Supplies	6,000	7,200	6,250	6,250	18
Household Supplies	4,200	6,000	7,800	8,450	19
Fuel & Utilities	39,000	41,100	42,150	42,350	20
Other Supplies	5,500	5,461	4,430	5,930	21
<b>TOTAL SUPPLIES</b>	<b>81,682</b>	<b>75,261</b>	<b>80,135</b>	<b>81,060</b>	
<b>SERVICES</b>					
Travel	5,900	8,000	8,610	14,900	22
Telephone	21,400	22,000	22,305	30,305	23
Postage	6,400	7,000	7,000	6,650	24
Insurance	40,800	43,900	45,800	51,900	25,37
Information Processing	63,400	69,500	94,780	77,471	26
Household Services	2,000	2,150	2,250	2,250	27
Professional Services	129,500	235,000	284,465	278,715	28,37
Other Services	17,900	21,679	23,075	28,640	29
<b>TOTAL SERVICES</b>	<b>287,300</b>	<b>409,229</b>	<b>488,285</b>	<b>490,831</b>	
<b>MAINTENANCE &amp; RENT</b>					
Maintenance - Buildings & Grounds	50,000	57,300	31,400	92,000	30
Maintenance - Equipment	17,000	25,500	17,700	17,700	31
Maintenance - Vehicular	3,350	6,000	5,750	5,750	32
Rent - Other	5,150	7,400	7,400	6,950	33
<b>TOTAL MAINTENANCE &amp; RENT</b>	<b>75,500</b>	<b>96,200</b>	<b>62,250</b>	<b>122,400</b>	
<b>IMPROVEMENTS &amp; ACQUISITIONS</b>					
Improvements - Buildings & Grounds	11,600	0	0	0	
Acquisitions - Vehicles	27,000	0	0	0	
Acquisitions - Equipment	4,400	3,563	3,800	4,619	34
Acquisitions - Information Processing Equipment	21,600	44,000	18,420	40,605	35
<b>TOTAL IMPROVEMENTS &amp; ACQUISITIONS</b>	<b>64,600</b>	<b>47,563</b>	<b>22,220</b>	<b>45,224</b>	
<b>TOTAL EXPENDITURES</b>	<b>4,315,532</b>	<b>4,641,712</b>	<b>4,641,712</b>	<b>5,025,838</b>	36

**PINELANDS COMMISSION  
OPERATING BUDGET  
FISCAL YEAR 2018 NOTES  
October 13, 2017**

1. The Governor's budget includes a FY 2018 State Appropriation to the Commission in the amount of \$2,649,000. This amount is the same as the FY2017 Appropriation.
  
2. State Supplemental Funding (Fringe Benefits) totaling \$687,000 helps to offset the Commission's health and pension costs. Since FY 2004, the Department of the Treasury has agreed to help the Commission finance its escalating health benefits premiums through an Interdepartmental Account. Beginning in FY 2009, the amount of assistance was calculated using projected health and pension costs not funded through other sources. Using this calculation, the Commission requested \$838,218 in FY 2012, \$837,927 in FY 2013, \$844,809 in FY 2014 and \$840,455 in FY 2015 but was only approved to receive \$687,000. In FY 2016, only \$687,000 was received and this amount was consistent for FY 2017 and will be for FY 2018.
  
3. Interest Income is earned in the Commissions checking account and the cash management fund designated for general use. Interest income for the Kirkwood Cohansey Aquifer Study and the Pinelands Conservation Fund is reflected in the budgets for those programs. Interest rates have fluctuated in recent years and have greatly affected interest income over several years and will continue to do so in FY 2018.
  
4. Monitoring for the Camden County MUA hydrologic projects will continue into FY 2017. Anticipated revenue is calculated using the amount to be paid to the USGS for this monitoring.
  
5. The Commission is entering its 24<sup>th</sup> year of the Environmental and Economic Long Term Monitoring programs. This anticipated revenue from the National Park Service is based upon that program's projected expenses during the fiscal year and unspent funds from prior years, which are reimbursed in full.
  
6. In November 2014, the Commission authorized the execution of a Memorandum of Agreement with Richard Stockton College (now University) to establish an alternative permitting process MOA. In accordance with Paragraph III.A.10., Stockton University is obligated to reimburse the Commission for staff costs associated with the development of the MOA and application fees for the review of any development projects conducted under the terms of the MOA.
  
7. The anticipated revenue from the NJDEP Wetlands Permitting program that the Commission helps to administer reflects the estimated permit fees to be received and is authorized through language in the Appropriations Act.
  
