



State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
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www.nj.gov/pinelands



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

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

NEW JERSEY PINELANDS COMMISSION MEETING AGENDA
Friday, June 14, 2024 - 9:30 a.m.

This meeting will be held in-person and virtually.

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

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

<https://www.youtube.com/watch?v=IzLxbSam6Ss>

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 867 4682 4156

1. Call to Order

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

2. Adoption of Minutes

- March 8, 2024 Closed Session
- May 10, 2024

3. Committee Chairs' and Executive Director's Reports

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

A. Permitting Matters

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

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

- Application No. 1990-0445.028 - New Jersey Department of Transportation
Realignment of the County Route 530 and State Route 70 intersection
Pemberton Township
- Application No. 1990-0450.008 – New Jersey Turnpike Authority
Construction of a 2,000 square foot State Police barracks and a 3,844 square foot
helicopter pad at the Celia Cruz Service Area
Lacey Township

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

- None

B. Waivers of Strict Compliance

- None

6. Master Plans and Ordinances Not Requiring Commission Action

- | | |
|---|---|
| • Berlin Borough 2001 Master Plan
Amendment | • Berlin Borough 2008 Master Plan
Reexamination Report |
| • Berlin Borough 2002 Master Plan
Reexamination Report | • Berlin Borough Ordinance 2012-17 |
| • Berlin Borough Ordinance 18-2002 | • Berlin Borough Ordinance 2013-08 |
| • Berlin Borough Ordinance 2003-10 | • Berlin Borough Ordinance 2022-10 |
| • Berlin Borough 2004 Master Plan
Amendment | • Berlin Borough Ordinance 2024-02 |
| • Berlin Borough Ordinance 2005-01 | • Buena Borough Ordinance 752 |
| • Berlin Borough Ordinance 2007-004 | • Egg Harbor City Ordinance 7-2024 |
| | • Evesham Township Ordinance 6-4-2024 |
| | • Folsom Borough Ordinance 4-2024 |
| | • Hamilton Township Ordinance 2073-2024 |

- Hamilton Township Ordinance 2074-2024
- Medford Lakes Borough Ordinance 710
- Monroe Township Ordinance O:18-2024
- Waterford Township Ordinance 2023-17
- Woodbine Borough Ordinance 625-2024

7. Other Resolutions

- To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2025 at the Same Level of Expenditures as Fiscal Year 2024 until the Adoption of the Fiscal Year 2025 Budgets

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	
Tue., June 18, 2024	Personnel & Budget Committee Meeting (9:30 a.m.)
Fri., June 28, 2024	Policy & Implementation Committee Meeting (9:30 a.m.)
Fri., July 12, 2024	Pinelands Commission Meeting (9:30 a.m.)

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

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

PINELANDS COMMISSION MEETING

MINUTES
May 10, 2024

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

Commissioners Participating in the Meeting

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

Commissioners Absent

John Holroyd & Mark Lohbauer.

Call to Order

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

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

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

The Commission pledged allegiance to the Flag.

Minutes

Chair Matos presented the minutes from the Commission's April 12, 2024 meeting. Commissioner Pikolycky moved the adoption of the minutes. Commissioner Irick seconded the motion.

Commissioner Wallner said that the discussion of the proposed Evesham Memorandum of Agreement in the April minutes refers to the Lydia Schaefer bog. The correct name is Lower Schaefer bog. He also asked that the minutes be clarified to indicate that he referred to an alternate route (the black trail) as providing access to two scenic vistas and interpretive signs.

Commissioner Rittler Sanchez said she would like the minutes to be revised to clarify a portion of Director Charles Horner's summary of the Atlantic County Board of Agriculture meeting on page PC2-31. She asked that the minutes state that the "construction of" barns does not require application to the Commission.

Commissioner Pikolycky and Commissioner Irick agreed to the suggested edits.

The minutes from the April 12, 2024 Commission meeting were adopted by a vote of 10 to 0. Commissioner Lettman abstained.

Public Development Projects and Other Permit Matters

Chair Matos introduced a resolution for the demolition of a potable water well house and the construction of a replacement potable water well house in Medford Township.

Commissioner Rittler Sanchez made a motion Approving With Conditions an Application for Public Development (Application Number 2024-0026.001) (See Resolution # PC4-24-08). Commissioner Asselta seconded the motion.

Director Horner said Medford Township is replacing the existing potable water well house with a new one.

The resolution was adopted by a vote of 11 to 0.

Chair Matos introduced a resolution approving the development of an irrigation well and a water well for vehicle maintenance at Stockton University.

Commissioner Avery made a motion Approving With Conditions Applications for Public Development (Application Numbers 1981-1833.084 & 1981-1833.085) (See Resolution # PC4-24-09). Commissioner Irick seconded the motion.

Director Horner provided relevant details of a Memorandum of Agreement (MOA) that the Commission entered into with Stockton University in 2015. He said the MOA designated certain areas of the campus for development and other areas for conservation and a deed restriction was placed on the conservation area. He said unfortunately the mapping of the restricted area was not

as clear as it should have been and over time development occurred in the restricted area. He said roads, sidewalks and a pump station were developed in the restricted area and without application to the Commission. He said a process to revise the deed restriction must be completed for the development to comply with the Comprehensive Management Plan (CMP) and for the Commission to approve the development that occurred without application. He said the New Jersey Department of Environmental Protection (NJDEP) holds the rights to the restriction and will be holding a public hearing on June 3rd on the University's request for release of certain lands from the restricted area.

ED Grogan added that the applications being acted on today are not in the conservation area. Given the progress made to date on revision of the deed restriction, staff felt it was appropriate for these two applications to move forward for Commission action.

Stacey Roth, Chief, Legal and Legislative Affairs, offered the following clarification. She said the Pinelands Protection Act does not give the Commission the authority to hold property rights. She said the NJDEP holds the property rights and the Commission is listed as a third party beneficiary with the right to enforce. She noted that the June 3rd public hearing will be held virtually at 6:00 p.m. and the full notice is posted on the Commission's website and NJDEP's website. She said the deed restriction filed in 2010 relied on colored maps to define the restricted area. She said it was difficult to interpret in the field. She said staff worked with Stockton University to produce a GIS based map that clearly outlines the boundaries of the deed restriction.

Commissioner Rittler Sanchez asked about the delivery method for the irrigation system and if it would be a drip or spray system.

Ernest Deman, of the Regulatory Programs Office, said he did not know if the irrigation system would be drip or spray but it would be installed at the entrance of Stockton University at Jimmie Leeds Road to water native vegetation, trees and shrubs.

Commissioner Rittler Sanchez said from a water conservation standpoint it would make more sense to use drip irrigation.

Commissioner Rittler Sanchez asked if gray water was considered rather than potable water for the proposed well that will be used for vehicle maintenance. She said there must be access to gray water in the vicinity of the area.

Director Horner said this application is for a replacement well immediately adjacent to a maintenance building.

Mr. Deman said the well will be adjacent to the building; however, the building is located on Pomona Road and in a very isolated section of the campus.

Director Horner also confirmed for Commissioner Rittler Sanchez that the well would be drilled in a new hole. He added that the CMP does not require an applicant to evaluate the possibility of using grey water. He said Commission staff review an application based on the standards of the

CMP. He said during the application process, staff can offer suggestions but it's difficult to do that once the application process is almost complete.

Commissioner Rittler Sanchez said staff may want to inquire about alternatives, especially in this instance where the applicant is asking for special accommodations.

She asked if the NJDEP has water quality regulations or permit requirements related to the washdown maintenance activity. She is concerned about runoff of hydrocarbons and oils.

Director Horner said he does not know but he would find out if NJDEP had any relevant regulations.

Commissioner Mauriello asked for confirmation that the two well applications are not in the deed restricted area of Stockton University.

ED Grogan said that's correct, the wells are outside of the deed restricted area. She said the only connection is that there are outstanding violations on the Stockton campus that have complicated the application process.

The resolution was adopted by a vote of 11 to 0.

Planning Matters

Chair Matos introduced a resolution to certify Medford Township Ordinance 24-02.

Commissioner Avery made a motion Issuing an Order to Certify Manchester Township Ordinance 24-02, Adopting the Redevelopment Plan for Block 62, Lots 30 and 31.01 (See Resolution # PC4-24-10). Commissioner Pikolycky seconded the motion.

ED Grogan provided an overview of the Commission's first subregional planning effort that included the site of Manchester's proposed Redevelopment Plan. She said in the early 2000s, the Commission was aware of the critical ecological habitat located in the Toms River Watershed in both Jackson and Manchester Townships. The Commission created a Task Force that included representatives from Ocean County, the NJDEP, several non-profit organizations, the Pinelands Preservation Alliance, Jackson and Manchester Townships and a number of technical experts. The Task Force took an in-depth look at the 17,000 acres that encompassed the Toms River Corridor, which was comprised of several different Pinelands Management Areas and an active mining operation. She said conservation area planning occurred, including the reduction in size of the Regional Growth Area and other downzoning. The Toms River Corridor Plan also identified approximately 2,000 acres for acquisition and permanent preservation. She said Pinelands Conservation Funds (PCF) and other land preservation partners were used in this effort. She said the other key recommendation of the Toms River Corridor Plan was for the protection of threatened and endangered plants and animals due to the high concentration in the area. She said Jackson Township implemented an additional 300-foot buffer along the Toms River Branch in the north and a 300-foot buffer along the Ridgeway Branch in the south. She said Manchester Township created a smaller wildlife management corridor due to the existing

and in progress development in the area. She said much of the planning and preservation has already occurred in the area and in the next discussion you will see that the Redevelopment Plan involves one of last areas slated for development. Maps that were displayed during the presentation are attached.

Chief Planner Brad Lanute said Manchester Township adopted Ordinance 24-02 in January. He said that the ordinance adopts a redevelopment plan for two contiguous lots, totaling 224 acres in the Township's Regional Growth Area. He said the site was formerly used as a resource extraction operation. He said the redevelopment area is bordered by an existing rail line to the southeast, tributary to the Ridgeway Branch of the Toms River to the southwest, a parcel preserved by Ocean County to the north, and a recycling center and asphalt plant to the northwest in Jackson Township. He noted that an existing, private, two-lane road known as Freemont Avenue crosses the northern border of the redevelopment area and the Renaissance residential development, which is located outside of the Pinelands Area and has an easement to use Freemont Avenue.

Mr. Lanute stated that the plan establishes an optional overlay zoning district comprising the entire redevelopment area. He said the current, underlying zoning would remain in effect if the redevelopment plan were not implemented. He reviewed the permitted uses in the optional overlay zone, which include: light industrial uses, warehouses, distribution centers, wholesaling, flex space, indoor recreation, scientific and research facilities, business or professional offices, and indoor agriculture. Conditionally permitted uses include online commerce businesses and outdoor recreation. For those uses other than outdoor recreation, a maximum gross floor area of 1.2 million square feet is permitted within the redevelopment area. Outdoor recreation uses are limited to four acres and must be associated with the adjacent Renaissance community. He added that all buildings must be able to support rooftop solar.

Mr. Lanute reviewed the Pinelands Development Credit (PDC) component of the Redevelopment Plan. He said PDCs are required to be redeemed at a rate of one quarter (1/4) PDC for every 11,500 square feet of gross floor area. For outdoor recreation, PDCs are required to be redeemed at a rate of one quarter (1/4) PDC for every 1.34 acres.

Mr. Lanute displayed the concept plan. He said that the concept plan proposes warehouses in the southern portion of the redevelopment area as well as an 88-acre conservation area in the northern portion of the redevelopment area, which is contiguous with the preserved land to the north. The redevelopment plan requires a conservation area in recognition of known critical habitat for threatened and endangered species within the area. The plan requires that prior to any development, a conservation area must be permanently protected through a deed restriction. No development would be permitted in the deed-restricted conservation area, except for the removal of Freemont Avenue as required by the redevelopment plan. The exact conservation area will be established during the application process.

Mr. Lanute described the existing, underlying zoning. He stated that the entirety of the redevelopment area is located in the Township's Pinelands Environmental Development-1 (PED-1) District. He described how the creation of the PED-1 District as well as the contiguous PED-9 District within Manchester and contiguous PED-1 and PED-9 Districts in Jackson Township

stemmed from recommendations from the Toms River Corridor Plan to maximize the protection of threatened and endangered species habitat while still allowing development on less critical portions of the tract. This included incentives to concentrate all development potential of the PED Districts to the PED-1 District in Manchester Township, which aligns with the boundaries of the redevelopment area under review. Manchester Township's PED-1 District currently permits a planned retirement community of up to 385 units that would require the redemption of PDCs for 30 percent of the market-rate units. This provides an opportunity for the use of up to 105 rights.

Mr. Lanute stated that the opportunity to develop up to 385 units in the PED-1 Zone of Manchester continues now and if the redevelopment plan is adopted. However, based on recent application activity, it is anticipated that the site will likely be developed for non-residential uses. He stated that given the prior zoning of the area as Pinelands Office, Research, and Light Industrial as well as surrounding non-residential uses in Jackson Township, residential or non-residential uses would be appropriate in the area. He also stated that if the proposed development of 1.2 million square feet of non-residential buildings is approved under the plan, it would require the redemption of 105 PDC rights, aligning with the current PDC potential under the current PED-1 Zoning.

He said the Commission held a public hearing on the ordinance and staff is recommending adoption of the Redevelopment Plan.

Commissioner Rittler Sanchez asked about the distance from Freemont Road to the nearest major highway. She said she wanted assurance that the location of the proposed warehouse was viable and suitable related to the transportation of goods.

Mr. Lanute said although he didn't know the exact distance, vehicles leaving the warehouse would exit onto Hope Chapel Road and connect to Route 9 and to the south, the nearest major highway is Route 70. He added that the redeveloper is very interested in the site and determined that the site is fitting for its needs.

Commissioner Wallner asked if threatened and endangered species studies were completed on the entirety of the PED-1 zone. He said some of the public comment received stated that the disturbed area had been surveyed but the forested portion of the parcel had not been surveyed.

Mr. Lanute said that there have been extensive threatened and endangered species studies conducted on the site spanning over a long period of time.

