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Governor
TAHESHA L. WAY
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, February 14, 2025 - 9:30 a.m.

This meeting will be held in-person and virtually.

Richard J. Sullivan Center for Environmental Policy and Education
Terrence D. Moore Conference Room
15C Springfield Road
New Lisbon, New Jersey

Watch the meeting on the Pinelands Commission YouTube channel via the following link:

<https://www.youtube.com/watch?v=5rp6JIVvQM8>

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 849 8254 8151

1. Call to Order

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

2. Adoption of Minutes

- January 10, 2025

3. Committee Chairs' and Executive Director's Reports

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

A. Permitting Matters

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

Resolution Approving With Conditions (2) Applications for Public Development:

- Application No. 1996-1133.006 - Barnegat Township
Construction of an elevated potable water storage tank
Barnegat Township
- Application No. 2024-0086.001 - Estell Manor City
Paving of approximately 2,000 linear feet of the Linwood, Maryland and 13th
Avenue rights-of-way
Estell Manor City

Resolution Approving With Conditions (1) Application for Public Development:

- Application No. 1981-1833.082 - Stockton University
Construction of a new replacement sanitary sewer pumping station
Galloway Township

B. Planning Matters

- Municipal Master Plans and Ordinances
 - Issuing an Order to Certify Ordinance 2024-32, amending Chapter 55 (Land Use) of the Code of Barnegat Township
 - Issuing an Order to Certify Berlin Township's 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15, amending Chapter 340 (Zoning) of the Code of Berlin Township
- Other Resolutions
 - None
- CMP Amendments
 - None

5. Public Comment on Public Development Applications and Waivers of Strict Compliance ***Where the Record is Not Closed***

A. Public Development Projects

- Application No. 1981-0809.013 – NJDEP
Construction of a 1,370 square foot maintenance building
Jackson Township
- Application No. 1997-0257.021 – New Jersey Turnpike Authority
Widening of the Garden State Parkway from three to four lanes for 2.9 miles
Borough of South Toms River

- Application No. 2000-0637.006 – NJDEP
Construction of a paved driveway and vehicle storage area at an existing office building
Washington Township
- Application No. 2006-0247.002 – Egg Harbor City
Three lot resubdivision with no further development
Egg Harbor City

B. Waivers of Strict Compliance

- None

6. Master Plans and Ordinances Not Requiring Commission Action

- None

7. General Public Comment

8. Resolution to Retire into Closed Session (if needed) – Personnel, Litigation and Acquisition Matters. *(The Commission reserves the right to reconvene into public session to take action on closed session items.)*

9. Adjournment

Upcoming Meetings

Fri., February 28, 2025
Fri., March 14, 2025

Policy & Implementation Committee Meeting (9:30 a.m.)
Pinelands Commission Meeting (9:30 a.m.)

To ensure adequate time for all members of the public to comment, we will respectfully limit comments to **three minutes**. Questions raised during this period may not be responded to at this time but where feasible, will be followed up by the Commission and its staff.

Pinelands Commission and Committee meeting agendas are posted on the Commission's Website and can be viewed at www.nj.gov/pinelands/ for more information on agenda details, e-mail the [Public Programs Office](mailto:PublicProgramsOffice@pinelands.nj.gov) at Info@pinelands.nj.gov.

PINELANDS COMMISSION MEETING

MINUTES
January 10, 2025

All participants were either in-person or present via Zoom conference and the meeting was livestreamed through YouTube: <https://www.youtube.com/watch?v=EeKMv5V6KR0>

Commissioners Participating in the Meeting

Nicholas Asselta, Alan W. Avery Jr., Deborah Buzby-Cope, Dan Christy, John Holroyd, Jerome H. Irick, Mark Lohbauer, Mark Mauriello, William Pikolycky, Jessica Rittler Sanchez, Douglas Wallner and Chair Laura E. Matos. Also participating were Executive Director Susan R. Grogan, Deputy Attorney General (DAG) Jay Stypinski and Governor's Authorities Unit representative Alexis Franklin.

Commissioners Absent

Theresa Lettman and Jonathan Meade.

Call to Order

Chair Matos called the meeting to order at 9:31 a.m.

DAG Stypinski read the Open Public Meetings Act Statement (OPMA).

DAG Stypinski administered the oath of office to Deborah Buzby-Cope, who will serve as a gubernatorial appointee.

Commissioner Buzby-Cope said she is honored to serve on the Commission and is looking forward to the new role. She said she is familiar with the Commission's work in her former elected official capacity for Bass River Township.

Executive Director (ED) Grogan called the roll and announced the presence of a quorum. Twelve Commissioners participated in the meeting.

The Commission pledged allegiance to the Flag.

Minutes

Chair Matos presented the open and closed session minutes from the Commission's December 13, 2024 meeting. Commissioner Irick moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The minutes from the December 13, 2024 Commission meeting were adopted by a vote of 11 to 0. Commissioner Buzby-Cope abstained from the vote.

Executive Director's Report

ED Grogan provided information on the following matters:

- At the December 13th meeting, the Commission authorized the signing of Collective Negotiation Agreements with the Communications Workers of America (CWA). The agreements were signed early this week after expiration of the Governor's veto period for the meeting minutes. Staff is currently calculating the retroactive salary increases and has scheduled a special open enrollment period that will occur next week for employees who wish to switch their health insurance plans. She said it's good news to have the collective bargaining process complete.
- The Fenwick Manor Rehabilitation project has experienced a setback. After working for approximately a year with the Division of Property Management and Construction, an obstacle has arisen and will result in Commission staff having to redraft a Request for Proposal and manage the contract. The delay is unfortunate and will ultimately increase the cost of the project. It may be necessary to request additional funding for the project.

Chuck Horner, Director of Regulatory Programs, provided information on the following regulatory matter:

- Hamilton Township completed an application for a soil cap on its closed landfill and the development of solar energy facility. A threatened and endangered (T&E) species survey determined the presence of a T&E species. Staff provided guidance to the applicant on revising its plan while maintaining consistency with the T&E standards. Staff met with municipal employees, elected officials and the applicant in mid-December to ensure that everyone understood the issues. Soon after that meeting, the applicant submitted a plan depicting the suggested forested corridors to protect the T&E species. This application will be scheduled for Commission action in the coming months.

Stacey Roth, Chief, Legal and Legislative Affairs, said a complaint was filed against Artistic Materials located in Southampton Township on January 2nd. She said for years, the property owner has been in violation of its Pinelands Development Credit (PDC) deed restriction and the Comprehensive Management Plan's (CMP) wetlands standards. Commission staff has been

working closely with the Attorney General's office for quite some time because the CMP does not provide the Commission with direct enforcement authority. The New Jersey Department of Environmental Protection (NJDEP), the holder of the PDC deed restriction, has joined the litigation. The property owner has 35 days to file an Answer to the complaint.

Gina Berg, Director of Land Use Programs, provided an update on the following matters:

- Staff is currently planning the 3rd annual Permanent Land Preservation Summit, which will be held in late March or April. A possible theme for the Summit may be accessible trails.
- A Planning Specialist has been hired and their start date is January 27th.
- Staff will be meeting to discuss necessary changes to the National Park Service (NPS) workplan.

Brad Lanute, Chief Planner, reviewed upcoming agenda items for the January 31st Policy and Implementation Committee meeting:

- Staff will report on a Master Plan and Ordinance from Berlin Township regarding a proposed management area change, and an ordinance from Barnegat Township amending an existing Regional Growth Area zone.
- Staff will also provide two presentations: an overview of the updated Preliminary State Plan, the Cross-acceptance process, and their relationship to the Pinelands; and trends seen in 2024 as they relate to municipal conformance.

Paul Leakan, Communications Officer, said the 36th annual Pinelands Short Course will be held at Stockton University on March 8th, and it will feature 37 presentations, including 24 new programs. He said Commissioners are invited to attend the event at no cost.

He said later today, Commission staff will be leading a tour of the Pinelands for visitors from the United Nations Educational, Scientific and Cultural Organization (UNESCO), including a delegation from New York and France, along with NYC chef Daniel Humm.

He said the Commission oversees the Pinelands biosphere reserve, and the U.S. Biosphere program contacted staff late last week to see if we could lead a tour of farms for the chef and the delegation, in order to learn about and discuss a biosphere reserve's role in sustaining environmentally sound farming and the production of local food. A local farm has agreed to take our group on a guided bus tour of their farm and adjacent Whitesbog Village, which is the birthplace of the cultivated highbush blueberry. The tour will end with a visit to the Pinelands Preservation Alliance's Rancocas Creek farm, which is chemical-free.

Public Development Projects and Other Permit Matters

Chair Matos introduced a resolution for the installation of a pedestrian walkway at Stockton University.

Commissioner Irick made a motion Approving With Conditions an Application for Public Development (Application Number 1981-1833.080)(See Resolution # PC4-25-01). Commissioner Lohbauer seconded the motion.

Director Horner said Stockton University is proposing concrete walkways at its Galloway campus. He noted that the public development report provides an overview of a conservation deed restriction associated with a 2015 Memorandum of Agreement. He said Stockton University is in the final steps in the process of recording a revised conservation deed restriction that will remove certain existing development from the deed restricted conservation areas. The pedestrian walkways are not located in the deed restricted areas.

The resolution was adopted by a vote of 12 to 0.

Public Comment on Development Applications and Items Where the Record is Open

Director Horner briefly described the three projects up for comment:

- Replacement of a sanitary sewer pumping station at Stockton University;
- Construction of an elevated potable water storage tank in Barnegat Township; and
- Installation of 2,000 linear feet of road improvements in the City of Estell Manor

No one from the public offered comment on these applications.

Ordinances Not Requiring Commission Action

Chief Planner Lanute said the Land Use Programs office reviewed 11 ordinances in December that raised no substantial issues with respect to the CMP. The memo included in the meeting packet provides descriptions of the ordinances.

He noted that ordinances from Chesilhurst Borough and Mullica Township implemented the 2023 CMP amendments related to the Kirkwood-Cohansey rule.

Lastly, he said staff worked with Stafford Township to resolve a zoning map error dating back to at least 2008. The issue arose during the review of an application for a single-family dwelling in the Township's Regional Growth Area. Although the site was on a street with many existing single-family homes, it and surrounding properties were mistakenly zoned for Recreation and Open Space, affecting the property owner's ability to obtain approvals.

General Public Comment

Mark Thomas of New Lisbon, NJ, said he is the founder of the Rancocas Conservancy, the Land Trust for the Rancocas Creek. He said a group of volunteers preserved and/or manage 2,500 acres. He said changing the Black Run Preserve from a Rural Development Area to a Forest Area is a very important matter. He said the Black Run Preserve is in the Rancocas Creek watershed and water coming in from Voorhees and Berlin wrap around the Black Run. He urged

the Commission to make the Management Area change. He said he is dedicated to the Rancocas Creek Watershed, expressed gratitude for the Commission's work and offered assistance regarding the rehabilitation of Fenwick Manor.

Fred Akers of the Great Egg Harbor Watershed Association welcomed Dr. Buzby-Cope to the Commission. He said the NJDEP issued the 2024 State Water Supply Plan, and the report determined that some areas in the Pinelands, specifically the HUC 11 Great Egg Harbor River, has stressed groundwater supply values. He said the Commission recently amended the CMP to protect the Kirkwood-Cohansey aquifer. A golf course in Winslow Township has applied for a 225% increase of its water allocation permit. He said the NJDEP is scheduled to grant the permit and that action could be devastating to the Pinelands ecology. He said there needs to be better coordination when an applicant is requesting an increase to its water allocation permit in the Pinelands Area given the current conditions of climate change, drought concerns and potential for increased water usage. He noted the story of the Berlin well. See attached handout.

John Volpa, Evesham Township, NJ, said the Aerohaven section of the Black Run Preserve serves as connector for wildlife but has sustained damage from illegal ORV activity. He said this area should be considered for restoration as part of the accessible trails MOA now under consideration between the Commission and Evesham Township. See attached written comments.