8. Application Fees of \$340,000 are anticipated to be received during FY 2018. This important component of the Commission's Operating Budget fluctuates tremendously from month to month. This funding source will be closely monitored throughout the fiscal year.

9. In October 2009, the Commission adopted the New Jersey Pinelands Electric Transmission Right-of-Way Maintenance Plan that authorizes the Utility Companies to maintain electric transmission rights-of-way without applying to the Commission. According to the Memorandum of Agreement, the companies pay an annual fee to cover the Commission's inspection and monitoring expenses.
10. The \$3,650 anticipated revenue from the Microfilm Reserve equals the amount being recommended in the expenditure accounts for items relating to permanent record storage, including microfilming and document imaging. The remaining balance in the Microfilm Reserve account will be held in reserve to sustain the future costs of the long term records management project.
11. The FY 2018 anticipated revenue from the Computer Reserve estimated at \$18,420 for Replacement Computers Replacement Printers and (2) new Servers. Additionally a wireless access point will be added and a Surveillance System.
12. The Fenwick Manor Painting Reserve has been established to earmark funds for the future painting of Fenwick Manor. Funds will be added annually until the project is complete. The current total consists of \$40,000 from FY15; \$40,000 from FY16 and \$20,000 from FY17. The Commission will continue to seek grant possibilities as an additional source of funding.
13. In April 2005, the Commission adopted a financial plan for the Pinelands Conservation Fund. Included in the plan is an annual assessment of \$20,000 from each of the four programs (see Pinelands Conservation Fund budget note #5). This \$80,000 administrative assessment will finance costs associated with cash management activities, accounting services, procurement services and centralized support services.
14. The projected amount needed from the Undesignated Fund Balance to balance the FY2018 budget deficit is \$394,468. Traditionally, the actual amount drawn from the fund balance at the fiscal year end is lower than anticipated. The amount in the Commission's fund balance is sufficient to cover the \$394,468 while leaving enough money to fund unforeseen expenses, emergencies and a similar budget deficit in the next few years.
15. The Commission's authorized staffing level is 66 full time equivalent positions (FTEs). Since FY 2007, unfilled vacancies have steadily increased to a total of 23 unfilled full time equivalent positions, or more than 35% of the authorized staffing level. The FY 2018 salaries and wages budgets (Operating, Kirkwood Cohansey Study and Pinelands Conservation Fund) finance only 42 of the 66 authorized full time equivalent positions.
16. The fringe benefits budget includes expenditures for the employer's share of Social Security (\$175,000), Medicare (\$45,000), disability insurance (\$2,000), flexible savings accounts (\$1,500) and miscellaneous administrative charges (\$1,000). The employer liability of pension related funds is estimated at \$365,000. The Commission's escalating health benefit premiums for active and retired employees are estimated at \$1,248,492 with a \$135,000 reduction for coinsurance payments

from staff members. Also included is \$13,070 for dental insurance premiums and \$675 for participation in the Employee Advisory Service. Lastly, \$202,072 of the total fringe benefits budget is projected to be funded by the Kirkwood Cohansey Study (\$16,692) and the Pinelands Conservation Fund (\$185,380) as shown in those budgets.

Upon Commission approval of the FY 2018 Operating Budget, the Executive Director will be authorized to pay the employer share of Social Security and Medicare at an amount not to exceed the budgeted funding of \$220,000.

17. The printing and office supplies budget includes expenditures for printing; office, computer, mailing, copying, and meeting supplies; office and computer equipment with an item cost of less than \$1,000; reference materials; scientific report printing/publication; and service awards. Grant-related expenses account for \$3,500 of this budget.

18. The majority of the vehicular supplies budget covers gasoline for Commission vehicles. Other costs budgeted in this account include replacement tires, supplies used for routine vehicular maintenance and other miscellaneous supplies such as keys, mats, scrapers and first aid kits. In FY 2010, the Commission's fleet was reduced from seven to five vehicles. However, high gasoline prices have offset some of the savings of a smaller fleet.

19. The household supplies budget provides for the purchase of materials to perform minor buildings and grounds maintenance, cleaning supplies, household paper products, basic kitchen supplies, household equipment costing less than \$2,000 and other operating supplies.

20. The fuel and utilities budget covers expenditures for heating fuel, electricity, water and sewer. During the latter part of FY 2016, the Commission was accepted into the State's cooperative purchasing for electricity and heating fuel.