Director Horner provided additional information related to the survey work. He said the extensive survey work on the multiple parcels ultimately led to the rezoning in 2008. He said based on the results of the threatened and endangered surveys, it was determined that the area south of Freemont Road was not critical habitat. He said there was a delay in moving forward with development on the site that caused staff to require additional survey work when the application became active in 2021. He said during survey work in 2021 or 2022, staff limited the area of survey work to only include what was thought to be critical habitat. He noted that the species was found on the south side of Freemont Road. He said that discovery led to the proposal

of an expanded conservation area identified on the concept plan. He said the forested area was not re-surveyed because staff felt that it was not potential critical habitat for the concerned species.

Commissioner Rittler Sanchez asked about the rail line depicted on the concept plan.

Commissioner Avery said he believes that the rail line is the mainline of the central line of New Jersey, a former freight line previously operating from Woodmansie Junction to Lakewood, where it connects to an Amtrak line. He said although the rail line was partially renovated, there is no active train currently operating on the line.

The resolution was adopted by a vote of 10 to 0. Commissioner Wallner abstained.

Committee Reports

Chair Matos provided a summary of the April 26, 2024 Policy and Implementation Committee meeting:

The Committee approved the minutes of the February 23, 2024, meeting.

Staff presented findings on Manchester Township's Ordinance 24-02, adopting a redevelopment plan within the Township's Regional Growth Area.

The Committee next heard two presentations related to the Pinelands Conservation Fund. The first presentation summarized key takeaways from the second annual Land Preservation Summit, which was hosted at the Commission's offices on April 4, 2024. Staff discussed their intent to open a new round of PCF land acquisition grants in early May. The new round would offer \$3 million in grant funding. Committee members were supportive of the schedule and funding level.

The second presentation summarized staff findings from five stewardship monitoring visits conducted at five sites preserved through the Pinelands Conservation Fund. Visits were conducted by staff between November 2023 and January 2024. No formal action was needed by the Committee.

ED Grogan provided a summary of the April 17, 2024 Climate Committee meeting:

Staff presented information on the latest New Jersey Board of Public Utilities solar facility programs and other climate-related legislation. The Committee also received updates on office initiatives, including the electric vehicle charging station and the planned analysis of economic impacts around recommended zoning changes in certain Pinelands Villages and Regional Growth Areas to address climate change. Staff delivered an extensive overview of the NJDEP draft Statewide Water Supply Plan.

Executive Director's Report

ED Grogan provided information on the following matters:

- Ocean County re-appointed Alan Avery for a three-year term on the Commission.
- Amber Mallm was introduced. She began working in the Commission's Land Use Programs office earlier this week.
- The Fenwick Manor rehabilitation project is moving slowly. Marc Paalvast, the Commission's Archaeologist, has prepared the final documents required by the New Jersey Historic Trust in preparation for the grant agreement to be signed. Treasury is currently preparing the scope of services.
- Staff will begin to prepare initiatives and work plans as the Fiscal Year 2024 is ending and the Fiscal Year 2025 begins.

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

- Mullica Township filed an application to construct a new public safety building at their existing municipal complex located on the White Horse Pike. Staff will be coordinating the review with the Atlantic County Improvement Authority, which cannot go out to bid on the proposal until the design has been finalized.
- During the April Commission meeting, staff provided information about Tabernacle Township's request to demolish its municipal building due to public safety concerns. Since that meeting, the Commission's ED consulted with the Chair and issued an emergency authorization letter permitting the demolition of the municipal building. An injunction was issued and the municipal building has not been demolished to date.
- Staff continue to assist the Town of Hammonton regarding its application to use herbicide in Hammonton Lake. Staff requested information about the effect of subsurface drift of the herbicide related to the threatened and endangered plant species. Hammonton officials have contacted a number of lake management experts to obtain this information.
- A large residential development in Barnegat Township that is approximately halfway constructed encountered a stormwater management failure. The developer's engineer submitted an approach that met the Commission's stormwater management standards. The matter is now between the developer and the Township, but the Commission continues to be involved due to conflicts that have arisen between the residents of the development and the township

Commissioner Rittler Sanchez asked if there was an update on the Pemberton Township violation.

Director Horner said the property owner who improved an access driveway on Magnolia Road submitted a significant amount of information related to the wetlands violation. Staff was able to determine that the fill material originated from a construction site in Jersey City. However, the submitted information does not appear to address whether the fill contains contaminants that would degrade surface or groundwater. Therefore, staff will most likely be requesting the applicant to provide soil testing results.

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

- The latest round of Pinelands Conservation Fund grant monies is now open. Applications must be submitted before September 16, 2024.
- Comments on the Statewide Water Supply Plan were submitted to the NJDEP and shared with Commissioners.
- Staff is finalizing the Long-Term Economic Monitoring task agreement that will eventually be submitted to the National Park Service. The task agreement will be discussed at the May 31st Policy and Implementation Committee meeting.

Commissioner Christy signed off the meeting at 10:35 a.m.

Stacey Roth, Chief, Legal and Legislative Affairs, said the Commission works closely with NJDEP's Transactions and Lands Management office as it relates to the release of a Commission deed restriction. She said the NJDEP will not release a deed restriction without a letter from the Commission. Additionally, all deed restrictions that need to be lifted are subject to the New Jersey Conservation Restriction and Historic Preservation Restriction Act, which requires a hearing process and approval by the NJDEP Commissioner.

Ms. Roth said Stafford Township submitted information related to its proposed Memoranda of Agreement for Forecastle Lake Trail.

Mr. Lanute providing the following two updates:

- Staff continue to track and provide outreach to municipalities regarding the adoption of the Kirkwood-Cohansey rules and NJDEP's stormwater management rules within the target date of July 17, 2024.
- The Interagency Council on Climate Resilience recently released its Draft Extreme Heat Resilience Action Plan. The final plan is expected to be available in mid-June, following the close of the public comment period on May 20th.

Paul Leakan, Communications Officer provided information on two upcoming events:

- A Pinelands training session is scheduled for May 15th at Kramer Hall in Hammonton. During the event, Commission staff will deliver six presentations on the application

review process, CMP standards, zoning and the PDC program. Currently, 66 municipal officials have signed up.

- The Pinelands Summer Short Course is scheduled for June 28th, and eleven presentations and four field trips will be offered during the event.

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

No one from the public provided comment.

Ordinances Not Requiring Commission Action

Mr. Lanute said staff reviewed two ordinances that did not raise substantial issues. One was for Pemberton Township, which rescinded the Lakehurst Road Redevelopment Plan. The other ordinance was submitted by Waterford Township and is related to Medical Marijuana Alternative Treatment Centers.

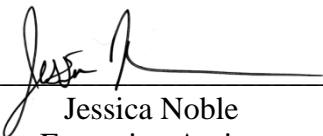
General Public Comment

Heidi Yeh of the Pinelands Preservation Alliance (PPA) said the Commission's protected plant list needs to be updated and it should be added to the Commission's upcoming work plan. She thanked Susan R. Grogan and Kim Laidig for attending a recent New Jersey Plant Partnership meeting. She also invited Commissioners and staff to PPA's second annual science forum scheduled for June 13th.

Adjournment

Commissioner Irick moved to adjourn the meeting. Commissioner Pikolycky seconded the motion. The Commission agreed to adjourn at 10:44 a.m.

Certified as true and correct:



Jessica Noble
Executive Assistant

Date: May 16, 2024



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-24-08

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 2024-0026.001)

Commissioner Rittler Sanchez moves and Commissioner Asselta seconds the motion that:

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

2024-0026.001

Applicant:	Medford Township Utility Department
Municipality:	Medford Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	April 18, 2024
Proposed Development:	Demolition of an existing potable water well house, 50 years old or older, and the construction of a 373 square foot replacement potable water well house.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 2024-0026.001 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 10, 2024

Susan R. Grogan
Executive Director

Laura E. Matos
Chair



State of New Jersey

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Chair
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Executive Director

April 18, 2024

Ronald Fowler (via email)
Medford Township Utility Department
49 Union Street
Medford NJ 08055

Re: Application # 2024-0026.001
Block 908, Lot 11
Medford Township

Dear Mr. Fowler:

The Commission staff has completed its review of this application for the demolition of an existing potable water well house, 50 years old or older, and the construction of a 373 square foot replacement potable water well house. 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 May 10, 2024 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, Medford Township Planning Board (via email)
Medford Township Construction Code Official (via email)
Medford Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Chris Noll, PE, CME, PP (via email)



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PUBLIC DEVELOPMENT APPLICATION REPORT

April 18, 2024

Ronald Fowler (via email)
Medford Township Utility Department
49 Union Street
Medford NJ 08055

Application No.: 2024-0026.001
Block 908, Lot 11
Medford Township

This application proposes demolition of an existing potable water well house, 50 years old or older, and the construction of a 373 square foot replacement potable water well house located on the above referenced 0.9 acre parcel in Medford Township. The existing well house contains one of the Medford Township potable water supply wells.

The applicant has indicated that the existing 366 square foot well house was damaged during a pump failure and must be demolished and replaced. The applicant is also proposing to pave 95 linear feet of an existing 10 foot wide stone access road and two proposed parking spaces for maintenance vehicles.

STANDARDS

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

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

The parcel is located in a Pinelands Regional Growth Area. The proposed development is a permitted use in a Pinelands Regional Growth Area.

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

There are wetlands located on the parcel. The existing development is located approximately 200 feet from the nearest wetland. The proposed development will be located no closer to wetlands than existing development on the parcel.

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

The proposed development will be located over existing concrete, stone and grassed areas. The proposed 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.

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

The Commission staff reviewed available information to determine whether any significant cultural resources exist on the parcel. Based upon the lack of potential for significant cultural resources, a cultural resource survey was not required.

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on March 7, 2024. The Commission’s public comment period closed on April 12, 2024. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 11 sheets, prepared by Environmental Resolutions, Inc., all sheets dated September 27, 2023 and revised to December 20, 2023.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

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 May 6, 2024 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. PC4-24- 09

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1981-1833.084 & 1981-1833.085)

Commissioner Avery moves and Commissioner Irick 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:

1981-1833.084

Applicant:	Stockton University
Municipality:	Galloway Township
Management Area:	Pinelands Regional Growth Area Pinelands Rural Development Area
Date of Report:	April 19, 2024
Proposed Development:	Installation of an irrigation well ; and

1981-1833.085

Applicant:	Stockton University
Municipality:	Galloway Township
Management Area:	Pinelands Regional Growth Area Pinelands Rural Development Area
Date of Report:	April 19, 2024
Proposed Development:	Installation of a water well for vehicle maintenance.

WHEREAS, the development subject of App. No. 1981-1833.084 and 1981-1833.085 are located on 1,586 acre Block 875.04, Lot 1.01 in Galloway Township;

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

WHEREAS, the 2010 Master Plan delineated specific development areas on the campus and proposed the permanent protection of 1,257 acres on and proximate to the campus; and

WHEREAS, a deed of conservation restriction was recorded on the 1,257 acres on November 5, 2010; and

WHEREAS, on May 11, 2015, Stockton University and the Commission entered into a Memorandum of Agreement (MOA) intended to facilitate implementation of the development areas delineated in the 2010 Master Plan by streamlining certain Commission application processes;

WHEREAS, Stockton University undertook the following development on Block 875.04, Lot 1.01 prior to Commission approval:

Paving of Delaware Ave (App. No. 1981-1833.077);
Construction of a 49 space parking lot and pedestrian walkway (App. No. 1981-1833.078); and
Construction of a sanitary sewer pumping station (App. No. 1981-1833.082).

WHEREAS, undertaking this development on Block 875.04, Lot 1.01 prior to Commission approval constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan;

WHEREAS, the development subject of App. No. 1981-1833.077 and App. No. 1981-1833.082 occurred within areas subject of the 2010 conservation deed restriction;

WHEREAS, the MOA was suspended following a determination by Commission staff that development had occurred within the deed restricted area;

WHEREAS, to eliminate the violations subject of App. No. 1981-1833.077 and App. No. 1981-1833.082, Stockton University must amend the 2010 conservation deed restriction;

WHEREAS, based upon the violations subject of App. No. 1981-1833.077 and App. No. 1981-1833.082, the Commission cannot act on any Stockton University applications for development, whether located within or outside of the conservation deed restricted areas, on Block 875.04, Lot 1.01;

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

WHEREAS, by letter dated January 5, 2024, Stockton University proposed to take all measures necessary to eliminate the violations on the parcel, including amending the conservation deed restriction, and provided a time period within which it would address and eliminate the violations;

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) is currently processing Stockton University’s requested amendment to the conservation deed restriction, with an NJDEP public hearing scheduled on June 3, 2024;

WHEREAS, the Executive Director determined that the proposed measures and time period to eliminate the violations, as specified in the January 5, 2024 Stockton University letter, are acceptable;

WHEREAS, the proposed irrigation well subject of App. No. 1981-1833.084 and the proposed water well for vehicle maintenance subject of App. No 1981-1833.085 are not located within an area subject of the conservation deed restriction;

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

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

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

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

NOW, THEREFORE BE IT RESOLVED, that Application Numbers 1981-1833.084 and 1981-1833.085 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

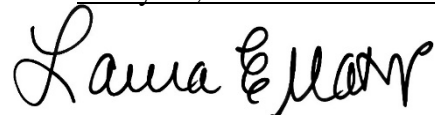
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 10, 2024



Susan R. Grogan
Executive Director



Laura E. Matos
Chair



State of New Jersey

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

April 19, 2024

John Fritsch (via email)
Stockton University
101 Vera King Farris Drive
Galloway NJ 08205

Re: Application # 1981-1833.084
Block 875.04, Lot 1.01
Galloway Township

Dear Mr. Fritsch:

The Commission staff has completed its review of this application for the installation of an irrigation well. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its May 10, 2024 meeting.

On May 11, 2015, the Commission and Stockton University entered into a Memorandum of Agreement (MOA) to facilitate the review of proposed development that is specified in the MOA. As required by the MOA, Stockton University placed a conservation deed restriction on portions of the above referenced parcel. The areas subject of the deed restriction were depicted on a plan.

Subsequent to the MOA, Stockton University paved Delaware Avenue, a sand road (App. No. 1981-1833.077), constructed a 49 space parking lot and pedestrian walkway (App. No. 1981-1833.078) and constructed a new sanitary sewer pumping station (App. No. 1981-1833.082) on the above referenced parcel. This development was undertaken prior to Commission approval. Based upon development occurring within the deed restricted areas depicted on the plan, the Commission has been unable to approve Stockton University development applications located both within and outside of the deed restricted areas.