Bob Smith, Turnersville, NJ, said he is an attorney and has been doing Pinelands work for approximately 20 years. He questioned the Commission on a change in policy related to applicants' ability to speak directly to the Commission's Environmental Specialists.

Chair Matos said that the public comment period is not a question-and-answer session. She said this is an opportunity for members of the public to provide comment.

Mr. Smith said a three-minute public comment limitation is ridiculous and he has never heard of such a thing in his long career. He said his post-retirement goal is to educate the Commission about what happens in the Regulatory Programs office. He said he has had a good working relationship with Commission staff for 20 years. He said he has not been able to talk to the Commission's Environmental Specialists during the past few months because the new policy seems to be "we will never talk to you". He noted that there has been some disagreement about OPRA with attorneys and warned this could result in the Commission's having to pay legal fees. He stated that he will be doing research and plans to bring others to future public meetings to voice their complaints.

He requested that Commissioner Asselta make a motion to extend the three-minute public comment period. Commissioner Asselta agreed to make the motion. No other Commissioners seconded the motion.

Heidi Yeh of the Pinelands Preservation Alliance (PPA) welcomed Commissioner Buzby-Cope. She provided a brief summary of what PPA does. She said PPA is concerned that the NJDEP is rubber-stamping the water allocation request for the golf course in Winslow Township. She said the applicant has demonstrated that there will be no net increase to its annual permit but will be

pumping more during the drier months. She asked that the Commission staff share their expertise with the NJDEP on this matter since the water resources in the area are stressed.

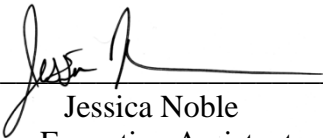
Commissioner Rittler Sanchez said she is concerned about the water allocation increase for the golf course.

ED Grogan said staff is aware of the application and will be coordinating with the NJDEP on the matter.

Adjournment

Commissioner Irick moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 10:17 a.m.

Certified as true and correct:



Jessica Noble
Executive Assistant

Date: January 14, 2025



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-25- 01

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 1981-1833.080)

Commissioner Irick 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:

1981-1833.080	
Applicant:	Stockton University
Municipality:	Galloway Township
Management Area:	Pinelands Regional Growth Area Pinelands Rural Development Area
Date of Report:	December 20, 2024
Proposed Development:	Construction of 1,250 linear feet of six foot wide pedestrian walkways.

WHEREAS, the development subject of App. No. 1981-1833.080 is located on 1,586 acre Block 875.04, Lots 1.01-1.08 in Galloway Township;

WHEREAS, on September 10, 2010, the Commission approved Stockton University’s 2010 Master Plan, which set forth a comprehensive plan for the future development and expansion of the campus in recognition of increased enrollment and projected future growth;

WHEREAS, the 2010 Master Plan designated eight specific “Development Areas” on the campus and proposed the permanent protection of 1,257 acres on and proximate to the campus; and

WHEREAS, on November 5, 2010, Stockton University recorded a conservation deed restriction on the 1,257 acres located on and proximate to the campus; and

WHEREAS, on May 11, 2015, the Commission and Stockton University entered into a Memorandum of Agreement (MOA) establishing a streamlined Commission development application review and approval process for development proposed in the eight “Development Areas;” and

WHEREAS, subsequent to entering into the MOA, Stockton University paved Delaware Avenue, a sand road (App. No. 1981-1833.077), constructed a 49 space parking lot and pedestrian walkway (App. No. 1981-1833.078) and constructed a new sanitary sewer pumping station (App. No. 1981-1833.082) on the parcel prior to approval of the development in accordance with the provisions of the MOA; and

WHEREAS, the development that occurred and is subject of App. No. 1981-1833.077, App. No. 1981-1833.078 and App. No. 1981-1833.082 is located within the areas subject of the MOA conservation deed restriction area and constitutes a violation of the MOA application and approval requirements: and

WHEREAS, by letter dated August 31, 2016, the Commission suspended the MOA following a determination by Commission staff that development had occurred within the deed restricted conservation area; and

WHEREAS, the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.2(c)1ii) provides that no application to the Commission shall be deemed complete if an outstanding unresolved violation exists on a parcel until such time that the property owner agrees in writing to take all necessary measures to eliminate the violation in a time period acceptable to the Commission’s Executive Director; and

WHEREAS, by letter dated January 5, 2024, Stockton University proposed to take all measures necessary to eliminate the violation(s), including revising the conservation deed restriction, in a time period acceptable to the Executive Director; and

WHEREAS, as of January 2, 2025, Stockton University is in the process of recording a revised conservation deed restriction that will remove certain existing development, such as roads and an

elevated potable water storage tank from the deed restricted conservation areas; and

WHEREAS, based upon the January 5, 2024 Stockton University letter and its progress in recording a revised conservation deed restriction, the Executive Director has agreed that this application can be acted upon by the Commission and

WHEREAS, the proposed pedestrian walkway subject of this application is not located within the conservation deed restricted areas; and

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 1981-1833.080 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

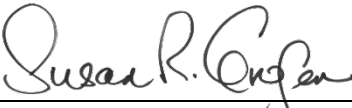
Record of Commission Votes

AYE NAY NP A/R*					AYE NAY NP A/R*					AYE NAY NP A/R*				
Asselta	X				Irick	X				Pikolycky	X			
Avery	X				Lettman			X		Rittler Sanchez	X			
Buzby-Cope	X				Lohbauer	X				Wallner	X			
Christy	X				Mauriello	X				Matos	X			
Holroyd	X				Meade			X						


*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: January 10, 2025



Susan R. Grogan
Executive Director



Laura E. Matos
Chair



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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

December 20, 2024

Charles West
Office of Facilities Planning and Construction (via email)
Stockton University
101 Vera King Farris Drive
Galloway NJ 08205

Re: Application # 1981-1833.080
Block 875.04, Lots 1.01 - 1.08
Galloway Township

Dear Mr. West:

The Commission staff has completed its review of this application for the construction of 1,250 linear feet of six foot wide concrete pedestrian walkways. 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 January 10, 2025 meeting.

On May 11, 2015, the Commission and Stockton University entered into a Memorandum of Agreement (MOA) designating eight "Development Areas" and establishing a streamlined Commission development application review and approval process. As required by the MOA, Stockton University placed a conservation deed restriction on portions of the above referenced 1,586 acre parcel. The areas subject of the deed restriction are depicted on a plan referenced in the MOA.

Subsequent to entering into the MOA, Stockton University paved Delaware Avenue, a sand road (App. No. 1981-1833.077), constructed a 49 space parking lot and pedestrian walkway (App. No. 1981-1833.078) and constructed a new sanitary sewer pumping station (App. No. 1981-1833.082) on the parcel. This development was undertaken prior to approval of the development in accordance with the provisions of the MOA. By letter dated August 31, 2016, the Commission suspended the MOA.

The development that has occurred and is subject of App. No. 1981-1833.077, App. No. 1981-1833.078 and App. No. 1981-1833.082 constitutes a violation of the application and approval requirements of the Pinelands Comprehensive Management Plan (CMP). The development subject of App. No. 1981-1833.077 and App. No. 1981-1833.082 occurred within areas subject of the MOA conservation deed restriction. Based upon the development that occurred in the deed restricted areas constituting a violation on the parcel, the Commission has been unable to approve numerous Stockton University development applications that are located both within and outside of the deed restricted areas.

The CMP (N.J.A.C. 7:50-4.2(c)1ii) provides that no application to the Commission shall be deemed complete if an outstanding unresolved violation exists on the parcel until such time that the property owner agrees in writing to take all necessary measures to resolve the violation(s) in a time period acceptable to the Commission's Executive Director.

By letter dated January 5, 2024, Stockton University proposed to take all measures necessary to eliminate the violation(s), including revising the conservation deed restriction, in a time period acceptable to the Executive Director. Stockton University is in the process of recording a revised conservation deed restriction. The revised deed restriction will remove certain existing development, such as roads and an elevated potable water storage tank from the deed restricted conservation areas.

The proposed pedestrian walkway subject of this application is not located within the deed restricted areas. Based upon the January 5, 2024 Stockton University letter and its progress in recording a revised conservation deed restriction, the Executive Director has agreed that this application can be acted upon by the Commission.

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

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

Sincerely,

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

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Galloway Township Planning Board (via email)
Galloway Township Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)
Kyle Humphreys (via email)



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General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

PUBLIC DEVELOPMENT APPLICATION REPORT

December 20, 2024

Charles West
Office of Facilities Planning and Construction (via email)
Stockton University
101 Vera King Farris Drive
Galloway NJ 08205

Application No.: 1981-1833.080
Block 875.04, Lots 1.01 - 1.08
Galloway Township

This application proposes construction of 1,250 linear feet of six foot wide concrete pedestrian walkways located on the above referenced 1,586 acre parcel in Galloway Township.

The proposed pedestrian walkways will connect existing student dormitories to the main campus building.

On May 11, 2015, the Commission and Stockton University entered into a Memorandum of Agreement (MOA) designating eight "Development Areas" and establishing a streamlined Commission development application review and approval process. As required by the MOA, Stockton University placed a conservation deed restriction on portions of the parcel. The areas subject of the deed restriction are depicted on a plan referenced in the MOA.

Subsequent to entering into the MOA, Stockton University paved Delaware Avenue, a sand road (App. No. 1981-1833.077), constructed a 49 space parking lot and pedestrian walkway (App. No. 1981-1833.078) and constructed a new sanitary sewer pumping station (App. No. 1981-1833.082) on the parcel. This development was undertaken prior to approval of the development in accordance with the provisions of the MOA. On August 31, 2016, the Commission suspended the MOA.

The development that has occurred and is subject of App. No. 1981-1833.077, App. No. 1981-1833.078 and App. No. 1981-1833.082 constitutes a violation of the application and approval requirements of the Pinelands Comprehensive Management Plan (CMP). The development subject of App. No. 1981-1833.077 and App. No. 1981-1833.082 occurred within areas subject of the MOA conservation deed restriction. Based upon the development that occurred in the deed restricted areas constituting a violation on the parcel, the Commission has been unable to approve numerous Stockton University development applications that are located both within and outside of the deed restricted areas.

The CMP (N.J.A.C. 7:50-4.2(c)1ii) provides that no application to the Commission shall be deemed

complete if an outstanding unresolved violation exists on the parcel until such time that the property owner agrees in writing to take all necessary measures to resolve the violation(s) in a time period acceptable to the Commission's Executive Director.

By letter dated January 5, 2024, Stockton University proposed to take all measures necessary to eliminate the violation(s), including revising the conservation deed restriction, in a time period acceptable to the Executive Director. Stockton University is in the process of recording a revised conservation deed restriction. The revised deed restriction will remove certain existing development, such as roads and an elevated potable water storage tank from the deed restricted conservation areas.

The proposed pedestrian walkway subject of this application is not located within the deed restricted areas. Based upon the January 5, 2024 Stockton University letter and its progress in recording a revised conservation deed restriction, the Executive Director has agreed that this application can be acted upon by the Commission.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.26 & 5.28)

The parcel is located partially in a Pinelands Rural Development Area (approximately 603 acres) and partially in a Pinelands Regional Growth Area (approximately 983 acres). The proposed development will be located in the Pinelands Regional Growth Area portion of the parcel. The proposed pedestrian walkways are a permitted land use in a Pinelands Regional Growth Area.

Wetlands Standards (N.J.A.C. 7:50-6.6)

There are wetlands located on the above referenced parcel. The proposed development will be located at least 300 feet from wetlands.

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

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

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

The proposed 1,250 linear feet of six foot wide concrete pedestrian walkways will result in an increase of 7,525 square feet of impervious surfaces.

As indicated above, a 49 space parking lot and pedestrian walkway proposed in App. No. 1981-1833.078 were constructed prior to Commission approval. Subsequently, App. No. 1981-1833.078 was completed with the Commission. However, the Commission has been unable to act on App. No. 1981-1833.078 due to the violations associated with development that occurred within the areas subject of the MOA conservation deed restriction.

Stockton University is currently resolving the violations associated with development that occurred within the areas subject of the MOA conservation deed restriction by recording a revised conservation deed restriction. However, due to the length of time required to resolve the conservation deed restriction issue, the public notice previously completed for App. No. 1981-1833.078 must be redone.