21. The other supplies budget covers expenditures for supplies and equipment (less than \$1,000) supporting map-making, scientific research, fieldwork, and photographic needs. Grant related expenditures are a significant portion (over 88 %) of this account, totaling \$5,230 for FY2018.

22. The travel budget covers reimbursements to the staff for business mileage on their personal vehicles, tolls and parking, and meal allowances. The majority of the travel budget is used to reimburse Commissioners for business mileage and tolls.

23. The telephone budget includes basic service, toll charges, the service cost of a data circuit, conference calls, and cellular phone service and toll charges.

24. The postage budget finances general postage fees, parcel delivery charges and post office box rental charges. Over the last several years, this account has decreased as more correspondence is sent electronically including public outreach.

25. The insurance budget covers estimated premiums for automobiles, general liability, fire, theft, workers compensation, volunteers and the umbrella liability policy. Through the years, the

Commission has realized premium savings by participating in the States Tort Claims Fund and by including the Commission's buildings under the States property insurance.

Upon Commission approval of the FY 2018 Operating Budget, the Executive Director will be authorized to pay the State's insurance broker an amount not to exceed the budgeted funding of \$56,900.00 to cover the Commission's insurance premiums (\$51,900 from the Operating Budget and \$5,000 from the Pinelands Conservation Fund for related Visitor's Center policies).

26. The FY 2018 budget for information processing includes \$38,660 for software maintenance agreements and data purchases, \$4,000 for payroll processing, \$2,000 for database administration services and \$1,500 for online legal services and \$1,500 for hardware maintenance and \$23,761 for NJOIT services. Over \$10,050 of this budget is reimbursable through grants or special revenue.

27. The household services budget covers trash removal, alarm (security and fire) monitoring, and exterminating services.

28. The professional services account covers expenditures for legal fees, technical and consulting services, and other miscellaneous services. Estimated costs include \$75,000 for legal fees associated with DAG services, \$100,000 for labor counsel and \$15,000 for litigation, \$3,000 for the Office of Administrative Law assessment fees. Grant related technical services totaling \$44,715 are budgeted. Also included is \$16,000 for accounting services and \$25,000 for temporary staffing services.

29. Expenditures in the other services budget include annual subscriptions (\$1,470), required memberships (\$1,710), and meeting expenses (\$850); advertising (\$3,610), research related fees (\$500), training (\$13,650), and banking fees (\$1,000).

30. The maintenance buildings and grounds budget for FY 2018 includes a major maintenance project estimated at an amount of \$20,000 to prepare and paint all or part of the exterior of the Fenwick Manor building. Tree Cutting at the estimate of \$30,000 and an estimate for a Generator for \$30,000. The remaining \$12,000 is available for minor maintenance services (plumbing, electrical, HVAC, etc.).

31. The maintenance - equipment budget provides for the inspection, maintenance and repair of certain building systems and other equipment. Included is \$8,600 for the buildings' systems (fire equipment, elevator, security, and access), \$4,600 for office equipment, and \$2,000 for scientific equipment and \$1,500 for maintenance equipment.

32. The maintenance vehicular budget finances routine maintenance, vehicular fees, and repairs, including any needed body work not performed by the Commission's Maintenance Technician.

33. Since FY 2011, several changes in the rent other budgets have occurred. In FY2011 a smaller postage machine was rented saving thousands in acquisition, rental and maintenance expenses. The FY 2018 budget includes \$500 for the postage meter, \$6,100 for the lease of (2) black and white copiers, \$100 for excess copy charges, and \$250 for the safe deposit box.

34. The acquisitions - equipment budget contains \$4,619 for scientific equipment supporting the long term environmental monitoring program funded by the National Park Service.

35. The acquisitions - information processing equipment budget includes the replacement computers (\$11,000), replacement scanner (\$4,750), an Accounting Server (\$7,500); an additional Rack Server (\$7,500) and a replacement Printers (\$1,355). New projects such as Wireless Internet Access Points (\$500) and a Surveillance System (\$8,000) are anticipated to be installed in FY18.

36. The total estimated Operating Budget expenditures for FY 2018 equal \$5,025,838. During the fiscal year, certain unforeseen and/or emergency expenditures may become necessary. The Personnel and Budget Committee has discussed this issue and recommends that the Executive Director be authorized to exceed the budget of an expenditure category (personnel, supplies, services, maintenance/rent, improvements/acquisitions) by no more than 10% provided that funds are available in other expenditure categories to ensure that the total Operating Budget is not exceeded and provided further that the combined salary budgets for the Operating Fund, Kirkwood-Cohansey Study and the Pinelands Conservation Fund do not exceed \$3,080,380.67.