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.2(c)1ii) provides that no application to the Commission shall be deemed complete if an outstanding unresolved violation exists on the parcel until such time that the property owner submits a written agreement agreeing to take all necessary measures to resolve the violation(s) in a time period acceptable to the Commission's Executive Director. By letter dated January 5, 2024, Stockton University proposed to take all measures necessary to eliminate the violation(s), including revising the conservation deed restriction, in a time period acceptable to the Executive Director.

The proposed irrigation well subject of this application is not located within the deed restricted area. Based upon the January 5, 2024 Stockton University letter, the Executive Director has

agreed that this application can be acted upon by the Commission.

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

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

Sincerely,

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

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

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



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Application Specific Information: AppInfo@pinelands.nj.gov

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 19, 2024

John Fritsch (via email)
Stockton University
101 Vera King Farris Drive
Galloway NJ 08205

Application No.: 1981-1833.084
Block 875.04, Lot 1.01
Galloway Township

This application proposes the installation of a 100 foot deep irrigation well on the above referenced 1,586 acre parcel in Galloway Township. The irrigation well will be utilized to water landscaping at the entrance to Stockton University located on Jimmie Leeds Road.

On May 11, 2015, the Commission and Stockton University entered into a Memorandum of Agreement (MOA) to facilitate the review of proposed development that is specified in the MOA. As required by the MOA, Stockton University placed a conservation deed restriction on portions of the above referenced parcel. The areas subject of the deed restriction were depicted on a plan.

Subsequent to the MOA, Stockton University paved Delaware Avenue, a sand road (App. No. 1981-1833.077), constructed a 49 space parking lot and pedestrian walkway (App. No. 1981-1833.078) and constructed a new sanitary sewer pumping station (App. No. 1981-1833.082) on the above referenced parcel. This development was undertaken prior to Commission approval. Based upon development occurring within the deed restricted areas depicted on the plan, the Commission has been unable to approve Stockton University development applications located both within and outside of the deed restricted areas.

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.2(c)1ii) provides that no application to the Commission shall be deemed complete if an outstanding unresolved violation exists on the parcel until such time that the property owner submits a written agreement agreeing to take all necessary measures to resolve the violation(s) in a time period acceptable to the Commission's Executive Director. By letter dated January 5, 2024, Stockton University proposed to take all measures necessary to eliminate the violation(s), including revising the conservation deed restriction, in a time period acceptable to the Executive Director.

The proposed irrigation well subject of this application is not located within the deed restricted area. Based upon the January 5, 2024 Stockton University letter, the Executive Director has agreed that this application can be acted upon by the Commission.

STANDARDS

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

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

The parcel is located partially in a Pinelands Rural Development Area (603 acres) and partially in a Pinelands Regional Growth Area (983 acres). The proposed irrigation well will be located in the Pinelands Regional Growth Area portion of the parcel. A proposed irrigation well to service Stockton University is permitted in a Pinelands Regional Growth Area.

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

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

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

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

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

The proposed well will be utilized exclusively for landscape irrigation. It is estimated that the proposed well will utilize approximately 8,100 gallons per day during the growing season.

The well will be located in the Kirkwood-Cohansey aquifer. Stockton University has an existing New Jersey Department of Environmental Protection (NJDEP) Water Allocation Permit. That NJDEP Permit allocates a maximum withdrawal of 46.4 million gallons per month and 285.5 million gallons per year from the Kirkwood-Cohansey aquifer. No increase is proposed to the NJDEP Permit monthly or yearly allocation.

This application was completed prior to the December 4, 2023 effective date of the amendments to the CMP water management standards that primarily address use of the Kirkwood-Cohansey aquifer (N.J.A.C. 7:50-6.86). The application was therefore reviewed under and determined to be consistent with the pre-December 4, 2023 CMP water management standards.

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on March 14, 2024. The Commission’s public comment period closed on April 12, 2024. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan prepared by Marathon Engineering & Environmental Services and dated August 21, 2018.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



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PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

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 May 7, 2024 and include the following information:

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

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



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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

April 19, 2024

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

Re: Application # 1981-1833.085
Block 875.04, Lot 1.01
Galloway Township

Dear Mr. West:

The Commission staff has completed its review of this application for the installation of a water well for vehicle maintenance. 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 May 10, 2024 meeting.

On May 11, 2015, the Commission and Stockton University entered into a Memorandum of Agreement (MOA) to facilitate the review of proposed development that is specified in the MOA. As required by the MOA, Stockton University placed a conservation deed restriction on portions of the above referenced parcel. The areas subject of the deed restriction were depicted on a plan.

Subsequent to the MOA, Stockton University paved Delaware Avenue, a sand road (App. No. 1981-1833.077), constructed a 49 space parking lot and pedestrian walkway (App. No. 1981-1833.078) and constructed a new sanitary sewer pumping station (App. No. 1981-1833.082) on the above referenced parcel. This development was undertaken prior to Commission approval. Based upon development occurring within the deed restricted areas depicted on the plan, the Commission has been unable to approve Stockton University development applications located both within and outside of the deed restricted areas.

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.2(c)1ii) provides that no application to the Commission shall be deemed complete if an outstanding unresolved violation exists on the parcel until such time that the property owner submits a written agreement agreeing to take all necessary measures to resolve the violation(s) in a time period acceptable to the Commission's Executive Director. By letter dated January 5, 2024, Stockton University proposed to take all measures necessary to eliminate the violation(s), including revising the conservation deed restriction, in a time period acceptable to the Executive Director.

The proposed water well subject of this application is not located within the deed restricted area.

Based upon the January 5, 2024 Stockton University letter, the Executive Director has agreed that this application can be acted upon by the Commission.

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

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

Sincerely,

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

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

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



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Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 19, 2024

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

Application No.: 1981-1833.085
Block 875.04, Lot 1.01
Galloway Township

This application proposes the installation of a water well for vehicle maintenance located on the above referenced 1,586 acre parcel in Galloway Township. The well will be utilized for rinsing vehicles and equipment at Stockton University.

On May 11, 2015, the Commission and Stockton University entered into a Memorandum of Agreement (MOA) to facilitate the review of proposed development that is specified in the MOA. As required by the MOA, Stockton University placed a conservation deed restriction on portions of the above referenced parcel. The areas subject of the deed restriction were depicted on a plan.

Subsequent to the MOA, Stockton University paved Delaware Avenue, a sand road (App. No. 1981-1833.077), constructed a 49 space parking lot and pedestrian walkway (App. No. 1981-1833.078) and constructed a new sanitary sewer pumping station (App. No. 1981-1833.082) on the above referenced parcel. This development was undertaken prior to Commission approval. Based upon development occurring within the deed restricted areas depicted on the plan, the Commission has been unable to approve Stockton University development applications located both within and outside of the deed restricted areas.

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.2(c)1ii) provides that no application to the Commission shall be deemed complete if an outstanding unresolved violation exists on the parcel until such time that the property owner submits a written agreement agreeing to take all necessary measures to resolve the violation(s) in a time period acceptable to the Commission's Executive Director. By letter dated January 5, 2024, Stockton University proposed to take all measures necessary to eliminate the violation(s), including revising the conservation deed restriction, in a time period acceptable to the Executive Director.

The proposed water well subject of this application is not located within the deed restricted area. Based upon the January 5, 2024 Stockton University letter, the Executive Director has agreed that this

application can be acted upon by the Commission.

STANDARDS

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

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

The parcel is located partially in a Pinelands Rural Development Area (603 acres) and partially in a Pinelands Regional Growth Area (983 acres). The proposed well will be located in the Pinelands Regional Growth Area portion of the parcel. The proposed well to service Stockton University is permitted in a Pinelands Regional Growth Area.

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

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

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

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

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

The proposed well will be utilized exclusively for vehicle maintenance. It is estimated that the proposed well will utilize approximately 750 gallons per month, nine months a year.

The well will be located in the Kirkwood-Cohansey aquifer. Stockton University has an existing New Jersey Department of Environmental Protection (NJDEP) Water Allocation Permit. That NJDEP Permit allocates a maximum withdrawal of 46.4 million gallons per month and 285.5 million gallons per year from the Kirkwood-Cohansey aquifer. No increase is proposed to the NJDEP Permit monthly or yearly allocation.

This application was completed prior to the December 4, 2023 effective date of the amendments to the CMP water management standards that primarily address use of the Kirkwood-Cohansey aquifer (N.J.A.C. 7:50-6.86). The application was therefore reviewed under and determined to be consistent with the pre-December 4, 2023 CMP water management standards.

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on March 14, 2024. The Commission’s public comment period closed on April 12, 2024. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan prepared by Marathon Engineering & Environmental Services and dated January 20, 2019.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



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PINELANDS COMMISSION **APPEAL PROCEDURE**

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1. the name and address of the person requesting the appeal;
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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. PC4-24- 10

TITLE: Issuing an Order to Certify Manchester Township Ordinance 24-02, Adopting the Redevelopment Plan for Block 62, Lots 30 and 31.01

Commissioner Avery moves and Commissioner Pikolycky seconds the motion that:

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

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

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

WHEREAS, on January 22, 2024, Manchester Township adopted Ordinance 24-02, adopting a Redevelopment Plan for Block 62, Lots 30 and 31.01, dated October 9, 2023, revised December 28, 2023 with a redevelopment area located in a Pinelands Regional Growth Area; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 24-02 on February 15, 2024; and

WHEREAS, by letter dated March 7, 2024, the Executive Director notified the Township that Ordinance 24-02 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 24-02 was duly advertised, noticed and remotely held on April 3, 2024, 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 Ordinance 24-02 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 24-02, adopting the Redevelopment Plan for Block 62, Lots 30 and 31.01, is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 24-02 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 Manchester Township Ordinance 24-02, adopting the Redevelopment Plan for Block 62, Lots 30 and 31.01, dated October 9, 2023, revised December 28, 2023, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Manchester Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

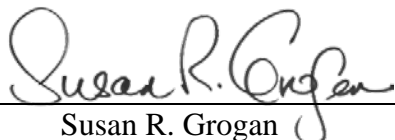
Record of Commission Votes

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

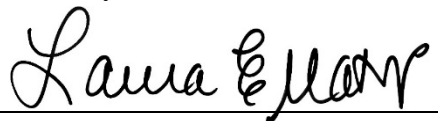
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: May 10, 2024



Susan R. Grogan
Executive Director



Laura E. Matos
Chair



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
 TAHESHA L. WAY
 Lt. Governor

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

LAURA E. MATOS
 Chair
 SUSAN R. GROGAN
 Executive Director

Report on Manchester Township Ordinance 24-02, Adopting the Redevelopment Plan for Block 62, Lots 30 and 31.01

April 29, 2024

Township of Manchester
 1 Colonial Drive
 Manchester, NJ 08759

Findings of Fact

I. Background

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

On July 8, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Manchester Township applicable to that portion of the municipality located in the state-designated Pinelands Area.

In 2003, the Commission organized the Toms River Corridor Task Force to develop a plan for protecting critical natural resources in the Toms River watershed of Jackson and Manchester Townships. The project area covered approximately 2,000 acres of Manchester Township and 15,000 acres of Jackson Township. The Task Force was comprised of 19 representatives from government planning and environmental agencies, non-profit conservation groups, and others, and received expert support from technical advisors on botany, herpetology, geology, hydrology and other key fields. The Task Force produced a report entitled, A Regional Natural Resource Protection Plan for the Toms River Corridor¹. This Plan recommended use of a combination of planning, zoning and resource protection tools for the area. A series of Pinelands management area redesignations were proposed to provide greater protection of water quality and critical wildlife habitat. Enhanced buffers and establishment of connectors between large areas of undeveloped and protected habitat were also recommended, along with reductions in housing density, mandatory cluster development and enhanced permanent land protection efforts. On

¹ The Regional Natural Resource Protection Plan for the Toms River Corridor may be accessed at the following link:
https://www.nj.gov/pinelands/landuse/recent/toms/toms_river_corridor.pdf

March 12, 2004, the Pinelands Commission endorsed the Toms River Corridor Plan via Resolution No. PC4-04-22.

Between 2004 and 2008, Manchester and Jackson Townships amended their master plans and ordinances to implement the management area and zoning changes recommended in the Toms River Corridor Plan, resulting in significant decreases in permitted development intensities throughout the region. In total, 1,100 acres of Jackson's Pinelands Villages were redesignated to either Forest Area or Rural Development Area, 760 acres of Jackson's Rural Development Area were redesignated to Forest Area, and 725 acres of Jackson and Manchester Township's Regional Growth Area were redesignated to Rural Development Area. Additionally, both municipalities adopted requirements for the establishment of upland wildlife corridors along the main stem of the Toms River and the Ridgeway Branch. Finally, the Commission helped to fund the permanent protection of nearly 900 acres within the Toms River Corridor by providing grants from the Pinelands Conservation Fund to the Ocean County Natural Lands Trust and the Trust for Public Land.

On January 22, 2024, Manchester Township adopted Ordinance 24-02, approving a Redevelopment Plan for Block 62, Lots 30 and 31.03, dated October 9, 2023, revised December 28, 2023. The associated redevelopment area is located in a Pinelands Regional Growth Area. The Pinelands Commission received a certified copy of Ordinance 24-02 on February 15, 2024.

By letter dated March 7, 2024, the Executive Director notified the Township that Ordinance 24-02 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

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

- * Ordinance 24-02, Adopting the Redevelopment Plan for Block 62, Lots 30 and 31.01, dated October 9, 2023, revised December 28, 2023, introduced on January 2, 2024 and adopted on January 22, 2024.

This ordinance has been reviewed to determine whether it conforms with the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50-3.39 of the Pinelands Comprehensive Management Plan (CMP). 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**

Redevelopment Plan for Block 62, Lots 30 and 31.01

Ordinance 24-02 adopts the Redevelopment Plan for Block 62, Lots 30 and 31.01, dated December 28, 2023. The two lots that compose the new redevelopment area are approximately 224 acres in area. The redevelopment area is bordered by an existing rail line to the southeast, a tributary to the Ridgeway Branch of the Toms River to the southwest, a parcel preserved by Ocean County to the north, and a recycling center and asphalt plant to the northwest in Jackson Township (see Exhibit #1). The redevelopment area is the site of a former resource extraction operation that was intermittently mined between the late 1970s and mid-1990s. The site is currently vacant. An age-restricted community known as Renaissance Village is located to the east of the existing rail line, outside the Pinelands Area. An existing, private, two-lane road known as Freemont Avenue traverses the northern border of the redevelopment area. The Renaissance Village community has easement rights to use Freemont Avenue for secondary access from dawn until dusk. The entirety of the redevelopment area is located in the Township's Pinelands Environmental Development-1 (PED-1) District, which is within a Pinelands Regional Growth Area.