To construct the proposed 49 space parking lot and pedestrian walkway subject of App. No. 1981-1833.078, Stockton University removed approximately 10,000 square feet of paved parking areas and concrete pedestrian walkways.

The removal of the approximately 10,000 square feet of paved parking areas and concrete pedestrian walkways resulted in a reduction in impervious surfaces of approximately 10,000 square feet. App. No. 1981-1833.078 and the 1,250 linear feet of six foot wide concrete pedestrian walkways subject of this Report are located within the same drainage area. In combination, the two applications will result in an overall decrease in impervious surfaces of approximately 2,475 square feet.

There will be no increase in the volume and rate of stormwater runoff after the development of the proposed 1,250 linear feet of six foot wide concrete pedestrian walkways than occurred prior to the proposed development.

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

The Commission staff reviewed available information to determine the potential for any significant cultural resources that could be affected by the proposed development. Based upon the lack of potential for significant cultural resources within the area to be developed, a cultural resource survey was not required.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on November 5, 2024. The application was designated as complete on the Commission's website on November 12, 2024. The Commission's public comment period closed on December 13, 2024. 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 20 sheets, prepared by Marathon Engineering & Environmental Services, all sheets dated March 28, 2018.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



PHILIP D. MURPHY
Governor
TAHESHA L. WAY
Lt. Governor

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



LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

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 January 7, 2025 and include the following information:

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






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

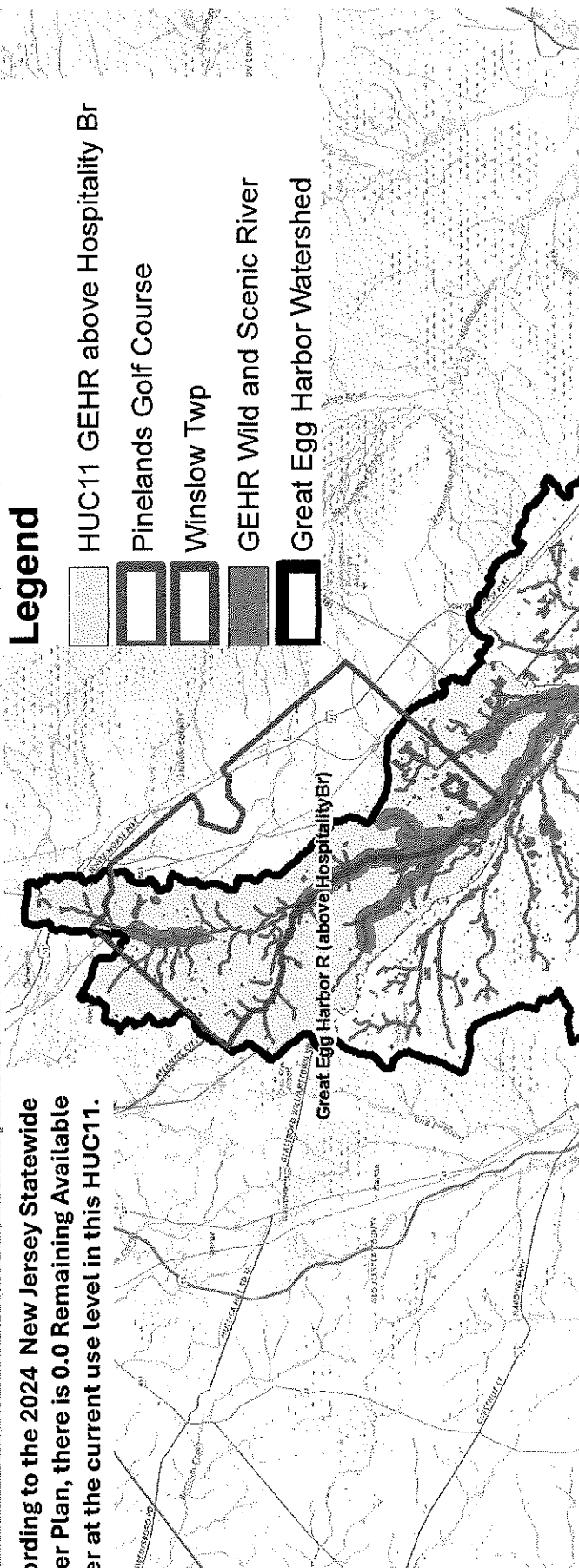
Table 15B. Summary of HUC11 Remaining Available Water and Full Allocation

DEP Value	HUC11	HUC11 Name	Peak Available Water Year With ⁵ (mgd)	Current			Full Allocation (F.A.)			Largest Dep-Con Loss		
				Net Dep-Con (mgd)	% Available Used	Remaining Available Water (mgd)	Net Dep-Con (mgd)	% Available Used	Remaining Available Water (mgd)	Largest Loss Current Use	Largest Loss Available F.A. Use	Largest Loss % Available Water (F.A.)
111	02040302030	Great Egg Harbor R (above HospitalityBr)	2018 4.5	5.9	131%	0.0	19.7	438%	0.0	Potable	Potable	100%

According to the 2024 New Jersey Statewide Water Plan, there is 0.0 Remaining Available Water at the current use level in this HUC11.

Legend

-  HUC11 GEHR above Hospitality Br
-  Pinelands Golf Course
-  Winslow Twp
-  GEHR Wild and Scenic River
-  Great Egg Harbor Watershed



Handout from Fred Akers
submitted at the
January 10, 2025 meeting

NJ DEPT. OF ENVIRONMENTAL PROTECTION NEWS RELEASE

FOR IMMEDIATE RELEASE, 9/30/02

Contact: Amy Cradic(609) 984-1795

DEP Takes Enforcement Action Against Golf Courses Violating Water Supply Act

Severe Drought Conditions Continue

(02/91) TRENTON – Reinforcing the vital need to adhere to drought emergency restrictions, New Jersey Department of Environmental Protection's (DEP) Commissioner Bradley M. Campbell today announced that seven golf courses have been fined for violating the state's Water Supply Management Act.

"New Jersey is still experiencing severe water shortfalls and conservation remains a critical responsibility of residents and businesses alike," said Commissioner Campbell. "We understand that golf courses and other industries have financial concerns as a result of drought restrictions, and we have worked to accommodate them when possible. However, ensuring the public an adequate supply of safe drinking water is our first priority."

Investigating compliance with water use restrictions, DEP issued Notices of Violation and penalties ranging from \$1,000 to \$50,000 to the following golf courses: Westlake Golf Course & Country Club, Jackson Township, Ocean County; Shore Oaks Golf Club, Howell Township, Monmouth County; Eagle Ridge Golf Course, Lakewood Township, Ocean County; Cohanzick Country Club, Bridgeton, Cumberland County; the Pinelands Golf Course, Winslow Township, Camden County; Running Deer Golf Course, Pittsgrove Township, Salem County, and the Buena Vista Country Club, Buena Vista Township, Atlantic County.

On March 11, 2002, DEP issued an Administrative Order prohibiting golf courses from using more than 50 percent of their monthly allocation of water under the department's Water Allocation Permit and Water Use Registration programs. In response to concerns raised by golf course operators, a subsequent order was issued on June 20, 2002 allowing golf courses to use 80 percent of their monthly water allocation.

As required under the Water Supply Management Act, any person who has the capability to draw 100,000 gallons of water per day must obtain a DEP issued Water Use Registration regardless of the amount they plan to use. For those entities that draw more than 100,000 gallons of water per day, they must obtain a Water Allocation Permit. The installation of flow meters is required as part of a Water Use Registration issued to golf courses in order to provide the department a record of their actual water usage.

Westlake Golf Course & Country Club has the capability to draw 100,000 gallons per day or more of water from its eight wells for irrigation. From September 1999 through October 2000, Westlake diverted 29.03 million gallons of water without obtaining a required Water Use Registration or

Water Allocation Permit. Westlake obtained a registration on November 17, 2000. In 2001, Westlake violated its Water Use Registration by drawing more than 100,000 gallons of water per day from May through October. Similar violations were committed during May and June in 2002. On August 5, 2002, a settlement agreement was reached between Westlake and the DEP in the amount of \$15,000. Westlake was issued a water allocation permit on August 16, 2002.

Shore Oaks Golf Club has the capability to draw more than 100,000 gallons of water per day from four wells and an onsite pond for irrigation. Shore Oaks diverted water from May 1992 through the present without a valid Water Use Registration or Water Allocation Permit from the department. On September 9, 2002, Shore Oaks and the DEP came to a settlement agreement in the amount of \$50,000, and has since applied for a Water Use Registration and Water Allocation Permit.

Eagle Ridge Golf Course has the capability to draw more than 100,000 gallons of water per day from four wells and an onsite pond for irrigation. Eagle Ridge diverted water from October 1999 through the present without a valid Water Use Registration or Water Allocation Permit from the department. On September 4, 2002, Eagle Ridge and the DEP came to a settlement agreement in the amount of \$25,000. Eagle Ridge has applied for a Water Use Registration.

The remaining four of the seven golf courses in violation were cited and fined for failure to install flowmeters on water diversion sources.

On July 11, 2002, an Administrative Order and Notice of Civil Administrative Penalty Assessment in the amount of \$4,000 was issued to Buena Vista Country Club. On the same date, Cohanzick Country Club was issued a \$1,000 penalty and the Pinelands Golf Course a \$3,000 penalty. To date, flow meters have been installed at each facility and settlement agreements have been reached.

In addition, on August 15, 2002, Running Deer Golf Course was fined \$3,000 for failing to install water meters on its water diversion sources. They have subsequently installed the required meters.



State of New Jersey

PHILIP D. MURPHY
GOVERNOR

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SHAWN M. LATOURETTE
COMMISSIONER

TAHESHA L. WAY
LT. GOVERNOR

Mail Code 401-04Q
Division of Water Supply & Geoscience
New Jersey Geological and Water Survey Element
Bureau of Water Allocation & Well Permitting
401 E. State Street - P.O. Box 420
Trenton, New Jersey 08625-0420
Tel #: (609) 984-6831 - Fax #: (609) 633-1231
<https://www.nj.gov/dep/watersupply/>

NOTICE OF PUBLIC HEARING

IN THE MATTER OF: PINELANDS GOLF COURSE

Application No. 2278P to divert water from 4 wells and 1 pond intake in Winslow Township, Camden County.

NOTICE OF PUBLIC HEARING, DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF WATER SUPPLY & GEOSCIENCE, TRENTON, NEW JERSEY. Pursuant to provisions of the Water Supply Management Act, N.J.S.A. 58:1A-1 *et seq.*, PINELANDS GOLF COURSE, 887 S Mays Landing Road, Winslow Township, NJ, 08037, filed an application on March 7, 2023 for approval of plans to divert 7 million gallons of water per month (MGM) and 33.48 million gallons of water per year, at a maximum rate of 1000 gallons per minute (GPM) from 4 wells, 85 to 100 feet deep completed in the Kirkwood-Cohansey Formation and 1 pond intake. This request represents an increase of 3.9 MGM and 500 GPM above the current limits of Water Use Registration 10940W with the addition of three existing small capacity wells and a 500 GPM increase in the pond intake capacity. The wells and intake are located in Winslow Township, Camden County off of Mays Landing Road. The diversion is to be used for golf course irrigation, public non-community supply and maintenance.

NOTICE IS HEREBY GIVEN THAT a public hearing has been scheduled on Wednesday, January 15th, 2025, at 10:00 A.M. The hearing will be conducted virtually through the Department's video conferencing software (Microsoft Teams). A link to the virtual public hearing will be provided on the Division of Water Supply and Geoscience website, <https://nj.gov/dep/watersupply> under the "What's New" section. The hearing is being held to afford the public an opportunity to be heard on this application. Pursuant to the provisions of the Water Supply Management Act, N.J.S.A. 58:1A-1 *et seq.*, and the regulations promulgated pursuant thereto at N.J.A.C. 7:19 *et seq.*, this public hearing shall be held before a Hearing Officer for the Division of Water Supply & Geoscience. The applicant and other interested persons will have the opportunity to present and submit information and comment in favor of or in opposition to the application. The applicant and other interested persons may each be represented by counsel, but this is not required. In response to this notice, any person may submit written comments in favor of or in opposition to approval of the application until close of business on the date of the public hearing to: catherine.foley@dep.nj.gov.

