



State of New Jersey
 THE PINELANDS COMMISSION
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RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director



Pinelands
 Comprehensive
 Management Plan
Four Decades of Protection

NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, March 12, 2021 - **9:30 a.m.**

Pinelands Commission YouTube link:

<https://www.youtube.com/channel/UCBgpC8sbR3Acrjo7ppxs3Uw>

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 833 5477 1666

1. Call to Order

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

2. Adoption of Minutes

- February 12, 2021

3. Committee Chairs' and Executive Director's Reports

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

A. Permitting Matters

- Office of Administrative Law
 - None
- Review of Local Approval
 - None
- Public Development Projects and Waivers of Strict Compliance
 Resolution Approving With Conditions (2) Applications for Public Development:
 - Application No. 2000-0088.007 - National Energy Partners
 Installation of 5.35 acres of ground mounted accessory solar energy facilities at
 the Hammonton High School and the Hammonton Early Childhood Center
 Town of Hammonton

The Pinelands -- Our Country's First National Reserve

- Application No. 1988-0706.022 - Town of Hammonton
Installation of a public sanitary sewer main and pumping station on Block 4204,
Lot 9 and within the Boyer and Sewell Avenue rights-of-way
Town of Hammonton

B. Planning Matters

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

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

A. Public Development Projects

- Application No. 2019-0142.001 – New Jersey Department of Transportation
Stormwater drainage improvements within the US Route 30 right-of-way
Winslow Township

B. Waivers of Strict Compliance

- None

6. Master Plans and Ordinances Not Requiring Commission Action

- Barnegat Township Ordinance 2021-1
- Evesham Township 2021 Housing Element & Fair Share Plan

7. Other Resolutions

- To Approve the Pinelands Commission's 2020 Annual Report

8. General Public Comment

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

10. Adjournment

Upcoming Meetings

Fri., March 17, 2021	Land Use, Climate Impacts & Sustainability Committee Meeting (9:30 a.m.)
Fri., March 26, 2021	Policy & Implementation Committee Meeting (9:30 a.m.)
Tues. March 30, 2021	Personnel & Budget Committee Meeting (9:30 a.m.)

40th Anniversary of the Pinelands Comprehensive Management Plan (CMP):

Throughout March: Daily messages/postings that chart the history, implementation and success of the CMP. The messages or postings will be shared via the Pinelands News Alert e-mail mailing list and on the Commission's Facebook page and Instagram site.

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:Info@pinelands.nj.gov) at Info@pinelands.nj.gov.

PINELANDS COMMISSION MEETING

MINUTES
February 12, 2021

The February 12, 2021 Pinelands Commission meeting was conducted remotely. All participants were present via Zoom conference and the meeting was livestreamed through YouTube: <https://www.youtube.com/watch?v=-vSCLkRrQuo>

Commissioners Participating in the Meeting

Alan W. Avery Jr., Shannon Higginbotham, Jerome H. Irick, Ed Lloyd, Mark Lohbauer, William Pikolycky, Gary Quinn and Chairman Richard Prickett. Also participating were Executive Director Nancy Wittenberg and Deputy Attorney General (DAG) Kristina Miles and Governor's Authorities Unit representative Rudy Rodas.

Commissioners Absent

Daniel Christy, Jordan P. Howell, Jane Jannarone and D'Arcy Rohan Green.

Call to Order

Chairman Prickett called the meeting to order at 9:32 a.m.

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

Executive Director Wittenberg called the roll and announced the presence of a quorum.

The Commission pledged allegiance to the Flag.

Minutes

Chairman Prickett presented the minutes from the Commission's January 8, 2021 meeting. Commissioner Pikolycky moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The minutes from the January 8, 2021 Commission meeting were adopted by a vote of 8 to 0.

Honoring Commissioner Sean W. Earlen

Commissioner Avery made a motion Expressing the Commission's Appreciation to Sean W. Earlen for his Service as a Member of the Commission From July 27, 2011 to December 12, 2020 (See Resolution # PC4-21-03). Commissioner Lloyd seconded the motion.

Chairman Prickett read the resolution aloud. Commissioners in attendance thanked Commissioner Earlen for his service, for establishing the Land Use, Climate Impacts and Sustainability Committee, leading the Commission through many tough meetings and for the countless hours he committed to the Commission.

ED Wittenberg said Commissioner Earlen was a good Commissioner and Chairman. She said he was both reliable and smart.

Committee Reports

Chairman Prickett provided an update on the January 29, 2021 Policy and Implementation (P&I) Committee meeting:

The Committee adopted the minutes of its October 30, 2020 meeting.

The Committee recommended that the full Commission certify the following two ordinances:

- Medford Township Ordinances 2020-21 and 2020-23, adopting a Redevelopment Plan for the Taunton and Tuckerton Rehabilitation Area and rezoning two lots from the CC (Community Commercial) Zone in the Regional Growth Area to the RS-2 (Rural Suburban) Zone in the Rural Development Area
- Monroe Township Ordinances O:27-2020 and O:29-2020, adopting an amendment to the Williamstown Square Redevelopment Plan and a new redevelopment plan for the St. Mary's Redevelopment Area

The Committee received an update on the draft Comprehensive Management Plan (CMP) amendments for stormwater management. These complex amendments will be presented at the Committee's February 26, 2021 meeting. The Pinelands municipalities have all been advised that the March 2, 2021 obligation to meet the New Jersey Department of Environmental Protection's deadline to adopt an implementing ordinance for its new stormwater rules applies only to the non-Pinelands area.

The Committee received a presentation on those activities that are exempt from application to the Commission and requested further discussion.

The Committee recommended the full Commission adopt the resolution celebrating the 40th Anniversary of the Pinelands CMP.

Commissioner Lohbauer provided an update on the January 20, 2021 Land Use, Climate Impacts & Sustainability (LUCIS) Committee meeting:

The minutes of the October 30, 2020 meeting were adopted.

Staff then presented information on several subjects that were each followed by discussion by the Committee:

Staff gave an update on solar energy facility development in the Pinelands Area. It was noted that the NJ Board of Public Utilities (BPU) Community Solar Pilot Program is underway and includes projects planned for the Pinelands. Staff will develop draft amendments to the CMP for the consideration of the Committee on this issue.

Staff also updated the Committee on the NJDEP's NJ Protecting Against Climate Threats (PACT) regulatory reform program.

Staff demonstrated the NJ Flood Mapper Total Water Level tool, which is an interactive map available to the public online at www.njfloodmapper.org. The tool shows the possible impact of flooding to an area in the state utilizing data from the National Weather Service, the National Oceanic and Atmospheric Administration, and the Federal Emergency Management Agency.

Staff staff also provided an update of pending legislation in the Statehouse that has bearing on the work of the Committee, including:

- S2607 and A2785 passed both the Senate and the Assembly in December and when signed into law will require that all Municipal Master Plans include a climate change vulnerability assessment;
- S2605 and companion bill A4554, which directs the NJ BPU to develop utility-scale solar energy plants coupled with utility-scale battery storage, to be incentivized by the Preserve NJ Fund.
- S3184 and companion bill A2421 which would provide a corporation business tax credit and a personal income tax deduction for the cost of installation of Electric Vehicle charging stations, and
- S3091 and companion bill A4933 which require builders to offer unit concrete products that utilize Carbon footprint-reducing technology as an option in new construction; establishes tax incentives, and State and local purchasing requirements, for unit concrete products that utilize Carbon footprint-reducing technology.

It was noted that the Committee Chairman supplied the Committee members with a copy of a letter sent by a group of climate scientists to President Biden urging his support of proforestation as a carbon mitigation technique and recommending that the Committee examine proforestation as well. The Committee Chairman also suggested the possibility of changing the name of the Committee.

Chairman Prickett said he would like discuss the possibility of re-instating the Agricultural Committee as a subcommittee of the P&I or LUCIS Committees.

Executive Director's Report

ED Wittenberg provided information on the following items:

- The Commission will begin the process to fill a number of vacant positions stemming from employees that have either retired or left.
- Staff has been very busy during the last month, working on the Kirkwood-Cohansey rules and draft stormwater amendments.
- Staff prepared a number of letters for solar energy facilities in the Pinelands Area. The letters address whether a proposed facility is consistent with Pinelands land use priorities and are a requirement for submitting an application to the New Jersey Board of Public Utilities Community Solar Energy Pilot Program.

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

- Staff worked closely with Winslow Township officials regarding a six-acre parking lot expansion at an existing large warehouse. Staff recently issued a letter permitting the final site plan approval issued by the Winslow Township Planning Board to take effect.
- There continues to be great public interest in the change of use application for the Atco Raceway. The Commission issued a Certificate of Filing in November of 2020 and the application is now before the Waterford Land Use Board.
- Staff has been working with Galloway Township to resolve a commercial violation and attended a municipal court hearing on the matter. The applicant was advised to apply to the Township and the Commission.
- A Woodland Township resident filed legal action against the municipality for a procedural defect in the Township's process for a proposed communication tower at the Fire and EMS station. The Commission issued a Certificate of Filing for the tower but a hearing was scheduled because of a permitted use issue. The applicant will be seeking a new approval from the planning board.

Director Horner shared a recent situation where a staff member had to review an old file that only exists on paper and not in a digital format. He said staff has maintained very good records for development applications dating back to 1980.

Planning Director Susan R. Grogan added that sometimes a town will call the Planning Office looking for one of its own old master plans or ordinances and staff is almost always able to assist. She said the Commission's records are extensive and well kept.

Director Grogan provided an update on the following Planning matters:

- Staff has made great progress on the draft stormwater amendments, which will be shared with the P&I Committee later this month.
- The Commission is working on a potential partnership with the U.S. Geological Survey (USGS) for the modeling review process associated with implementation of the Kirkwood-Cohansey rules.
- As ED Wittenberg briefly mentioned, the Commission staff issued about 10 to 12 letters to consultants and developers applying for the second round of the Community Solar Energy Pilot Program. Some of the solar projects were proposed on landfills, two were for floating solar arrays and some were on sites where staff was previously unaware of any interest or application.
- At this time, there is no news on the national designation of the Pine Barrens Byway.

Stacey Roth, Chief of Legal and Legislative Affairs, said she recently responded to an inquiry from Congressman Van Drew's office.

Paul Leakan, Communications Officer, said the CMP turned 40 on January 14th and since then staff have been sharing the specially curated messaging campaign on all its social media outlets. Most recently the Commission highlighted each Pinelands Management Area including many photos and shared more than 150 photos of sites located within those management areas. He said the posts have helped to educate the public about the purpose and importance of the management areas. He said upcoming, daily posts will focus on plant and animal species that benefit from Pinelands protection. The Commission's staff will compose and share future posts about the work of the Regulatory Programs, Planning, Science and the Communications offices. The Commission's social media sites are thriving as a result of these popular, daily postings, which have been reaching almost 30,000 people during the past 28 days.

Public Development Projects and Other Permit Matters

Chairman Prickett presented a resolution recommending approval of a Waiver of Strict Compliance for the development of a single family dwelling in Lacey Township.

Commissioner Lloyd made a motion Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 2019-0143.001) (See Resolution # PC4-21-04). Commissioner Lohbauer seconded the motion.

Director Horner said the waiver is necessary because the parcel is slightly under a one-acre parcel. He said the lot is located in a Pinelands Village and will be served by an on-site septic system.

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

Planning Matters

Chairman Prickett presented the Medford Township Ordinances and Redevelopment Plan.

Commissioner Lloyd made a motion Issuing an Order to Certify Medford Township Ordinance 2020-21, Adopting the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, and Ordinance 2020-23, Amending the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area (See Resolution # PC4-21-05). Commissioner Pikolycky seconded the motion.

Director Grogan noted that the Ordinances and Redevelopment Plan were discussed at length at the P&I Committee meeting, where Medford Township's consulting planner joined the conversation and provided additional information as to Medford's intentions. She said the area is commercially zoned and in a Pinelands Regional Growth Area. She noted that two residentially developed lots are being rezoned from a Regional Growth Area to a Rural Development Area, and it is an appropriate management area designation change.

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

Chairman Prickett presented the Monroe Township Ordinance and Redevelopment Plan.

Commissioner Avery made a motion Issuing an Order to Certify Monroe Township Ordinance O:27-2020, Adopting the Second Amendment to the Williamstown Square Redevelopment Plan, and Ordinance O:29-2020, Adopting the St. Mary's Redevelopment Plan (See Resolution # PC4-21-06). Commissioner Lohbauer seconded the motion.

Director Grogan said the Redevelopment Plans are in response to the township's affordable housing settlement agreement with the Fair Share Housing Center. She said the St. Mary's Redevelopment Plan situated along the Black Horse Pike will allow for 100% age-restricted affordable housing. She said there will be about 75-80 apartment units in one or more buildings, and that equates to a density of about 20-units per acre. She said the Williamstown Square Redevelopment Plan is an amendment to a redevelopment plan the Commission has previously approved. The Township plans to adjust some of the permitted uses in the redevelopment area, adding assisted living facilities. Additionally, there will be an increase in the minimum number of units required. Maximum permitted density has also increased. She said because the St. Mary's Redevelopment Plan is limited to 100% affordable housing, the Township has chosen to transfer the Pinelands Development Credit obligation that would normally apply in the St. Mary's area to the Williamstown Square Redevelopment Area.

Commissioner Irick asked if the overall density of Monroe Township has changed as a result of the Redevelopment Areas.

Director Grogan said there has been an increase in density, but noted that the CMP permits municipalities to increase density in Regional Growth Areas as long as certain standards are met.

Commissioner Irick requested that redevelopment be discussed in general at a future P&I Committee meeting.

Chairman Prickett said redevelopment can be added to a future P& I Committee meeting agenda.

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

Public Comment on Public Development Applications and Items where the record is open

Chairman Prickett read the list of Public Development Applications. No one provided comment on the applications.

Ordinances Not Requiring Commission Action

Chairman Prickett read the list of ordinances not requiring Commission action.

- Hamilton Township Ordinance 1940-2020
- Stafford Township Ordinances 2020-38, 2020-39, 2020-40 & 2020-41

No questions were raised.

Other Resolutions

Chairman Prickett presented the resolution recognizing the 40th Anniversary of the Comprehensive Management Plan.

Commissioner Lohbauer made a motion Celebrating the 40th Anniversary of the Pinelands Comprehensive Management Plan (See Resolution # PC4-21-07). Commissioner Lloyd seconded the motion.

Communications Officer Leakan said this resolution helps to raise awareness of the Pinelands, marks this important milestone and recognizes everyone who has been involved in the success of the CMP.

Commissioner Lohbauer and Chairman Prickett both noted how they wish Commissioner Ashmun could be here so she could reflect on the last 40 years.

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

General Public Comment

Rhyan Grech of the Pinelands Preservation Alliance (PPA) said there must be accountability for the six Inadvertent Returns (IRs) that occurred in the Pinelands Area during the construction of the SRL pipeline. She said more than 1,300 gallons of drilling sludge was released into Pinelands wetlands and forests. She said the CMP requires the protection of water, wetlands, plants and wildlife. She said the 2017 Executive Director's Report made certain assurances that horizontal directional drilling (HDD) would not damage the wetlands, even though Ms. Grech asserted that HDD has an industry failure rate of 50%. She said there should be a full investigation as to the cause and impacts of the IR incidents and the Commission should work with the NJDEP on the matter.

Patricia Caruso of Upper Freehold Township thanked the Commissioners who voted against the SRL pipeline. She said it's disturbing and disappointing that New Jersey Natural Gas allowed numerous spills to occur without consequences. She said it's also disturbing and disappointing that the Executive Director withheld information about the spills. She raised concerns about NJNG's ability to properly install the pipeline. She spoke about her neighbor's house being condemned and she said she hopes that some of the vacant seats on the Commission can be filled.

Written comments were received from a member of the public after the meeting and are attached to these minutes.

Chairman Prickett suggested HDD be discussed at a future P&I Committee meeting. He noted that Commissioner Avery was curious about the source of the HDD failure rate and some other Commissioners had questions.

Commissioner Irick said he attended the IR site visit and it appeared that the site had been restored, however there is no way to know what has happened underground. He asked if the Commission has the authority to request an underground study of one of the IR sites.

DAG Miles said that she could provide advice but the Commission would have to retire into closed session, and because there is barely a quorum at today's meeting, it might be better to wait.

Commissioner Lohbauer said he would like guidance on Ms. Grech's suggestion of partnering with the NJDEP on providing monitoring data of the IR sites.

Members of the Commission agreed to wait for attorney-client guidance at a future Commission meeting.

Commissioner Irick suggested that when Commissioners leave the Commission, they should be provided with a plaque in addition to a resolution. He would like to discuss that topic further.

Adjournment

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Irick seconded the motion. The Commission agreed to adjourn at 11:17 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: February 23, 2021

Sent: Friday, February 12, 2021 11:34 AM

To: Info, PC <info@pinelands.nj.gov>

Subject: [EXTERNAL] Public Comment was not available during 12 Feb. mtg.

Good morning,

I tried multiple times this morning to call into the meeting today for public comment. I was put into a waiting room, and it was not possible to get through. I would like to encourage the Commission to make sure that it is possible to call into the meeting. I would like to voice my concern for the public record and I include my statement below:

"I'm calling to express my alarm that fracked gas and unsound pipeline practices have been invited into the Pinelands, an environmentally sensitive region, under your watch. I am alarmed by the lack of transparency. On the Commission website, there is no information about the multitude of spills, about any environmental impact report or plan to report on the impact of 8 accidents. These forewarned accidents spilled over 1300 gallons of drilling sludge into the region that you are charged to protect, our Freshwater Wetlands, which are under extreme pressure on account of loss of habitat in our state. Our state suffers from an abundance of superfund sites, including a remediated one at Fort Dix. This area has repeatedly suffered from negative environmental intervention on our watch. As Commissioner Prickett has said there are a lot of "teeny species" and these are under your charge. How deeply sloppy and alarming is this timeline of spills: on Feb 4, Feb 7, Feb 8 of 2019. What impact does this have on overwintering animals in the wetlands? The significant damage done to our streams. It's a case study of dereliction of duty, industrial negligence, and an incredible ignorance among the Commission about the national impacts of HDD. How has there been no accountability??

Thank you, Commissioner Lohbauer, for your thorough review of sustainable and carbon-reducing initiatives that will be considered to move the state and the Pinelands towards carbon neutrality and climate protection— of high concern for the mid Atlantic states. It is alarming, however, that the spills was not addressed in your reports. I ask the Commission to include more information on its public page, to hold NJNG accountable - truly accountable, to map where these spills occurred, to post the Inadvertent Return Response Plan. For those of us who have read, visited, suffered the harms of water contamination, land contamination, and the real injury that stems from toxins infiltrating water systems— this has been devastating news. You are all charged with stewardship of one of the most precious regions in NJ, in the country. Please do better, please hold NJNG accountable. Spills must be unacceptable, which means that this project should have never passed through the Pinelands in the first place. It is equally devastating to hear the Commission say that they need to review pipeline practices because this might occur in the future. That is deeply disheartening given the clear potential for devastation. A commissioner mentioned that it "looks" like the spills were cleaned up, but there absolutely needs to be a professional and thorough investigation of the spills.

Finally, I have a suggestion for the name change from the Committee for Land Use Sustainability and Climate Change *to* the Committee for Sustainable Environmental Action. "CSEA" "C-C" "Climate Change" to center climate change and action."

Thank you for recording my public comment.