The goals of the Redevelopment Plan are: to make productive use of a vacant, former mining site; to increase and diversify the Township's tax base with private, non-residential development; to protect and conserve sensitive environmental areas; to take advantage of the tract's accessibility to U.S. Route 9, State Routes 37 and 70, and the Garden State Parkway; to encourage development of local warehouse uses, for which there is a high regional demand; and to design a non-residential development that has minimal impacts on residential and environmental areas.

To those ends, the Redevelopment Plan establishes an optional overlay zoning district encompassing the entire redevelopment area. The underlying PED-1 District remains in effect, and development may occur in accordance with the requirements of the PED-1 District if this redevelopment plan is not implemented. Permitted uses in the optional overlay zone include light industrial uses, warehouses, distribution centers, wholesaling, flex space, indoor recreation, scientific and research facilities, business or professional offices, and indoor agriculture. Conditionally permitted uses include online commerce businesses, with both order fulfillment and direct-to-consumer retail sales operations, and outdoor recreation.

For those uses other than outdoor recreation, a maximum gross floor area of 1,200,000 square feet is permitted within the redevelopment area. Outdoor recreation uses are limited to 4 acres and must be associated with the adjacent Renaissance residential community. The redevelopment plan contains various standards for setbacks, parking and circulation requirements, landscaping, lighting, noise mitigation, signs, fences and walls. The plan also requires that all buildings of 100,000 square feet or more be designed and constructed to support rooftop solar installation in accordance with state law (P.L. 2021, c. 290). All development in the redevelopment area is subject to the minimum environmental standards set forth in the Township's land use ordinance and the CMP.

For non-residential development other than outdoor recreation, Pinelands Development Credits (PDCs) are required to be redeemed at a rate of one quarter (1/4) PDC for every 11,500 square

feet of gross floor area. For outdoor recreation, PDCs are required to be redeemed at a rate of one quarter (1/4) PDC for every 1.34 acres of conditionally permitted outdoor recreation use.

The redevelopment plan includes a concept plan. In recognition of known critical habitat for threatened and endangered species within the redevelopment area, a conservation area is proposed and rendered on the concept plan (see Exhibit #2). Prior to any development commencing under the redevelopment plan, a conservation area must be permanently protected through deed restriction. No development shall be permitted in the deed-restricted conservation area, except for the removal of Freemont Avenue as required by the redevelopment plan. The concept plan shows an 88-acre conservation area that is contiguous with the preserved lands to the north of the redevelopment area. The exact delineation of the conservation area will be established during application review by the Pinelands Commission and the Manchester Township Planning Board. Also depicted in the concept plan, as required by the redevelopment plan, is the realignment of Freemont Avenue outside of the depicted conservation area.

The Pinelands Environmental Development District and the Toms River Corridor Plan

The Townships of Manchester and Jackson both established a Pinelands Environmental Development (PED) District as recommended in the Toms River Corridor Plan (see Exhibit #3). In January of 2008, the Commission certified Manchester Ordinance 07-018 establishing the PED-1 and PED-9 districts in Manchester. In November of 2007, the Commission certified Jackson Township Ordinance 07-06, which established a PED-1 and PED-9 districts in Jackson Township along the border and contiguous with its Manchester Township counterparts. In both municipalities, the PED-1 District was located in a Regional Growth Area and the PED-9 District was located in a Rural Development Area.

The PED-1 and PED-9 districts, spanning approximately 615 acres across both municipalities, were the site of multiple former resource extraction operations. The zoning districts were established to allow for the coordinated development of contiguous lands spanning political boundaries in a manner that would maximize the protection of threatened and endangered species habitat while still allowing development on less critical portions of the tract. The establishment of the PED-9 districts in both municipalities required the redesignation of approximately 387 acres from Regional Growth Area to Rural Development Area. Additionally, as recommended by the Toms River Corridor Plan, these four zoning districts incorporated special requirements and incentives to direct permitted development away from areas identified as habitat for threatened and endangered species. This included mandatory clustering of residential units as well as incentives to concentrate all development potential to the PED-1 District in Manchester Township.

The PED-1 District in Manchester Township, which aligns with the boundaries of the redevelopment area under review, permits single family detached units, clustered on 1-acre lots, at a maximum density of one unit per 3.2 acres, with the remainder of the parcel dedicated as open space. The PED-1 District also permits the development of a planned retirement community (PRC). The PRC option is in accordance with the MDG, et al. vs. Manchester Township Settlement Agreement, which was the result of a builder's remedy lawsuit. The PRC option permits the development of up to 350 market rate age-restricted units and a maximum of 35 affordable age-restricted and non-age restricted units. The units are permitted to be either attached or detached single family dwellings, with the remainder of the PED-1 District and all of the PED-9 District in Manchester Township deed restricted as open space. The PRC option also allowed for the clustering of an additional 250 age-restricted units and an additional 25

affordable units from contiguous lands in Jackson Township's PED-1 and PED-9 districts. The lands in Jackson Township would also need to be deed restricted as open space and an intergovernmental agreement between the two municipalities would be required. The PRC option thus allowed for a total of up to 660 units.

Subsequent to establishment of the PED-1 and PED-9 zoning districts, all lands in the PED-9 districts in both Manchester and Jackson Townships were acquired and permanently preserved by the Trust for Public Land, with funding from the Pinelands Conservation Fund, and the Ocean County Natural Lands Trust.

Residential Zoning Capacity and the Use of Pinelands Development Credits

As noted above, if the redevelopment plan is not implemented, the underlying PED-1 District regulations remain in effect. Therefore, the residential zoning capacity of Manchester Township's Regional Growth Area theoretically remains unchanged. The current residential zoning capacity of the parcels subject to the redevelopment plan is 385 units. As a result of the preservation of the lands within Jackson Township's PED-9 District, there is no longer an opportunity to transfer additional residential development to Manchester Township's PED-1 District.

Based on recent development application activity, there is a strong likelihood that the redevelopment area will be developed exclusively for non-residential use if Ordinance 24-02 is certified. Therefore, Commission staff considered whether the Regional Growth Area portion of the redevelopment area is appropriate for non-residential development and whether the PDC program would be negatively impacted by the expected loss in residential development potential in that area.

Over the years, the lands included in the redevelopment area have been included in various zoning districts. At one time, the larger of the two lots was zoned POR-LI (Pinelands Office, Research and Light Industrial) while the adjacent smaller lot was zoned PR-40 (Pinelands Single-Family Residential) (see Exhibit #3). Both were rezoned to the new PED-1 District in 2007 when the Township implemented the recommendations of the Toms River Corridor Plan and a builders remedy (affordable housing) settlement agreement that called for residential development on the two lots. Given the surrounding land uses, it seems clear that a wide variety of residential and nonresidential uses would be appropriate as part of the Township's overall zoning plan.

Thus, the primary issue for the Commission's consideration is the impact of the redevelopment plan on the PDC program. Importantly, the redevelopment plan includes a PDC requirement for permitted non-residential development in recognition of the potential elimination of up to 385 residential units and opportunities for the use of up to 105 PDC rights if the area is developed for nonresidential use. When a municipality has determined that an area is appropriate for residential development in its Regional Growth Area, zoned it for residential uses and established a PDC obligation, the Commission must carefully evaluate proposals to rezone for strictly non-residential uses with a careful eye to the impacts to the Pinelands Development Credit Program. As discussed in Section 8 below, the PDC requirements for the redevelopment area ensure that the PDC program is not negatively impacted by these amendments.

Ordinance 24-02 is consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

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

All development in the redevelopment area remains subject to the application requirements and procedures in the Township's certified land use ordinance including the need to obtain a Certificate of Filing from the Pinelands Commission and to meet the minimum application submission requirements.

This standard for certification is met.

4. Requirement for Municipal Review and Action on All Development

All development in the redevelopment area remains subject to the municipal development review procedures in the Township's certified land use ordinance.

This standard for certification is met.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

All development in the redevelopment area remains subject to municipal development review procedures in the Township's certified land use ordinance.

This standard for certification is met.

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.

As noted in Section 2 above, Manchester's certified PED-1 District permits planned retirement communities with a maximum of 350 market-rate age-restricted units and 35 affordable age-

restricted units. In the PED-1 District, PDCs must be acquired and redeemed for 30 percent of the non-income restricted housing units in any planned retirement community. This provides an opportunity for the use of up to 105 rights (26.25 full Credits). As noted in Section 2 above, the redevelopment plan establishes an optional zoning overlay. Therefore, if the redevelopment plan is not implemented, the existing PDC provisions and PDC potential remain unchanged.

However, if the redevelopment plan is implemented, any non-residential development permitted under the redevelopment plan is required to redeem PDCs at a rate of one quarter (1/4) PDC for every 11,500 square feet of gross floor area within principal use and conditional use buildings, except for conditionally permitted outdoor recreation uses. Conditionally permitted outdoor recreation uses are required to redeem PDCs at a rate of 1/4 PDC for every 1.34 acres.

To evaluate whether the PDC requirements of this redevelopment plan adequately protect the Pinelands Development Credit Program, staff evaluated the potential level of PDC redemption under the redevelopment plan. The redevelopment plan permits a maximum gross floor area of 1,200,000 square feet. This equates to a PDC potential of 105 PDC rights (26 full credits) based on the redevelopment plan's PDC provisions, which is equivalent to the PDC potential of 105 rights under the existing PED-1 District. For the four acres of conditionally permitted outdoor recreational uses, an additional 3 rights would be required.

The CMP focuses on the use of PDCs as a means of increasing permitted residential densities in Regional Growth Areas. However, N.J.A.C. 7:50-5.28(a)7i expressly authorizes municipalities to adopt bonus or incentive programs for Regional Growth Area that go beyond the minimum required by the CMP, provided that such programs do not interfere with or otherwise impair the municipality's obligation to provide sufficient opportunities for the use of PDCs. While this provision has not often been used in association with nonresidential development, four other municipalities (Berlin, Monroe, Waterford, and Winslow Townships) previously adopted PDC requirements applicable to nonresidential uses in their commercial and industrial zones. The Commission found that the Berlin, Monroe, Waterford, and Winslow Township ordinances represented an appropriate exercise of municipal flexibility that did not interfere with any other CMP standards and certified them on that basis. Manchester Township Ordinance 24-02 adopts a similarly creative approach, one that facilitates the municipality's redevelopment goals while ensuring that all CMP standards, particularly those related to the PDC program, continue to be met.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

All development in the redevelopment area remains subject to the municipal development review procedures in the Township's certified land use ordinance, including the referral of any application to the Township Environmental Commission for review and comment.

This standard for certification is met.

10. General Conformance Requirements

Ordinance 24-02 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Therefore, this standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Ordinance 24-02 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act. Therefore, this standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

The redevelopment area is located along Manchester Township's municipal boundary with Jackson Township (see Exhibit #1). The redevelopment area abuts Jackson Township's PED-1 and PED-9 districts, both described in Section 2 above, as well as the Pinelands Manufacturing-1 (PM-1) District, which is located in the Regional Growth Area. The PM-1 District permits a variety of industrial uses, including the warehousing or storage of goods and products. The existing recycling center and asphalt plant to the northwest of the redevelopment area are located in the PM-1 District. It is also noted that the single lot within the Jackson Township PED-1 District is in common ownership with the lots in the redevelopment area. Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

Public Hearing

A public hearing to receive testimony concerning Manchester Township's application for certification of Ordinance 24-02 was duly advertised, noticed and held on April 3, 2024 at 9:30 a.m. Mr. Lanute 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. Oral testimony was provided by the following individuals:

Karen Argenti, Vice Chair, Manchester Township Environmental Commission, provided information that was also submitted as written comment (See Exhibit #4).

Mark Rohmeyer, Township Engineer, Manchester Township, stated that his office worked with the developer on the redevelopment plan and that the Township is in support of the redevelopment plan.

Heidi Yeh, Pinelands Preservation Alliance (PPA), stated that PPA is generally supportive of the adaptation of the Pinelands Development Credit (PDC) program to require PDC purchases for commercial and industrial uses instead of just residential development. However, PPA objects to

the way that redevelopment provisions of the municipal land use law are abused for deforestation projects like this. PPA understands that the Pinelands Commission is not responsible for whether something qualifies for redevelopment or not, but sees this particular plan manifesting some of the problems with the current redevelopment laws. For example, the land in the northern portion of the property that was previously disturbed for resource extraction will be preserved, while the untouched, forested portion of the site will be “redeveloped.” PPA understands that there are concerns with threatened and endangered species that are known to be utilizing the northern portion, but PPA would like to see a thorough snake study to be performed that includes the forested parcel to the south. PPA does not want the upland forest to be sacrificed to compensate for the more apparent limitations of the former extraction site.

Emile DeVito, New Jersey Conservation Foundation (NJCF), stated that NJCF supports everything that Ms. Yeh stated during her testimony. Mr. DeVito provided information that was also submitted as written comment (See Exhibit #5).

Written comments on Ordinance 24-02 were accepted through April 5, 2024 and were received from the following individuals:

Karen Argenti, Vice Chair, Manchester Township Environmental Commission, on behalf of the Manchester Township Environmental Commission (Exhibit #4)

Emile DeVito, Ph.D., New Jersey Conservation Foundation (Exhibit #5)

Executive Director’s Response

Comments provided by Ms. Argenti, Ms. Yeh, and Mr. DeVito raised concerns about development within the wooded area of the parcel. As provided in Ms. Argenti’s comments, the Manchester Township Environmental Commission supports protecting the existing wooded area of the parcel, limiting warehouse development to those portions of the redevelopment area that have been previously mined, and maintaining the existing location and configuration of Freemont Avenue. Mr. DeVito noted that Northern Pine Snake hibernacula could occur anywhere in the forested patch of the parcel, and that portions of the wooded patch would be excellent habitat for Northern Pine Snake hibernacula. Ms. Yeh and Mr. DeVito both called for thorough snake surveys in the forested area of the parcel.