If you are interested in providing oral testimony at the virtual public hearing, please email the Department at catherine.foley@dep.nj.gov no later than 12:00 P.M. Tuesday, January 14th, 2025, with your contact information (name, organization, telephone number, and email address). Please note that the Department will be recording the hearing.

The Department encourages electronic submittal of comments to catherine.foley@dep.nj.gov. In

the alternative, comments may be submitted on paper to:

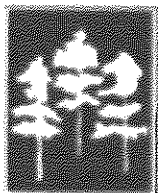
Catherine Foley
Mail Code 401-04Q
Department of Environmental Protection
Division of Water Supply & Geoscience
P.O. Box 420
Trenton, New Jersey 08625-0420

The Hearing Officer shall have reasonable discretion in holding the hearing record open after the public hearing to receive written comments relative to the application and to allow the applicant to correct deficiencies in its application and respond to comments received at the public hearing.

After the close of the hearing record, the Hearing Officer, pursuant to N.J.A.C. 7:19-2.11, shall review the application, written comments and the transcript of the public hearing and submit a written report containing findings and recommendations to the Decision Maker for a final decision on the application.

The application and pertinent data may be examined by appointment only, by contacting Catherine Foley of the Bureau of Water Allocation & Well Permitting, Division of Water Supply & Geoscience, 401 E. State Street, Trenton, New Jersey 08625. The Bureau of Water Allocation & Well Permitting can be contacted at (609) 984-6831.

BY ORDER OF THE DIVISION OF WATER SUPPLY & GEOSCIENCE



PINELANDS PRESERVATION ALLIANCE

Protecting and Exploring New Jersey's Pine Barrens

Protection | Ecology | Exploration | History & Society | Teachers & Students | Support PPA

[RETURN HOME](#)

[Protection](#)

[Past Major Campaigns](#)
[The Berlin Well](#)



**Support
PPA**

[Help Protect the
Pinelands!](#)



[Volunteer today](#)

The Berlin Well

The story of the Berlin Well is a lesson in the problem of boundaries. You have to address what is happening inside and outside the Pinelands boundaries if you want to protect this unique ecosystem. This story also demonstrates that PPA and a group of committed citizens really can make a difference.

A Historical Overview

In 1997 a new well was constructed, just outside of the Pinelands boundaries, to provide water to thousands of Camden County residents. Berlin Well #12 was only 84 feet deep and pumped water from the shallow Kirkwood-Cohansey aquifer. The water level in this aquifer is a few feet beneath the ground surface in most areas of the Pinelands. It is for this reason that the Kirkwood-Cohansey aquifer is the lifeblood of New Jersey's Pinelands, providing over 90% of the water you see in its wetlands, streams and rivers.

Berlin Well #12 started pumping water in 1997 but that same year the \$2 million facility was shut down because it produced water with a bad smell and bad taste. It was determined that bacteria from wetlands located just 750 feet from the well had caused the water quality problems. This was the first indication that the well was stealing water from the nearby wetlands.

In June 2000, after an expensive filtration system was installed to correct the odor problem, the Well was turned on and began pumping 450 gallons a minute from the Kirkwood-Cohansey aquifer. That same month residents of Marlton Lakes noticed that Kettle Run, a primary feeder stream for the lake system in Evesham Township, was drying up. This stream, closest to the Well, would flow briefly after thunderstorms but within a few days it would dry up along with the surrounding wetlands. This was a new phenomenon,

something that residents had never experienced before. These wetlands are home to some amazing plant and animal life, including the federally threatened Swamp Pink. The Well was located just outside the Pinelands boundaries but the dramatic, detrimental effects were seen within the boundaries.

Time to Take Action

A small group of private citizens, led by PPA took action. PPA helped residents to press the Department of Environmental Protection (DEP) for tests and action on the well. PPA staff obtained records showing Berlin Borough and DEP anticipated the impact on Kettle Run wetlands, but approved the well anyway. PPA was able to help residents sort through the volumes of technical information and find information buried in DEP files. Recognizing the unique opportunity to shape future water supply policy to protect wetlands and aquatic habitat, PPA requested a formal hearing to present detailed information supporting the claim that the well should be turned off... permanently.



(+ ZOOM) Berlin Well © PPA

All's Well that ends Well

In June 2001, with test results showing the well was draining the wetlands, DEP instructed Berlin to turn the well off and find another source of municipal water. This was a major victory for the environment and residents of Marlton Lakes! Any reduction in water flowing into the lakes would have been a serious problem since the bacteria levels in the lakes would have risen, and could have resulted in beach closings. This was a situation where the environment and the quality of life for residents of a lake community was in jeopardy.

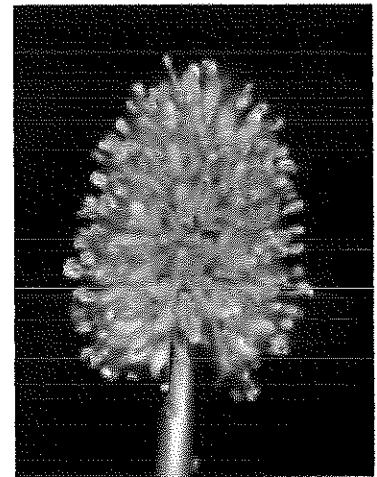
Why it was Worth the Fight

This was the first time PPA is aware of, that the DEP shut down a well because of concerns for threatened and endangered species, in this case the federally threatened Swamp Pink.

Shortly after the Berlin Well was closed a similar problem cropped up in Crestwood Village, located in the Pinelands. In 2002 the Crestwood Village Water Company requested that it be allowed to remove an additional 95 million gallons of groundwater per year from the shallow aquifer beneath Whiting, NJ in order to support more development. At the time all of their wells were located in the shallow Kirkwood-Cohansey aquifer. The water company's own consultants admitted that this would reduce the flow of water in a number of local streams and wetlands within the Barnegat Bay Watershed.

Using the Berlin Well case as an example of a flawed water supply policy that does little to protect the environment, PPA requested a formal hearing and packed the hearing with over 300 residents. After presenting detailed comments and subsequent meetings with the DEP and water company, the original plan to take water from the shallow aquifer was scrapped. The water company agreed to install a very deep well, one that would not impact wetlands or streams. Because of PPA efforts, the Pinelands Commission also officially opposed the request for additional water at the hearing.

This the first time that one state agency (the Pinelands Commission) asked another state agency (DEP) to turn down a water allocation request due to environmental impacts. After the Berlin Well and Crestwood Village issues the DEP changed how they looked at requests to remove water from the Kirkwood-Cohansey aquifer. Prior to this, their main concern was whether or not a new well or water permit would impact other human users. In 2005 they began requiring more monitoring of the environmental impacts of new or increased water allocation requests.



(+ 200M) Swamp Pink, small version ©Michael Hogan

Pinelands Commission Meeting
1-10-25
BRP Aerohaven Section

John Volpa, Founder of the Black Run Preserve, speaking as a private citizen and resident of Evesham Township.

As the Commission continues to consider a Headwaters amendment to the CMP, I speak today to bring your attention first to the East-West Connector. This region connects the Black Run Preserve's Aerohaven section with lands on the east and west sides of Hopewell Road. The Evesham Township OSRP describes the area: "This land is largely forested wetlands, but area west of Hopewell Road, is upland coniferous forest. Both types of habitats have documented occurrences of endangered and threatened species. **it has** high priority for protection because it allows movement of wildlife between two critical regions in southern Evesham that are high integrity lands. It especially prevents the Aerohaven property and the adjacent preserved Black Run Preserve, as well as the Evesham Headwaters Area, from becoming isolated from other Pinelands habitat." ... " **Forested** uplands within this Area are important to protect because of their high biodiversity value." (Evesham Township Open Space & Recreation Plan 2023. pp 73 & 74 Section: 6.1.5 Land Preservation and Protection)

In 2006, the Evesham-Medford Sub-Regional Resource Protection Plan (SRRPP) recommended expanding protection and preservation of forest areas straddling Medford and Evesham, basically the East/West Connector. The Protection Plan recognized that the expansion of this forest Area "will create an open space corridor that will extend from the Wharton State Forest tract, through both municipalities." (p. 20) "Maintenance of uninterrupted, undisturbed forests is necessary to support many rare plant and animal populations. Connection of these forests also helps maintain regional biodiversity."

Both documents stress the maintenance of biodiversity in the corridor of which the Aerohaven Section of the BRP is a keystone parcel, yet due to illegal ORV use, most of the Aerohaven property is denuded sugar sand. If the land were actively restored, then in perhaps 20-30 years we'd have a true Pine Barrens landscape that supports the flow of greater biodiversity.

As the PC continues to develop a MOA for the BRP, it appears that the existing Aerohaven trails, will be closed, but perhaps "the Peaceful Partners Trail could remain"* and hopefully the decades of illegal ORV use in Aerohaven will be stopped.

Therefore, I respectfully request that a framework for future restoration projects be included in the developing MOA between the PC and Evesham Township. Last June, PPA's hosted a Climate Conference. From the expert presenters I gleaned some recommendations specific to Aerohaven then shared them with the Evesham Township Environmental Commission. I'd be please to share that information with the PC.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-25-_____

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1996-1133.006 & 2024-0086.001)

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

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

1996-1133.006
Applicant: **Barnegat Township**
Municipality: Barnegat Township
Management Area: Pinelands Regional Growth Area
Date of Report: January 16, 2025
Proposed Development: Construction of an elevated potable water storage tank; and

2024-0086.001
Applicant: **Estell Manor City**
Municipality: City of Estell Manor
Management Area: Pinelands Forest Area
Date of Report: January 16, 2025
Proposed Development: Paving of approximately 2,000 linear feet of the Linwood, Maryland and 13th Avenue rights-of-way.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1996-1133.006 & 2024-0086.001 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE NAY NP A/R*					AYE NAY NP A/R*					AYE NAY NP A/R*				
Asselta					Lettman					Rittler Sanchez				
Avery					Lohbauer					Signor				
Buzby-Cope					Mauriello					Wallner				
Holroyd					Meade					Matos				
Irick					Pikolycky									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Executive Director

Laura E. Matos
Chair



State of New Jersey
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PHILIP D. MURPHY
Governor
TAHESHA L. WAY
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

January 16, 2025

Donna M. Manno, Municipal Clerk (via email)
Barnegat Township
900 West Bay Avenue
Barnegat NJ 08005

Re: Application # 1996-1133.006
Pancoast Road & Fox Run Boulevard rights-of-way
Block 90.34, Lots 66, 67 & 69
Barnegat Township

Dear Ms. Manno:

The Commission staff has completed its review of this application for the construction of an elevated potable water storage tank. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 14, 2025 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, Barnegat Township Planning Board (via email)
Barnegat Township Construction Code Official (via email)
Barnegat Township Environmental Commission (via email)
Secretary, Ocean County Planning Board (via email)
Alan Dittenhofer, PE, PP, CME (via email)



PHILIP D. MURPHY
Governor
TAHESHA L. WAY
Lt. Governor

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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

PUBLIC DEVELOPMENT APPLICATION REPORT

January 16, 2025

Donna M. Manno, Municipal Clerk (via email)
Barnegat Township
900 West Bay Avenue
Barnegat NJ 08005

Application No.: 1996-1133.006
Pancoast Road & Fox Run Boulevard rights-of-way
Block 90.34, Lots 66, 67 & 69
Barnegat Township

This application proposes the construction of a 144 foot tall elevated potable water storage tank ("water storage tank") located on the above referenced 26.67 acre parcel in Barnegat Township. There is a portion of an existing residential development and stormwater management basins and recreational facilities accessory to that residential development located on the parcel.

The application also proposes the construction of a 720 linear foot long, 12 foot wide, gravel road to access the proposed water storage tank. In addition, the application proposes 1,030 linear feet of water main and 1,075 linear feet of sanitary sewer force main. The sanitary sewer will serve a restroom proposed within an enclosed area located beneath the water storage tank.