Respectfully,

--

Kristen Strehle, Ph.D.

kristenstrehle.com/about



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21-04

TITLE: **Approving** With Conditions an Application for a **Waiver of Strict Compliance** (Application Number 2019-0143.001)

Commissioner Lloyd moves and Commissioner Lohbauer seconds the motion that:

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

2019-0143.001

Applicant: Eric & Ashley Schoeneberg
Municipality: Lacey Township
Management Area: Pinelands Village
Date of Report: January 22, 2021
Proposed Development: Single family dwelling.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 2019-0143.001 for a Waiver of Strict Compliance is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Irick	X				Pikolycky	X			
Christy			X		Jannarone			X		Quinn	X			
Higginbotham	X				Lloyd	X				Rohan Green			X	
Howell			X		Lohbauer	X				Prickett	X			

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 12, 2021

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



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 SHEILA Y. OLIVER
 Lt. Governor

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

RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

January 22, 2021

Eric & Ashley Schoeneberg (via email)
 114 Mill Street
 Forked River, NJ 08731

Re: Application # 2019-0143.001
 Block 4108, Lots 12 & 13
 Lacey Township

Dear Mr. & Mrs. Schoeneberg:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission’s Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 12, 2021 meeting.

FINDINGS OF FACT

This application is for the development of one single family dwelling serviced by an individual on-site septic wastewater treatment system on the above referenced 0.92 acre parcel in Lacey Township. The parcel is located in a Pinelands Village Management Area and in Lacey Township’s VR zoning district. In this zoning district, Lacey Township’s certified land use ordinance establishes a minimum lot size of 1.0 acre to develop a single family dwelling that is serviced by an individual on-site septic wastewater treatment system.

As no Commission approved individual on-site septic wastewater treatment system will meet the two parts per million average nitrogen concentration in the groundwater at the property line of the 0.92 acre parcel, the applicant is requesting a Waiver from the groundwater quality standard contained in the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-6.84(a)5iv).

The appropriate resource capability maps and other information available to the Commission staff have been reviewed.

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the entire contiguous parcel. The development of a single family dwelling on the parcel will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP. The proposed single family

dwelling will not result in a substantial impairment of the resources of the Pinelands Area as required by the CMP (N.J.A.C. 7:50-4.65(b)).

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

PUBLIC COMMENT

The applicant provided the requisite public notices. Public notice to all property owners within 200 feet of the parcel was completed on July 23, 2020. Newspaper public notice was completed on July 23, 2020. The application was designated as complete on the Commission's website on September 1, 2020. The Commission's public comment period closed on September 11, 2020. No public comment was received by the Commission for this application.

CONCLUSION

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

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

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain specified development. One of the specified types of development is a single family dwelling on a parcel within a Pinelands Regional Growth Area, Pinelands Town or Pinelands Village which is at least 20,000 square feet, excluding road rights of way, in size and is not served by a centralized waste water treatment system. This application is for a Waiver from the groundwater quality standard contained in N.J.A.C. 7:50-6. The applicant is proposing to develop a single family dwelling serviced by an individual on-site septic wastewater treatment system on a 0.92 acre (40,075 square foot) parcel. The parcel contains more than 20,000 square feet, excluding road rights of way, and is located in a Pinelands Village. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1v.

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

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

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinance have been certified by the Pinelands Commission. Lacey Township's master plan and land use ordinance have been certified by the Pinelands Commission. In the VR zoning district, Lacey Township's certified land use ordinance establishes a minimum lot size of 1.0 acre to develop a single family dwelling that is serviced by an individual on-site septic wastewater treatment system. On October 5, 2020, the Lacey Township Board

of Adjustment adopted a Resolution for Appeal # 20-07 approving a residential lot size variance to develop a dwelling on the parcel. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

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

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

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

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

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

The CMP (N.J.A.C. 7:50-4.62(d)1iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits (PDCs) whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the applicant is obtaining a Waiver from the groundwater quality standard (N.J.A.C. 7:50-6.84(a)5iv.), a condition is included to require the applicant to purchase the requisite 0.25 PDCs.

The CMP (N.J.A.C. 7:50-4.62(d)1ii)) also requires the acquisition and redemption of any PDCs that are otherwise required pursuant to N.J.A.C. 7:50-5.27, 5.28 or 5.32. The CMP (N.J.A.C. 7:50-5.27(c)) provides that any local approval in a Pinelands Village which grants relief from density or lot area requirements shall require that PDCs be used for all dwelling units or lots in excess of that otherwise permitted, unless a Waiver for the dwelling unit or lot has been approved by the Commission. Since the applicant qualifies for a Waiver, PDCs are not required for any such local approval.

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

1. The septic system must be located in an area where the seasonal high water table is at least five feet below the natural ground surface.

2. The proposed dwelling must utilize an alternate design onsite wastewater treatment system authorized pursuant to the CMP on a 1.0 acre lot and approved for use by the Pinelands Commission and the New Jersey Department of Environmental Protection.
3. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.
4. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, a recorded copy of a deed consolidating Block 4108, Lots 12 & 13 into one lot must be submitted to the Pinelands Commission.
5. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 PDCs have been acquired and submitted to the PDC Bank for redemption.
6. This Waiver shall expire February 12, 2026 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after February 12, 2026 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
7. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, a copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission. The deed shall specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance referring to the application number. The deed shall also state that the conditions are enforceable by the Pinelands Commission, Lacey Township, the Ocean County Health Department and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver from the requirements of N.J.A.C. 7:50-6.84(a)5iv.

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

APPEAL

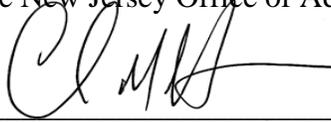
The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on February 9, 2021 and include the following information:

1. the name and address of the person requesting the appeal;

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

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

Recommended for Approval by: _____



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

- c:
- Secretary, Lacey Township Planning Board (via email)
 - Lacey Township Construction Code Official (via email)
 - Lacey Township Environmental Commission (via email)
 - Secretary, Ocean County Planning Board (via email)
 - Ocean County Health Department (via email)
 - Michelle Schoeneberg (via email)



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21- 05

TITLE: Issuing an Order to Certify Medford Township Ordinance 2020-21, Adopting the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, and Ordinance 2020-23, Amending the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area

Commissioner Lloyd moves and Commissioner Pikolycky seconds the motion that:

WHEREAS, on May 6, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Medford Township; and

WHEREAS, Resolution #PC4-83-37 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-83-37 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 6, 2020, the Medford Township Council adopted Ordinance 2020-21, approving a Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area; and

WHEREAS, Ordinance 2020-21 also adopts a number of zoning changes, including the rezoning of approximately 7.5 acres of land from the Regional Growth Area to the Rural Development Area; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 2020-21 on November 4, 2020; and

WHEREAS, by email dated November 6, 2020, Commission staff informed the Township that revisions to the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area would be necessary for purposes of conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, by email dated November 9, 2020, Medford Township requested an extension of the Pinelands Commission's review period for Ordinance 2020-21 in order to provide an opportunity to adopt revisions to the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area prior to formal Commission action; and

WHEREAS, by letter dated November 12, 2020, the Executive Director notified the Township that an extension was granted through December 18, 2020; and

WHEREAS, on December 15, 2020, the Medford Township Council adopted Ordinance 2020-23, amending the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 2020-23 on December 22, 2020; and

WHEREAS, by letter dated December 28, 2020, the Executive Director notified the Township that Ordinances 2020-21 and 2020-23 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Medford Township Ordinances 2020-21 and 2020-23 was duly advertised, noticed and remotely held on January 13, 2021 at 9:30 a.m. with live

broadcast on the Pinelands Commission’s public YouTube channel and opportunity for the public to call-in during the live broadcast; and

WHEREAS, the Executive Director has found that Medford Township Ordinances 2020-21 and 2020-23 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 Medford Township Ordinances 2020-21 and 2020-23 are in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission’s CMP Policy and Implementation Committee has reviewed the Executive Director’s report and has recommended that Medford Township Ordinances 2020-21 and 2020-23 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Medford Township Ordinances 2020-21 and 2020-23 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 Medford Township Ordinance 2020-21, Adopting the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, and Ordinance 2020-23, Amending the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Medford 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*			
Avery	X			Irick	X			Pikolycky	X		
Christy			X	Jannarone			X	Quinn	X		
Higginbotham	X			Lloyd	X			Rohan Green			X
Howell			X	Lohbauer	X			Prickett	X		

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 12, 2021


 Nancy Wittenberg
 Executive Director


 Richard Prickett
 Chairman



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



PHILIP D. MURPHY
 Governor
 SHEILA Y. OLIVER
 Lt. Governor

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

RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

REPORT ON MEDFORD TOWNSHIP ORDINANCE 2020-21, ADOPTING THE REDEVELOPMENT PLAN FOR THE TAUNTON & TUCKERTON REHABILITATION AREA, AND ORDINANCE 2020-23, AMENDING THE REDEVELOPMENT PLAN FOR THE TAUNTON & TUCKERTON REHABILITATION AREA

January 29, 2021

Medford Township
 17 North Main Street
 Medford, NJ 08055

FINDINGS OF FACT

I. Background

The Township of Medford is located in central Burlington County, in the northwestern section of the Pinelands Area. Pinelands municipalities that abut Medford Township include the Township of Waterford in Camden County as well as the Borough of Medford Lakes and the Townships of Evesham, Shamong, Southampton and Tabernacle in Burlington County.

On May 6, 1983, the Pinelands Commission fully certified the Master Plan and Land Development Ordinance of Medford Township.

On October 6, 2020, the Medford Township Council adopted Ordinance 2020-21, approving the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, which is located in a Pinelands Regional Growth Area. Ordinance 2020-21 also adopts a number of zoning changes, including the rezoning of approximately 7.5 acres from the Regional Growth Area to the Rural Development Area. The Pinelands Commission received a certified copy of Ordinance 2020-21 on November 4, 2020.

On November 6, 2020, Commission staff advised the Township that the redevelopment plan would need to be amended in order to conform to the standards of the Pinelands Comprehensive Management Plan. On November 9, 2020 the Township requested an extension of the Commission’s review period for Ordinance 2020-21 until such time that amendments could be adopted. By letter dated November 12, 2020, the Executive Director granted said extension until December 18, 2020.

On December 15, 2020, the Medford Township Council adopted Ordinance 2020-23, amending the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area. The Pinelands Commission received a certified copy of Ordinance 2020-23 on December 22, 2020.

By letter dated December 28, 2020, the Executive Director notified the Township that Ordinances 2020-21 and 2020-23 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

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

- * Ordinance 2020-21, adopting the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, adopted October 6, 2020; and
- * Ordinance 2020-23, amending the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, adopted on December 15, 2020.

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

1. **Natural Resource Inventory**

Not applicable.

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

Ordinance 2020-21 adopts the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area. The rehabilitation area is comprised of 28 lots and is located in the vicinity of the intersection of Taunton Road and Tuckerton Road (see Exhibit 1). Existing development within the rehabilitation area includes a mix of residential uses, non-residential uses, and vacant land. The rehabilitation area includes approximately 123 acres of which 113 acres were previously zoned CC (Community Commercial) and 10 acres were previously zoned GD (Growth District). The entirety of the rehabilitation area is located within a Pinelands Regional Growth Area.

The purpose of the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area is to facilitate an attractive, walkable, and vibrant commercial area. To that end, the plan establishes the Taunton & Tuckerton Rehabilitation Area (TTRA) Zone. The TTRA Zone permits a variety of commercial and institutional uses that closely align with the schedule of permitted uses of the existing CC Zone. Those uses include, among others, general offices, child-care centers, places of worship, medical and professional offices, general services, and full-service and limited-service restaurants. The TTRA zone does not permit residential uses. The redevelopment plan includes additional design and performance standards within the zone related to building and site design, sustainable practices, landscaping, and lighting.

The redevelopment plan implements zoning changes within the designated rehabilitation area. As summarized in Table 1 below, most of the rehabilitation area is rezoned from the CC Zone to the

new TTRA Zone. One commercially developed lot is rezoned from the GD Zone to the TTRA Zone. Additionally, three lots are rezoned from the CC Zone to the GD Zone. Two of these lots are undersized and in common ownership with adjoining, developed lots in the GD Zone. The third lot contains a single-family dwelling unit, and its rezoning to the GD Zone would render it a conforming use. Similarly, two lots containing single-family dwelling units are rezoned from the CC Zone to the RS-2 (Rural Suburban-2) Zone. The RS-2 Zone is located in a Rural Development Area; therefore, this rezoning constitutes a change in Pinelands management area designation from Regional Growth Area to Rural Development Area. Both lots are contiguous with the existing RS-2 Zone, contain single-family dwelling units with on-site wastewater treatment (septic systems) and have acreages slightly larger than 3.5 acres. Therefore, in recognition of the existing development, it is appropriate for these lots to be redesignated as Rural Development Area.

Table 1. Summary of Zoning Changes

Rezoning	Number of Lots	Total Area (in acres)
CC to TTRA	21	105
GD to TTRA	1	.75
CC to GD	3	.25
CC to RS-2	2	7.5
Total	27	113.5*

**Note: One lot, approximately 9.5 acres, within the rehabilitation area maintained its pre-existing GD Zone designation.*

Ordinance 2020-23 amends the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area in response to concern raised by Commission staff. The ordinance amends the plan to include a provision that all development in the newly established TTRA Zone must comply with the minimum environmental standards of the CMP. Provisions were also added that require the use of Pinelands Development Credits for any municipal variances or approvals that authorize residential development in the TTRA Zone. Lastly, Ordinance 20020 adds language to clarify that the Township's existing infill wetlands standards continue to be applicable to properties within the TTRA Zone, as they are for all of the Township's Regional Growth Area zones.

Ordinances 2020-21 and 2020-23 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

N.J.A.C. 7:50-3.39(a)8 specifies that in order to be certified by the Commission, municipal land use ordinances must provide for sufficiently residentially zoned property in the Regional Growth Area to be eligible for an increase in density to accommodate Pinelands Development Credits (PDCs) as provided for in N.J.A.C. 7:50-5.28(a)3.

Ordinance 2020-21 does increase the amount of residentially zoned land in Medford's Regional Growth Area by rezoning several lots from a commercial zone in the Regional Growth Area (the CC Zone) to a residential zone (the GD Zone). However, the rezoned lots are either already residentially developed or significantly undersized. No additional development on these lots is expected.

Additionally, as discussed above, Ordinance 2020-21 includes the establishment of the TTRA Zone. The new TTRA Zone is composed of land that was previously within the CC Zone, a non-residential zone that does not permit residential development, and one commercially developed lot rezoned from the GD Zone. The use of PDCs in the TTRA Zone is required only if a residential use is approved by the Township through a use variance or other means. Ordinance 2020-23 amends the Redevelopment Plan to include this PDC requirement.

The zoning changes made by Ordinance 2020-21 in the Township's Regional Growth Area have no effect on residential zoning capacity or opportunities for the use of PDCs. This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinances 2020-21 and 2020-23 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

Ordinances 2020-21 and 2020-23 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

The Redevelopment Plan adopted by Ordinance 2020-21 and amended by 2020-23 does not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated. This standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Medford Township's application for certification of Ordinances 2020-21 and 2020-23 was duly advertised, noticed and held on January 13, 2021 at 9:30 a.m. Ms. Grogan conducted the hearing, which was held remotely and broadcasted 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 received.

Written comments on Ordinances 2020-21 and 2020-23 were accepted through January 15, 2021. Comments were submitted by the following individual:

Judith D. Wert (see Exhibit 3)

EXECUTIVE DIRECTOR'S RESPONSE

Ms. Wert expressed concerns that the redevelopment or rehabilitation of the Tuckerton and Taunton Road intersection may have a negative impact on the surrounding residential areas, wetlands and lakes. Ms. Wert's concerns are appreciated as wetlands protection is of critical importance to the Pinelands Commission.

The area impacted by the redevelopment plan is located within a Pinelands Regional Growth Area. The CMP states that:

Regional Growth Areas are areas of existing growth or lands immediately adjacent thereto which are capable of accommodating regional growth influences while protecting the essential character and environment of the Pinelands, provided that the environmental

objectives of Subchapter 6 are implemented through municipal master plans and land use ordinances (N.J.A.C. 7:50-5.13(g)).

As such, the uses permitted in the new TTRA Zone have been evaluated and found to be consistent with the goals, objectives and permitted uses for Regional Growth Areas (N.J.A.C. 7:50-5.28(a)). In fact, they are largely uses that have been permitted in this location for decades, under the prior CC zoning designation. Furthermore, all development in the newly established TTRA Zone, as well as the existing GD and RS-2 zones discussed above, must comply with the minimum environmental standards of the CMP, including those that serve to protect wetlands and wetlands transition areas (N.J.A.C. 7:50-6.1 et seq.). This requirement is explicitly stated in the redevelopment plan.

Lastly, Ms. Wert described excessive tree removal within the Village at Taunton Forge shopping center, which is located within the new TTRA Zone. Commercial development was approved on this parcel in recent years. The removal of trees on the parcel was permitted as part of that approved development. At this time, Commission staff is not aware of any violations related to excessive tree removal.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Medford Township Ordinance 2020-21, adopting the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, and Ordinance 2020-23, amending the Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area, comply 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 Ordinances 2020-21 and 2020-23 of Medford Township.