37. Several expenditure account budgets include funding for various services and benefits that are reimbursed to the State of New Jersey and are over the Executive Director's authorized contracting limit of \$40,000. These consist of employee health benefits; the employer liability assessed by the Division of Pensions and the Commission's attorney (DAG) fees.

Upon Commission approval of the FY 2018 Operating Budget, the Executive Director will be authorized to pay the State of New Jersey for the aforementioned items in an amount not to exceed the budgeted funding.

**PINELANDS COMMISSION  
KIRKWOOD COHANSEY AQUIFER ASSESSMENT STUDY  
FISCAL YEAR 2018 BUDGET**

	FY2015 Budget	FY2016 Budget	FY2017 Budget	FY2018 Anticipated	Notes
<b>REVENUE PROJECTIONS</b>					
Interest Income	150	150	300	1,000	1
<b>Total Revenue</b>	150	150	300	1,000	
K/C Study Fund Balance Anticipated	239,600	225,815	152,816	162,792	2
<b>Total Revenue/Reserve Anticipated</b>	239,750	225,965	153,116	163,792	

Expenditure Account	FY2015 Budget	FY2016 Budget	FY2017 Budget	FY2017 Anticipated	Notes
<b>PERSONNEL</b>					
Salaries & Wages	25,000	31,490	37,100	32,100	3
Fringe Benefits	12,750	17,475	17,066	16,692	4
<b>TOTAL PERSONNEL</b>	37,750	48,965	54,166	48,792	
<b>SUPPLIES</b>					
Printing & Office Supplies	1,500	1,500	500	500	5
Vehicular Supplies	-	-	-	-	
<b>TOTAL SUPPLIES</b>	1,500	1,500	500	500	
<b>SERVICES</b>					
Travel	50	50	50	50	
Telephone	-	-	-	-	
Information Processing	450	450	400	450	
Professional Services	200,000	175,000	98,000	114,000	6
Other Services	-	-	-	-	
<b>TOTAL SERVICES</b>	200,500	175,500	98,450	114,500	
<b>Total Expenditures</b>	239,750	225,965	153,116	163,792	



**PINELANDS COMMISSION  
KIRKWOOD COHANSEY AQUIFER ASSESSMENT FUND  
FISCAL YEAR 2018 BUDGET NOTES  
October 13, 2017**

1. The funds provided from the Water Supply Fund to prepare the Kirkwood Cohansey Aquifer Assessment and Report are kept in a separate cash account. The interest income estimated at \$1,000 stays within the program and is available to help fund the project. This amount is an increase from the last few years due to interest rates slowly rising. The cumulative interest earnings are accounted for as Fund Balance.
2. It is likely that any remaining Fund Balance existing at the end of the fiscal year will be used to support the Commission's development of water supply policies and/or regulations.
3. The FY 2018 salaries and wages budget finances salary expenses of employees who spend time working on this project and are estimated at \$32,100.
4. The fringe benefits budget represents the chargeable benefits calculated using the OMB issued "Employee Benefit" reimbursement rates for FY 2017. (Rates for FY17 have been made available in Circular Letter 17-09-OMB).
5. The printing and office supplies budget of \$500 represents the estimated cost to print and publish the final report.
6. The professional services budget of \$114,000 represents the continued work of USGS needed in preparation of the final report and associated Programming Services.

**PINELANDS COMMISSION  
KATIE TRUST FUND  
FISCAL YEAR 2018 BUDGET**

Revenue	FY 2018 Anticipated	Notes
Katie Trust Fund Balance Anticipated	20,638	1
Total Reserve Anticipated	<u>20,638</u>	

Expenditure Account	FY 2018 Anticipated	Notes
Ground Supplies		
Plants	9,638	2
Total Supplies	<u>9,638</u>	
Services		
Professional Services	10,000	3
Total Services	<u>10,000</u>	
Improvements & Acquisitions		
Acquisitions - Furniture	1,000	4
Total Improvements & Acquisitions	<u>1,000</u>	
Total Expenditures	<u>20,638</u>	

**PINELANDS COMMISSION  
KATIE TRUST FUND  
FISCAL YEAR 2018 BUDGET NOTES  
October 13, 2017**

1. This is the anticipated Fund Balance needed to complete the Garden Project.
2. The Ground Supplies budget of \$9,638 represents the estimated cost of the plants listed below:

Brunnera Macophylla - Siberian Bugloss	168	@	\$5.75	\$966.00
Cornusflorida - Flowering Dogwood	4	@	\$57.00	\$228.00
Dicentra eximia - Wild Bleeding Heart	224	@	\$5.75	\$1,288.00
Eurybia divaricate/Aster divaricatus - White Wood Aster	150	@	\$5.00	\$750.00
Fothergilla gardenia - Dwarf Fothergilla	73	@	\$22.50	\$1,642.50
Hepatica americana - Roundleaf Liverleaf	30	@	\$5.25	\$157.50
Hosta Francee - Hosta	55	@	\$4.50	\$247.50
Osmundastrum cinnamomeum - Cinnamon Fern	42	@	\$5.95	\$249.90
Rhus Aromatica 'Gro Low' - Fragrant Sumac	41	@	\$21.50	\$881.50
Tiorella cardifolia - Foamflower	140	@	\$5.25	\$735.00
Tradescantia virginiano - Spider lily	145	@	\$4.00	\$580.00
Viburnum acerijolium - Maple-leaved Viburnum	75	@	\$25.50	\$1,912.50
Total Supplies				\$9,638.40

3. The Professional Services budget of \$10,000 represents the New Path in Concrete, Exposed Aggregate or Flagstone.
4. The Acquisitions – Furniture budget is for 2 Memorial Benches that will be purchased.

**PINELANDS COMMISSION  
PINELANDS CONSERVATION FUND  
FISCAL YEAR 2018 BUDGET**

Revenue Source	FY2015 Budget	FY2016 Budget	FY2017 Budget	FY2018 Anticipated	Notes
EPA Grant - Intermittent Ponds	84,000	84,000	0	0	
EPA Grant - Natural and Created Wetlands	83,000	83,000	0	0	
Interest Income - Land Acquisition	700	650	1,500	5,000	1
Interest Income - Conservation Planning & Research	2,700	2,300	4,000	15,000	1
Interest Income - Community Planning & Design	2,100	1,200	1,500	5,000	1
Interest Income - Education & Outreach	0	440	1,000	5,000	1
<b>Total Revenue</b>	<b>172,500</b>	<b>171,590</b>	<b>8,000</b>	<b>30,000</b>	
Cancellation of Prior Year Encumbrances	0	0	0	0	
Reserves for Pinelands Conservation Activities	1,461,673	1,840,204	1,808,792	1,269,075	2
<b>Total Revenue/Other Sources Anticipated</b>	<b>1,634,173</b>	<b>2,011,794</b>	<b>1,816,792</b>	<b>1,299,075</b>	

Expenditure Account	FY2015 Budget	FY2016 Budget	FY2017 Budget	FY2018 Anticipated	Notes
<b><u>Land Acquisition</u></b>					
Salaries & Wages	45,000	84,029	12,320	12,000	
Fringe Benefits	23,000	42,380	5,667	6,240	
Information Processing	816	1,600	1,000	225	
Professional Services	25,000	25,000	0	0	
Land Acquisition	797,598	750,000	600,000	500,000	
Administrative Assessment	20,000	20,000	20,000	20,000	3
<b>Total Land Acquisition Expenditures</b>	<b>911,414</b>	<b>923,009</b>	<b>638,987</b>	<b>538,465</b>	4

**Conservation Planning and Research**

Salaries & Wages	213,000	222,629	284,785	231,000	
Fringe Benefits	108,630	113,704	131,001	120,120	
Printing & Office Supplies	300	100	700	250	
Household Supplies (clothing)	730	1,300	1,100		
Other Supplies	4,259	1,844	1,526		
Travel	350	9,000	7,150	4,175	
Information Processing	16,000	5,700	7,000	6,628	
Technical Services	61,600	70,000	136,600	54,353	
Professional Services		100,000			
Other Services	2,250	2,000	2,100	2,100	
Acquisitions - Equipment					
Acquisitions - Information Processing Equipment					
Administrative Assessment	20,000	20,000	20,000	20,000	3
<b>Total Conservation Planning/Research Expenditures</b>	<b>427,119</b>	<b>546,277</b>	<b>591,962</b>	<b>438,626</b>	5

**Community Planning and Design**

Salaries & Wages	111,000	62,217	61,000	65,000	
Fringe Benefits	56,610	31,910	28,060	33,800	
Printing & Office Supplies	50	150	100	125	
Other Supplies					
Travel	100	100	50	25	
Postage	250	250	250	200	
Information Processing		2,570	1,370	923	
Other Services	150	150	150	21,200	
State Aid and Grants	26,250				
Administrative Assessment	20,000	20,000	20,000	20,000	3
<b>Total Community Planning/Design Expenditures</b>	<b>214,410</b>	<b>117,347</b>	<b>110,980</b>	<b>141,273</b>	6