As noted in Section 2 above, the redevelopment plan requires a conservation area to be deed-restricted prior to any development on the parcel. The location of the proposed conservation area rendered in the redevelopment plan aligns with the existing mined areas of the parcel (see Exhibit #2). While a complete application has yet to be submitted to the Pinelands Commission for a warehouse development, extensive threatened and endangered species surveys have been conducted within the redevelopment area as part of prior development applications. Critical habitat for threatened and endangered animal species as well as threatened and endangered plant populations were found in the previously mined area. The proposed conservation area appropriately aligns with those findings. As noted in Section 2 above, the exact delineation of the conservation area will be established during application review by the Pinelands Commission and the Manchester Township Planning Board. The need for any further surveying within the redevelopment area would be determined during the review of any forthcoming application for development under this redevelopment plan if certified by the Commission.

Ms. Argenti also commented that the materials reviewed by the Manchester Environmental Commission showed proposed stormwater management facilities that are inconsistent with CMP stormwater management regulations and the Township's stormwater management regulations.

It is important to note that any application for development within the redevelopment area will need to demonstrate consistency with the minimum environmental standards of the Pinelands CMP, including those for stormwater management. The Commission has yet to receive a complete development application for any development proposed under this redevelopment plan.

Conclusion

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 24-02, adopting the Redevelopment Plan for Block 62, Lots 30 and 31.01, complies with the Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinance 24-02 of Manchester Township.

SRG/DBL/KLE/CMT
Attachments

Manchester Township Ordinance 24-02

- Pinelands Management Areas**
- Rural Development Area
 - Regional Growth Area
- Municipal Boundaries
- Redevelopment Area
- Municipal Zoning Boundary

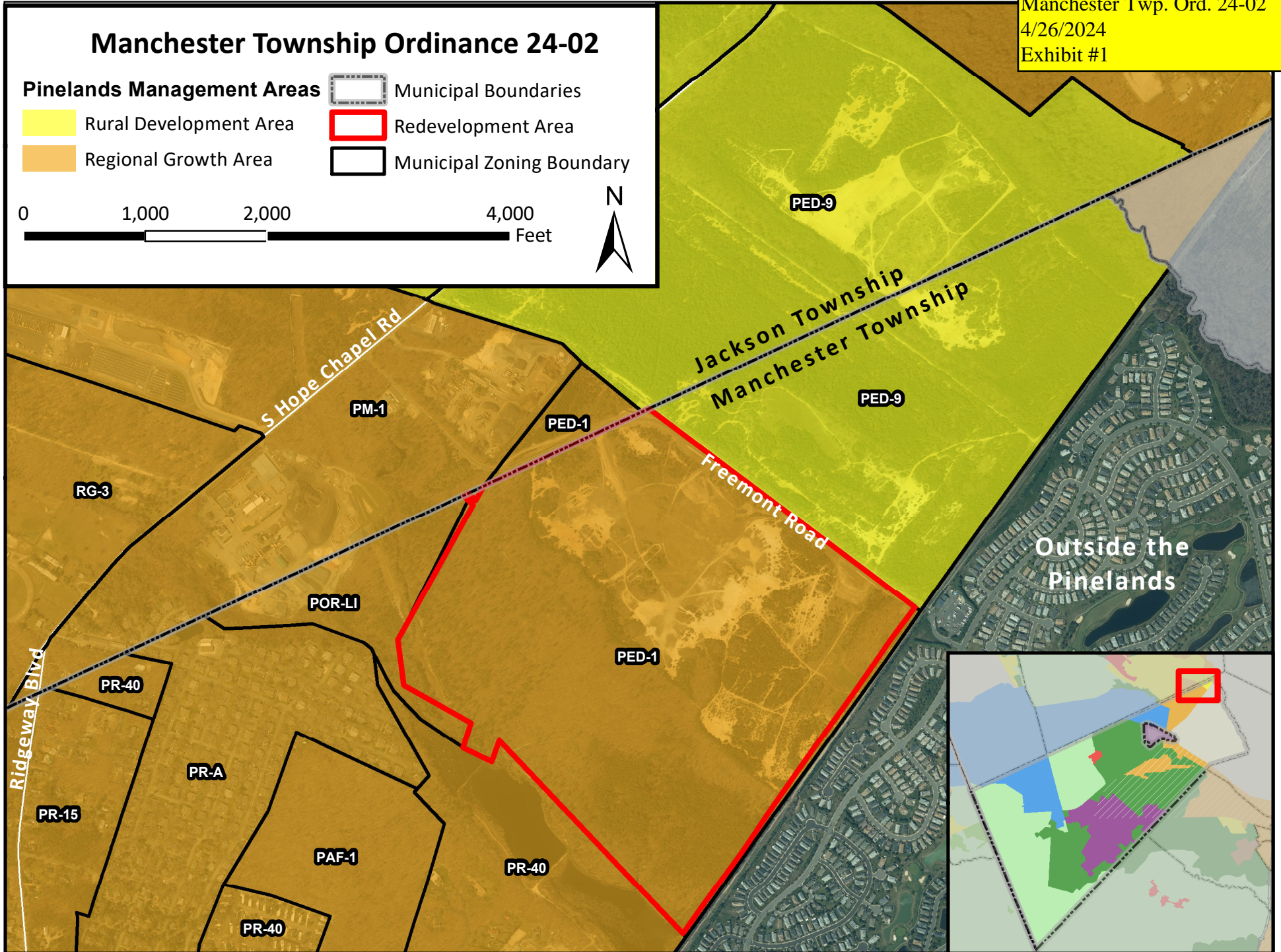
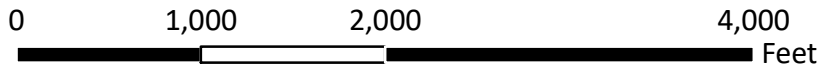
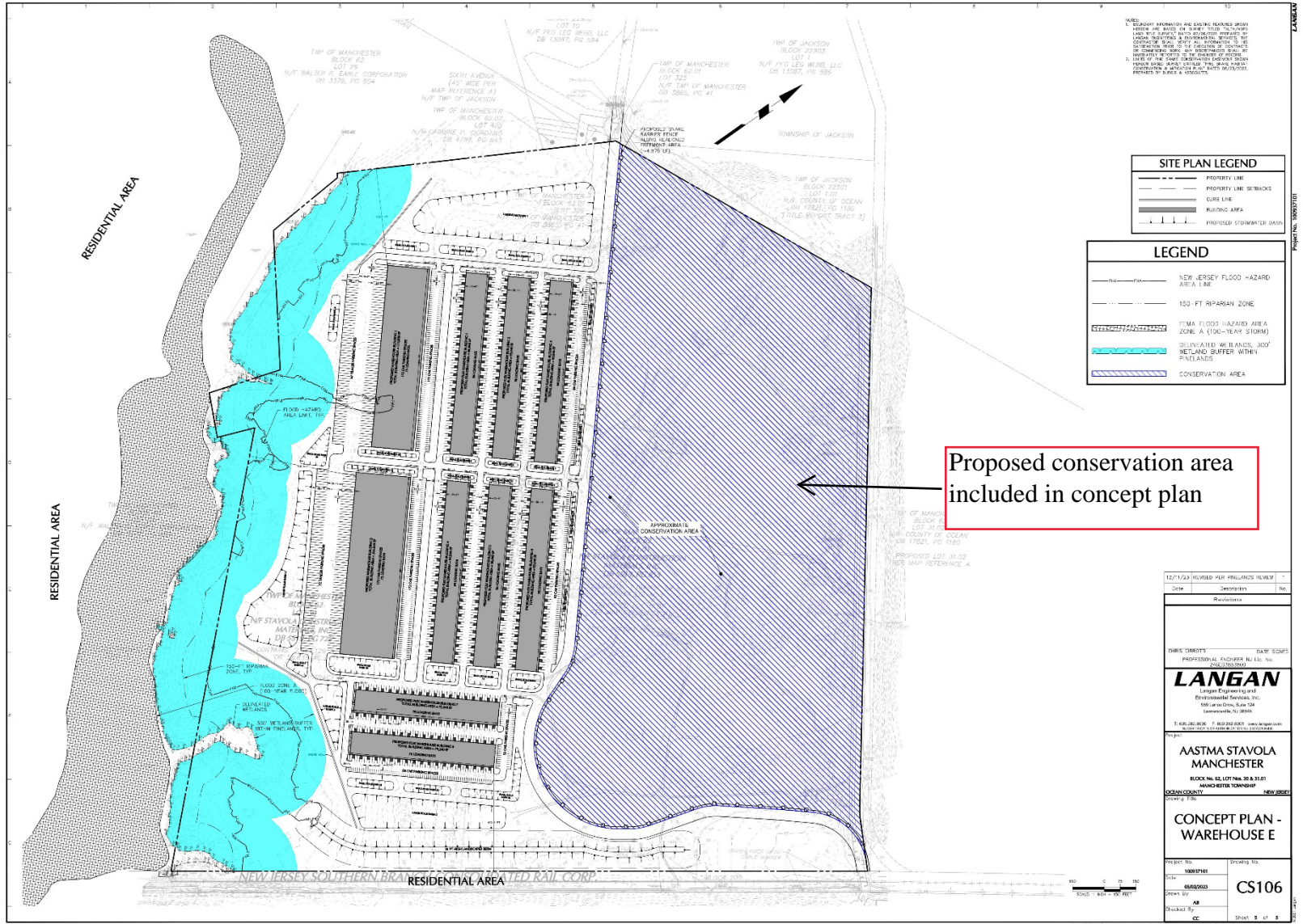


Figure 6 – Illustrative Concept Plan



Code	Description	Rev
Revisions		
TITLE SHEET'S PROFESSIONAL ENGINEERS No. Lic. No. LANGAN Langan Engineering and Environmental Services, Inc. 595 Little Ferry, Suite 200 Little Ferry, NJ 07643		
PROJECT AASTMA STAVOLA MANCHESTER BLOCK No. 62, LOTS No. 30 & 31.01 MANCHESTER TOWNSHIP		
CONCEPT CONCEPT PLAN - WAREHOUSE E		
PROJECT NO.	DRAWING NO.	
CS106	CS106	
DATE	SCALE	
04/2024	AS SHOWN	
PROJECT BY	DATE	
CC	04/2024	
	Sheet 5 of 5	

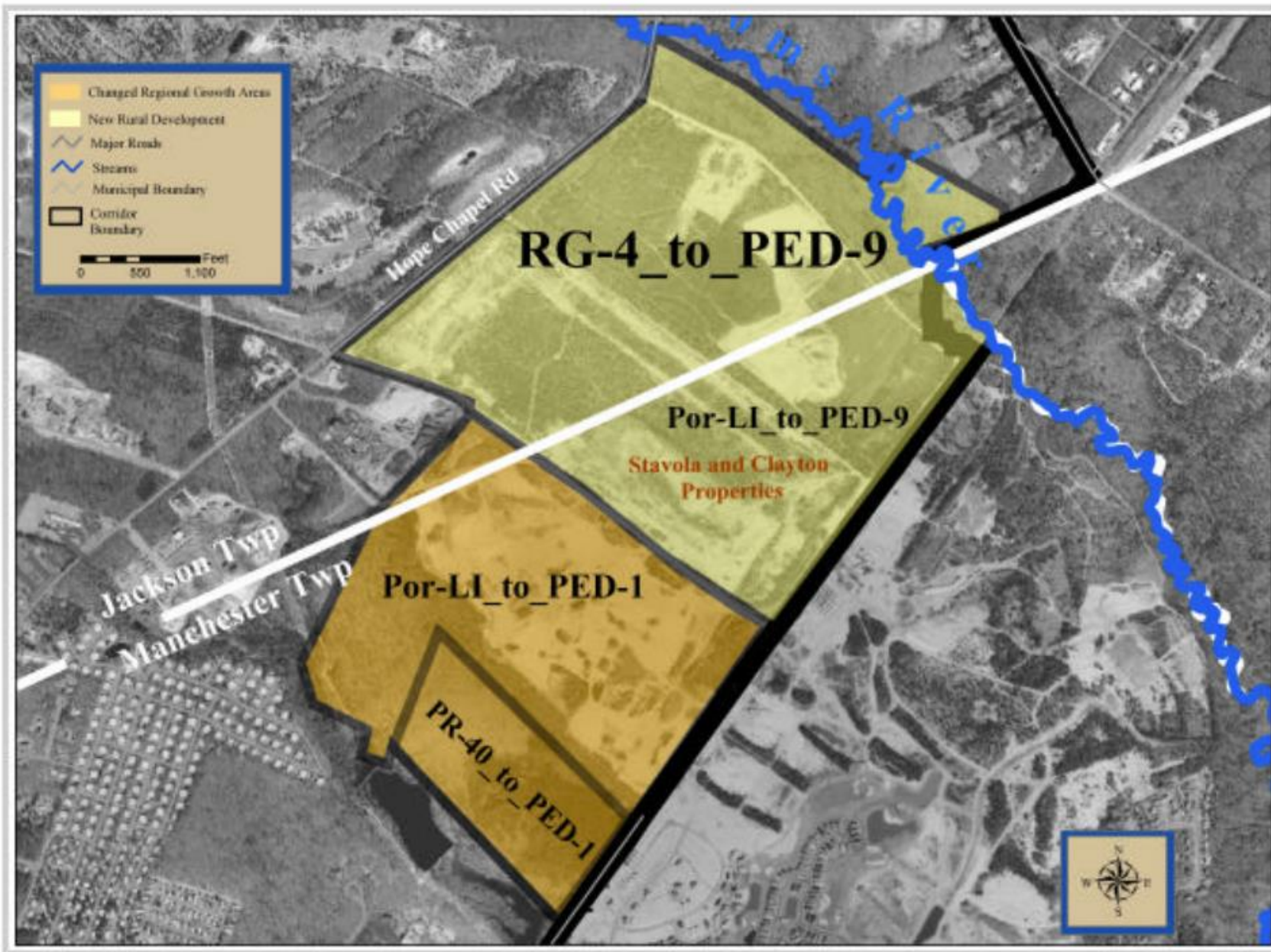


Figure 12. Proposed Changes Associated with the Planned Environmental Development (PED) Zone.