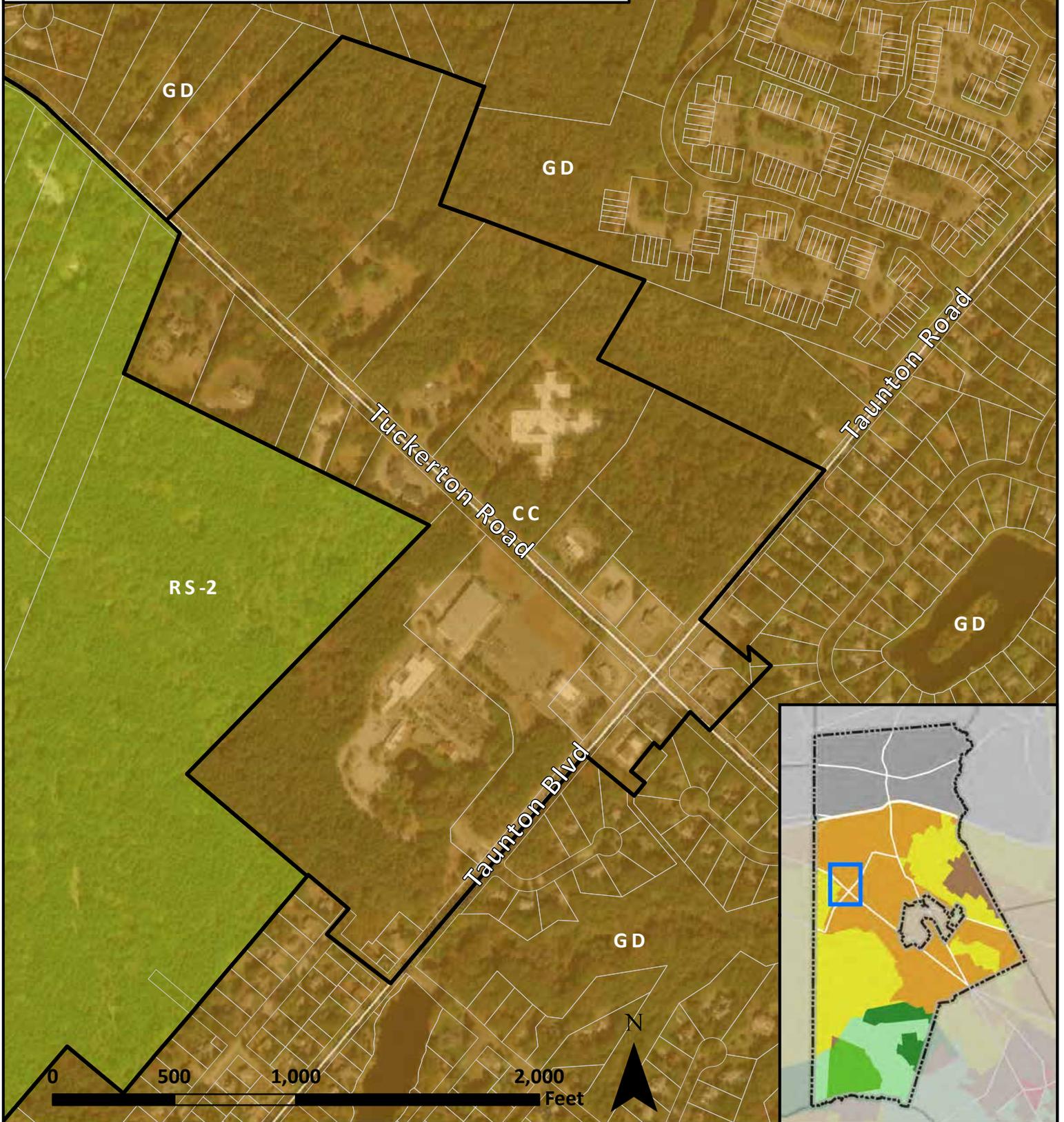
SRG/DBL/CME
Attachments

Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area Existing Zoning

Executive Director's Report
Medford Ord. 2020-21, 2020-23
Exhibit 1
1/29/2021

Pinelands Management Areas

-  Regional Growth Area
-  Rural Development Area
-  Existing Zoning
-  Existing Lots



Redevelopment Plan for the Taunton & Tuckerton Rehabilitation Area Proposed Zoning

Executive Director's Report
Medford Ord. 2020-21, 2020-23
Exhibit 2
1/29/2021

Pinelands Management Areas

 Regional Growth Area

 Rural Development Area

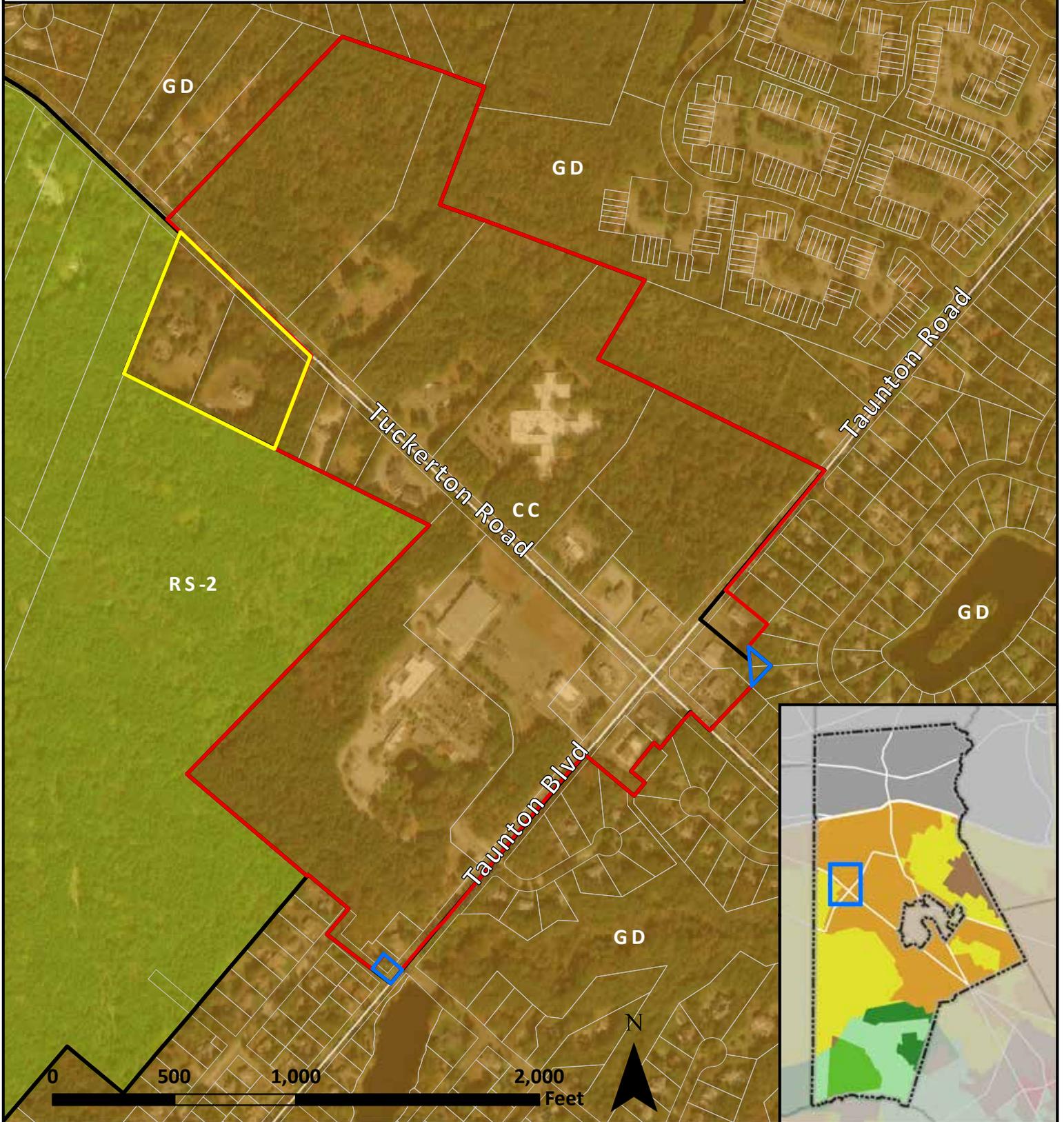
 Existing Zoning

 Existing Lots

 Rezoned TTRA

 Rezoned GD

 Rezoned RS-2



-----Original Message-----

From: Judith D. Wert [<mailto:judith.wert@comcast.net>]
Sent: Thursday, January 14, 2021 4:30 PM
To: Comments, PC
Subject: Public Comment Submissions

Below is the result of your feedback form. It was submitted by Judith D. Wert (judith.wert@comcast.net) on Thursday, January 14, 2021 at 16:29:34

email: judith.wert@comcast.net

subject: Public Comment Submissions

Name: Judith D. Wert

Mailing Address: 2 Kansas Court

Phone Number: 6096545414

Comment Topic: selected=

Message: If handled incorrectly, the redevelopment or rehabilitation of the Tuckerton Taunton Road intersection will have an extremely negative impact on the surrounding residential areas, wetlands, and lakes. Twenty-eight parcels have been included in the designated development area. Fifteen of those parcels are significantly impacted by wetlands. A planning board official pointed out at the September 23 meeting that money is being spent in the area on new construction and remodeling. He also noted 96% of the properties are well maintained and do not owe back taxes. It makes no sense to allow any action that would damage wetlands in the designated area. There has been enough destruction of wetlands in Medford; affecting our environment, recreation, water quality, wildlife, and character of our our town.

As an example of what can go wrong, I would like to use Taunton Forge as an example. It is located on one corner of the intersection. It was a small shopping center with an anchor grocery store. It was surrounded by trees which let it blend into the community. The DePetris family tried for years to get approval from the Pinelands Commission to make changes that would allow Taunton Forge to be more visible and attract more business. They finally got their approval around 2014. The result is an attractive buffer of trees is gone, the grocery store is gone, (lots of rumors about that), no landscaping was done, the parking lot is a disgrace, and 7 stores are empty. Plus, our community thinks that the number of trees removed was more than approved.

The Pinelands Commission was formed to protect our wetlands, forests, and lakes. I am asking you to honor that commitment when you review changes the new ordinance.

Thank you for your time.

Submit: Submit



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21- 06

TITLE: Issuing an Order to Certify Monroe Township Ordinance O:27-2020, Adopting the Second Amendment to the Williamstown Square Redevelopment Plan, and Ordinance O:29-2020, Adopting the St. Mary's Redevelopment Plan

**Commissioner Avery moves and Commissioner Lohbauer
seconds the motion that:**

WHEREAS, on September 9, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Monroe Township; and

WHEREAS, Resolution #PC4-83-76 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-83-76 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 26, 2020, the Monroe Township Council adopted Ordinance O:27-2020, approving the second amendment to the Williamstown Square Redevelopment Plan; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance O:27-2020 on October 29, 2020; and

WHEREAS, by email dated November 6, 2020, Commission staff informed the Township that review of Ordinance O:27-2020 could not be completed without the Township's adoption and submission of the St. Mary's Redevelopment Plan as the redevelopment plans require joint-review given their relationship in meeting the Pinelands Development Credit requirements of the Pinelands Comprehensive Management Plan; and

WHEREAS, by email dated November 9, 2020, Monroe Township requested an extension of the Pinelands Commission's review period for Ordinance O:27-2020 in order to provide an opportunity to adopt and submit the St. Mary's Redevelopment Plan prior to formal Commission action; and

WHEREAS, by letter dated November 19, 2020, the Executive Director notified the Township that an extension was granted through January 29, 2021; and

WHEREAS, on December 14, 2020, the Monroe Township Council adopted Ordinance O:29-2020, approving the St. Mary's Redevelopment Plan; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance O:29-2020 on December 23, 2020; and

WHEREAS, by letter dated December 29, 2020, the Executive Director notified the Township that Ordinances O:27-2020 and O:29-2020 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Monroe Township Ordinances O:27-2020 and O:29-2020 was duly advertised, noticed and remotely held on January 13, 2021 at 9:30 a.m. with live broadcast on the Pinelands Commission's public YouTube channel and opportunity for the public to call-in during the live broadcast; and

WHEREAS, the Executive Director has found that Monroe Township Ordinances O:27-2020 and O:29-2020 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 Monroe Township Ordinances O:27-2020 and O:29-2020 are in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission’s CMP Policy and Implementation Committee has reviewed the Executive Director’s report and has recommended that Monroe Township Ordinances O:27-2020 and O:29-2020 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Monroe Township Ordinances O:27-2020 and O:29-2020 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 Monroe Township Ordinance O:27-2020, Adopting the Second Amendment to the Williamstown Square Redevelopment Plan, and Ordinance O:29-2020, Adopting the St. Mary’s Redevelopment Plan, are in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Monroe 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.

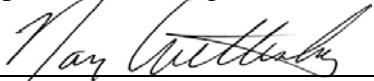
Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Irick	X				Pikolycky	X			
Christy			X		Jannarone			X		Quinn	X			
Higginbotham	X				Lloyd	X				Rohan Green			X	
Howell			X		Lohbauer	X				Prickett	X			

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 12, 2021


 Nancy Wittenberg
 Executive Director


 Richard Prickett
 Chairman



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



PHILIP D. MURPHY
 Governor
 SHEILA Y. OLIVER
 Lt. Governor

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

RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

REPORT ON MONROE TOWNSHIP ORDINANCE O:27-2020, ADOPTING THE SECOND AMENDMENT TO THE WILLIAMSTOWN SQUARE REDEVELOPMENT PLAN, AND ORDINANCE O:29-2020, ADOPTING THE ST. MARY'S REDEVELOPMENT PLAN

January 29, 2021

Monroe Township
 125 Virginia Avenue
 Williamstown, NJ 08094

FINDINGS OF FACT

I. **Background**

The Township of Monroe is located in the western section of the Pinelands Area in Gloucester County. Pinelands municipalities that abut Monroe Township's Pinelands Area include Franklin Township in Gloucester County, Winslow Township in Camden County and the Borough of Folsom and the Township of Buena Vista in Atlantic County.

On September 9, 1983, the Pinelands Commission fully certified the Master Plan and Comprehensive Land Management Ordinance of Monroe Township, now codified as Chapter 175 (Land Management) of the Township's Code.

On October 26, 2020, the Monroe Township Council adopted Ordinance O:27-2020, approving the second amendment to the Williamstown Square Redevelopment Plan. The Williamstown Square Redevelopment Area is located in a Pinelands Regional Growth Area. The Pinelands Commission received a certified copy of Ordinance O:27-2020 on October 29, 2020.

On November 6, 2020, Commission staff the Township that review of Ordinance O:27-2020 could not be completed without the Township's adoption and submission of the St. Mary's Redevelopment Plan as the redevelopment plans require joint-review given their relationship in meeting the Pinelands Development Credit requirements of the Pinelands Comprehensive Management Plan. On November 6, 2020, the Township requested an extension of the Commission's review period for Ordinance O:27-2020 until such time the St. Mary's Redevelopment Plan could be adopted. By letter dated November 19, 2020, the Executive Director granted the extension.

On December 14, 2020, the Monroe Township Council adopted Ordinance O:29-2020, approving the St. Mary's Redevelopment Plan. The St. Mary's Redevelopment Area is located in a Pinelands Regional

Growth Area. The Pinelands Commission received a certified copy of Ordinance O:29-2020 on December 23, 2020.

By letter dated December 29, 2020, the Executive Director notified the Township that Ordinances O:27-2020 and O:29-2020 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

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

- * Ordinance O:27-2020, adopting the second amendment to the Williamstown Square Redevelopment Plan, adopted on October 26, 2020; and
- * Ordinance O:29-2020, adopting the St. Mary's Redevelopment Plan, adopted on December 14, 2020.

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

1. **Natural Resource Inventory**

Not applicable.

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

St. Mary's Redevelopment Area

Ordinance O:29-2020 adopts the St. Mary's Redevelopment Plan, dated November 2020. The St. Mary's Redevelopment Area consists of a four-acre portion of an existing 18.42-acre lot (Block 11501, Lot 1), with frontage along Blue Bell Road (see Exhibit 1). The portion of the lot within the redevelopment area is vacant, wooded and does not appear to contain any wetlands or required wetlands buffers. The remainder of the lot outside of the redevelopment area contains a church, church offices, and a pre-k to 8th grade school, along with an affiliated parking area and storage shed. The lot is located within the Township's Regional Growth Planned Residential (RG-PR) District, where single-family detached units are permitted at a density of 1.25 units per acre. This density may be increased to 2.25 units per acre through the use of Pinelands Development Credits.

The purpose of the St. Mary's Redevelopment Plan is to facilitate the development of affordable housing in accordance with the Township's certified Housing Element and Fair Share Plan and the approved settlement agreement between Monroe Township and the Fair Share Housing Center. To that end, the redevelopment plan permits the development of age-restricted apartments at a maximum density of 20 units per acre. All units must be made affordable to low-

and moderate-income households. No other principal uses are permitted in the Redevelopment Area. The plan includes additional bulk requirements and design standards. Any development that occurs within the redevelopment area must comply with the Pinelands Comprehensive Management Plan (CMP).

Second Amendment to the Williamstown Square Redevelopment Area

Ordinance O:27-2020 adopts the second amendment to the Williamstown Square Redevelopment Plan. This existing redevelopment area totals 75 acres in size and is located on the north side of the Black Horse Pike (US Route 322), directly across from the Acme Shopping Center Redevelopment Area (see Exhibit 2). Aside from two vacant dwelling units and two billboards, the redevelopment area is vacant and wooded. It is located entirely within a Pinelands Regional Growth Area.

The certified Williamstown Square Redevelopment Plan, whose last amendment was certified by the Commission in August 2019, permits a planned, mixed-use center consisting of office, retail, commercial and residential uses. Residential units are permitted at a maximum density of 4.75 units per acre with permitted unit types that include apartments in free-standing or mixed-use buildings, townhouses and duplexes. Permitted nonresidential uses include retail businesses and services, business and professional offices, medical offices, restaurants, indoor recreation and day care facilities. A minimum of 350 residential units is required as part of any redevelopment project, as is a minimum of 60,000 square feet of non-residential floor area.

The second amendment to the Williamstown Square Redevelopment Plan increases the required minimum number of residential units from 350 to 425. It also replaces the maximum density of 4.75 units per acre in favor of establishing a maximum number of permitted residential units of 595 units. This is effectively an increase in maximum density from 4.75 dwelling units per acre to 7.9 dwelling units per acre. Additionally, the amendment adds assisted living facilities as a permitted use. The Pinelands Comprehensive Management Plan (CMP) expressly authorizes assisted living facilities as a permitted use in a Regional Growth Area provided that certain standards are met (N.J.A.C. 7:50-5.34). Among these standards is the establishment of a permitted residential density applicable to assisted living facilities. The amended redevelopment plan satisfies this requirement by considering assisted living units as residential units and expressly counting them towards the minimum and maximum number of residential units permitted within the redevelopment area.

In terms of affordable housing, the second amendment to the Williamstown Square Redevelopment Plan continues to require that 15% of all units be set aside as affordable housing units if the units are provided as rentals, and 20% of all units if the units are provided as for-sale units. However, the amended redevelopment plan applies the set-aside requirement to the net total of units less the additional 75 units that the amendment adds to the minimum required residential units. These 75 units were added to the Williamstown Square Redevelopment Plan to offset the lost PDC opportunities from the 100% affordable housing project to be facilitated by the St. Mary's Redevelopment Plan.

The second amendment to the Williamstown Square Redevelopment Plan also continues to require that Pinelands Development Credits be acquired and redeemed for 30% of all residential units in redevelopment area, including assisted living units. Units that are required to be made affordable for low- and moderate- income housing to meet the set-aside requirements of the redevelopment plan are exempt from the PDC requirement, up to a maximum of 70 units or 20%

of the total number of units, whichever is less. Any development that occurs within the redevelopment area must comply with the Pinelands Comprehensive Management Plan (CMP).

Ordinances O:27-2020 and O:29-2020 both increase the residential zoning capacity of Monroe Township's Regional Growth Area. Together, the ordinances allow for approximately 310 additional units, 71 in the St. Mary's Redevelopment Area and 239 in the Williamstown Square Redevelopment Area. In terms of density, the two redevelopment plans permit a total of 675 residential units on approximately 79 acres of land in the Regional Growth Area. The resulting 8.5 unit per acre density and residential zoning capacity are higher than that prescribed by the CMP for Monroe's Regional Growth Area. The CMP requires the Township to zone for a density of only 2.0 units per upland acre throughout its Regional Growth Area (N.J.A.C. 7:50-5.28(a)1 and 3). However, the CMP does provide municipalities with the ability to zone portions of their Regional Growth Areas for higher densities, provided that the lands in question are appropriate for more intensive development, infrastructure exists or can be provided to support the increased density and sufficient opportunities for the use of Pinelands Development Credits are provided (N.J.A.C. 7:50-5.28(a)7). The St. Mary's and Williamstown Square Redevelopment Areas meet these standards.

Ordinances O:27-2020 and O:29-2020 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

N.J.A.C. 7:50-3.39(a)8 specifies that in order to be certified by the Commission, municipal land use ordinances must provide for sufficiently residentially zoned property in the Regional Growth Area to be eligible for an increase in density to accommodate Pinelands Development Credits (PDCs) as provided for in N.J.A.C. 7:50-5.28(a)3.

In order to comply with N.J.A.C. 7:50-5.28(a)3, the previously certified Williamstown Square Redevelopment Plan required that PDCs be acquired and redeemed for thirty percent of the residential units developed within the redevelopment area. Units that are required to be made affordable for low- and moderate- income housing to meet the set-aside requirements of the redevelopment plan are exempt from the PDC requirement, up to a maximum of 70 units or 20% of the total number of units, whichever is less. The amended redevelopment plan maintains this requirement.