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 water storage tank, gravel road and water and sewer mains will be located in a Pinelands Regional Growth Area. The proposed water storage tank and associated development is a permitted use in a Pinelands Regional Growth Area.

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

The parcel contains a portion of an existing residential development and stormwater management basins and recreational facilities accessory to that residential development. The remaining balance of the parcel is forested. The proposed development will be located within the forested area, approximately 180 feet

from the existing recreational facilities. The proposed development will result in the clearing of 1.51 acres of forested area. The proposed forest 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 utilize a seed mixture which meets that recommendation.

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

The application proposes a restroom within an enclosed area located beneath the water storage tank. To maintain consistency with the groundwater quality standard, the proposed restroom will be serviced by public sanitary sewer.

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

The proposed development is consistent with the stormwater management standards of the CMP. To meet the stormwater management standards, the application proposes to construct four stormwater infiltration basins.

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

The Commission staff reviewed available information to determine the potential for any significant cultural resources that could be affected by the proposed development. Based upon the lack of potential for significant cultural resources within the area to be developed, a cultural resource survey was not required.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on August 6, 2024. Newspaper public notice was completed on August 8, 2024. The application was designated as complete on the Commission's website on December 6, 2024. The Commission's public comment period closed on January 10, 2025. 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 14 sheets, prepared by Remington & Vernick Engineers and dated as follows:

 Sheets 1-4, 6, 7, 9-11, 13 & 14 - August 16, 2023; last revised August 7, 2024
 Sheets 5, 8 & 12 - August 16, 2023; last revised October 1, 2024
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native

grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.

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

CONCLUSION

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



PHILIP D. MURPHY
Governor
TAHESHA L. WAY
Lt. Governor

State of New Jersey
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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

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 February 3, 2025 and include the following information:

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

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



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

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(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

January 16, 2025

Mayor Elizabeth Owen (via email)
Estell Manor City
148 Cumberland Ave.
Estell Manor NJ 08319

Re: Application # 2024-0086.001
Linwood, Maryland and 13th Avenues
City of Estell Manor

Dear Mayor Owen:

The Commission staff has completed its review of this application for paving of approximately 2,000 linear feet of the Linwood, Maryland and 13th Avenue rights-of-way. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 14, 2025 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, City of Estell Manor Planning Board (via email)
City of Estell Manor Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)
J. Michael Fralinger, Jr. PE (via email)
Lisa Marcolongo, City Clerk (via email)
David Kelton (via email)



PHILIP D. MURPHY
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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

General Information: Info@pinlands.nj.gov
Application Specific Information: AppInfo@pinlands.nj.gov

PUBLIC DEVELOPMENT APPLICATION REPORT

January 16, 2025

Mayor Elizabeth Owen (via email)
Estell Manor City
148 Cumberland Ave.
Estell Manor NJ 08319

Application No.: 2024-0086.001
Linwood, Maryland and 13th Avenues
City of Estell Manor

This application proposes paving of approximately 2,000 linear feet within the Linwood, Maryland and 13th Avenue rights-of-way in the City of Estell Manor. The concerned roads are currently gravel and will be paved to a width of 12 feet to directly serve two existing single family dwellings.

This application proposes to pave a 1,050 linear foot section of Linwood Avenue between Cumberland Avenue and Seventh Avenue, a 250 linear foot section of Maryland Avenue between 12th and 13th Avenues and a 650 linear foot section of 13th Avenue between Walkers Forge Road and Maryland Avenue.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.23(b)12)

The proposed road paving will be located in a Pinelands Forest Area. Public service infrastructure, including roads, is a permitted use in a Pinelands Forest Area provided it is intended to primarily serve only the needs of the Pinelands. The proposed road paving will directly serve two existing single family dwellings that are located in the Pinelands. The proposed road paving is a permitted use in a Pinelands Forest Area.

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

There are wetlands located within 300 feet of the proposed development. The CMP prohibits most development in wetlands and requires a buffer of up to 300 feet to wetlands. The proposed road paving will occur over existing gravel roads and grassed road shoulders. Approximately 435 linear feet of the

approximately 2,000 linear feet of proposed road paving will be located within 300 feet of wetlands. The buffer to wetlands maintained by this approximately 435 linear feet of road paving ranges from approximately 90 to 275 feet.

The CMP permits linear improvements, including paving of roads, in the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in the required buffer to wetlands or that will result in a less significant adverse impact to the required buffer to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands. The applicant has indicated that the proposed road paving will eliminate dust and large potholes, thereby improving traffic safety. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the required buffer to wetlands.

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

The proposed development will occur over existing gravel roadways and grassed road shoulders. The proposed 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 a seed mixture which meets that recommendation.

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

Based upon the proposed removal of 0.17 acres (7,405 sf) of existing gravel road and the revegetation of that area with grasses, the proposed paving of the existing gravel roads will result in a decrease in the volume and rate of stormwater runoff than occurred prior to the proposed development. The proposed development is consistent with CMP stormwater management standards.

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

The Commission staff reviewed the application for evidence of cultural resources. Based upon the lack of potential for significant cultural resources within the area to be developed, a cultural resource survey was not required.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on November 23, 2024. The application was designated as complete on the Commission's website on December 11, 2024. The Commission's public comment period closed on January 10, 2025. The Pinelands Commission received one written comment (attached) regarding the application.

Public Commenter: The commenter expressed concern that the proposed development would result in a loss of woodland and wildlife habitat.

Staff Response: The Commission staff appreciates the commenter's interest in and concern for the Pinelands. This application proposes the paving of existing gravel roadways and

grass road shoulders. No disturbance to forest or essential wildlife habitat is proposed.

CONDITIONS

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

Sheets 1 & 3-5 - May 15, 2024; revised to September 24, 2024
Sheet 2 - May 15, 2024; revised to November 20, 2024
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

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



PHILIP D. MURPHY
Governor
TAHESHA L. WAY
Lt. Governor

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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

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 February 3, 2025 and include the following information:

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

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

From: amerisportsman@aol.com <amerisportsman@aol.com>
Sent: Thursday, June 20, 2024 8:57 AM
To: Info, PC [PINELANDS] <info@pinelands.nj.gov>
Subject: [EXTERNAL] app:20240086.001 Attn Keith

Good morning.

Here is a short letter opposing the installing of a paved road into a forest area.

Thank You

David Kelton

To Pinelands,

This letter is in reference to an application: 20240086.001
for paving a road from Walkers Forge Road up 13th Street and part of
Maryland Ave.

Pinelands is about the preservation of forest, wetlands, and the
animal/wildlife that live in them. There is only one small house (4 rooms
total) with one occupant that lives on that road and the dirt road
leading to that property is in good shape. The properties that lead up to
that house are deed restricted lots on both sides, DEP owned, city
property, and a small piece of farmland. Under current building codes
nothing can be built on that road due to not enough contiguous lots or
blocked by restrictions.

Everywhere it seems as if animals/wildlife is being forced to keep
moving from their natural environments as more modern structures are
added. Adding a road would make sense if there were a lot of houses
involved, but in this case, there is only one small house with one |
occupant. This request is so Pinelands NOT to approve this potential
road and let the wildlife keep its natural habitat.

Thank you



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-25-_____

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 1981-1833.082)

Commissioner _____ moves and Commissioner _____
seconds the motion that:

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

1981-1833.082	
Applicant:	Stockton University
Municipality:	Galloway Township
Management Area:	Pinelands Regional Growth Area Pinelands Rural Development Area
Date of Report:	January 22, 2025
Proposed Development:	Construction of a new replacement sanitary sewer pumping station.

WHEREAS, the development subject of App. No. 1981-1833.082 is located on 1,586 acre Block 875.04, Lots 1.01 in Galloway Township; and

WHEREAS, on September 10, 2010, the Commission approved Stockton University’s 2010 Master Plan, which set forth a comprehensive plan for the future development and expansion of the campus in recognition of increased enrollment and projected future growth; and

WHEREAS, the 2010 Master Plan designated eight specific “Development Areas” on the campus and proposed the permanent protection of 1,257 acres on and proximate to the campus; and

WHEREAS, on November 5, 2010, Stockton University recorded a conservation deed restriction on the 1,257 acres located on and proximate to the campus; and

WHEREAS, on May 11, 2015, the Commission and Stockton University entered into a Memorandum of Agreement (MOA) establishing a streamlined Commission development application review and approval process for development proposed in the eight “Development Areas;” and

WHEREAS, subsequent to entering into the MOA, Stockton University paved Delaware Avenue, a sand road (App. No. 1981-1833.077), constructed a 49 space parking lot and pedestrian walkway (App. No. 1981-1833.078) and constructed a new sanitary sewer pumping station (App. No. 1981-1833.082) on the parcel prior to approval of the development in accordance with the provisions of the MOA; and

WHEREAS, the development that occurred and is subject of App. No. 1981-1833.077, App. No. 1981-1833.078 and App. No. 1981-1833.082 is located within the areas subject of the MOA conservation deed restriction area and constitutes a violation of the MOA application and approval requirements; and

WHEREAS, by letter dated August 31, 2016, the Commission suspended the MOA following a determination by Commission staff that development had occurred within the deed restricted conservation area; and

WHEREAS, the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.2(c)1ii) provides that no application to the Commission shall be deemed complete if an outstanding unresolved violation exists on a parcel until such time that the property owner agrees in writing to take all necessary measures to eliminate the violation in a time period acceptable to the Commission’s Executive Director; and

WHEREAS, by letter dated January 5, 2024, Stockton University proposed to take all measures necessary to eliminate the violation(s), including revising the conservation deed restriction, in a time period acceptable to the Executive Director; and

WHEREAS, the revised conservation deed restriction has been approved and signed by the New Jersey Department of Environmental Protection and forwarded to Stockton University on January 16, 2025 for

WHEREAS, recordation of the revised conservation deed restriction will remove certain existing development, such as roads, an elevated potable water storage tank and the proposed replacement sanitary sewer pumping station subject of this application from the deed restricted conservation areas; and

WHEREAS, based upon the January 5, 2024 Stockton University letter and the revised conservation deed restriction being approved and signed by the New Jersey Department of Environmental Protection and forwarded to Stockton University on January 16, 2025 for recordation in the County Clerk's Office, the Executive Director has agreed that this application can be acted upon by the Commission; and

WHEREAS, no request for a hearing before the Office of Administrative Law regarding 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 the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 1981-1833.082 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

[illegible]

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission Date: _____

Susan R. Grogan Executive Director	Laura E. Matos Chair
---------------------------------------	-------------------------



PHILIP D. MURPHY
Governor
TAHESHA L. WAY
Lt. Governor

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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

January 22, 2025

Charles West (via email)
Stockton University
101 Vera King Farris Drive
Galloway NJ 08205

Re: Application # 1981-1833.082
Block 875.04, Lot 1.01
Galloway Township

Dear Mr. West:

The Commission staff has completed its review of this application for construction of a new replacement sanitary sewer pumping station. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 14, 2025 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, Galloway Township Planning Board (via email)
Galloway Township Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)
Rick Ricciardi, PP (via email)



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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

PUBLIC DEVELOPMENT APPLICATION REPORT

January 22, 2025

Charles West (via email)
Stockton University
101 Vera King Farris Drive
Galloway NJ 08205

Application No.: 1981-1833.082
Block 875.04, Lot 1.01
Galloway Township

This application proposes construction of a new replacement sanitary sewer pumping station located on the above referenced 1,586 acre parcel in Galloway Township.

The applicant has indicated that the proposed sanitary sewer pumping station will replace an existing pumping station that has been in operation for more than 40 years. The proposed sanitary sewer pumping station will be located immediately adjacent to the existing sanitary sewer pumping station proposed for replacement.

On May 11, 2015, the Commission and Stockton University entered into a Memorandum of Agreement (MOA) designating eight "Development Areas" and establishing a streamlined Commission development application review and approval process. As required by the MOA, Stockton University placed a conservation deed restriction on portions of the above referenced 1,586 acre parcel. The areas subject of the deed restriction are depicted on a plan referenced in the MOA.