Comments submitted by Karen Argenti, Vice Chair,
Manchester Township Environmental Commission

Manchester Environmental Commission of Manchester Township comments for
New Jersey Pinelands Commission April 3, 2024 Public Hearing on
Manchester Township Ordinance 24-02 Redevelopment Plan for B62, L30 & 31.01

On behalf of the Manchester Environmental Commission of Manchester Township, please accept these comments to the New Jersey Pinelands Commission for the public hearing on April 3, 2024 at 9:30 am on Manchester Township Ordinance 24-02 concerning whether or not the ordinance is in conformance with the Pinelands Comprehensive Management Plan (CMP). Ordinance 24-02 adopts the Redevelopment Plan for Block 62, Lots 30 & 31.01, dated December 28, 2024.

The redevelopment area contains two lots spanning approximately 224 acres. The redevelopment area is currently vacant, but was the site of a former resource extraction operation. It is located within the Township's Pinelands Environmental Development-1 (PED-1) District. The PED-1 District is located within a Pinelands Regional Growth Area.

According to the 2023 CMP (7:50-5.13 (e.) page 111), "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."

COMMENTS

Three areas concern the Manchester Environmental Commission (MEC): alternative review of site and road location, stormwater management, natural resources protection for T&E, water, and air. We can not speak to the procedures for the redevelopment plan.

ALTERNATIVE REVIEW OF SITE & ROAD LOCATION

MEC commented to the Planning Board and the Town Council concerning the choice of building on the forested land next to the wetland and in a flood plain; and a stormwater plan that used a 100% footprint rather than 30%. An alternative would be to use the former resource extraction operation site, which would allow the use of the existing road and not include the increase new impervious surfaces for the roadway and the forested site. In our opinion, that would be a redevelopment plan. Moreover, by agreeing to cover the entire site with warehouses and motor vehicle surfaces with no set aside to mitigate the impact of increased runoff due to increased impervious surfaces and truck traffic emissions, is not reasonable or responsible.

STORMWATER MANAGEMENT PLAN

The applicant has provided a drawing of the site including a large basin off the other lot section which is also forested. This was approved by the Town Council despite the fact that the recent Stormwater Ordinance is up to date with the Pinelands Commission. There was no discussion of using Green Infrastructure despite the town's adoption of the latest ordinance in the Pinelands -- §245-84. Stormwater management in areas within Pinelands Management Area. [Added 4-28-2008 by Ord. No. 08-013; amended 4-10-2023 by Ord. No. 23-04]

This ordinance clearly identifies that "Flood control, groundwater recharge, erosion control and pollutant reduction shall be achieved using stormwater management measures, *including green infrastructure* best management practices (BMPs) and nonstructural stormwater management strategies. *Green infrastructure* BMPs and low-impact development should be utilized to meet the goal of

Manchester Environmental Commission of Manchester Township comments for
New Jersey Pinelands Commission April 3, 2024 Public Hearing on
Manchester Township Ordinance 24-02 Redevelopment Plan for B62, L30 & 31.01

maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. *Green infrastructure* BMPs and low-impact development should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge contained in this section.”

The ordinance continues that the “purpose of this section is to establish, within the Pinelands Area portion of Manchester Township, minimum stormwater management requirements and controls as authorized by the Pinelands Protection Act (N.J.S.A. 13:18A-1 et seq.) and consistent with the Pinelands Comprehensive Management Plan (CMP) (N.J.A.C. 7:50-1.1 et seq.) and the New Jersey Department of Environmental Protection (NJDEP) Stormwater Management Regulations (N.J.A.C. 7:8-1.1 et seq.). If there are any conflicts between a provision required by the Pinelands CMP and a provision required by the NJDEP, *the Pinelands CMP provision shall apply.*” (*emphasis added*)

NATURAL RESOURCES PROTECTION

Manchester Natural Resources Inventory and the New Jersey GeoWeb describes both areas protected as the Occupied Habitat **Rank 3** for the Northern Pine Snake. The NJ GeoWeb describes Land Use as EXTRACTIVE MINING and Cover Type as BARREN LAND. If this is chosen, arrangements should be made for the protection and mitigation of that species during construction.

NJ GeoWeb Landscaping Layer shows the Forested section Land Use as a Mixed DECIDUOUS FOREST (>50% CROWN CLOSURE), with a Land Use Cover Type as Forest including Atlantic White Cedar. This section is south west of the Mining site, with occupied habitat **Rank 4** for the Northern Pine Snake and the Timber Rattlesnake, as well as near wetlands. This site should be preserved. See new map attached. This info was presented in the Natural Resources Inventory <https://manchestertwp.com/wp-content/uploads/2021/01/Manchesters-Natural-Resource-Inventory-2020.pdf> and commented on before the Planning Board and Town Council.

CONCLUSION

As stated, the MEC has appeared before both the Manchester Planning Board (PB) and Town Council (TC) to discuss these issues.

Presented by Karen Argenti, Commissioner Vice Chair

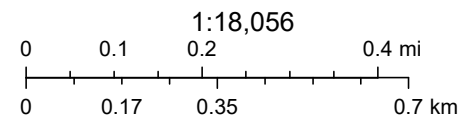
Attached NJ GeoWeb map
 Hearing Notice
 May 1, 2023 Letter from NJ Pinelands to applicant (referred to in their proposal)
 MEC Comments to PB on November 6, 2023– 5 pp with attachments – no answer
 MEC Letter to NJ Pinelands on the T&E – not answered
 Emil DeVito’s Comments read into the record of the TC, December 18, 2023
 TC December 18, 2023 item
 Karen Argenti’s MEC Comments to the TC, December 18, 2023
 Pinelands Preservation Alliance & NJ Conservation Foundation Letter to DCA,
 March 25, 2024

NJ-GeoWeb Manchester B62 L30 & 31.01



3/28/2024, 4:12:10 PM

- County Boundaries
- Municipalities
- Rank 1 - Habitat specific requirements
- Rank 2 - Special Concern
- Rank 3 - State Threatened
- Rank 4 - State Endangered
- SBH - Pinelands - Landscape Project



Map data © OpenStreetMap contributors, CC-BY-SA



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



WILLIAM D. MURPHY
 Governor
 EILA Y. OLIVER
 Lt. Governor

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

LAURA E. MATOS
 Chair
 SUSAN R. GROGAN
 Executive Director

May 1, 2023

Michael Gross, Esq. (via email)
 Giordano Halleran & Ciesla
 125 Half Mile Road, Suite 300
 Red Bank NJ 07701

Re: Application # 1981-1470.009
 Block 62, Lots 30 & 31.01
 Manchester Township


Dear Mr. Gross:

We have reviewed the information submitted on March 22, 2023 regarding the potential residential development of the above referenced 225 acre parcel.

The submitted information included a Proposed Conservation Area plan prepared by Langan Engineering and Environmental Services, Inc. and dated February 14, 2023. The plan depicts the conceptual realignment of Freemont Avenue, the removal of the existing paved cartway of Freemont Avenue and the establishment of an 88 acre conservation area on the parcel. These design techniques are proposed to avoid irreversible impact on habitats that are critical to the survival of local populations of known threatened plant and animal species. The proposed design results in an approximately 100 acre "development area."

Provided the development is limited to the approximately 100 acre "development area" and outside of both the proposed 88 acre conservation area and the required 300 foot buffer to wetlands, based upon currently available information, the proposed development would be consistent with the threatened and endangered species protection standards.

If you have any questions, please contact me.

Sincerely,

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

Project Description

Manchester Township Block 62, Lots 30, & 31.01. There is one street, Fremont Avenue, a dirt road currently. Located in the Pinelands area of town, it is zoned PED-1 and was deemed an Area in Need of Redevelopment last year. It is now in the Plan Development. The current proposal is to declare the mine area an 88-acre Conservation District, and develop the forested area. It is at the edge of town at the intersection of Jackson and near Toms River. It is adjacent to a big development called The Renaissance which uses Fremont as its emergency exit only. There is a railroad somewhere.

We checked the T & E in the [2020 Manchester Natural Resource Inventory](#), and it has the Landscape Project where two areas ranked 3 (abandoned mine) and 4 (forest and wetland). Pp 38-40

Landscape Project Data

The NJDEP Endangered and Non-Game Species Program created the Landscape Project as an ecosystem level approach to identifying and protecting species habitat in the state. The Program divides the State into six regions: Atlantic Coastal Landscape, Delaware Bay Landscape, Piedmonts Plains Landscape, Pinelands Landscape, Skylands Landscape, and Marine Region. Manchester Township falls entirely within the Pinelands Landscape.

The Pinelands landscape encompasses portions of Ocean, Monmouth, Burlington, Camden, Gloucester, and Atlantic Counties. The Pinelands consists of agricultural lands, coniferous, deciduous and mixed forests, wooded wetlands, scrub and shrub wetlands, and cedar swamps. Within the Manchester Township, there are approximately 43,741 acres of ecologically sensitive habitat.

The program identifies critical habitat areas and ranks them by the presence of priority, threatened or endangered species. The habitat areas are given a Rank between 1 and 5.

Rank 1 is assigned to species-specific habitat patches that meet habitat-specific suitability requirements such as minimum size or core area criteria for endangered, threatened or special concern wildlife species, but that do not intersect with any confirmed occurrences of such species. Rank 1 habitat patches without documented occurrences are not necessarily absent of imperiled or special concern species. Patches with a lack of documented occurrences may not have been systematically

surveyed. Thus, the Rank 1 designation is used for planning purposes, such as targeting areas for future wildlife surveys.

Manchester Township has approximately 852.0 acres of Rank 1 habitat within its borders. The majority of the habitat area is located adjacent to the Ridgeway Branch, Union Branch and the Toms River, in the south east corner of the Township. Additional Rank 1 habitat areas are scattered throughout central portion of the Township.

Rank 3 is assigned to species-specific patches containing one or more occurrences of State threatened species. State threatened species are species which are an indigenous nongame wildlife species of New Jersey designated pursuant to the Endangered and Nongame Species Conservation Act, N.J.S.A.23:2A et. seq., and its implementing rules, N.J.A.C. 7:25-4.17, as most recently amended. Threatened species are generally defined to be species that may become endangered if conditions surrounding them begin or continue to deteriorate. Manchester Township has approximately 5,370.7 acres of Rank 3 habitat.

Within the Rank 3 habitat in the Township, the following species have been located:

- Barred Owl (Aves/State Threatened)
- Dotted Skipper (Insecta)
- Eastern Kingsnake (Reptilia)
- Fowler's Toad (Amphibia)
- Northern Pine Snake (Reptilia / State Threatened)
- Pine Barrens Bluet (Insecta)
- Pine Barrens Tree Frog (Amphibia / State Threatened)
- Two-spotted Skipper (Insecta)

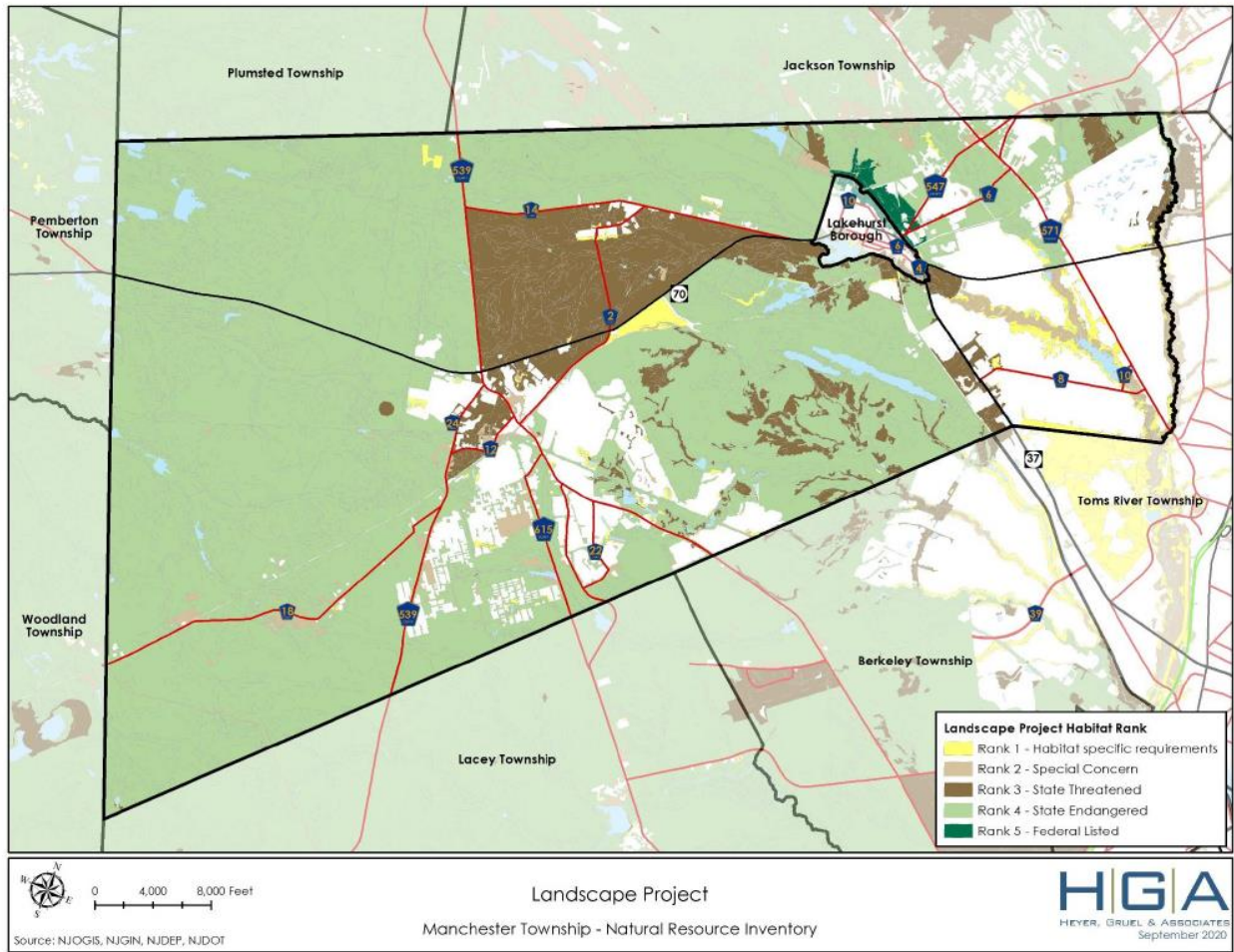
Rank 4 is assigned to species-specific habitat patches with one or more occurrences of State endangered species. State endangered species are species included on the list of endangered species at N.J.A.C. 7:25-4.13 and any species or subspecies of wildlife appearing on any Federal endangered species list. The Endangered and Nongame Species Conservation Act (N.J.S.A. 23:2A et seq.) defines an endangered species (with respect to wildlife) to be a species or subspecies of wildlife whose prospects for survival or recruitment are in jeopardy or are likely within the foreseeable future to become so due to any of the following factors: (1) the destruction, drastic modification, or severe curtailment of its habitat, or (2) its overutilization for scientific, commercial or sporting purposes, or (3) the effect on it of disease, pollution, or predation, or (4) other natural or manmade factors affecting its prospects of survival or recruitment within the State, or (5) any combination of the foregoing factors. The term shall also be deemed to include any species or subspecies of wildlife appearing on any Federal endangered species list.