As discussed in Section II.2 above, Ordinances O:27-2020 and O:29-2020 increase the intensity of permitted residential development in Monroe Township's Regional Growth Area by a total of approximately 310 additional units.

The St. Mary's Redevelopment Area accounts for 71 of the additional units. The CMP would normally require that opportunities for the use of PDCs be provided in association with such an increase in residential zoning capacity. In this case, however, the Township has provided for increased density as a means of facilitating development of the 100% affordable housing project called for in the municipality's settlement agreement with the Fair Share Housing Center. Rather than imposing PDC requirements on the 100% affordable housing development, the Township elected to shift the PDC obligation to the Williamstown Square Redevelopment Area. This was effectuated by increasing the minimum number of residential units required as part of any development in the Williamstown Square Redevelopment Area by 75 units. Given the PDC requirements included in the second amendment to the Williamstown Square Redevelopment, 30% of these additional 75 units will be required to acquire and redeem PDCs. This results in the potential use of an additional 23 rights (5.75 PDCs). It is important to note that these 75 units are part of the minimum required as part of any redevelopment project in the Williamstown Square Redevelopment Area. The amended Williamstown Square Redevelopment Plan makes clear that these 75 units are not exempt from the PDC requirements, even if made affordable. They represent new opportunities for PDC use in Monroe's Regional Growth Area to account for the increase in density and lack of PDC obligation for development at the St. Mary's site.

The amended Williamstown Square Redevelopment Plan accounts for 239 of the additional units, 30% of which would also be required to acquire and redeem PDCs. It also now includes assisted living facilities as a permitted use. With respect to assisted living facilities in the Regional Growth Area, the CMP specifies that PDC use must be accommodated when the density of such facilities exceeds 8 units per acre. Rather than establishing a base density of 8 units per acre, the amended Williamstown Redevelopment Plan requires that PDC use be a significant component of any assisted living project, regardless of density. Thirty percent of all assisted living facility units, excepting those that meet affordable housing provisions discussed above, will require the redemption of PDCs, whether an assisted living facility is constructed at a density that exceeds 8 units per acre or not. This approach is consistent with the intent of N.J.A.C. 7:50-5.34(a)(2) of the CMP.

As indicated in Section II.2 of this report, the permitted densities and other standards adopted by the two redevelopment plans allow for a total of 675 residential units. Thus, the PDC requirements adopted by Ordinances O:27-2020 could result in the use of as many as 157.5 rights (39.25 PDCs), if the maximum number of residential units is developed in the Williamstown Square Redevelopment Area. At minimum, 106.5 rights (26.5 PDCs) will be required.

While the 30% PDC requirement applied to Williamstown Square Redevelopment Area is not as high a number as would be provided through the more traditional zoning approach (where PDCs would account for 33% of the total number of permitted units), it is important to remember that the traditional base density/bonus density approach utilized throughout the Pinelands Area only provides an *opportunity* for the use of PDCs. There is no requirement under the traditional approach that any PDCs be used in any particular development project. Ordinance O:27-2020 *guarantees* a certain level of PDC use in association with any development within the Williamstown Square Redevelopment Area, regardless of project density or number of units which are ultimately built. Given the greater certainty provided by this approach and its relationship with Ordinance O:29-2020, both ordinances should be viewed as consistent with the CMP requirements for accommodation of PDCs.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinances O:27-2020 and O:29-2020 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

Ordinances O:27-2020 and O:29-2020 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

The Redevelopment Plans related to Ordinances O:27-2020 and O:29-2020 do not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Monroe Township's application for certification of Ordinances O:27-2020 and O:29-2020 was duly advertised, noticed and held on January 13, 2021 at 9:30 a.m. Ms. Grogan conducted the hearing, which was held remotely and broadcasted 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 received.

Written comments on Ordinances O:27-2020 and O:29-2020 were accepted through January 15, 2021. Comments were submitted by the following individual:

Fred Akers, Administrator, Great Egg Harbor Watershed Association (see Exhibit 3)

EXECUTIVE DIRECTOR'S RESPONSE

Mr. Akers thanked the Commission staff for its application of the Wetlands Buffer Delineation Model as it relates to the Williamstown Square Redevelopment Area and noted that the redevelopment plan included a very comprehensive and robust runoff mitigation plan. However, Mr. Akers expressed some concern with implementing such complicated stormwater management measures and Commission staff's reliance on engineers hired by developers to make sure stormwater management is well-financed and well-executed.

The Executive Director appreciates Mr. Akers' comments as the water quality and natural resources of the Squankum Branch subwatershed, and the Great Egg Harbor Watershed as a whole, are of importance to the Pinelands Commission. The Commission issued a Letter of Interpretation in 2010 confirming the extent of wetlands on some of the lots included in the Williamstown Square Redevelopment Area. Shortly thereafter, required buffers to the wetlands were established based on the results of the wetlands buffer delineation model referenced in the CMP. A buffer of 175 feet was deemed to be appropriate to a swale/ditch on the property as well as to a degraded wetland. A buffer of 240 feet was deemed necessary to the hardwood swamp at the rear of the property. These buffer requirements are noted in the Redevelopment Plan and are common for development in a Regional Growth Area. When and if new applications for development in the Redevelopment Area are submitted to the Commission, the appropriate wetlands buffers for that development will be determined, once again using the wetlands buffer delineation model.

With respect to stormwater management, the Commission does not have a licensed Professional Engineer (PE) on staff. However, a staff member in the Commission's Regulatory Programs Office is highly-trained, experienced and dedicated to the review of all stormwater plans submitted to the Commission as part of an application for major development. Importantly, a licensed PE does ultimately review all stormwater plans in his or her capacity as the municipal planning, zoning or land use board engineer. The Commission has discussed hiring a licensed PE to review stormwater management plans in the past, and if an opportunity arose in the future, it would be considered as an option. In the meantime, the Executive Director is confident that, in partnership with municipal

engineers, stormwater management plans are receiving the necessary diligent scrutiny to ensure they meet the minimum standards of the CMP.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Monroe Township Ordinance O:27-2020, adopting the second amendment to the Williamstown Square Redevelopment Plan, and Ordinance O:29-2020, adopting the St. Mary's Redevelopment Plan of Monroe Township, comply 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 Ordinances O:27-2020 and O:29-2020 of Monroe Township.

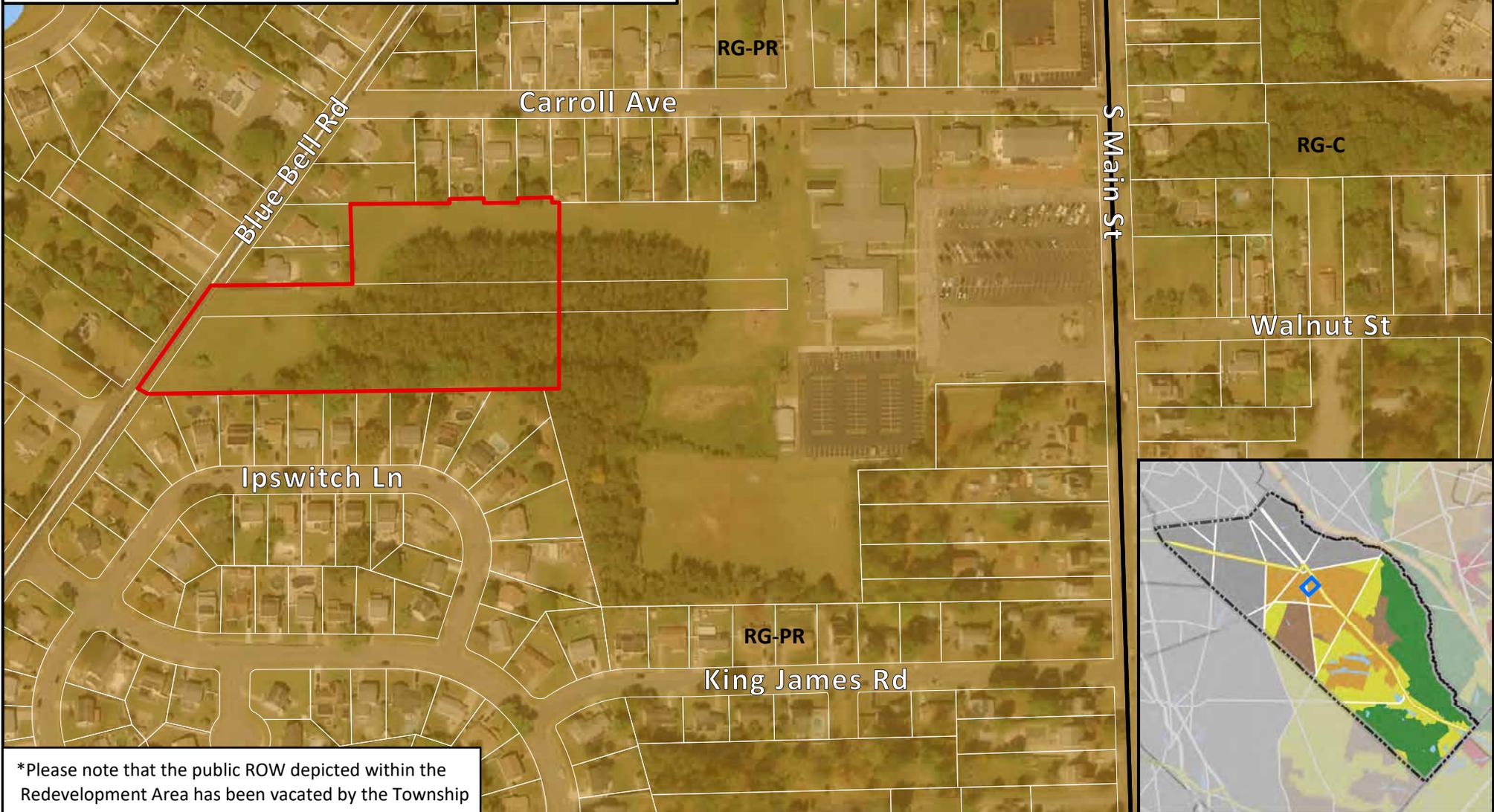
SRG/DBL/CMO
Attachments

Monroe Township St. Mary's Redevelopment Area

-  Regional Growth Area
-  Redevelopment Area
-  Existing Zoning
-  Monroe Twp Parcels



Executive Director's Report
Monroe Ord. O:27-2020, O:29-2020
Exhibit 1
1/29/2021



*Please note that the public ROW depicted within the Redevelopment Area has been vacated by the Township

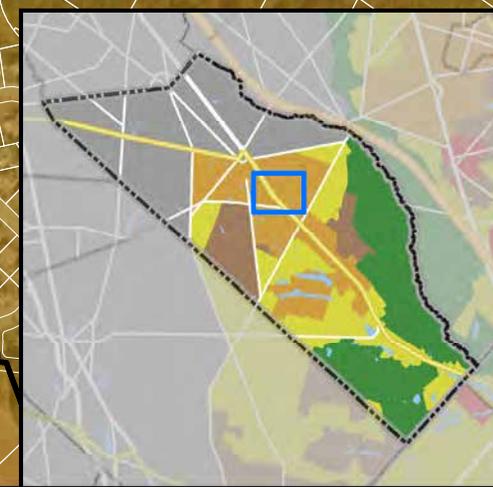
Monroe Township Williamstown Square Redevelopment Area

-  Regional Growth Area
-  Redevelopment Area
-  Existing Zoning
-  Monroe Twp Parcels

0 500 1,000 2,000 Feet



Executive Director's Report
Monroe Ord. O:27-2020, O:29-2020
Exhibit 2
1/29/2021





The Great Egg Harbor Watershed Association

P.O. Box 109
Newtonville, NJ 08346

Fred Akers, Administrator
856-697-6114
fred_akers@gehwa.org

Executive Director's Report
Monroe Ord. O:27-2020, O:29-2020
Exhibit 3
1/29/2021

January 14, 2020

Pinelands Commission Public Comments
Sent via Email: comments@pinelands.nj.gov

RE: Monroe Township Ordinance 0:27-2020, Williamstown Square Redevelopment Plan

Dear Pinelands Commission:

One of the purposes for which the Great Egg Harbor Watershed was formed in 1990 was to protect and restore the natural, cultural and recreational resources of the Great Egg Harbor Watershed.

The Squankum Branch subwatershed (HUC14-02040302030050), in which the Williamstown Square Redevelopment Plan will be located, is significantly urbanized and developed in its headwaters upstream from the planned redevelopment area. (See Map 1, page 3).

In the "Impervious Cover Assessment for Monroe Township, Gloucester County, New Jersey", published by the Rutgers Cooperative Extension Water Resources Program dated 1/31/19, the Squankum Branch subwatershed had 11.6% impervious cover. (See page 9 here):
http://water.rutgers.edu/Projects/GEHWA/Monroe%20Township_ICA.pdf

According to the Center For Watershed Protection's updated Impervious Cover Model (see page 4 in the above referenced report), water quality in the Squankum Branch is already being impacted by impervious cover and upstream development at 11.6% impervious cover.

While we are concerned about negative impacts to water quality and natural resources in the Squankum Branch Subwatershed, and we recently invested in the Rutgers impervious cover assessment and analysis to help us better protect this subwatershed, we understand that most of the existing development pre-dates the Pinelands Comprehensive Management Plan (CMP), and that the CMP created the Regional Growth Area here to receive increased development and impervious cover transferred from the core of the Pinelands to better protect other areas.

(continued next page)

www.gehwa.org – The Official Website of the Great Egg Harbor Watershed Assoc.

Julie Akers
President

Ed Curry
Vice President

Dick Colby
Treasurer

TRUSTEES

Steve Eisenhauer

Jamie Cromartie

Clark Sprigman

Pat Sprigman

Clay Emerson

Paul Ludgate

Carol Jones

STAFF

Lynn Maun
Secretary &
Coordinator

Fred Akers
Administrator

So given the regionally planned increased development in the Squankum Branch subwatershed under the Pinelands CMP and the PDC program, we thank the Pinelands Commission staff for its interpretation of the old Wetlands Buffer Delineation Model to establish 175ft. and 240ft. buffers to the wetlands of the Squankum Branch on this redevelopment site.

We suggest that the old Wetlands Buffer Delineation Model should be reevaluated for modern day effectiveness given how old it is. Also, downstream preserved open space and designated Wild and Scenic Rivers should be significant factors included in the Pinelands Commission's development analysis in the Regional Growth Areas. (See Maps 1 & 2, pages 3 & 4)

Finally, we know that the most important way to minimize degradation to downstream water quality from impervious cover is to keep the stormwater generated by the impervious cover on the site, and disconnected from downstream.

While the requirements in the Williamstown Square Redevelopment Plan, Amendment #2, Runoff Mitigation Plan, page 24 seem very comprehensive and robust, it also says that "Compliance with these standards will be determined through engineering review".

We know that the devil can be in the details of the actual implementation of complicated stormwater management. We know that the Pinelands Commission does not have an engineer on staff to review stormwater management implementation, and is therefore dependent on engineers hired by developers to make sure stormwater management is well financed and well executed.

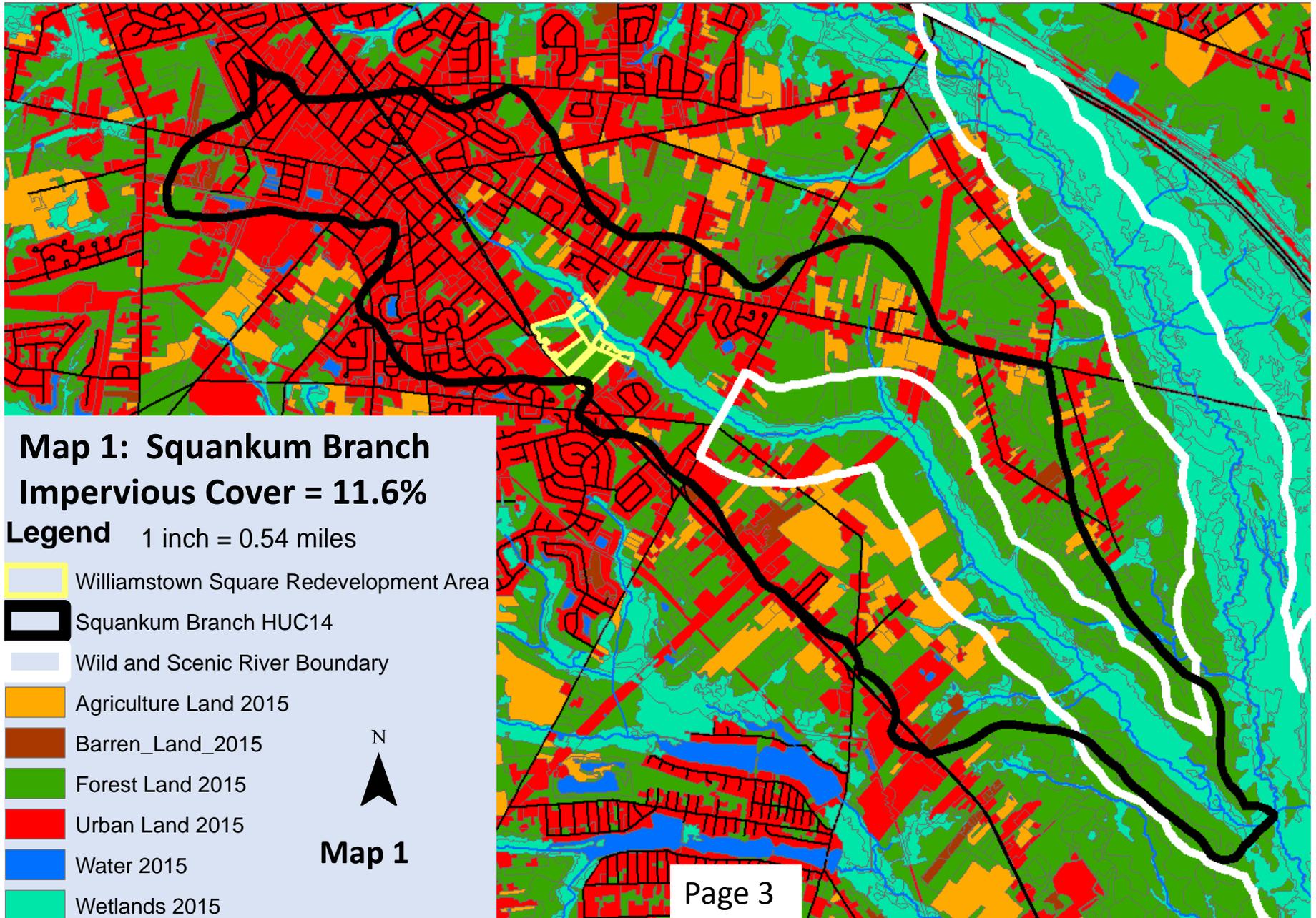
Given this deficiency of the Pinelands Commission, and the fact that NJPACT <https://www.nj.gov/dep/njpact/> is predicting a 35% increase in stormwater volume due to climate change, we suggest that it might be a good time for the Pinelands Commission to establish an independent stormwater engineer that can peer review the design and implementation of future stormwater management measures in the Pinelands Regional Growth Areas and other management areas.