Subsequent to entering into the MOA, Stockton University paved Delaware Avenue, a sand road (App. No. 1981-1833.077), constructed a 49 space parking lot and pedestrian walkway (App. No. 1981-1833.078) and constructed a new replacement sanitary sewer pumping station (App. No. 1981-1833.082) on the parcel. The development subject of these three applications was undertaken prior to approval of the development in accordance with the provisions of the MOA. By letter dated August 31, 2016, the Commission suspended the MOA. App. No. 1981-1833.082 for the new replacement sanitary sewer pumping station is subject of this Public Development Application Report.

The development that has occurred and is subject of App. No. 1981-1833.077, App. No. 1981-1833.078 and App. No. 1981-1833.082 constitutes a violation of the application and approval requirements of the Pinelands Comprehensive Management Plan (CMP). The development subject of App. No. 1981-1833.077 and App. No. 1981-1833.082 occurred within areas subject of the MOA conservation deed restriction. Based upon the development that occurred in the deed restricted areas constituting a violation on the parcel, the Commission has been unable to approve numerous Stockton University

development applications that are located both within and outside of the deed restricted areas.

The CMP (N.J.A.C. 7:50-4.2(c)1ii) provides that no application to the Commission shall be deemed complete if an outstanding unresolved violation exists on the parcel until such time that the property owner agrees in writing to take all necessary measures to resolve the violation(s) in a time period acceptable to the Commission's Executive Director.

By letter dated January 5, 2024, Stockton University proposed to take all measures necessary to eliminate the violation(s), including revising the conservation deed restriction, in a time period acceptable to the Executive Director. The revised conservation deed restriction has been approved and signed by the New Jersey Department of Environmental Protection and was forwarded to Stockton University on January 16, 2025 for recordation at the County Clerk's Office. Recordation of the revised deed restriction will remove certain existing development, such as roads, an elevated potable water storage tank and the location of the existing and proposed replacement sanitary sewer pumping station subject of this Public Development Application Report from the deed restricted conservation areas.

Based upon the January 5, 2024 Stockton University letter and the revised conservation deed restriction having been approved and signed by the New Jersey Department of Environmental Protection and forwarded to Stockton University on January 16, 2025 for recordation at the County Clerk's Office, the Executive Director has agreed that this application can be acted upon by the Commission.

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. 7:50-5.2(a) and (b))

The parcel is located partially in a Pinelands Rural Development Area (approximately 603 acres) and partially in a Pinelands Regional Growth Area (approximately 983 acres). The proposed development will be located in the Pinelands Rural Development Area portion of the parcel.

New wastewater treatment and collection facilities are not permitted in a Pinelands Rural Development Area unless proposed to serve an existing public health problem. The existing sanitary sewer pumping station was constructed prior to the January 14, 1981 effective date of the regulations contained in the CMP. The CMP permits the continuation of any nonconforming use constructed prior to 1981 in any management area. The CMP also permits an up to 50 percent expansion in the area or capacity of any such nonconforming use, provided the nonconforming use is not otherwise expressly limited by the regulations contained in Subchapter 6 the CMP. The proposed sanitary sewer pumping station represents a less than 50 percent expansion of the capacity of the existing sanitary sewer pumping station and the use is not expressly limited by Subchapter 6 the CMP. The proposed replacement of the sanitary sewer pumping station is permitted in a Pinelands Rural Development Area.

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

There are wetlands located within 300 feet of the proposed development. The CMP prohibits most development within wetlands and the required buffer to wetlands. The existing sanitary sewer pumping station is located within an existing maintained grass area immediately adjacent to the intersection of

Farris Drive and Waterway Drive. The existing sanitary sewer pumping station is located approximately 95 feet from wetlands. The proposed sanitary sewer pumping station will be located within the same existing maintained grassed area and immediately adjacent to the existing sanitary sewer pumping station. The proposed sanitary sewer pumping station will be located approximately 75 feet from wetlands.

No development, including vegetation clearing or soil disturbance, is proposed within wetlands.

The CMP (N.J.A.C. 7:50-6.7) identifies nine specific criteria that must be addressed to determine whether a proposed buffer to wetlands of less than 300 feet will result in an irreversible adverse impact on the wetlands. Based upon the above described location of the proposed sanitary sewer pumping station compared to the location of the existing sanitary sewer pumping station, it has been demonstrated that the proposed development will not result in a significant adverse impact on the wetlands.

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

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

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on December 5, 2024. The Commission’s public comment period closed on January 10, 2025. 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 prepared by Marathon Engineering & Environmental Services and dated November 14, 2018.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



PHILIP D. MURPHY
Governor
TAHESHA L. WAY
Lt. Governor

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LAURA E. MATOS
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General Information: Info@pinelands.nj.gov
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PINELANDS COMMISSION **APPEAL PROCEDURE**

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-25-_____

TITLE: Issuing an Order to Certify Ordinance 2024-32, amending Chapter 55 (Land Use) of the Code of Barnegat Township

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

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

WHEREAS, Resolution #PC4-83-29 of the Pinelands Commission specified that any amendment to the Township’s certified Master Plan and codified 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 #PC4-83-29 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 December 3, 2024, Barnegat Township adopted Ordinance 2024-32, amending Chapter 55, Land Use, of the Code of Barnegat Township by, among other things, revising conditionally permitted uses and standards in the C-N (Neighborhood Commercial) Zone West of the Garden State Parkway; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 2024-32 on December 4, 2024; and

WHEREAS, by letter dated December 19, 2024, the Executive Director notified the Township that Ordinance 2024-32 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony concerning Barnegat Township’s application for certification of Ordinance 2024-32 was duly advertised, noticed and remotely conducted on January 15, 2025 at 9:30 a.m. with live broadcast on the Pinelands Commission’s public YouTube channel and an opportunity for the public to call-in during the live broadcast; and

WHEREAS, the Executive Director has found that Ordinance 2024-32 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 2024-32, amending Chapter 55, Land Use, of the Code of Barnegat Township, is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission’s CMP Policy and Implementation Committee has reviewed the Executive Director’s report and has recommended that Barnegat Township Ordinance 2024-32 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 2024-32 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

1. An Order is hereby issued to certify that Ordinance 2024-32, amending Chapter 55, Land Use, of the Code of Barnegat Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Barnegat 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.

AYE NAY NP A/R*

*A = Abstained / R = Recused

Date: _____

Laura E. Matos
Chair



State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
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PHILIP D. MURPHY
Governor
TAHESHA L. WAY
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

Report on Barnegat Township's Ordinance 2024-32, Amending Chapter 55 (Land Use) of the Barnegat Township Code

January 22, 2025

Barnegat Township
900 West Bay Avenue
Barnegat, NJ 08005

Findings of Fact

I. Background

The Township of Barnegat is located in southern Ocean County, within the eastern portion of the Pinelands Area. Adjacent Pinelands municipalities include Lacey, Ocean, Stafford and Little Egg Harbor Townships in Ocean County, as well as Bass River and Woodland Townships in Burlington County.

On April 8, 1983, the Pinelands Commission fully certified Barnegat Township's Master Plan and codified Land Use Ordinances.

On December 3, 2024, Barnegat Township adopted Ordinance 2024-32, amending Chapter 55 (Land Use) of the Barnegat Township Code. This ordinance revises district regulations for the Township's Neighborhood Commercial Zone West of the Garden State Parkway (C-N Zone West). It establishes conditional use standards for mixed-use developments containing a Continuing Care Retirement Community (CCRC), assisted living facilities, nursing and convalescent homes, congregate care facilities, or long-term care facilities. A certified copy of Ordinance 2024-32 was submitted to the Pinelands Commission on December 4, 2024.

By letter dated December 19, 2024, the Executive Director notified Barnegat Township that Ordinance 2024-32 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 2024-32, amending Chapter 55 (Land Use) of the Barnegat Township Code, introduced on November 7, 2024 and adopted on December 3, 2024.

This ordinance was 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 (CMP). The findings from this review are presented below. The numbers used to designate the respective sections correspond to the numbers identifying 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 2024-32 amends Chapter 55 (Land Use) of the Barnegat Township Code by revising the district regulations for the Township's existing Neighborhood Commercial Zone West of the Garden State Parkway (C-N Zone West). The ordinance establishes conditional use standards for mixed-use developments that, in addition to commercial and residential uses, include a Continuing Care Retirement Community (CCRC), assisted living facilities, nursing and convalescent homes, congregate care facilities, or long-term care facilities. The C-N Zone West is located within a Regional Growth Area, a Pinelands Village, and a Forest Area.

In 2015, the Commission certified Barnegat Township Ordinance 2014-23, which conditionally permits mixed-use development (multi-family residential/commercial) in the portion of the C-N Zone West located in a Regional Growth Area. A maximum residential density of 11 units per acre is permitted, with Pinelands Development Credits (PDCs) required for 25% of all units.

In 2021, the Commission certified Barnegat Township Ordinance 2021-4, which conditionally permitted assisted living facilities, nursing and convalescent homes, congregate care facilities, and long-term care facilities in the Regional Growth Area portion of the C-N Zone West. This ordinance established a base density of 8 units per acre, a bonus density of up to 12 units per acre through the use of PDCs, and a maximum density of 20 units per acre. Long-term care beds within nursing and convalescent facilities are considered institutional uses under the CMP and are excluded from the density calculation.

In 2023, Barnegat Township adopted Ordinance 2023-23, which conditionally permitted CCRCs along with assisted living facilities, nursing and convalescent homes, congregate care facilities, and long-term care facilities in the Regional Growth Area portion of the C-N Zone West. The ordinance was found to raise no substantial issues with respect to the CMP since a CCRC is simply made up of a continuum of those previously certified uses.

Although both mixed-use development and CCRCs are conditionally permitted in the C-N Zone West, they have distinct conditional use standards. Applying these standards to a development proposal containing both a mixed-use component and a CCRC has proven challenging. Ordinance 2024-32 addresses this issue by clarifying how the standards apply to a development

that includes a mixed-use component (multi-family residential/commercial) and a CCRC component, which itself includes a mix of residential uses (independent living and assisted living units) and institutional uses (nursing and convalescent homes, congregate care facilities, or long-term care facilities). The ordinance now requires that any CCRC within the C-N Zone West must be part of a mixed-use development.

The maximum residential density for these uses is established at 17 dwelling units per acre. This includes multi-family residential units within the mixed-use component as well as independent living units and assisted living units within the CCRC component. The ordinance specifies that multi-family residential units cannot exceed 80% of the total residential units and that CCRC independent living units and assisted living units cannot exceed 25% of the total residential units.

As established under Ordinance 2021-4, such uses are limited to areas within 1,000 feet of the Garden State Parkway and with frontage on a county or state highway. This ensures that this type and intensity of development is limited to the Regional Growth Area portion of the C-N Zone West. The minimum lot area is increased from 5 acres to 10 acres. As was the case when Ordinance 2021-4 was adopted, only one parcel in the C-N Zone West meets these conditional use standards. This parcel is approximately 22.5 acres and consists of six contiguous lots in common ownership (see Exhibit 1).

Previously, CCRCs were allowed at a maximum density of 20 dwelling units per acre, permitting up to 450 units on the parcel noted above. Reducing the maximum density to 17 units per acre lowers the potential total to 382 units, with no more than 305 multi-family residential units and no more than 95 independent living and assisted living units. It is important to note that when Barnegat Township adopted Ordinance 2021-4, it elected to zone for higher densities than required by the CMP. The Township has now elected to reduce this density slightly to reflect the changes in permitted housing types and non-residential development.

Ordinance 2024-32 specifies that PDCs are required for 25% of the multi-family residential units and 20% of the independent living units and assisted living units. This allows for the use of up to 93 rights (23.25 Pinelands Development Credits), representing a slight increase from the opportunity to use 90 rights that was provided by Ordinance 2021-4. Therefore, the reduction in residential zoning capacity is not expected to impact the PDC Program.