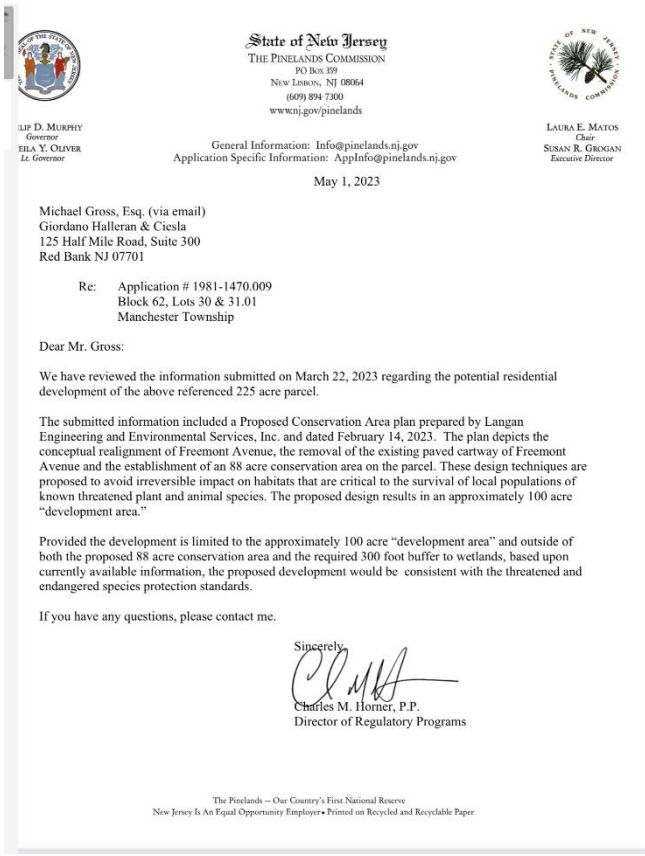
Manchester has approximately 36,047.3 acres of Rank 4 habitat. The following species have been located:

- American Bittern (Aves / State Endangered)
- Arogos Skipper (Insecta / State Endangered)
- Bald Eagle (Ave / State Endangered)
- Barred Owl (Aves / State Threatened)
- Black-throated Green Warbler (Aves)

The following table gives a breakdown of each of the habitat ranks found in the Township.

NJDEP Landscape Project Habitat Rankings		
Rank	Acres	Percentage
Rank 1: Habitat Specific Requirements	852.0	1.9%
Rank 2: Special Concern	1,271.8	2.9%
Rank 3: State Threatened	5,370.7	12.3%
Rank 4: State Endangered	36,047.3	82.4%
Rank 5: Federal Listed	199.0	0.5%
Total	43,740.8	100.0%





We have a letter from the Pinelands concerning the Conservation Area, which is a bit vague. There is no formal application at the Pinelands yet.

They are building a large warehouse hub in place of the right to build 200-300 senior housing which no one wants. Below are photos of the new plan and an aerial view



Image redacted due to the inclusion of sensitive information regarding the location of threatened and endangered species

Questions from the Environmental Commission at their October 24, 2023 meeting

1. Is this the final plan? What other alternatives did they review?
2. Why did they choose to build on the forested land abutting the tributary of the Toms River that flows to Pine Lake?
3. Why not build on the abandoned mine? This side is the real area-in-need-of-redevelopment, and perhaps a cleanup. It does not meet the goal of protecting the environment in the Master Plan.
4. Why not choose to review an alternative plan. The 100-acre forest contributes to lowering greenhouse gas, has endangered (not just threatened) species on the property, is natural perhaps even the original native growth, and meets the goal of protecting the environment.
5. Can the applicant provide the study that shows there is a regional demand for storage warehouses?
6. Can the applicant explain why there are basins on the property and not green infrastructure as required by the NJ DEP?
7. Can the applicant explain how their proposed stormwater basin will clean the runoff before it goes into the groundwater?
8. Who is going to take care of the trees and the proposed basin?
9. Can the applicant provide the drawing that they use with the Pinelands Commission to discuss the Conservation Area?
10. Will the site have to put up snake fencing?

Manchester Environmental Commission Letterhead

December 5, 2023

Susan R. Grogan, Executive Director
State of New Jersey Pinelands Commission
PO Box 08064
New Lisbon, NJ 08064 via email Susan.Grogan@pinelands.nj.gov

Re: Application # 1981-1470.0009
 Block 62, Lots 30 & 31.01, Manchester Township

Dear Executive Director Grogan,

We are reaching out, on behalf of the Manchester Township Environmental Commission, to request a full and comprehensive environmental study for pine snakes and potentially other “rare species” within an environmentally sensitive area.

The property is recognized for its unique biodiversity and is home to a population of pine snakes (*Pituophis melanoleucus*), a species that plays a crucial role in maintaining ecological balance. Pine snakes are listed as a species of concern, and their presence in the aforementioned area raises questions about the potential impact of human activities on their long-term habitat.

Several factors contribute to the urgency of conducting an environmental study in this region. These include, but are not limited to, ongoing development projects, changes in land use, and potential threats to the pine snake population. The purpose of the study is to assess the current status of the pine snake population, identify their habitats and breeding grounds, and evaluate any potential threats or disruptions to their ecosystem. As of right now the building on this specific site is projected to be in the forested area rather than the deforested area, which is a major concern of the Manchester Township Environmental Commission. This concern is coupled with the necessary breeding areas of the pine snake.

An in-depth environmental study will provide valuable insights into the ecological health of the area and guide future planning and development decisions to ensure the preservation of this vital habitat. The study should be conducted by qualified environmental experts with expertise in herpetology and ecology, and it should encompass a thorough examination of the potential impacts of proposed and existing projects on the pine snake population. The study should be for a full season in 2024 and include drift fences and radio-tracking of captured rare reptile species.

We understand the importance of balancing environmental conservation with responsible development, and I believe that a comprehensive environmental study will serve as a foundation for informed decision-making. We kindly request that the New Jersey Pinelands Commission allocates resources and coordinates with relevant environmental agencies to initiate this study promptly.

Sincerely Yours,

Gabrielle Fox

Gabrielle Fox, Chair

Karen Argenti

Karen Argenti, Vice Chair

c. Bethany Williams

Did you know that the temperature of the Equator is always 80 degrees? Sometimes it goes to 86. Of course, it is surrounded by the rain forest and has 140 inches of rain per year. While we are facing the risk of a three-day 100-degree heat wave many times in a summer, the Equator never gets out of the 80's.

We now experience the new normal of more intense weather & catastrophic flooding. No accident of Nature; increased flooding and storm damage are driven by the greater heat load carried by the atmosphere, the work of human hands and industry's global scale. This is the most serious problem we face—an emergency extending far beyond the capacity of present infrastructure.

Ecological development can make a difference to better hold water with enhanced soils sustaining denser, more vibrant vegetation, and establishing living baselines for existing carbon sequestration using Nature as the measure. You see, **Concrete and iron** used to produce housing, commercial or industrial structures create large quantities of CO₂ during manufacturing, exacerbating the “urban heat island effect” when built. **Meadows, trees, and wetland restorations connecting green infrastructure & water together** not only cool the air but also creates a sink for this carbon. It is important to build right, protecting the future.

I come before you tonight to discuss the AINR on B62 L30 & 31.01. I see that the planning board has reviewed the proposed plan to build where there is a forest and not in the area that was in need of redevelopment. The Environmental Commission has discussed this project at several of our meetings and find that we do not have enough information currently.

1. The applicant noted the presence of the pine snake and other endangered species, but fails to identify the location for the nests of the habitat (page 14 of July 2022 Study). Because of this, we have requested that the Pinelands Commission preform a study.

“The property is recognized for its unique biodiversity and is home to a population of pine snakes (*Pituophis melanoleucus*), a species that plays a crucial role in maintaining ecological balance. ...

Several factors contribute to the urgency of conducting an environmental study in this region. These include, but are not limited to, ongoing development projects, changes in land use, and potential threats to the pine snake population. The purpose of the study is to assess the current status of the pine snake population, identify their habitats and breeding grounds, and evaluate any potential threats or disruptions to their ecosystem. ...

..... The study should be conducted by qualified environmental experts with expertise in herpetology and ecology, and it should encompass a thorough examination of the potential impacts of proposed and existing projects on the pine snake population. The study should be for a full season in 2024 and include drift fences and radio-tracking of captured rare reptile species.”

2. Application into the Pinelands Commission was submitted the Tuesday after Thanksgiving.

3. The Wetland LOI was just submitted to neighbors.

Approving this project is premature. There is not enough information to decide. Please vote NO.

"There is almost certainly critical winter hibernation (denning) habitat in the forest that is threatened with clearing, and only a proper pine snake study with drift fences and radio-telemetry can reveal the actual critical habitat situation. If development proceeds without such a study, *habitat critical to the survival of a local population of a threatened species would likely be destroyed.*" -Emile DeVito, Ph.D., Manager of Science, NJ Conservation Foundation

12/18/23

AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING THE REDEVELOPMENT PLAN FOR BLOCK 62, LOTS 30 AND 31.01

WHEREAS, the Governing Body of the Township of Manchester, County of Ocean, New Jersey ("Governing Body") has designated an area known as Block 62, Lots 30 and 31.01 on Township of Manchester Tax Maps including rights of way (the "Redevelopment Area"), as an area in need of redevelopment; and

WHEREAS, the Governing Body intends to adopt a redevelopment plan to provide specific provisions for the redevelopment of the Redevelopment Area; and

WHEREAS, the Governing Body has referred the proposed Redevelopment Plan ("Redevelopment Plan") to the Township of Manchester Planning Board for review and recommendation; and

WHEREAS, the Governing Body has received the recommendation of the Planning Board and has conducted a public hearing on the proposed Redevelopment Plan; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Township of Manchester, County of Ocean, State of New Jersey, that:

SECTION 1. Pursuant to the Authority granted to the Governing Body by N.J.S.A. 40A:12A-7, the Redevelopment Plan, dated October 9, 2023, prepared by Morgan Engineering LLC is on file at the Office of the Township Clerk and can be reviewed by the public during normal business hours.

SECTION 2. Pursuant to the provisions of N.J.S.A. 40A:12-7c, the Redevelopment Plan shall constitute an overlay zoning district within the redevelopment area. The official Township Zoning Map shall be amended to henceforth coincide with the Redevelopment Plan.

SECTION 3. An Ordinance or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency only.

SECTION 4. If any provision of this Ordinance is declared invalid, such invalidity shall not affect the other provisions of this Ordinance. Furthermore, the other provisions of this Ordinance are deemed to be severable and remain in full force and effect.

SECTION 5. This Ordinance shall take effect after final approval and publication according to law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Council of the Township of Manchester on first reading at a meeting held on the **10th day of October 2023 at 6:00 p.m.** The Ordinance will be considered for second and final reading at a meeting of the Township Council which is scheduled for **18th day of December, 2023 at 6:00 p.m.** or as soon thereafter as the matter may be reached, at the Municipal Building located at 1 Colonial Drive, Manchester, New Jersey 08759, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

Teri Giercyk, RMC/CMC
Municipal Clerk

PUBLIC NOTICE

Pursuant to N.J.A.C. 7:50-3.45, the New Jersey Pinelands Commission will conduct a public hearing on Manchester Township Ordinance 24-02. Comments are being sought on whether the ordinance is in conformance with the Pinelands Comprehensive Management Plan (CMP).

Ordinance 24-02 adopts the Redevelopment Plan for Block 62, Lots 30 & 31.01, dated December 28, 2024. The redevelopment area contains two lots spanning approximately 224 acres. The redevelopment area is currently vacant, but was the site of a former resource extraction operation. It is located within the Township's Pinelands Environmental Development-1 (PED-1) District. The PED-1 District is located within a Pinelands Regional Growth Area.

The Redevelopment Plan permits light industrial uses, warehouses, distribution centers, wholesaling, flex space, indoor recreation, scientific or research facilities, business or professional offices and indoor agriculture. The Redevelopment Plan conditionally permits online commercial businesses as well as outdoor recreation. The plan includes various development standards related to lot area and bulk, vegetative buffering, parking, design, lighting, and signage. Lastly, any non-residential development permitted under the redevelopment plan is required to redeem Pinelands Development Credits (PDCs) at a rate of one quarter (1/4) PDC for every 11,500 square feet of gross floor area within principal use and conditional use buildings, except for conditionally permitted outdoor recreation uses. Conditionally permitted outdoor recreation uses are required to redeem PDCs at a rate of 1/4 PDC for every 1.34 acres.

As such, Ordinance 24-02 directly relates to CMP standards and must be formally reviewed and approved by the Pinelands Commission before it may take effect.

The hearing will be conducted remotely and broadcast live on the Commission's YouTube channel at the following time:

Date: Wednesday, April 3, 2024
Time: 9:30 a.m.

To view the hearing, visit <https://www.youtube.com/live/aXJigPbLakc?feature=shared>. The public may provide comment during the hearing by calling 929-205-6099 and using Meeting ID: 811 9421 4707.

The public may submit written comment by email (preferred), regular mail, or facsimile by Friday, April 5, 2024, to:

Planning Office
Pinelands Commission
PO Box 359
New Lisbon, NJ 08064
Facsimile: (609) 894-7330
Email: planning@pinelands.nj.gov or through the Commission's website at <https://www.nj.gov/pinelands/home/contact/public.shtml>

The documents and supporting materials are available electronically for public inspection on the Commission's website or upon request by contacting the Pinelands Commission at planning@pinelands.nj.gov.