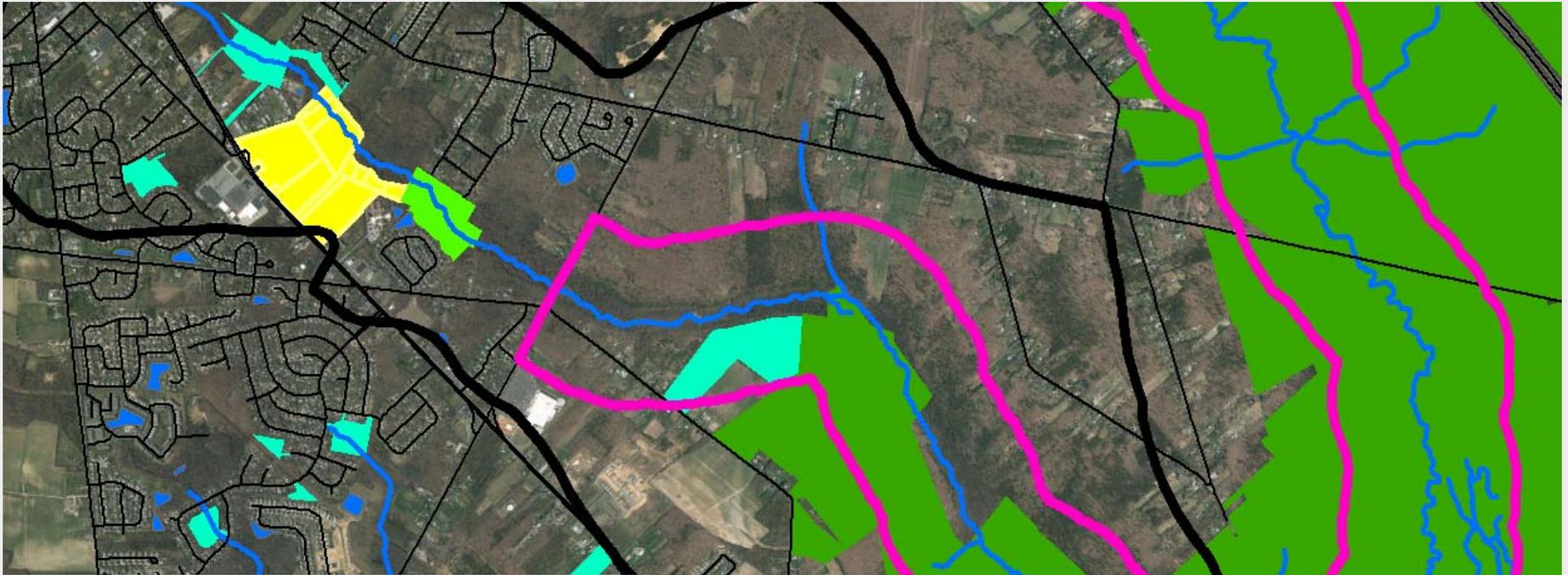
Thank You for the opportunity to comment on Monroe Township Ordinance 0:27-2020, Williamstown Square Redevelopment Plan.

Sincerely,

A handwritten signature in dark ink that reads "Fred Akers". The signature is written in a cursive, slightly slanted style.

Fred Akers, Administrator
Great Egg Harbor Watershed Association





Map 2: Squankum Branch Preserved Open Space

Legend 1 inch = 0.38 miles

-  Williamstown Square Redevelopment Area
-  Squankum Branch HUC14
-  Wild and Scenic River Boundary
-  New Jersey Natural Lands Trust
-  Monroe Township Open Space
-  Winslow Wildlife Management Area





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21- 07

TITLE: Celebrating the 40th Anniversary of the Pinelands Comprehensive Management Plan

**Commissioner Lohbauer moves and Commissioner Lloyd
seconds the motion that:**

WHEREAS, the Pinelands Protection Act of 1979 recognized the significant natural, ecological, agricultural, scenic, cultural and recreational resources of the Pinelands Area of southern New Jersey; and

WHEREAS, the Pinelands Protection Act also directed the Pinelands Commission to prepare and adopt a comprehensive management plan designed to preserve, protect and enhance the resources of the Pinelands; and

WHEREAS, members of the Pinelands Commission staff showed tremendous determination by working seven days a week and often into the early morning hours while drafting the Comprehensive Management Plan (CMP) over many months in 1980; and

WHEREAS, members of the Commission are volunteers who devoted hundreds of hours of their time and expertise while discussing and reviewing the CMP in 1980; and

WHEREAS, members of the Commission convened more than 40 regular meetings as the plan was being developed and adopted in 1980, and many of these meetings were held weekly and would run from 9:30 a.m. until 5 p.m.; and

WHEREAS, the Commission adopted the CMP in two phases in 1980, and the plan became effective under state law on January 14, 1981; and

WHEREAS, since its adoption, the CMP has encouraged appropriate patterns of growth as a means to protect the Pinelands environment from the impacts of scattered and piecemeal development; and

WHEREAS, through its implementation of the CMP, the Pinelands Commission has successfully safeguarded the core of the Pinelands Area while channeling growth toward designated areas with the infrastructure needed to support it; and

WHEREAS, the Pinelands Development Credit (PDC) program contained in the CMP is one of the most successful regional transfer of development rights programs in the world. As of June 2020, 55,391 acres in the Pinelands Area have been preserved through the PDC program. The program has also served as a model. Over the years, representatives from Czech Republic, Japan, Russia and South Korea have contacted the Commission to learn more about the PDC program; and

WHEREAS, the CMP is considered one of the most successful models of large-scale, regional conservation planning in the world, and the Commission desires to raise awareness of the plan and its remarkable achievements in protecting a million-acre region that is located in the most densely populated state in the country; and

WHEREAS, the Commission will celebrate the 40th anniversary of the CMP this year by creating and sharing a series of informative video interviews with former Commissioners and former staff, and it will write and share social media postings that chart the history, implementation and success of the plan; 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) The Commission formally recognizes and extends its gratitude and appreciation to the former staff members and Commissioners for their tireless work to create the CMP 40 years ago.
- 2) The Commission formally recognizes and extends its gratitude and appreciation to all former and current Commissioners and all former and current staff members for their often challenging but critical work to implement and strengthen the plan.
- 3) The Commission formally recognizes and extends its gratitude and appreciation to representatives from municipal, county, state and federal entities that have been a critical part of the collaborative effort to implement the CMP during the past four decades.
- 4) The Commission is proud of the CMP and supports the staff's efforts to celebrate and raise awareness about the history, implementation and success of the plan.
- 5) The current members of the Commission are committed to continuing the agency's work to preserve, protect and enhance the Pinelands from perhaps even greater degradation than 40 years ago.

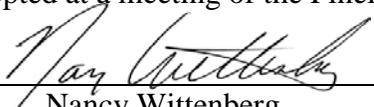
Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Avery	X			Irick	X			Pikolycky	X		
Christy			X	Jannarone			X	Quinn	X		
Higginbotham	X			Lloyd	X			Rohan Green			X
Howell			X	Lohbauer	X			Prickett	X		

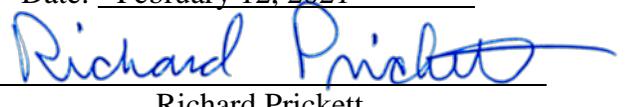
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 12, 2021



 Nancy Wittenberg
 Executive Director



 Richard Prickett
 Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21-_____

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1988-0706.022 & 2000-0088.007)

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:

1988-0706.022

Applicant:	Town of Hammonton
Municipality:	Town of Hammonton
Management Area:	Pinelands Town
Date of Report:	February 18, 2021
Proposed Development:	Installation of a public sanitary sewer main and pumping station on Block 4204, Lot 9 and within the Boyer and Sewell Avenue rights-of-way; and

2000-0088.007

Applicant:	National Energy Partners
Municipality:	Town of Hammonton
Management Area:	Pinelands Town
Date of Report:	February 18, 2021
Proposed Development:	Installation of 5.35 acres of ground mounted accessory solar energy facilities at the Hammonton High School and the Hammonton Early Childhood Center.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1988-0706.022 & 2000-0088.007 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*			
Avery				Irick				Pikolycky			
Christy				Jannarone				Quinn			
Higginbotham				Lloyd				Rohan Green			
Howell				Lohbauer				Prickett			

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

February 18, 2021

Stephen DiDonato, Mayor (via email)
Town of Hammonton
100 Central Avenue
Hammonton, NJ 08037

Re: Application # 1988-0706.022
Boyer and Sewell Avenues
Block 4204, Lots 9 and 10
Town of Hammonton

Dear Mayor DiDonato:

The Commission staff has completed its review of this application for installation of a public sanitary sewer main and pumping station on Block 4204, Lots 9 and 10 and within the Boyer and Sewell 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 March 12, 2021 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, Town of Hammonton Planning Board (via email)
Town of Hammonton Construction Code Official (via email)
Town of Hammonton Environmental Commission (via email)
Atlantic County Department of Regional Planning and Development (via email)
Marianne G. Risley (via email)



State of New Jersey

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

February 18, 2021

Stephen DiDonato, Mayor (via email)
Town of Hammonton
100 Central Avenue
Hammonton, NJ 08037

Application No.: 1988-0706.022
Boyer & Sewell Avenues
Block 4204, Lots 9 and 10
Town of Hammonton

This application proposes the installation of approximately 3,205 linear feet of public sanitary sewer main on Block 4204, Lots 9 and 10 and within the Boyer and Sewell Avenue rights-of-way in the Town of Hammonton. This application also proposes installation of a sanitary sewer pumping station on Block 4204, Lot 9.

The proposed sanitary sewer main will service seven existing single family dwellings fronting on Boyer Avenue that are currently serviced by onsite septic systems.

STANDARDS

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

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

The proposed development is located in the Pinelands Town of Hammonton. The proposed development is a permitted use in a Pinelands Town.

Wetlands Standards (N.J.A.C. 7:50-6.6 & 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 pumping station will be located greater than 300 feet from wetlands.

Approximately 709 linear feet of proposed sanitary sewer line will be located within 300 feet of

wetlands. The CMP permits the installation of linear improvement (utility mains) 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 wetlands and the required buffer to wetlands. 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 pumping station will be located within a wooded area. The proposed sanitary sewer main will be located within an existing wooded area, maintained road shoulders, and gravel and paved roadways. Approximately 0.85 acres of forest will be cleared to accommodate the proposed development. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the development.

The Landscaping and Re-vegetation 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.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on June 22, 2020. The application was designated as complete on the Commission's website on February 2, 2021. The Commission's public comment period closed on February 12, 2021. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of six sheets, prepared by Adams, Rehmann & Heggan Associates, Inc. and dated as follows:

Sheet 1 - November 2020
Sheets 2-6 - April 1, 2020; revised to November 11, 2020
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.



State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on March 8, 2021 and include the following information:

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

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



State of New Jersey

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PHILIP D. MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

General Information: Info@pinelands.nj.gov

Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT

Chairman

NANCY WITTENBERG

Executive Director

February 18, 2021

National Energy Partners
OBO the Town of Hammonton Board of Education (via email)
701 Cooper Road, #9
Voorhees, NJ 08043

Re: Application # 2000-0088.007
Block 2301, Lots 34, 43 & 64
Town of Hammonton

Dear Applicant:

The Commission staff has completed its review of this application for the installation of 5.35 acres of ground mounted accessory solar energy facilities at the Hammonton High School and the Hammonton Early Childhood Center.

Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its March 12, 2021 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, Town of Hammonton Planning Board (via email)
- Town of Hammonton Construction Code Official (via email)
- Town of Hammonton Environmental Commission (via email)
- Atlantic County Department of Regional Planning and Development (via email)
- Louis Cappelli, Jr., Esq. (via email)



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



PHILIP D. MURPHY
 Governor
 SHEILA Y. OLIVER
 Lt. Governor

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

RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

February 18, 2021

National Energy Partners
 OBO the Town of Hammonton Board of Education (via email)
 701 Cooper Road, #9
 Voorhees, NJ 08043

Application No.: 2000-0088.007
 Block 2301, Lots 34, 43 & 64
 Town of Hammonton

This application proposes the installation of ground mounted accessory solar energy facilities at the Hammonton High School and the Hammonton Early Childhood Center located on the above referenced 94.93 acre parcel in the Town of Hammonton.

A 4.33 acre solar energy array will service the Hammonton High School and a 1.02 acre solar energy array will service the Hammonton Early Childhood Center. The applicant has indicated that the proposed solar energy facility will produce 2,661,725 kWh per year, which represents approximately 80 percent of the annual electric use of the two schools.

STANDARDS

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

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

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

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

There are wetlands located within 300 feet of the parcel. All 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.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on June 8, 2020. Notice to required land owners within 200 feet of the above referenced parcel was completed on June 17, 2020. The application was designated as complete on the Commission's website on January 25, 2021. The Commission's public comment period closed on February 12, 2021. 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 three sheets, prepared by Fralinger Engineering PA, all sheets dated November 24, 2020.
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. All development, including clearing and land disturbance, shall be located at least 300 feet from wetlands.

CONCLUSION

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



State of New Jersey
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PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on March 8, 2021 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21-_____

TITLE: To Approve the Pinelands Commission’s 2020 Annual Report

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, in September 2006, then Governor Corzine issued Executive Order #37; and

WHEREAS, Executive Order #37 called for the preparation and approval of a comprehensive report concerning the operations of each State authority; and

WHEREAS, the report shall set forth the significant actions of the Commission; and

WHEREAS, since the report is to be done on an annual basis and it includes much of the same information as the Commission's Annual Report, which is required by the Pinelands Protection Act, the two reports have been combined every year since 2007 as a cost savings measure to eliminate waste and promote efficiency as called for in Executive Order #37; and

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

NOW, THEREFORE BE IT RESOLVED that the attached 2020 Annual Report be approved, submitted to the Governor's Authorities Unit and posted on the Commission's web site.

Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Avery				Irick				Pikolycky			
Christy				Jannarone				Quinn			
Higginbotham				Lloyd				Rohan Green			
Howell				Lohbauer				Prickett			

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



2020 Annual Report

New Jersey Pinelands Commission

Protecting the New Jersey Pinelands

The New Jersey Pinelands Commission is an independent state entity whose mission is to preserve, protect, and enhance the natural and cultural resources of the Pinelands National Reserve, and to encourage compatible economic and other human activities consistent with that purpose.

The Commission was created by the passage of the Pinelands Protection Act in 1979.

To accomplish its mission, the Commission implements a comprehensive plan that guides land use, development and natural resource protection programs in the 938,000-acre Pinelands Area of southern New Jersey. The Commission's 15-member board consists of state, county and federal appointees who volunteer their time and expertise. The panel meets monthly and receives guidance from its Executive Director and staff.



The Pinelands is home to vast forests, farms and towns that cover portions of seven counties in southern New Jersey. Photo/Paul Leakan

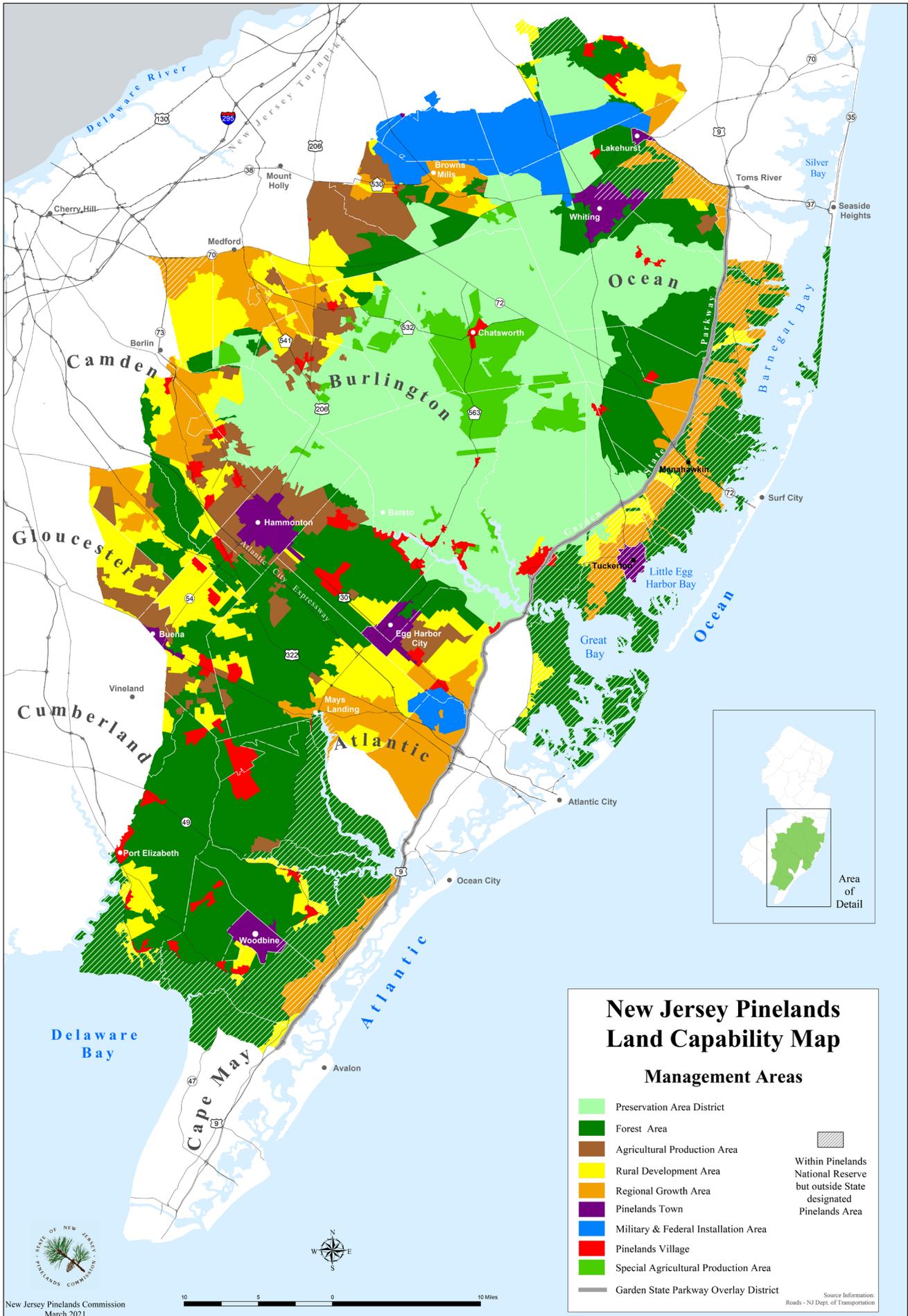
Commissioners:

Richard H. Prickett, Chairman
Alan W. Avery, Jr., Vice Chairman
Candace McKee Ashmun (January - May)
Daniel Christy
Sean W. Earlen (January - Dec. 12th)
D'Arcy Rohan Green
Shannon Higginbotham (Dec. 13th - Dec. 31st)
Jordan P. Howell
Jerome H. Irick
Jane Jannarone
Edward Lloyd
Mark S. Lohbauer
William Pikolycky
Gary Quinn

Nancy Wittenberg, Executive Director

Pinelands Commission
P.O. Box 359
New Lisbon, NJ 08064
Phone: (609) 894-7300
Fax: (609) 894-7330
Website: www.nj.gov/pinelands





Executive Director's Message

Everyone was glad to see 2020 come to an end, as it was a very rough and challenging year. The Commission shifted to full remote operation in mid-March and remained so through the end of the year. It was and continues to be a successful transition, thanks to the efforts and support of staff.