The previously certified minimum area, yard, and building requirements that applied to CCRCs remain unchanged. The maximum building height is increased from 35 feet to four stories (50 feet), provided that additional setback requirements are met for buildings over 40 feet. The mixed-use component must also comply with standards established in Ordinance 2014-23, including a requirement that multi-family residential units be age-restricted and that at least 90,000 square feet of retail/commercial space be included on the first floor of any mixed-use buildings or as separate pad sites on the parcel.

The amendments adopted by Ordinance 2024-32 slightly reduce the residential zoning capacity of the C-N Zone West while slightly increasing opportunities for the use of PDCs to enable the development of a mixed-use project containing a CCRC.

Ordinance 2024-32 is consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

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

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

As outlined in Section 2, Ordinance 2024-32 clarifies the conditional use standards for mixed-use developments containing a Continuing Care Retirement Community (CCRC). Under the standards established by this ordinance, such developments are permitted a residential density of 17 units per acre. Additionally, the use of Pinelands Development Credits (PDCs) is required for 25% of all multi-family residential units and 20% of the independent living units and assisted living units within a CCRC.

Prior to the adoption of Ordinance 2024-32, CCRCs and assisted living facilities were conditionally permitted at a base density of 8 units per acre, which could be increased to 12 units per acre through the use of PDCs. Once a density of 12 units per acre was reached, CCRCs and assisted living facilities were eligible for a bonus density of up to 20 units per acre without requiring additional PDCs. In comparison, mixed-use developments were permitted a residential density of 11 units per acre, with a requirement that PDCs be redeemed for 25% of all units.

Ordinance 2024-32 establishes a mandatory PDC requirement for mixed use developments containing a CCRC. The approach maintains an approximate equivalency of potential PDC rights as previously certified. As noted in Section 2, the ordinance allows for the use of up to 93 rights, representing a slight increase from the potential use of 90 rights under Ordinance 2021-4.

Although the PDC requirements in Ordinance 2024-32 are lower than those under the traditional zoning approach, where PDCs would account for 33% of the total number of permitted units, it is

important to note that the traditional base density/bonus density approach merely provides an *opportunity* for the use of PDCs. There is no requirement under the traditional approach for PDCs to be used in any development project. Ordinance 2024-32 ensures that PDCs must be purchased and redeemed as part of the approval of any mixed-use development containing a CCRC within the C-N Zone West, regardless of the final density or number of units constructed. Sufficient and appropriate opportunities for the use of PDCs remain available in the C-N Zone West and throughout Barnegat's Regional Growth Area.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance 2024-32 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Therefore, this standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Ordinance 2024-32 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 Neighborhood Commercial Zone West of the Parkway (C-N Zone West) does not border any neighboring municipalities of Barnegat Township. As such, no intermunicipal conflicts are expected.

Therefore, this standard for certification is met.

Public Hearing

A public hearing to receive testimony concerning Barnegat Township's application for certification of Ordinance 2024-32 was duly advertised, noticed and held on January 15, 2025 at 9:30 a.m. Mr. Lanute conducted the hearing, which was held remotely and broadcast live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call-in during the public hearing to provide testimony. No testimony was provided.

Written comments on Ordinance 2024-32 were accepted through January 17, 2025. No written comments were received.

Conclusion

Based on the Findings of Fact cited above, the Executive Director has concluded that Barnegat Township's Ordinance 2024-32, complies with the 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 2024-32 of Barnegat Township.

SRG/DBL/CBA
Attachments

**Executive Director's Report
Barnegat Twp. Ord. 2024-32
Exhibit 1
1/22/2025**

- Parcels
- Existing Zoning



A horizontal number line is shown with tick marks at 0, 0.25, and 0.5. The word "Miles" is written at the right end of the line. A point is marked at 0.25, which is the midpoint between 0 and 0.5.

Shoreline Redevelopment Area

W. Bay Avenue

RM

**C-N
West**

Pinelands National Reserve

Lots in yellow are in common-ownership and within 1,000 feet of Parkway. Approximately 22.5 acres in total.

Nautillus Dr

RL

RL/AC

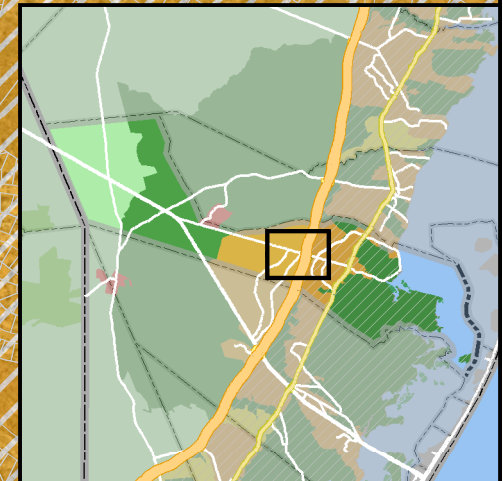
GARDEN

STATE PARKWAY

RH

RC

RH





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-25-_____

TITLE: Issuing an Order to Certify Berlin Township’s 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15, amending Chapter 340 (Zoning) of the Code of Berlin Township

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

WHEREAS, on June 3, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Berlin Township; and

WHEREAS, Resolution #PC4-83-51 of the Pinelands Commission specified that any amendment to the Township’s certified Master Plan and codified 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 #PC4-83-51 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on October 24, 2023, the Berlin Township Planning and Zoning Board adopted Resolution 2023-19, approving the Berlin Township Master Plan Reexamination Report and Amendment, dated October 2023; and

WHEREAS, the Pinelands Commission received a certified copy of Planning and Zoning Board Resolution 2023-19 and the Master Plan Reexamination Report and Amendment on December 4, 2023; and

WHEREAS, by letter dated December 18, 2023, the Executive Director notified Berlin Township that, in accordance with N.J.A.C. 7:50-3.32, the 2023 Master Plan Reexamination Report and Amendment would be deemed incomplete until such time that one or more necessary implementing ordinances were adopted and submitted to the Commission for certification; and

WHEREAS, on December 19, 2024, Berlin Township adopted Ordinance 2024-15, amending Chapter 340 (Zoning) of the Code of Berlin Township, to implement the recommendations of the 2023 Master Plan Reexamination Report and Amendment; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 2024-15 on December 20, 2024; and

WHEREAS, by letter dated December 27, 2024, the Executive Director notified Berlin Township that the 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15 required formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony concerning Berlin Township’s application for certification of its 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15 was duly advertised, noticed and remotely conducted on January 15, 2025 at 9:30 a.m. with live broadcast on the Pinelands Commission’s public YouTube channel and an opportunity for the public to call-in during the live broadcast; and

WHEREAS, the Executive Director has found that the 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15 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 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15, amending Chapter 340, Zoning, of the Code of Berlin Township is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Berlin Township's 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning the 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15 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 Berlin Township's 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15, amending Chapter 340, Zoning, of the Code of Berlin Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Berlin Township's certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

AYE NAY NP A/R*					AYE NAY NP A/R*					AYE NAY NP A/R*				
Asselta					Lettman					Rittler Sanchez				
Avery					Lohbauer					Signor				
Buzby-Cope					Mauriello					Wallner				
Holroyd					Meade					Matos				
Irick					Pikolycky									

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date:

Susan R. Grogan
Executive Director

Laura E. Matos
Chair



PHILIP D. MURPHY
Governor
TAHESHA L. WAY
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

Report on Berlin Township's 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15, Amending Chapter 340 (Zoning) of the Berlin Township Code

January 22, 2025

Berlin Township
135 NJ Route 73
West Berlin, NJ 08091

Findings of Fact

I. Background

The Township of Berlin is located in the western section of the Pinelands Area in Camden County. Pinelands municipalities adjacent to Berlin Township's Pinelands Area include Berlin Borough and Waterford Township in Camden County, and Evesham Township in Burlington County.

On June 3, 1983, the Pinelands Commission fully certified the Land Use Procedures and Zoning Ordinance of Berlin Township.

On October 24, 2023, the Berlin Township Planning and Zoning Board adopted Resolution 2023-19, approving the Berlin Township Master Plan Reexamination Report and Amendment, dated October 2023. The report recommends, among other things, revisions to the Township's zoning plan and zoning district regulations within the Pinelands Area. The Pinelands Commission received a certified copy of Planning and Zoning Board Resolution 2023-19 and the Master Plan Reexamination Report and Amendment on December 4, 2023.

By letter dated December 18, 2023, the Executive Director notified Berlin Township that, in accordance with N.J.A.C. 7:50-3.32, the 2023 Master Plan Reexamination Report and Amendment is deemed incomplete until necessary implementing ordinances were adopted and submitted to the Commission for certification.

On December 19, 2024, Berlin Township adopted Ordinance 2024-15, amending Chapter 340 (Zoning) of the Berlin Township Code, and implementing the recommendations of the 2023 Master Plan Reexamination Report and Amendment. The Pinelands Commission received a certified copy of Ordinance 2024-15 on December 20, 2024.

By letter dated December 27, 2024, the Executive Director notified Berlin Township that the 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15 required formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

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

- * Planning and Zoning Board Resolution 2023-19, approving the Berlin Township Master Plan Reexamination Report and Amendment, dated October 2023, adopted October 24, 2023; and
- * Ordinance 2024-15, amending Chapter 340 (Zoning) of the Berlin Township Code, introduced on November 25, 2024, and adopted on December 19, 2024.

This master plan reexamination report and ordinance were 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 (CMP). The findings from this review are presented below. The numbers used to designate the respective sections correspond to the numbers identifying 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

2023 Master Plan Reexamination Report and Amendment

The Master Plan Reexamination Report and Amendment includes updates on major problems and objectives related to land development identified in the Township's 2016 reexamination report. It also discusses changes in policy and objectives since 2016 and recommends changes to the master plan and land development regulations affecting areas inside and outside the Pinelands Area portion of the Township.

For the Pinelands Area, the report recommends rezoning four lots totaling approximately 22.5 acres from the Highway Commercial (C-2RD) Zone to the Regional Commercial Growth (C-3) Zone. This would constitute a change in Pinelands management area from a Rural Development Area to a Regional Growth Area. The report also recommends changes to the C-3 Zone district regulations, including conditionally permitting continuing care retirement communities (CCRCs) and light industrial uses, and changing warehouse facilities from a permitted use to a conditionally permitted use. Additionally, it recommends new development regulations for various types of warehouses. These recommendations are implemented by Ordinance 2024-15, discussed below.

The report further recommends investigating whether certain properties within the Township's Regional Growth Area along Cushman Avenue meet the criteria for designation as an area in need of redevelopment. Since the reexamination report's adoption, the Township has completed its investigation and formally designated the land as an area in need of redevelopment. The Township has yet to adopt a redevelopment plan for the area. Once adopted, the redevelopment plan must be submitted to the Pinelands Commission for review and approval before it can take effect.

Ordinance 2024-15

Ordinance 2024-15 amends Chapter 340, Zoning, of the Berlin Township Code and implements the 2023 Master Plan Reexamination Report recommendations for the Pinelands Area portion of the Township.

Zoning Map Amendments

The ordinance rezones approximately 22.5 acres to the Regional Commercial Growth (C-3) Zone (see Exhibit 1). Approximately 22.4 acres are rezoned from the Highway Commercial (C-2RD) Zone, eliminating the C-2RD Zone. The remaining area is composed of single lot that is rezoned from the Single Family Detached Residential (R-1) Zone.

The rezoned area, located between Chestnut Avenue and Edgewood Avenue along Cooper Road, is contiguous with the C-3, Multifamily Residential (R-3), and Institutional Use (INS) zones, which are all located in the Regional Growth Area. This area of Cooper Road serves as the Pinelands Area boundary. The rezoned area is composed entirely of uplands. One lot is farmland assessed, while the remaining lands are vacant and wooded. This zoning change constitutes a change in Pinelands management area from a Rural Development Area to a Regional Growth Area. While the C-2RD Zone permits a similar set of non-residential uses, the rezoning would allow future development to be served by sewer and built at higher intensities.