**Education and Outreach**

Salaries & Wages	23,000	34,749	40,000	48,500	
Fringe Benefits	11,730	17,791	18,400	25,220	
Printing & Office Supplies	1,000			650	
Other Supplies	0	2,500	1,500	1,450	
Information Processing	25,000		0		
Other Services	500	350,121	394,963	84,891	
Administrative Assessment	20,000	20,000	20,000	20,000	3
<b>Total Education and Outreach</b>	<b>81,230</b>	<b>425,161</b>	<b>474,863</b>	<b>180,711</b>	7

<b>Total Expenditures</b>	<b>1,634,173</b>	<b>2,011,794</b>	<b>1,816,792</b>	<b>1,299,075</b>	
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**PINELANDS COMMISSION**  
**PINELANDS CONSERVATION FUND**  
**FISCAL YEAR 2018 BUDGET NOTES**  
**October 13, 2017**

1. The funds provided from Atlantic City Electric (formerly Conectiv) and other related revenue sources are kept in four separate cash accounts, one for each program of the Fund. The FY 2018 estimated interest income totals \$30,000 and is comprised of interest income from the four cash accounts. All interest income stays within the particular program and is available to help fund the various projects.
2. The difference between the revenues and expenditures for the year, estimated at \$1,269,075 is financed from the Reserves for Pinelands Conservation Activities. Each of the four programs (Land Acquisition, Conservation Planning and Research, and Community Planning and Design, Education and Outreach) has its own reserve account.
3. The financial plan that designated the three original programs within the Fund (Land Acquisition, Conservation Planning & Research and Community Planning & Design) was approved by the Commission in April 2005 and includes a \$20,000 annual assessment from each program to cover administrative expenses as described in Operating Budget note #13. The Commission amended the PCF policies in 2014 to include a fourth program, Education & Outreach, from which a \$20,000 annual administrative assessment is also drawn.
4. The Land Acquisition program budget for FY 2018 totals \$538,465. Personnel costs (salaries/wages and fringe benefits) are estimated at \$18,240 in support of the PCF and Limited Practical Use land acquisition initiatives. Land acquisitions could total up to \$500,000. Software maintenance supporting the land acquisition program is anticipated to be \$225. Rounding out the budget is the \$20,000 administrative assessment mentioned above.
5. The Conservation Planning and Research program budget for FY 2018 totals \$438,626. Personnel costs (salaries/wages and fringe benefits) are estimated at \$351,120 to support the following initiatives and special projects: implementation of the rapid landfill assessment, implementation of the comprehensive Hammonton wastewater management/water supply plan, implementation of the alternate septic system pilot program / septic system management, continuation of the roadside plants management project, management of threatened and endangered species data and rulemaking for the Black Run watershed. Also included in this year's budget is \$34,353.36 for technical services from the USGS associated with the EPA created wetlands research project and \$20,000 for technical services from the USGS associated with a new Barnegat Bay research project. Miscellaneous expenses (software, mileage, reference books, training, and scientific supplies and equipment) supporting the conservation planning and research program equal \$13,153. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

6. The Community Planning and Design program budget for FY 2017 totals \$141,273. Personnel costs (salaries/wages and fringe benefits) are estimated at \$98,800 to support the following initiatives and special projects: continued implementation and analysis of the Forest and Rural Development Area clustering rules, the Pinelands Development Credit enhancement rules, and administration of the Pinelands Development Credit Bank. Also included in this year's budget is \$21,000 for temporary programming services to redesign the PDC Bank tracking system. Miscellaneous expenses (software, postage, printing, meeting expenses and legal advertisements) supporting the program equal \$ 1,473. Rounding out the budget is the \$20,000 administrative assessment mentioned above.
  
7. The Education and Outreach program budget for FY 2017 totals \$180,711. Personnel costs (salaries/wages and fringe benefits) are estimated at \$73,720 to support the opening/operation of the Visitors Center, the annual World Water Monitoring Challenge and two new projects, an archaeological symposium and an archaeological field school with Monmouth University. There is additional cost anticipated for the Exhibit Center estimated at \$79,891. Miscellaneous expenses (printing, supplies and other services) supporting the program equal \$7,100. Rounding out the budget is the \$20,000 administrative assessment mentioned above.