The amount of work done not only didn't change, it increased. Applications were submitted for review in numbers consistent with prior years. Municipalities and counties continued to submit plans and ordinances. Science research work continued and expanded with new work on snake populations of the Pinelands. Maintaining the property and the communications and operating infrastructure provided ongoing challenges. We have also taken on new

initiatives, including developing avenues to respond to climate change. The Land Use, Climate Impacts and Sustainability Committee has been focused on these initiatives. Rulemaking work that is a key to our climate change efforts, dealing with water supply and stormwater management, are nearing completion. Our outreach efforts continued in a new virtual format that included webinars and increased and enhanced use of social media. We have also taken on a management role for the Pine Barrens Byway and are working on stronger communication about this great Pinelands resource. These issues and more are presented in this year's report.

We have learned a lot as we have dealt with the restrictions imposed by COVID-19, including new ways to communicate, new processes for receiving information via mail or digitally, and new ways to provide timely and accurate responses.

The past year also included the loss of two significant influences on the Pinelands: Candace McKee Ashmun and John C. Stokes. Candy served as a Commissioner from the beginning. She was the ultimate source of any question you had about the Commission. When Candy spoke about anything to do with the Pinelands Commission, it was decisive and the end of the conversation. John served in several positions at the Commission and he also served for a long time. Together there is so much they accomplished that has served the Pinelands well.



Above: The vibrant colors of fall take center stage at the 1.8-mile Batsto Blue Trail at Batsto Village in Wharton State Forest in November. The site is located along the Pine Barrens Byway. Photo/Joel Mott

Nancy Wittenberg
Executive Director

In Memoriam: Candace McKee Ashmun and John C. Stokes

2020 was a particularly difficult year for the New Jersey Pinelands Commission, given the passage of longtime Commissioner Candace McKee Ashmun and former Executive Director John C. Stokes.

When Ms. Ashmun died on May 22, 2020, she was still serving as a Commissioner, at the age of 96.

A resident of Basking Ridge, Ms. Ashmun had served as a gubernatorial appointee on the Commission's 15-member board since its inception in 1979, making her the longest serving board member in the agency's history. Commission members are unpaid volunteers who devote a significant amount of their time and expertise while serving.

"Candy was our guide, our institutional memory, and our inspiration," Commission Chairman Richard Prickett said, following her passing. "Perhaps no one in the history of our state has done more to safeguard the Pinelands and its world-renowned environment. Her contributions to the Pinelands are immeasurable, and we will miss her immensely."

In 1979, Ms. Ashmun received a call from then Governor Brendan Byrne, asking if she would serve on the newly created Commission, which faced enormous challenges in creating and then carrying out a comprehensive plan for protecting the region's resources. The Pinelands Comprehensive Management Plan (CMP) is now regarded as one of the most successful, large-scale, land-use conservation plans in the world.

Ms. Ashmun served with great distinction during her tenure as a Commissioner and as a member of numerous Commission committees. Her knowledge of the Pinelands Protection Act and of the Commission's past decisions were invaluable in the agency's efforts to strengthen and implement the CMP.

During its meeting on December 14, 2018, the Commission adopted a resolution to dedicate the agency's



Above: Candace McKee Ashmun toured the exhibits that were named in her honor on December 14, 2018.

Photo/Paul Leakan

educational exhibit in honor of Ms. Ashmun. The Candace McKee Ashmun Pinelands Education Exhibit features more than 400-square-feet of interactive displays, a 90-gallon aquarium with native fish, a terrarium with live, insectivorous Pinelands plants and dozens of Pinelands artifacts. Before dedicating the exhibit, several Commission members praised Ms. Ashmun for her contributions to the protection of the Pinelands, adding that the educational displays are a fitting way to build on her incredible legacy.



Above: Fellow Commissioners gave longtime Commissioner Candace McKee Ashmun (seated) a standing ovation before adopting a resolution to dedicate the agency's exhibits in her honor on December 14, 2018.

Photo/Paul Leakan

Ms. Ashmun spent the vast majority of her life volunteering to protect New Jersey's environment. She served on the State Planning Commission and as Executive Director and three-term President of the

Association of New Jersey Environmental Commissions. Ms. Ashmun chaired the New Jersey Department of Environmental Protection's Great Swamp Advisory Committee, and she was a trustee of the Coalition for Affordable Housing and the Environment. She was also a trustee on the Highlands Coalition and served as the Vice Chair of the Board of the Fund for New Jersey. At the local level, she served on the Bedminster Board of Education, Board of Adjustment and Environmental Commission, and served as Vice Chair of the Far Hills Planning Board.

The Commission suffered another tragic loss with the passing of John C. Stokes, who died on July 14, 2020. He was 70.

Mr. Stokes served as the Executive Director of the Pinelands Commission from April 2003 until his retirement on January 1, 2011. He was hired as the Commission's Executive Director after serving 23 years as the panel's Assistant Director.

A resident of Haddonfield, Camden County, Mr. Stokes was one of the original members of the Commission's staff and was one of the chief authors of the Pinelands CMP.

"John's service to New Jersey as Executive Director of the Pinelands Commission was invaluable," said former New Jersey Governor James Florio, who served as the Pinelands Commission's Chairman from 2002 to 2005. "When I served as chairman of the Pinelands Commission, I observed his practical, wise and environmentally sensitive work in action. His approach was key to protecting and preserving a fragile part of New Jersey that constitutes 20 percent of the state. New Jersey has lost one of its most valuable citizens."



Above: John C. Stokes (center) was one of the chief authors of the Pinelands Comprehensive Management Plan. He served as the Commission's Executive Director from April 2003 until his retirement on January 1, 2011.

Photo/Paul Leakan

As Executive Director, Mr. Stokes was responsible for the daily operations of the Commission and its staff of 43 planners, scientists, environmental reviewers, educators and others. Under Stokes' leadership, the Pinelands Commission:

- Established the Pinelands Conservation Fund, which has since helped to permanently preserve nearly 9,000 acres of land in the Pinelands and has financed numerous, critical Pinelands research and planning projects;
- Instituted innovative conservation measures in the Toms River and Oyster Creek Basins (Ocean County) that serve to better protect more than 7,000 acres of ecologically important lands in those areas;
- Adopted 15 amendments to the Pinelands Comprehensive Management Plan; and
- Launched a multi-year study of the Kirkwood-Cohansey aquifer system that lies beneath the Pinelands and contains trillions of gallons of water.

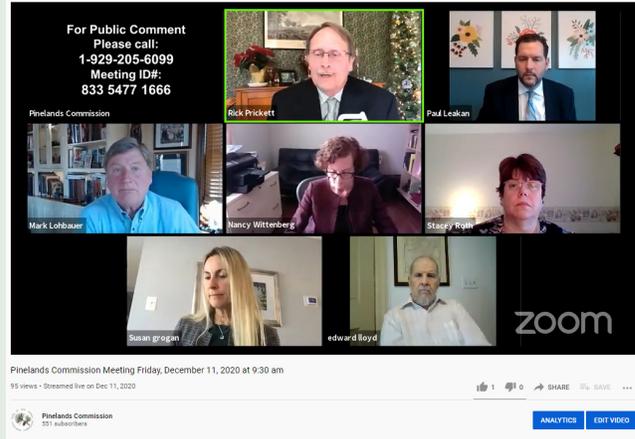
Among other activities, Mr. Stokes served as the Chairman of the Haddonfield Planning Board, as a member of the Haddonfield Environmental Commission, as treasurer of the Camden County Council of Girl Scouts, as assistant district administrator of the National Little League, and as a member of the Haddon Avenue Transit Corridor Study Committee. He earned a bachelor of science degree from North Carolina State University and was a New Jersey Professional Planner and member of the American Institute of Certified Planners. After his retirement, Mr. Stokes taught courses in the Master's Program in Environmental Science at Stockton University.

Persevering in a Pandemic

The Pinelands Commission found new and creative ways to continue its work in 2020, despite the challenges posed by the COVID-19 pandemic.

The Commission closed its offices in mid-March, due to health and safety concerns created by the virus. Staff members immediately started working at home, while using remote desktop software to connect to the state server and continue to do all facets of their work. Meanwhile, Business Services staff maintained Commission buildings and grounds, processed the mail and fed the native fish in the agency’s exhibit, among many other duties.

All offices were able to accomplish their tasks, including reviewing and processing development applications, reviewing ordinances and master plans to ensure conformance with the Pinelands Comprehensive Management Plan (CMP), working on amendments to the CMP, undertaking scientific studies, editing the website, and educating the public via weekly webinars (held in lieu of in-person educational events, which were cancelled). The Commission added messages on its website and social media sites, noting the office closure and encouraging the public to send all inquiries via e-mail. The public was also encouraged to use the agency’s Interactive Map as a resource and instructed to submit all development application materials in an



Above: Due to concerns raised by COVID-19, the Commission held its meetings virtually, starting in April 2020. The public could livestream the meetings on YouTube and call in with comments.

electronic format.

Virtual staff meetings were held each week, starting in late-March. Meanwhile, all Pinelands Commission meetings, Committee meetings and public hearings were held virtually, starting in April. The public could livestream every Commission or Committee meeting and public hearing on YouTube, and they could participate in meetings and hearings by calling in. Every virtual Commission or Committee meeting, public hearing and webinar hosted by the Commission has been recorded and can be viewed on the agency’s YouTube Channel at any time. The Channel can be accessed via www.nj.gov/pinelands.

Planning Activities

Land Use, Climate Impacts and Sustainability Committee

In 2020, the Commission’s Land Use, Climate Impacts and Sustainability Committee (LUCIS) made significant strides in helping to chart the agency’s future efforts to address climate change.

The seven-member Committee has been discussing the potential effects of climate change in the Pinelands and considering measures to mitigate impacts since its formation in 2019. It met three times in 2020.

During its August 28th meeting, the Commission’s staff provided an overview of the New Jersey Forest Stewardship Program and an update on solar activity in the Pinelands.

During a meeting held on October 7th, the Committee hosted a presentation by Vincent Mazzei, an Assistant Commissioner with the New Jersey Department of Environmental Protection (NJDEP)’s Watershed and Land

Management Program. Mr. Mazzei discussed the NJDEP's initiatives regarding climate change. The Committee also discussed a draft resolution that establishes the Commission's objectives relative to climate change in the Pinelands Area and the responsibilities of the LUCIS Committee. The Committee discussed a revised version of the resolution during its October 30th meeting. The resolution acknowledges the need to address the impacts of climate change on the Pinelands and New Jersey. It also identifies the necessary steps to be taken, including reviewing Commission policies and the Pinelands Comprehensive Management Plan (CMP) in order to identify ways to mitigate climate change impacts. Staff will also examine the day-to-day operations and management policies at the Commission facilities to identify changes needed to mitigate greenhouse gas emissions. The Committee advanced the resolution to the full 15-member Commission, which adopted it during its meeting on November 13, 2020.

The final, adopted version of the resolution is available on the Commission's website under the link for November 2020 Resolutions (<https://www.nj.gov/pinelands/home/meetings/documents/November%202020%20resolutions.pdf>).

Amendments to the Pinelands Comprehensive Management Plan

The Commission amended the Pinelands Comprehensive Management Plan (CMP) in 2020 by extending the Alternate Design Wastewater Treatment Systems Pilot Program and authorizing changes to the lineup of permissible technologies.

The Commission launched the Pilot Program in 2002 to test high-performance wastewater treatment systems that better protect the Pinelands environment by reducing the levels of nitrogen that enter groundwater. Through the program, the Commission has evaluated numerous septic systems technologies and identified several that successfully meet Pinelands water quality standards for residential development on lots as small as one acre. To date, more than 350 Pilot Program systems have been installed to service single-family residential development in 28 Pinelands municipalities.

On November 13, 2020, the Commission adopted amendments to the CMP that:

- Extend the pilot program through 2025, when the next Executive Director's report on newly tested programs will be due;
- Authorize the use of one system technology, SeptiTech, for residential development on minimum one-acre parcels on a permanent basis, in recognition of its success in meeting Pinelands water quality standards;
- Remove the Busse GT technology from the program, as this technology has not been installed in the Pinelands Area since being accepted into the Program in 2011;
- Remove the BioBarrier technology from the program, as it has not successfully met CMP water quality standards since being accepted into the Pilot Program in 2011; and
- Enable the Commission to add additional technologies to the Pilot Program by recruiting new NSF Standard 245 and/or USEPA ETV certified technologies to participate in the Pilot Program beginning in 2021, as adding new technologies to the program should lead to increased competition among the system vendors and may lead to continued price stability and potential cost reductions.

Aside from adopting the amendments to the Alternate Design Wastewater Pilot Program in 2020, the Commission's staff initiated discussions about amendments to CMP stormwater management standards in response to the state-wide amendments adopted by the New Jersey Department of Environmental Protection.

Pinelands Development Credit Program

The Pinelands Development Credit Program is a regional transfer of development rights program that preserves important agricultural and ecological land. Pinelands Development Credits (PDCs) are allocated by the Commission to landowners in the Preservation, Agricultural Production and Special Agricultural Production Areas, which are the sending areas. PDCs can be purchased by property owners and developers who are interested in developing land in Regional Growth Areas, which serve as the receiving areas.

Once PDCs are “severed” from a sending area property, the property is permanently protected by a conservation or agricultural deed restriction and the PDCs allocated to that property can be sold on the private market.

During 2020, 36.03 PDCs were allocated by the Commission to 16 sending area properties. A total of 0.75 PDCs were severed, protecting 32 acres of land in the Preservation Area District in Tabernacle Township and 18 acres in the Agricultural Production Area in Pemberton Township. Since 1982, 55,441



This 29-acre blueberry farm in Hammonton has been permanently preserved through the Pinelands Development Credit program.

Photo/Paul Leakan

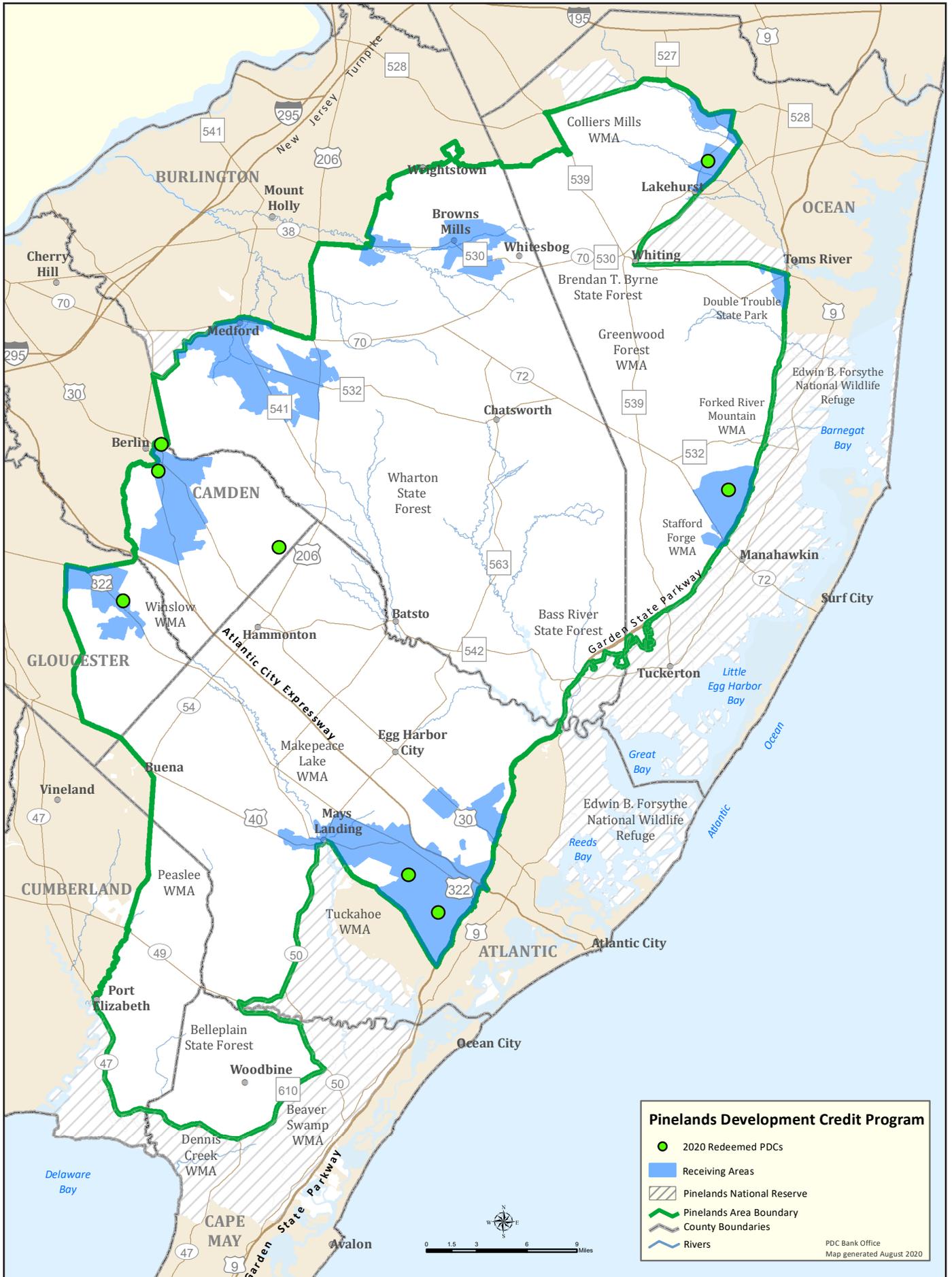
acres in the Pinelands Area have been permanently preserved through the PDC Program. In 2020, a total of 38.50 PDCs were sold, with an average sales price of \$44,740 per PDC. A total of 26.25 PDCs were redeemed for 13 residential projects in Barnegat, Egg Harbor, Manchester, Monroe, Waterford and Winslow townships and one nonresidential project in Berlin Township during 2020.

Please see page 9 for a map that illustrates all PDC redemptions that occurred in 2020.



This 636-unit planned development in Hamilton Township, Atlantic County required the use of 45.75 PDCs.

Photo/Paul Leakan



Reviewing Municipal Ordinances

The master plans and land use ordinances of all Pinelands municipalities and counties must be consistent with the Pinelands Comprehensive Management Plan (CMP). Consistency is ensured through the conformance process, by which municipalities and counties submit their plans, ordinances and amendments to the Commission for review and certification.

The Commission received and reviewed 109 municipal master plan and ordinance amendments in 2020.

The Commission's staff works closely with Pinelands municipalities to help them achieve their objectives in a manner that is consistent with the CMP. In 2020, the Commission certified the Borough of Folsom's 2019 Master Plan Reexamination Report and implementing ordinance. The certification capped off a multi-year effort in which the Commission worked with the Borough and the New Jersey Department of Community Affairs. A top priority for the Borough was to increase commercial development potential along the Black Horse Pike. The planning effort led to the creation of a new commercial zone along the highway that required 49 acres to be changed from a Forest Area to a Rural Development Area. As an offset, the Borough rezoned 76 acres of land from Rural Development Area to Forest Area.

Commission Employs Ground Penetrating Radar to Search for Unmarked Graves at Mullica Site

The Pinelands Commission employed ground penetrating radar technology to search for possible unmarked graves at a 19th century cemetery in the Pinelands in late October 2020.

Tony McNichol, the Commission's Cultural Resource Planner and Archaeologist, used the radar technology to help find possible, unidentified historic graves at the St. Mary's of the Assumption/St. Mary's in the Pines Cemetery on Pleasant Mills Road in Mullica Township, Atlantic County.

The cemetery was established on a small parcel donated by Jesse Richards of Batsto (circa 1826-1827) for the use of his Catholic employees. As operations at Batsto declined in the late 1860's, many families moved from the

area, and the church and cemetery fell into disuse. It is thought that unmarked graves may remain on the site, as early wooden markers may have been destroyed by a forest fire that consumed the church structure in the early 1900's.