The ordinance also eliminates the E-1 Environmental Sensitive Area Overlay, which overlays a portion of the Industrial (I-1) District within a Rural Development Area (see Exhibit 1). This overlay predates Berlin Township's original certification in 1983 and recognizes wetlands present in the area. Discrepancies regarding the overlay's boundaries have arisen over time, prompting the Township to repeal it. Given the existing CMP environmental standards in the Township's land development regulations, there is no decrease in protections afforded to environmentally sensitive areas in the vicinity of the overlay.

C-3 Zone Amendments

The ordinance revises regulations for the C-3 Zone, which, inclusive of the lots proposed for rezoning, encompasses approximately 137 acres within a Pinelands Regional Growth Area. Originally established by Ordinance 1996-8, the C-3 Zone was certified by the Commission in 1996 and includes lands that were previously designated as a Rural Development Area. The 1996 zoning change and a subsequent 2012 zoning change expanded the C-3 Zone and the Township's Regional Growth Area by approximately 65 acres and 48 acres, respectively.

Under existing C-3 Zone regulations, a variety of business, office, service, and professional uses are permitted on lots of at least 20,000 square feet, with a maximum floor area ratio (FAR) of 1.8%. These standards were designed to allow sewer commercial development at Rural

Development Area intensities, while enabling property owners to build at typical Regional Growth Area intensities by redeeming Pinelands Development Credits (PDCs). Developers can increase the FAR from 1.8% to 36% through the use of PDCs, with each quarter-credit allowing an additional 7,360 square feet of commercial space. The PDC structure was intended to limit increased water demand potential to avoid adverse impacts to the Mullica River watershed. The redemption of PDCs provided an environmental offset when development occurred at higher intensities.

Ordinance 2024-15 revises the C-3 Zone's permitted uses, FAR requirements, and PDC provisions. It adds art, music, dance, and martial arts studios; fitness centers; indoor private recreation facilities; outpatient medical offices; and various business and service uses, while removing uses like animal hospitals; amusements; commercial greenhouses and nurseries; kennels; automobile body repair and painting; automobile repair, service or parts supply stations; drive-in eating establishments; and vehicle rental, sales and storage. All uses permitted by right are allowed an FAR of 20% for one-story buildings and 35% for two-story buildings.

Warehouse, distribution and storage facilities as well as light industrial uses are conditionally permitted on lots of at least 2 acres, with a maximum FAR of 40% and a building height limit of 44 feet. Noise evaluations and noise-reducing barriers are required for parcels within 200 feet of a residential use or residential zone, and buildings over 100,000 square feet must be designed to support rooftop solar installations in accordance with P.L. 2021, c290.

Continuing care retirement communities (CCRCs) are conditionally permitted on lots of at least 10 acres, with a maximum residential density of 18 units per acre. Residential density calculations include independent living units and assisted living units but exclude memory care and skilled nursing facilities. At least 30% of the residential units must be assisted living units, and at least 10% of the assisted living, memory care and skill nursing facilities must be made affordable to low- and moderate-income households. CCRC buildings are permitted to have a maximum FAR of 15% for one-story buildings, 30% for two-story buildings, and 45% for three story buildings (with a height limit of 40 feet).

The ordinance modifies the PDC requirements in the C-3 Zone. Non-residential developments (excluding CCRCs) must acquire and redeem PDCs at a rate of one-quarter credit per acre developed, including associated improvements. For CCRCs, PDCs are required for 20% of independent living units and assisted living units. Units made affordable to low- and moderate-income households to satisfy the 10% requirement are exempt from the PDC obligation.

The ordinance provides updated regulations for all uses permitted in the C-3 Zone, including permitted accessory uses, area and yard requirements, off-street parking, landscaping, building design, and waste storage. Development in the C-3 Zone must connect to public water and sewer systems. The ordinance also permits multiple principal buildings on a parcel and multiple uses within a principal building provided that the site is owned, managed, and maintained by one entity.

Regional Growth Area Impacts

The changes adopted by Ordinance 2024-15 provide for both a limited expansion of the Township's Regional Growth Area and increased development intensities, including residential development, throughout the C-3 Zone. The Commission has previously certified expansions of Berlin Township's Regional Growth Area on two separate occasions. The purpose of these

expansions was two-fold: to transition existing uses from onsite septic to sanitary sewer and to recognize the scale and intensity of existing development, which was similar to patterns of development in adjacent Regional Growth Areas. In these instances, the Commission exercised caution regarding potential impacts on the Mullica River watershed due to increased water demand arising from the zoning changes. This resulted in the FAR and PDC requirements described above. This also meant that larger undeveloped parcels were excluded from these prior zoning changes.

The new uses permitted in the C-3 Zone are consistent with those allowed by the CMP for Regional Growth Areas. The changes to the FAR and PDC provisions of the C-3 Zone are appropriate because the ordinance requires that development on all lots be connected to both public water and public sewer systems. This requirement prevents the development of individual wells that would draw from the Mullica River watershed. Furthermore, the Master Plan Reexamination Report identifies that public water servicing the C-3 Zone would be serviced by wells in Berlin Borough within the Lower Delaware watershed management area. Wastewater would be conveyed to the Camden County Municipal Utilities Authority (CCMUA). Importantly, the Berlin Borough wells are all located outside of the Pinelands Area. Since the water is sourced from outside the Pinelands Area, the conveyance of wastewater to the CCMUA treatment plant in Camden would not violate the CMP prohibition on exporting water from the Pinelands. Additionally, it is unlikely that further drawdowns from the Berlin Borough wells will impact Pinelands Area resources given their distance from the Pinelands Area border.

While the ordinance allows for increased development intensity in the C-3 Zone, it is important to note that the zone is largely built out, offering limited development opportunities. Currently, there are approximately six privately owned, vacant parcels, including those proposed for rezoning, which total 48 acres. The rezoning of 22.5 acres to the C-3 Zone is appropriate given the availability of suitable infrastructure as described above. The rezoned area spans an area between an existing Regional Growth Area and the Pinelands Area border. Land use patterns adjacent to these parcels have similar uses as what is permitted in the C-3 Zone. It is assumed that these lots were not considered during prior zoning changes due to the concerns over water consumption from the Mullica River watershed, which have since been resolved.

While the expansion of a Regional Growth Area is typically balanced by a reductions in the size of that management area elsewhere in the same municipality, such an offset is neither provided nor feasible because of the limited size and developed nature of the Township's existing Regional Growth Area. Nevertheless, Ordinance 2024-15 establishes requirements for the use of PDCs for all non-residential development in the C-3 Zone. These requirements create the potential for permanent land preservation elsewhere in the Pinelands Area.

Conditionally permitting CCRCs in the C-3 Zone increases the Township's Regional Growth Area residential zoning capacity. Analysis shows that only two vacant parcels meet the 10-acre minimum lot size requirement. Both parcels are part of the proposed rezoning, one totaling 13.5 acres and the other totaling 11 acres, allowing for a combined maximum of 441 independent living and assisted living units. It should be noted that the CMP contemplates assisted living facilities and CCRCs having relatively high densities compared to typical single-family and townhouse developments. While this represents a relatively high residential density, the Commission has previously certified densities of up to 20 units per acre for assisted living facilities in Barnegat and 15 units per acre in Medford Township. As described above, water and sewer infrastructure can be made available to these sites, and the intensity of use is consistent

with other uses in the vicinity. Furthermore, appropriate requirements for the use of Pinelands Development Credits have been included, which is described in further detail in Section 8 below.

Given the facts above, the 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15 are consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

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

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Ordinance 2024-15 amends the Pinelands Development Credit (PDC) provisions within the C-3 Zone, conditionally permitting continuing care retirement communities (CCRCs) at a density of 18 units per acre. CCRCs and assisted living facilities may exceed a density of 8 units per acre in a Regional Growth Area only through the use of PDCs (N.J.A.C. 7:50-5.34(a)2).

The ordinance requires the acquisition and redemption of PDCs for 20% of the independent and assisted living units. Units designated as affordable housing for low- and moderate-income households, satisfying a 10% requirement, are exempt from this obligation. As noted in Section 2, only two vacant parcels in the C-3 Zone, totaling 22.5 acres, meet the lot size requirements for CCRCs. The PDC requirements for CCRCs will provide an opportunity to utilize up to 80 rights (20 PDCs).

The CMP requires Berlin Township to zone lands suitable for residential development at a base density of 2 units per privately held uplands acre, with an opportunity to achieve 3 units per acre

through the use of PDCs. Under the traditional base/bonus density structure, the two vacant lots meeting the CCRC lot size requirements could support the use of up to 23 rights. However, this approach does not guarantee PDC utilization in development. The CMP explicitly allows Pinelands municipalities to implement additional density bonus or incentive programs in Regional Growth Areas, provided these programs do not interfere with or impair PDC requirements (N.J.A.C. 7:50-5.28(a)7i).

In this instance, Berlin Township has chosen to allow CCRCs to be developed at a higher density while ensuring the use of PDCs to achieve these densities. Although the 20% PDC requirement is lower than the 33% required under the traditional approach, it guarantees a PDC redemption rate of 20% if a CCRC is developed in the C-3 Zone. This approach provides greater certainty that PDCs will be utilized in any CCRC development. Therefore, the Executive Director finds the PDC requirements for CCRCs under Ordinance 2024-15 consistent with Comprehensive Management Plan standards.

As described in Section 2, Berlin Township's certified C-3 Zone uniquely allowed developers to use PDCs to intensify non-residential development. While concerns about increased water demand from the Mullica River watershed have been resolved, Ordinance 2024-15 maintains a PDC requirement for non-residential development (excluding CCRCs). The ordinance replaces the base Floor Area Ratio (FAR)/bonus FAR PDC structure with a simplified requirement of one-quarter credit per acre of development, including associated improvements. With approximately six privately owned, vacant parcels totaling 48 acres remaining in the C-3 Zone, there is an opportunity for the use of up to 48 rights (12 PDCs).

Maintaining a PDC requirement for non-residential uses in the C-3 Zone is appropriate, given the limited opportunities for PDC utilization in the Township's Regional Growth Area. Prior to the certification of the C-3 Zone in 1996, Berlin Township was exempted from providing PDC opportunities in its Regional Growth Area due to its unsuitability for residential development and exclusively commercial zoning designation. Since then, the Township has expanded its Regional Growth Area, and the C-3 Zone remains the only area offering opportunities for PDC use.

By moving away from the base FAR/bonus FAR structure, the ordinance simplifies PDC requirement calculations and ensures PDC redemption for non-residential development, even at lower FARs. This provision guarantees that any development on the remaining vacant parcels in the C-3 Zone will require PDCs, including the two larger parcels rezoned under Ordinance 2024-15, which could be developed exclusively for non-residential uses. Without these provisions, the Township's Regional Growth Area could be fully developed without utilizing any PDCs.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

The 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Therefore, this standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

The 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15 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

Berlin Township's C-3 Zone is contiguous with both Berlin Borough and Waterford Township. In each case, the C-3 Zone abuts long-standing non-residential zoning districts: the Planned Highway Business (PHB) District in Waterford Township and the Highway Commercial (PC-3) District in Berlin Borough. The changes in permitted uses and intensity of uses in the C-3 Zone are not anticipated to cause any intermunicipal conflicts. Therefore, this standard for certification is met.

Public Hearing

A public hearing to receive testimony concerning Berlin Township's application for certification of its 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15 was duly advertised, noticed and held on January 15, 2025 at 9:30 a.m. Mr. Lanute conducted the hearing, which was held remotely and broadcast live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call-in during the public hearing to provide testimony. No testimony was provided.

Written comments on the 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15 were accepted through January 17, 2025. No written comments were received.

Conclusion

Based on the Findings of Fact cited above, the Executive Director has concluded that Berlin Township's 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15, complies with the 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 the 2023 Master Plan Reexamination Report and Amendment and Ordinance 2024-15 of Berlin Township.

SRG/DBL/CBT
Attachments

Berlin Township Ordinance 2024-15

Executive Director's Report
Berlin Twp. Ord. 2024-15
Exhibit 1
1/22/2025

Pinelands Management Areas

- Rural Development Area
- Regional Growth Area



Rezoned Lots



Berlin Twp Zoning



Berlin Twp Parcels



Pinelands
Wetlands

N



0 500 1,000 2,000
Feet