Ground penetrating radar (GPR) is a non-invasive, subsurface imaging technology that creates visual representations of buried materials by projecting radar waves of various wavelengths into the ground from a stable surface antenna. The National Park Service provided funding for the GPR technology that was used in this survey, which was initiated by Father Neal Dante of the Camden Diocese.

The results of the survey are pending.



Above: Tony McNichol, the Commission's Cultural Resource Planner and Archaeologist, uses ground penetrating radar to search for unmarked graves at St. Mary's of the Pines Cemetery in Mullica Township. Photo/Paul Leakan

Pine Barrens Byway

Over the course of several months in 2020, the Pinelands Commission’s staff researched, wrote and then submitted a Federal Highways Administration (FHWA) application to designate the Pine Barrens Byway as a National Scenic Byway.

The Commission is overseeing the administration of the Pine Barrens Byway, a state-designated byway that traverses roadways in 16 Pinelands municipalities.

Twenty-five high-resolution, digital photographs of the 130-mile Byway were selected and uploaded to the FHWA application, accompanied by descriptive captions. Staff members also created a highly detailed map of the Byway as a required element of the application, and they wrote summaries of the history and amenities offered at eight featured destinations located along the route.

The Commission secured letters of support from Citizens United to Protect Maurice River and its Tributaries, the Edwin B. Forsythe National Wildlife Refuge, the Jacques Cousteau National Estuarine Research Reserve, New Jersey Conservation Foundation, Pinelands Municipal Council, South Jersey Chamber of Commerce, Tuckerton Seaport and Baymen’s Museum and the



Above: The Tuckerton Seaport is one of many popular and educational sites located along the Pine Barrens Byway. Photo/Joel Mott

U.S. Biosphere Network (National Park Service, Department of the Interior).

Aside from submitting the application to the FHWA, the Commission sought to boost awareness and usage of the Byway by creating and sharing an ArcGIS StoryMap that can be used to plan excursions along the Byway route. Please see page 21 for more information.

The Commission’s work on the Byway was funded by the National Park Service through the Long Term Economic Monitoring Program.

Commission Delivers Annual Update on Permanent Land Protection

The Pinelands Commission’s staff delivered its annual update on permanent land protection in the Pinelands on October 9, 2020.

A total of 1,076 acres of land were preserved in the Pinelands Area from July 2019 to June 2020. Of that total, 211 acres were preserved through Pinelands programs, including 196 acres through clustering, five acres through density transfer and 10 acres through residential density/septic dilution.

As of June 2020, 51% (or 479,000 acres) of the Pinelands Area has been permanently preserved through a variety of programs. Of that total, 94% of the land is located in Pinelands Management Areas that are designated for conservation, including the Preservation Area District, the Forest Area, the Special Agricultural Production Area, and the Agricultural Production Area.

	Acres Protected
Pinelands Programs	211
State Acquisition (Green Acres)	420
County Farmland Preservation	86
County Open Space	356
Non-Profit Acquisition	3
Total Acres	1,076

Regulatory Activities

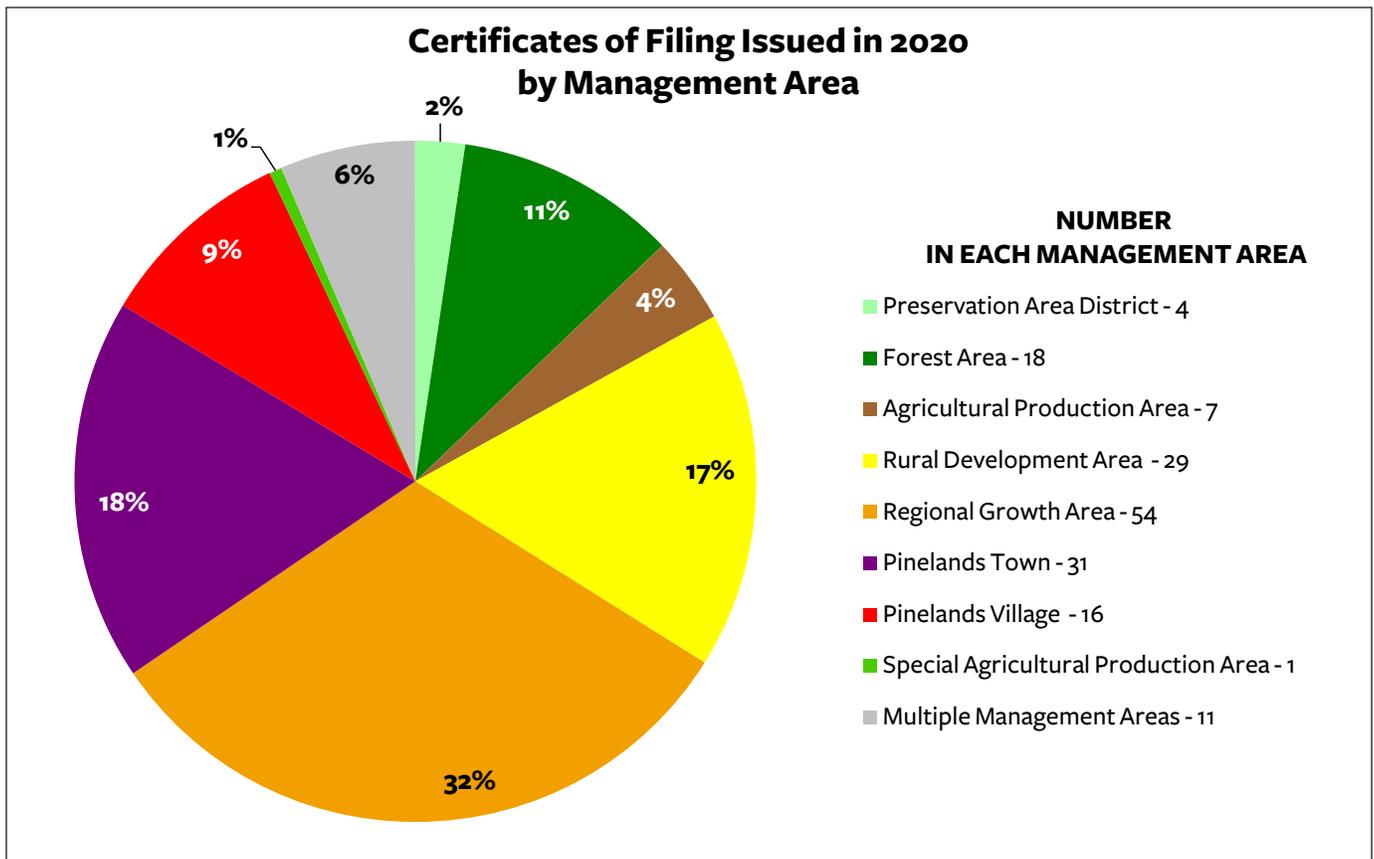
Applications

The Pinelands Commission reviews applications for development by evaluating proposals to ensure that they meet the regulations contained in the Pinelands Comprehensive Management Plan.

Development proposals must meet a series of environmental standards, including those that protect water quality, wetlands and threatened and endangered species.

The Commission's development approval process varies, depending on whether the application is submitted by a public agency or a private landowner. The Commission's staff reviews private development proposals, such as single-family dwellings, subdivisions and commercial projects. After applicants provide all of the necessary information, the Commission issues a Certificate of Filing (or CF) that allows applicants to seek all municipal and county approvals for the proposed development.

The Commission issued 171 Certificates of Filing (CFs) in 2020, most of which (54) were for proposed development in Regional Growth Areas (as shown in the chart below). There are 24 municipalities with Regional Growth Areas, or RGAs, in the 938,00-acre state Pinelands Area. RGAs make up 8% of the land in the Pinelands, and they are generally located on the fringes of the Pinelands boundary. The RGAs include areas of existing development and adjacent lands that have the infrastructure such as sewers, roads and other utilities needed to accommodate new development while protecting the essential character and environment of the Pinelands. The Pinelands Comprehensive Management Plan encourages future growth in the Regional Growth Areas as a way to prevent scattered and piecemeal development in other more sensitive portions of the Pinelands Area.



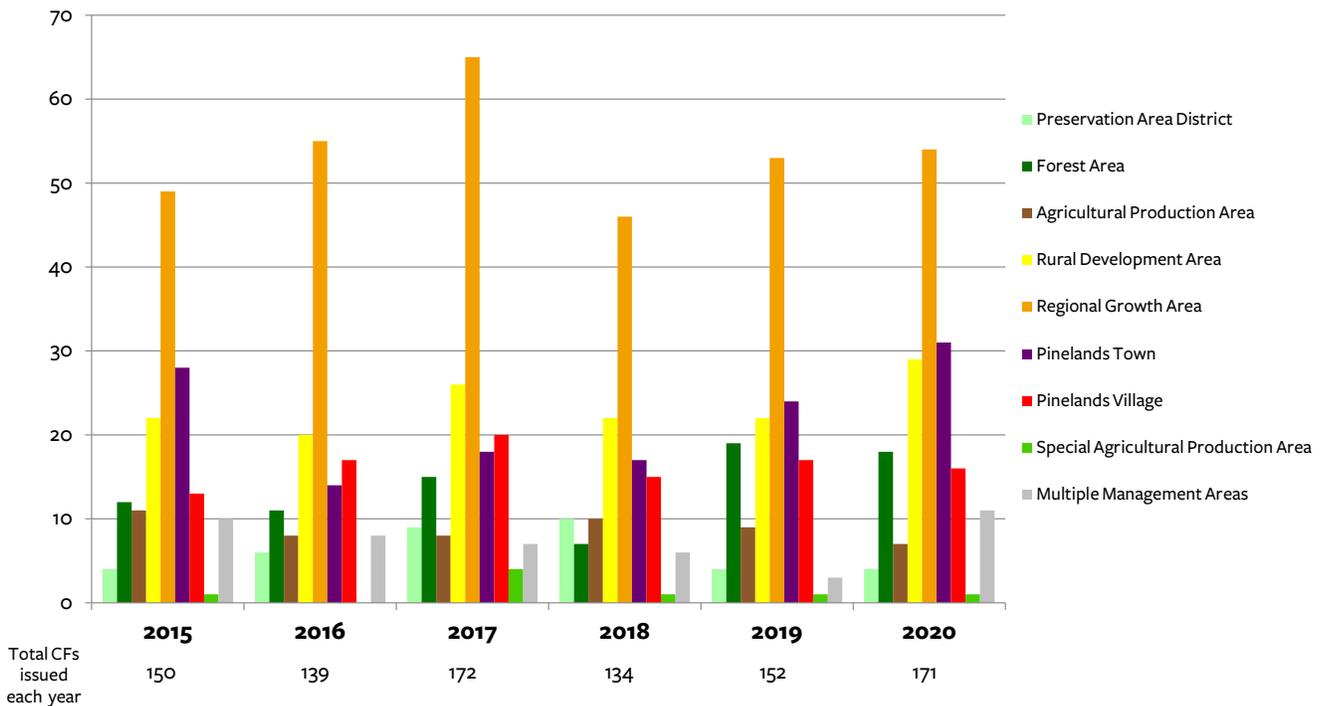
Of the 171 CFs that were issued in 2020, most involved proposals for residential development, followed by commercial development (as shown in the table below).

Certificates of Filing Issued in 2020 by Management Area and Type of Development

	Residential	Commercial	Infrastructure	Institutional	Resource extraction	Totals by management area
Preservation Area District	1				3	4
Forest Area	13	2			3	18
Agricultural Production Area	6	1				7
Rural Development Area	19	7	1		2	29
Regional Growth Area	32	17	2	3		54
Pinelands Town	16	13		2		31
Pinelands Village	7	9				16
Special Agricultural Production Area	1					1
Multiple management areas	3	4	3		1	11
Totals by type of development	98	53	6	5	9	171

The Commission issued similar numbers of CFs from 2015 to 2020, with the majority of the proposals for development located in Regional Growth Areas (as shown on the bar graph below).

Certificates of Filing by Management Area 2015 - 2020

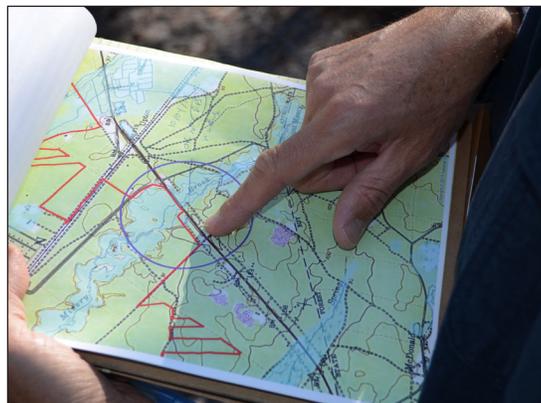


The Pinelands Commission is also responsible for reviewing and approving development applications that are submitted by public entities, such as a municipality, county or a State agency. The full, 15-member Commission votes on whether to approve these applications during its monthly meetings.

The Commission approved a total of 33 applications for public development in 2020. Examples included the installation of numerous solar energy facilities, forestry to reduce wildfire risks, improvements to parks, planting native grasses and forbs to provide habitat for Northern bobwhite quail, and the construction of a deicing pad at the Atlantic City Airport.

Recreation Permits

In 2020, the Commission issued five Recreation Permits for organized, off-road vehicle events in the Pinelands. In order to receive a Recreation Permit, groups must submit a completed “Off-Road Vehicle Event Application” for each proposed event. In addition to the application form, the group must submit the course route in electronic format, an application review fee, proof of insurance, property owner permission and proof that the township and New Jersey State Police have been notified. Commission staff reviews the course route to determine if there are any issues with wetlands, threatened and endangered species, deed-restricted land and private and public ownership. Any portions of the route that have potential issues are site inspected by a member of the Commission’s staff. If any route changes are necessary, a revised route is required and must again be submitted for review.



Above: A member of the Commission’s staff checks a map while conducting a site visit of a route for a proposed off-road vehicle event in the Pinelands. Photo/Paul Leakan

South Jersey Transportation Authority Memorandum of Agreement

In 2019, the Commission and the South Jersey Transportation Authority (SJTA) entered into an amended Memorandum of Agreement (MOA) that eliminated seasonal mowing restrictions at the Atlantic City International Airport in Egg Harbor Township. The amended MOA authorized the SJTA to relocate the Grassland and Conservation Management Area (GCMA) off the airport property and to mow the existing grassland habitat on the property year-round. Previously, the SJTA was restricted from mowing the grassland management area between April 15th and August 15th. The SJTA sought the amended agreement due to safety concerns stemming from an increase in the number of damaging interactions between planes and birds and the potential for the onsite GCMA to attract wildlife and intensify aircraft and wildlife interactions.

In exchange for lifting the mowing restrictions, the amended MOA requires the SJTA to acquire, create and maintain a new GCMA. To satisfy that requirement, Atlantic County acquired an approximately 222-acre parcel in Hamilton Township on December 30, 2020. The land will become the new GCMA, which will be designed with the aid of a consultant retained by the SJTA.

The MOA also required the SJTA to contribute a total of \$3 million, \$500,000 annually, to the Commission’s Pinelands Conservation Fund. These funds will be used to acquire and preserve land in the Pinelands Area, with an emphasis on land that provides suitable habitat for threatened and endangered grassland birds. To date, the Commission has received three of the \$500,000 payments.

Lastly, the MOA required the SJTA to enhance habitat for the frosted elfin butterfly at two locations on the airport site. The SJTA continued its efforts to locate nurseries who can supply the volume of wild indigo required for these sites. Regional nurseries, however, are struggling to establish the necessary plants. As a result, the SJTA is considering additional options to acquire the needed plants, such as harvesting seeds from the established Elfin Butterfly Colony on the FAA Tech Center base.

Science & Research Activities

Long-term Environmental Monitoring Program

Snake Fungal Disease: In 2018, Commission scientists began collaborating with Dr. Joanna Burger and her colleagues at Rutgers University, Robert Zappalorti of Herpetological Associates, and Dr. Jeffrey Lorch of the United States Geological Survey (USGS) to conduct research on snake fungal disease in the Pinelands. Snake fungal disease is an emerging disease found in populations of captive and wild snakes and has been found to



Above: The soft and crusty brown blotches on this northern pine snake indicate potential snake fungal disease infection.

Photo/ John Bunnell

infect snakes in North America, parts of Europe, and Australia. Laboratory analyses have demonstrated that the fungus *Ophidiomyces ophiodiicola* is consistently associated with snake fungal disease, but often additional fungi are also found. Although snakes can show signs of fungal disease just after spring emergence from hibernation, it was previously unknown if *O. ophiodiicola* was present inside the hibernacula.

Dr. Burger and Mr. Zappalorti have been excavating a group of northern pine snake hibernacula, or winter dens, annually for the past 35 years. Their long-term study provides a unique opportunity to sample inside snake dens to determine if the fungus is present in the soil or on the hibernating snakes. Excavating the dens during hibernation also allows the sampling

of a number of individual snakes from a population at one time. A passive integrated transponder (PIT) tag is inserted into each new snake found during the excavations. A PIT tag is a tiny, glass-coated microchip commonly used in wildlife research that allows for the permanent identification of an animal through the use of a special scanner that reads the unique tag number.

To determine if *O. ophiodiicola* was present in the dens or on hibernating snakes, initial sampling was completed in 2018 during den excavations at three locations. Because the initial sampling indicated that *O. ophiodiicola* was present on snakes and in the soil inside the dens, in 2019, a second round of sampling was completed on hibernating snakes at all four of Dr. Burger and Mr. Zappalorti's study sites. A total of 35 pine snakes, one corn snake, one black racer, and one timber rattlesnake were found during the excavations. Each snake was swabbed for the fungus on the head, belly, vent, and on visible body sores. Preliminary results show that the fungus was present on the visible body sores much more than the other body locations sampled. During the winter of 2020, all snakes found during the den excavations were swabbed in an effort to determine the best method and body location to sample a snake for the presence of the fungus and to document changes in fungal infection for individual snakes over time. In 2021, all hibernating snakes will be swabbed again to document changes in fungal infection for individual snakes over time and investigate changes in snake fungal disease among dens.

Rare Snake Population Monitoring: Aside from the long-term artificial den excavations mentioned in the Snake Fungal Disease Monitoring component, no long-term data exist to assess rare snake population trends in the Pinelands. Therefore, the Commission is establishing a network of natural snake dens, shed areas, and nest sites to monitor long-term population changes in several species of rare snakes. As part of ongoing snake studies, numerous winter dens have been identified for corn snakes and kingsnakes. The Commission is attempting to identify more natural pine snake dens and natural dens for other rare snake species. In 2018 and 2019, corrals have been built around most dens to capture snakes as they enter hibernation in the fall and

emerge from hibernation in the spring. The den corrals offer an effective non-invasive method to census snakes each fall and spring without physically disturbing dens or hibernating snakes. In 2020, the Commission corralled additional corn snake and pine snake dens. In 2020, scientists radio tracked nine corn snakes and one pine snake to find new dens or nest areas. Dens and potential dens observed by tracking these snakes will be corralled during the winter of 2020-2021 and productive dens will be incorporated into the monitoring program.

Other 2020 environmental monitoring activities included surveying calling frogs and toads at a group of ponds that are surveyed annually, measuring bimonthly water quality at 47 stream sites, recording monthly water levels at 35 forest plots and 30 ponds, and maintaining continuous water-level recorders installed in seven other ponds and in a shallow observation well installed within a pine lowland forest.

Long-term environmental monitoring research is being funded by the National Park Service.

Microorganism Study

In 2017, the Commission was awarded funding to study the effects of land use on water quality and microorganisms in 60 natural ponds, excavated ponds, and stormwater basin study sites. The goals of the Microorganism Study are to assess the relationship between surrounding land use and various water-quality and biological attributes and to compare the plants and animals from these natural and created wetlands. In 2018, field work was conducted at 20 of the 60 wetlands. Commission scientists and collaborators with the N. J. Department of Environmental Protection and U.S. Geological Survey sampled surface water for nutrients, metals, pesticides, and chlorophyll-a (an indirect measure of algal plant growth) and collected samples of diatoms (single-celled algae), phytoplankton (free-floating algae in the water), zooplankton (tiny animals that swim or drift in the water), and benthic macroinvertebrates (primarily aquatic larval insects). In 2019, field sampling occurred at 20 different sites.

In 2020, project scientists collected samples at the remaining 20 sites, bringing to completion all field work for the study. Taxonomic consultants are continuing to process and identify zooplankton,



Above: Phytoplankton (free-floating algae) samples were collected at 60 wetland sites during the study. This species of *Closterium* was found at over a third of the study sites and equally among the three wetland types.

Photo/EcoAnalysts, Inc.

algae, diatoms, and macroinvertebrates that were collected from the study sites.

This research is being funded by a grant from the U.S. EPA and a match by the Commission through the Pinelands Conservation Fund.

Endocrine Disruption Study

The William Penn Foundation is funding scientific research in the Delaware River Watershed through the Delaware Watershed Research Fund, which is administered by The Academy of Natural Sciences. The Kirkwood-Cohansey aquifer, which underlies the Pinelands, was identified as one of the research areas eligible for funding. Commission scientists and U.S. Geological Survey scientists Kelly Smalling, Dr. Vicki Blazer, and

Heather Walsh proposed a study to investigate point and non-point sources of endocrine disrupting chemicals and the potential impacts on fish and frogs in the Pinelands. The study was awarded funding in 2016.

The endocrine system is a collection of tissues in animals that produce hormones to regulate essential life processes, such as metabolism, tissue function, reproduction, and development. A large group of natural and synthetic chemicals are known to disrupt endocrine function. Examples include plant hormones, plastic components, flame retardants, surfactants, fragrances, and pesticides. Endocrine disrupting chemicals, or EDCs, are a global environmental problem and have been linked to reproductive and developmental abnormalities in a variety of animal species, especially fish and amphibians.

Commission and U.S. Geological Survey scientists proposed to sample water chemistry and fish above and below municipal wastewater treatment plants, which represent direct point sources of EDCs, and water chemistry and frogs at ponds and stormwater basins, which may receive indirect non-point sources of EDCs from runoff and the aquifer. Results from these sites will be compared to those from appropriate, minimally impacted reference sites.



Non-native black crappie was one of the fish species sampled for evidence of endocrine disrupting chemicals at lakes upstream and downstream of a sewage treatment plant.

Photo/ John Bunnell

In 2017, 2018, and 2019, green frogs were collected from ponds and stormwater basins for histological analysis, and water chemistry was sampled at the sites on multiple occasions. In 2019, fish were collected from stream sites above and below a sewage treatment plant for histological analysis, and water chemistry was also sampled. In 2020, fish were collected at lakes above and below a different sewage treatment plant for histological analysis by U.S. Geological Survey scientists. All field work for the project has been completed.

The study is being funded by a grant from the Delaware Watershed Research Fund, a match by the Pinelands Commission, and a match by the USGS.

Joint Corn Snake Radio Tracking and Drift Fence Study

In 2017, Commission scientists began to collaborate with Dr. Howard Reinert of The College of New Jersey, Mr. Robert Zappalorti of Herpetological Associates, and the New Jersey Department of Environmental Protection Endangered and Nongame Species Program staff to conduct an intensive research project on the corn snake in the Pinelands. The corn snake is a colorful, secretive species of rat snake that reaches the northern limit of its range in the New Jersey Pine Barrens. Also called the red rat snake, the corn snake is listed as an endangered species by the New Jersey Department of Environmental Protection. The goals of the corn snake research is to better understand the habitat requirements and life history of this secretive serpent to develop meaningful conservation management programs for the species and ensure its continued survival in the Pinelands.

The research includes two components: radio-telemetry and headstarting, which is a conservation technique where vulnerable young animals are raised in captivity until they attain a larger size and are then released



Above: A clutch of eggs surrounds a newly hatched corn snake. Growth and survivorship of hatchlings will be assessed in this study.

Photo/ John Bunnell

into the wild. For the telemetry aspect, researchers surgically implant small radio-transmitters in adult corn snakes and locate the snakes on a regular basis to collect data on their activity range; types of habitats used; and the locations for nesting, shedding, and hibernation. In 2019, scientists completed radio tracking of 29 corn snakes, which concluded the telemetry component of the study. Corn snake telemetry data will be analyzed by research collaborators at The College of New Jersey.

For the headstarting component of the study, researchers collect corn snake eggs from nest areas and transport them to a laboratory for incubation and hatching. All of the hatchlings are microchipped and one-half of them are released back to the primary nest area as cold released

snakes. The other group of hatchlings are kept in the laboratory over the winter and released the following spring as headstarted snakes. The goal is to recapture as many of these snakes as possible to assess growth and survivorship of the cold released and headstarted hatchlings over time. While in the laboratory, hatchlings are fed, weighed, and measured to determine the efficiency of assimilating food and their growth rates. Researchers are also conducting experiments on the laboratory hatchlings to understand their preferences for temperature, the amount of vegetation canopy cover, and whether they prefer to lay on sand, soil, leaf litter, or pine needles.

In 2019, 28 headstarted corn snakes from 2018 and 11 newly hatched corn snakes from 2019 were released at the primary nest area. Twenty-two newly hatched corn snakes were selected to be held over the winter to be released the following year. In the spring of 2020, these held over snakes were released at the nest area. Additionally in 2020, a total of 22 corn snakes were hatched out in the lab and cold released during the hatching season.

A drift fence was established at the primary nest area to help recapture corn snake hatchlings to assess the survival of headstarted and cold released hatchlings and to compare the effectiveness of using a drift fence outfitted with box traps and artificial cover to detect corn snakes and other species of snakes. In 2019, a total of 1,994 animals were found along the drift fence, under the artificial cover, or in the box traps. Thirteen species of snakes were captured, including 19 corn snakes. In 2020, the fence, cover, and traps yielded a total of 2,047 animals. Eleven species of snakes were captured, including 12 corn snakes. For 2019 and 2020 combined, the drift fence and trap array captured two headstarted and three cold released corn snakes. In 2020, to assess whether corn snakes were able to maneuver around the drift fence without getting caught, four corn snakes were radio tracked in the immediate vicinity of the fence. Twice these snakes moved from one side of the fence to the other without getting captured in the box traps, suggesting that adult corn snakes have the ability to climb over the fence.

This Joint Corn Snake Study is being funded by the Pinelands Commission and the New Jersey Department of Environmental Protection.

Eastern Kingsnake Study

In 2019, the Commission was awarded funding for a grant proposal, titled “Activity range, habitat use, shedding, denning, and nesting of the wetland-dependent eastern kingsnake.” The eastern kingsnake is listed as a species of special concern in New Jersey because it is vulnerable to multiple threats, is potentially declining, and its distribution and population status are not known. Although kingsnakes are a wetland-dependent species that use wetlands for overwintering, the specific wetland habitat types needed for hibernation and the amount and type of associated upland habitats used for foraging, shedding, and nesting have not been documented.

Commission scientists are collaborating with Robert Zappalorti of Herpetological Associates and Dr. Howard Reinert of The College of New Jersey on this four-year study. Scientists will use radio telemetry to determine the activity range; upland and wetland habitat use; and timing of shedding, denning, and potentially nesting of the eastern kingsnake. In anticipation of obtaining funding and to ensure an adequate number of snakes to track if funding was secured, radio transmitters were surgically implanted in 13 kingsnakes in 2019. Although one kingsnake was killed by a predator, the remaining 12 snakes were tracked to their winter dens. In 2020, 18 of 24 newly found kingsnakes were radio tracked in addition to the individuals that were tracked in 2019. Seven radio tracked kingsnakes died in 2020, either from predation or unknown causes. Another kingsnake was lost due to suspected transmitter failure. The remaining snakes were tracked to winter dens in the fall of 2020.

This research is being funded by a grant from the U.S. EPA and a match by the Commission through the Pinelands Conservation Fund.

Corn Snake and Kingsnake Genetics Research

Previous genetics research by Dr. Laretta Bushar and Dr. Howard Reinert showed that timber rattlesnake populations in the Pinelands are geographically and genetically isolated from all other populations of rattlesnakes, and that paved roads in the region provide significant barriers to gene flow among Pinelands timber rattlesnakes. No work has been done on the population genetics of corn snakes or eastern kingsnakes. In 2019, Drs. Bushar and Reinert began using published genetic information on related species to develop genetic markers for corn snakes and kingsnakes. Snakes collected during other snake research as well as additional snakes found dead on roads from around the Pinelands should provide enough individuals to assess levels of genetic variation, population substructure, and the effect of roads on gene flow for corn snakes and kingsnakes in the Pinelands.



Above: A four-year study will focus on the wetland-dependent eastern kingsnake.

Photo/ John Bunnell

This research is being funded by Arcadia University, the New Jersey Department of Environmental Protection Endangered and Nongame Species Program, and the Commission through the Pinelands Conservation Fund.

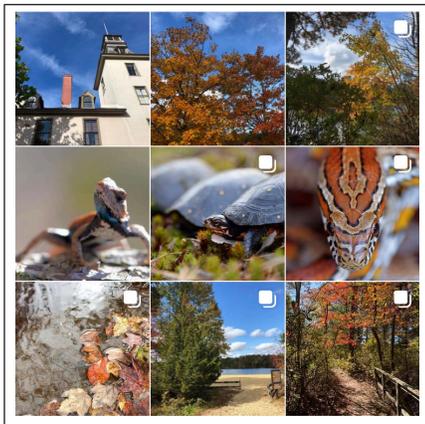
Public Information, Education & Outreach

Raising Awareness, Fostering Stewardship

Although 2020 posed many challenges for the Commission, staff members seized every opportunity to educate the public about the agency's work and the Pinelands' special resources.

Due to health and safety concerns posed by COVID-19, the Commission canceled numerous popular events such as the spring and summer editions of the Pinelands Short Course, the annual Pinelands-themed World Water Monitoring Day, and the annual Orientation for Newly Elected Pinelands Officials. However, the Commission turned to technology and reached far greater audiences than ever before.

Staff reached and educated exponentially more people in 2020 by organizing, hosting and recording 25 webinar presentations,



Above: The Commission launched a new Instagram site in 2020, and here is a gallery of images that were posted in 2020.

launching a new Instagram site that was updated with 180 posts, filming and sharing 21 videos of the Pinelands on the Commission's YouTube Channel, taking and posting more than 1,200 photos and messages on Facebook, and creating and sharing four Adobe Spark video slideshows that highlight the Commission's work and the resources in the Pinelands.

The new webinars are part of the Pinelands Speaker Series, which the Commission previously hosted at its headquarters in Pemberton Township. The webinars were livestreamed, and the public had the ability call in to ask questions. Every webinar is recorded, archived and is available for viewing on the Commission's YouTube Channel at any time. Five members of the Commission's staff delivered webinar presentations, and they covered bog gardening, the colonial privateers of the Mullica River, Pinelands history, plants of the Pine Barrens, and climate impacts on the Pinelands. Other presentation topics ranged from lichen and fungus to forgotten towns in the Pinelands. The video webinar recordings were viewed more than 6,700 times last year, so many more people were reached and educated than through the Commission's traditional means of in-person education programs such as the Pinelands Short

By the Numbers:

In 2020, the Commission's staff:

- Organized, hosted, promoted and recorded 25 educational webinar presentations that are archived on YouTube and have been viewed more than 6,780 times;
- Maintained, enhanced and reviewed every page and link on the Commission's website, which was viewed a total of 132,592 times;
- Launched a new Instagram site, then gained more than 1,000 followers after composing and sharing 180 posts;
- Took and shared 1,266 photos or videos on the agency's Facebook page;
- Filmed and shared 21 videos of the Pinelands on the Commission's YouTube Channel, whose number of subscribers grew from 30 to 490 by the end of 2020;
- Created and shared four Adobe Spark videos, including one that provides an overview of the agency and its work, and videos that highlight land that has been permanently preserved through the Pinelands Conservation Fund, the history and importance of the region's blueberry industry, and the endangered timber rattlesnake population;
- Conducted and recorded 10 video interviews for the planned celebration of the Pinelands Comprehensive Management Plan; and
- Responded to more than 2,298 public inquiries about recreation and other non-development application questions.

Course, which typically attracts 500 to 600 attendees.

Commission staff also sought to raise awareness and appreciation of the region by creating and sharing several Pinelands word scrambles, wordfinder sheets, two quizzes, a crossword puzzle, Pine Barrens tree frog-themed mazes and other entertaining and educational worksheets. This included a Pinelands Bingo score sheet that encourages the public to find and identify various plant and animal species. All of the educational materials are available on the Information and Education section of the Commission's website (www.nj.gov/pinelands).

In addition to creating and sharing new educational content, Commission staff completed a comprehensive review of the agency's website in 2020. This entailed reviewing every line of text on more than 110 web pages, updating information where necessary, and testing every link on the site. Several pages were greatly enhanced with new text, new photo galleries and new videos. Meanwhile, staff reviewed and made changes to the agency's internal website, or Intranet, in 2020.

Seeking to boost awareness and usage of the Pine Barrens Byway, Commission staff created and shared a StoryMap with ArcGIS mapmaking software in October 2020. The Commission is overseeing the administration of the Byway, which traverses 130 miles of roadways in the Pinelands, and the new StoryMap serves as a trip planner for Byway excursions. The StoryMap, shown below, features a fully searchable, interactive map of the entire route, along with miniature maps, detailed descriptions, links, and 36 photos of nine featured destinations on the Byway. The StoryMap can be accessed via the Pine Barrens Byway section of the Commission's website (<https://www.nj.gov/pinelands/landuse/current/byway/>). The Commission's staff also prepared and submitted an application to designate the Pine Barrens Byway as a National Scenic Byway in June 2020. Please see page 11 for more information.



Above: The Commission hosted 25 educational webinars in 2020, including this popular presentation on unique plants and wildflowers of the Pinelands on June 4th.



Above: The Commission created an interactive Trip Planner for the Pine Barrens Byway in October 2020.

Pinelands National Reserve Calendar

The Pinelands Commission issued its fifth edition of the Pinelands National Reserve wall calendar in early December 2020.

The calendar features its first-ever theme -- the Pine Barrens Byway -- and includes 38 stunning photos that showcase the natural, cultural and historic treasures that can be found along the 130-mile Byway route.

The calendar helps to increase awareness and usage of the Byway, while highlighting important locations along the route, such as Atlantic County Park in Estell Manor City, Bass River State Forest, the Batona Trail, Batsto Village, Belleplain State Forest, the Edwin B. Forsythe National Wildlife Refuge, Lake Lenape Park East, the Mullica River, the Tuckahoe River, the Tuckerton Seaport and Wharton State Forest.

The Commission worked with Rowan College at Burlington County to design and print the calendar. All of the photos were taken by members of the Commission's staff.

Aside from the photos of the region's resources,



Above: Signage directs travelers along the 130-mile route of the Pine Barrens Byway, which features stunning sights such as this fiery field of blueberry bushes in the fall.

the calendar includes State and Federal holidays, dates of Pinelands Commission meetings and important dates in Pinelands history.

Six-hundred and fifty copies of the calendar were distributed free of charge at the General Store at historic Whitesbog Village, Jake's Branch County Park and Wells Mills County Park.

Preparing for a Celebration of the Pinelands Comprehensive Management Plan

The Pinelands Comprehensive Management Plan (or CMP) will turn 40 on January 14, 2021, and the Commission will mark the milestone by creating and sharing videos, informative social media posts and informative e-mails in early 2021.

In December 2020, Commission staff conducted and recorded 10 interviews with former Commission members and former staff members who wrote, adopted and/or implemented the CMP, which guides land-use, development and the protection of resources in the state Pinelands Area. The final video interview enabled nine participants to reflect on their experiences in writing the 500-page plan amid a daunting deadline and without the benefit of computers or mapping programs. The

video interviews will be archived on the Commission's YouTube Channel (<https://www.youtube.com/channel/UCBgpC8sbR3Acrjo7ppxs3Uw>).



Aside from the interviews, staff also researched and started to write dozens of posts that will be shared on the agency's Facebook page, Instagram site, and/or YouTube Channel every day in the first few months of 2021. The videos and the posts chart the history, purpose, implementation and success of the CMP, and they will include spotlights on all nine Pinelands Management Areas, plant and animal species that benefit from Pinelands protection, as well as features on the work of the agency's Planning, Regulatory Programs, Science and Communications offices.

Finances

Fiscal & Budget

The Commission's Operating Budget for Fiscal Year 2020 totaled \$5,915,074. Of this, \$4,917,580, or 83.14% percent, was budgeted for personnel expenses.

Budgeted revenue sources included \$383,000 in federal grants, a \$2,949,000 State appropriation, \$841,040 in State grants and other State funding, \$690,000 in application fees and \$1,052,034 from the Commission's fund balance and reserves.

The 2020 budget for the Kirkwood-Cohansey Study, funded through legislation passed in 2001, was \$70,000. The budget for the Pinelands Conservation Fund was \$618,255.

The Commission's Audit Report for Fiscal Year 2019, which ended June 30, 2019, is posted on the State Auditors web site. The website address is: https://www.njleg.state.nj.us/legislativepub/auditreports_department.asp#PINE.

Pinelands Application Fees

Since April 2004, the Pinelands Commission has received application fees to partially underwrite the direct costs associated with reviewing development applications in the Pinelands Area. During Fiscal Year 2020, unaudited application fee revenues actually collected totaled \$379,398.49 (\$310,601.54 less than Fiscal Year 2019).

Certification

As required by State Executive Order #37, all State authorities are required to certify that during the preceding year the authority has, to the best of its knowledge, followed all of the authority's standards, procedures, and internal controls. I hereby certify to the best of my knowledge that, during the 2020 calendar year, all of the Commission's standards, procedures, and internal controls were followed.



Nancy Wittenberg
Executive Director



Cover image: A setting sun projects hues of purple and pink that reflect onto a cedar swamp in the New Jersey Pinelands. Photo/John Bunnell



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RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

MEMORANDUM

To: Members of the Pinelands Commission

From: Brad Lanute 
Planning Specialist

Date: March 1, 2021

Subject: No Substantial Issue Findings

During the past month, the Planning Office reviewed two ordinance amendments that were found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan. They included the following:

Barnegat Township Ordinance 2021-1 - amends Chapter 55, Land Use, of the Code of Barnegat Township by revising the schedules of area, yard, and building requirements for areas both east and west of the Garden State Parkway to require that above-ground and in-ground pools have a side- and rear-yard setback of 10 feet.

Evesham Township 2021 Housing Element & Fair Share Plan - amends the previously approved 2018 Housing Element and Fair Share Plan. The Fair Share Plan's present need obligation is reduced from 94 units to 15 units based on a survey conducted by the Township. Various mechanisms for fair share compliance are also amended in the plan.