PINELANDS
PRESERVATION
ALLIANCE

Bishop Farmstead
17 Pemberton Rd
Southampton NJ 08088
609-858-8860

ppa@pinelandsalliance.org
www.pinelandsalliance.org

March 25, 2024

Jacquelyn A. Suárez
State of NJ Department of Community Affairs
101 South Broad Street
PO Box 800
Trenton, NJ 08625-0800

Re: Review of Ordinance 24-02 Adopting the Redevelopment Plan for Block 62, Lots 30 & 31.01 (non-condemnation)

Dear Acting Commissioner Suárez,

We request that the Department of Community Affairs review the Manchester Township Redevelopment Plan adopted through ordinance 24-02 and not grant approval of the Township's determination that this area is in need of redevelopment. This is another example of the perverse way that redevelopment provisions of the municipal land use law are being abused. Allowing the 'redevelopment' of undeveloped land undermines the intention of the law to incentivize the revitalization of derelict land that is truly in need of redevelopment. This particular plan for 224 acres of Pinelands land epitomizes the problems with our current redevelopment laws, as the northern portion of the property that was previously disturbed as a resource extraction site (lot 31.01) will be preserved, while the untouched forested portion of the site (primarily lot 30) will be 'redeveloped'. This plan to develop via deforestation in lieu of actual redevelopment is a farcical exploitation of New Jersey's laws. The DCA should not approve this plan as redevelopment, and should close the loopholes that allow the widespread abuse of redevelopment laws in New Jersey.

At the very least, this plan should not be granted the benefits that accompany a redevelopment designation, because developers should not be given incentives to destroy undeveloped forests. The developer was likely advised to avoid the mined area altogether to simplify the approval process. There are threatened & endangered species concerns associated with the former resource extraction site: the patchwork of open fields, sandlots, and trees has created attractive nesting habitat for pine snakes. However, a thorough enough study would likely reveal the intact upland forest that is adjacent to the former mines to also be critical habitat for these snakes. Focusing development on the forest ignores

the critical habitat value for hibernation that the adjoining upland mature forest also provides for the population of the threatened snake species. A thorough study of this population has yet to be done. The upland forest should not be sacrificed to compensate for the more apparent limitations of the former extraction site.

This redevelopment plan is part of a troubling trend in southern New Jersey, whereby redevelopment is often used to target undeveloped forests, while truly derelict properties sit unused nearby. Please revisit our October 10, 2023 letter concerning a similar abuse of the redevelopment law in Pemberton Township. The current manifestation of the law is just a giveaway to developers that sacrifices both the environment and smart growth principles. Please change the redevelopment law to restore its originally intended function to revitalize New Jersey communities, starting with the revocation of Manchester Township Ordinance 24-02.

Sincerely,

Heidi Yeh, Ph.D.
Pinelands Preservation Alliance

Emile DeVito, Ph.D.
New Jersey Conservation Foundation

From: Emile DeVito <emile@njconservation.org>
Sent: Wednesday, April 3, 2024 2:12 PM
To: Planning, PC [PINELANDS] <planning@pinelands.nj.gov>
Subject: [EXTERNAL] Comments on Manchester Township Ordinance 24-02

Highly Likely Pine Snake Critical Habitat for Winter Hibernacula at the proposed Manchester Twp. site - Block 62, lots 30 and 31.01.

The entire area within the yellow highlight on the map below is a generally south-facing slope - high in the uplands, with deciduous canopy being prominent. Thus, it has excellent *insolation* for warmth during late fall, winter, and early spring, making it an excellent site for hibernacula for northern pine snake, since pine snakes emerge on warm days and bask at the surface to fight bacteria and pathogens. While this is the most likely area to contain pine snake hibernacula, *hibernacula could also occur anywhere in this entire forest patch - in any upland forest habitat that is well-above the high water table associated with nearby wetlands and the stream corridor.*

With a well-designed survey, pine snake adults should be captured using an extensive network of drift fences, and neonates captured via corrals around nest sites, and all pine snakes captured must be radio-tracked. Neonates can be radio-tracked from hatching in early September to find their winter hibernacula, which are usually different than adults and fairly close to nest sites. Winter corrals must be erected around neonate hibernacula so that neonates can be recovered in the spring upon emergence, since their small transmitters will have run out of power and must be removed. Adults must be captured in the network of drift fence traps and tracked through *at least 2 autumns*, because they often use different hibernacula in successive years. Unless this is done properly, it is impossible to determine critical habitat associated with winter hibernacula.

All current published research and ongoing Pinelands Commission staff research points to the necessity for such an intensive study to determine critical habitat. Any study short of this protocol would be irresponsible, as a proper picture of critical habitat for northern pine snake could not be obtained.

Respectfully submitted,
Emile DeVito, Ph.D., New Jersey Conservation Foundation



Toms River Corridor Plan Study Area

Toms River Corridor Plan

-  Study Area
-  Municipal Boundaries
- Pinelands Management Areas**
 -  Preservation Area
 -  Forest Area
 -  Rural Development Area
 -  Pinelands Village
 -  Pinelands Town
 -  Regional Growth Area
 -  Federal or Military Facility



Toms River Corridor Plan Implemented Management Area Changes

Toms River Corridor Plan

- Study Area
- Municipal Boundaries
- Management Area Changes

Pinelands Management Areas

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




Toms River Corridor Plan

 Study Area

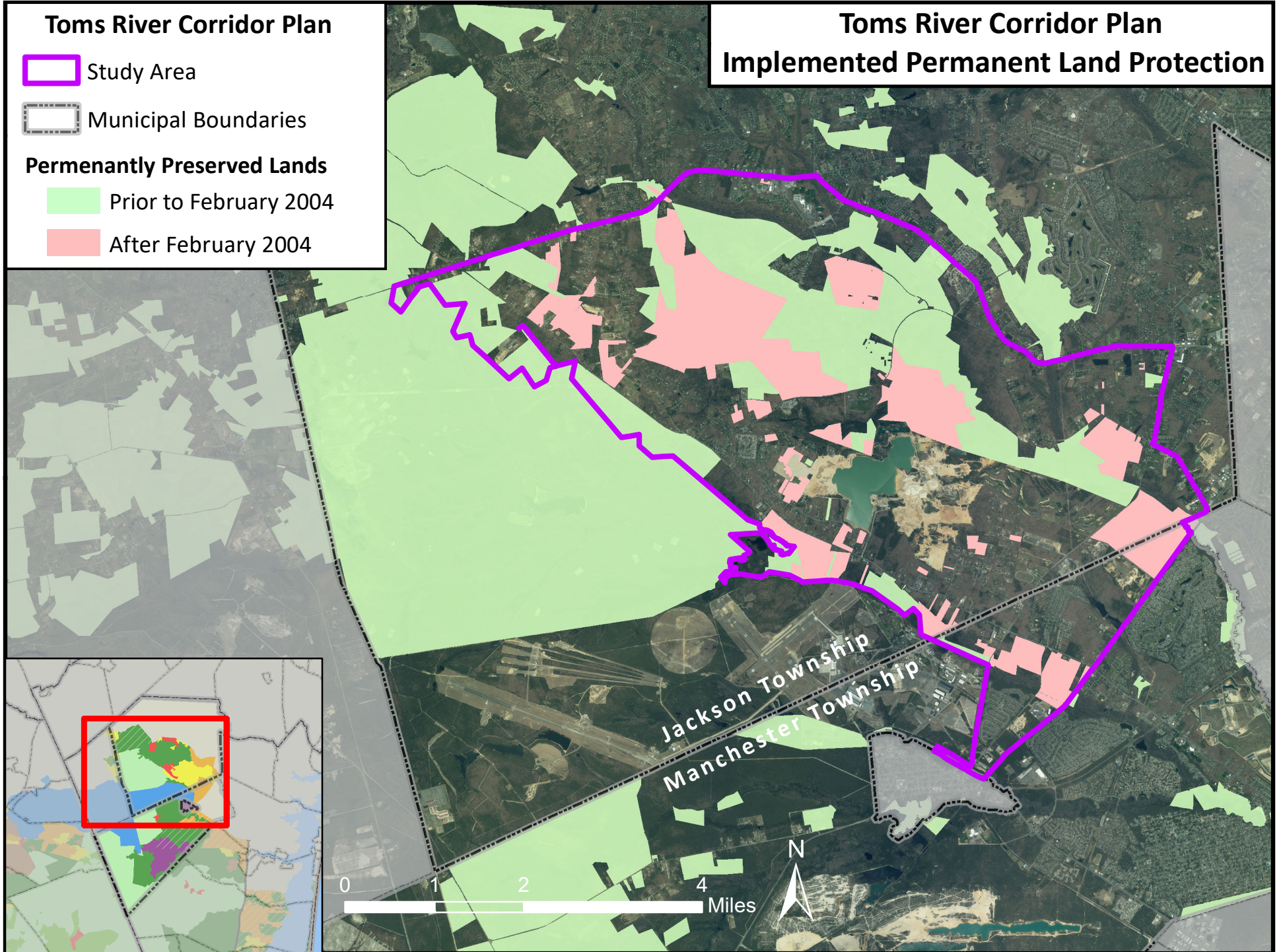
 Municipal Boundaries

Permanently Preserved Lands




 Prior to February 2004

 After February 2004

Toms River Corridor Plan Implemented Permanent Land Protection



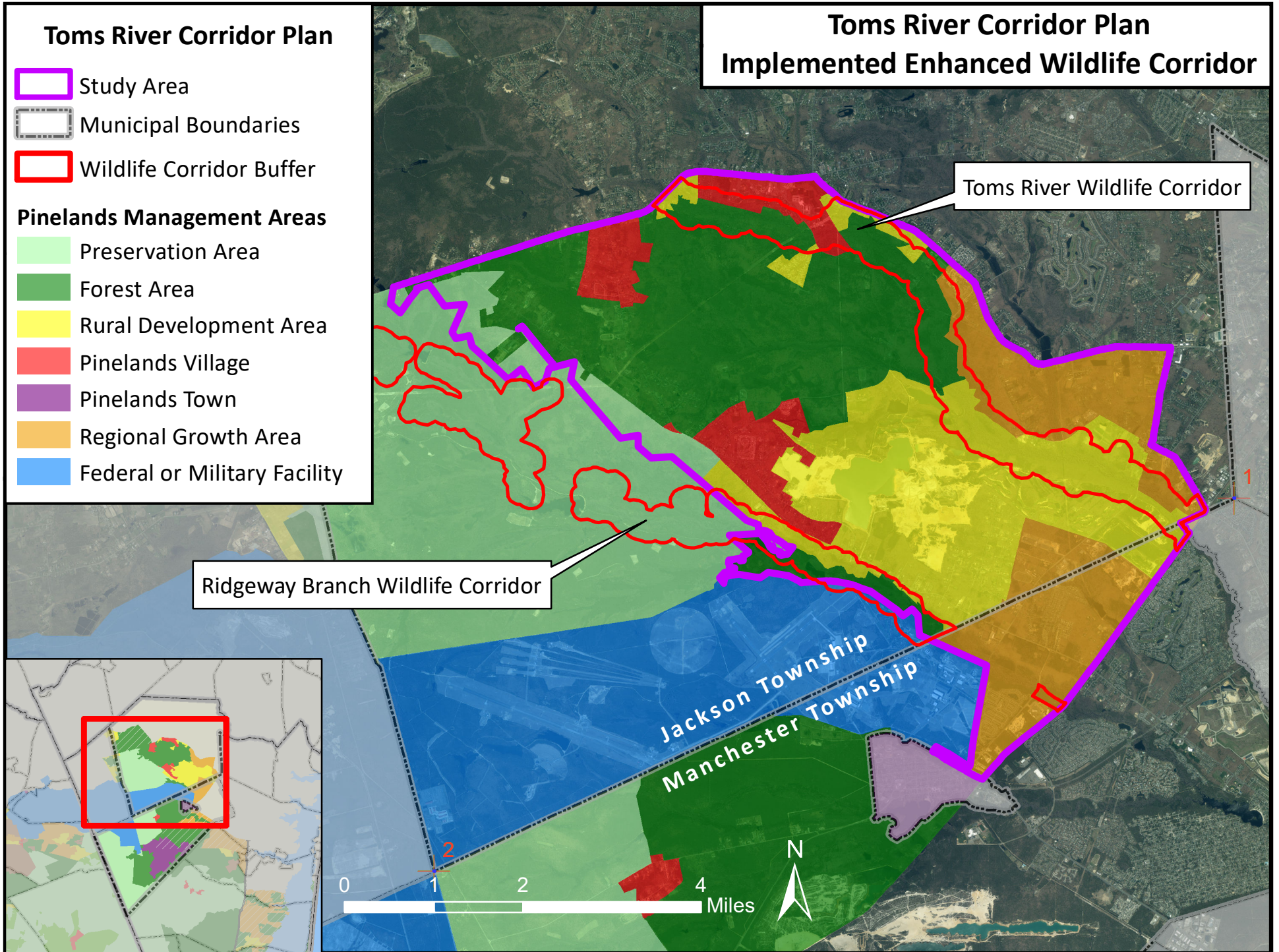
Toms River Corridor Plan

-  Study Area
-  Municipal Boundaries
-  Wildlife Corridor Buffer

Pinelands Management Areas

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

Toms River Corridor Plan Implemented Enhanced Wildlife Corridor



Toms River Wildlife Corridor

Ridgeway Branch Wildlife Corridor










Jackson Township
Manchester Township

0 1 2 4 Miles



Toms River Corridor Plan Study Area

Toms River Corridor Plan

-  Study Area
-  Municipal Boundaries
-  Manchester Ord. 24-02
Redevelopment Area
- Pinelands Management Areas**
 -  Preservation Area
 -  Forest Area
 -  Rural Development Area
 -  Pinelands Village
 -  Pinelands Town
 -  Regional Growth Area
 -  Federal or Military Facility



Manchester Township Ordinance 24-02

Pinelands Management Areas

Rural Development Area

Regional Growth Area

Municipal Boundaries

Redevelopment Area

Municipal Zoning Boundary

0 1,000 2,000 4,000 Feet

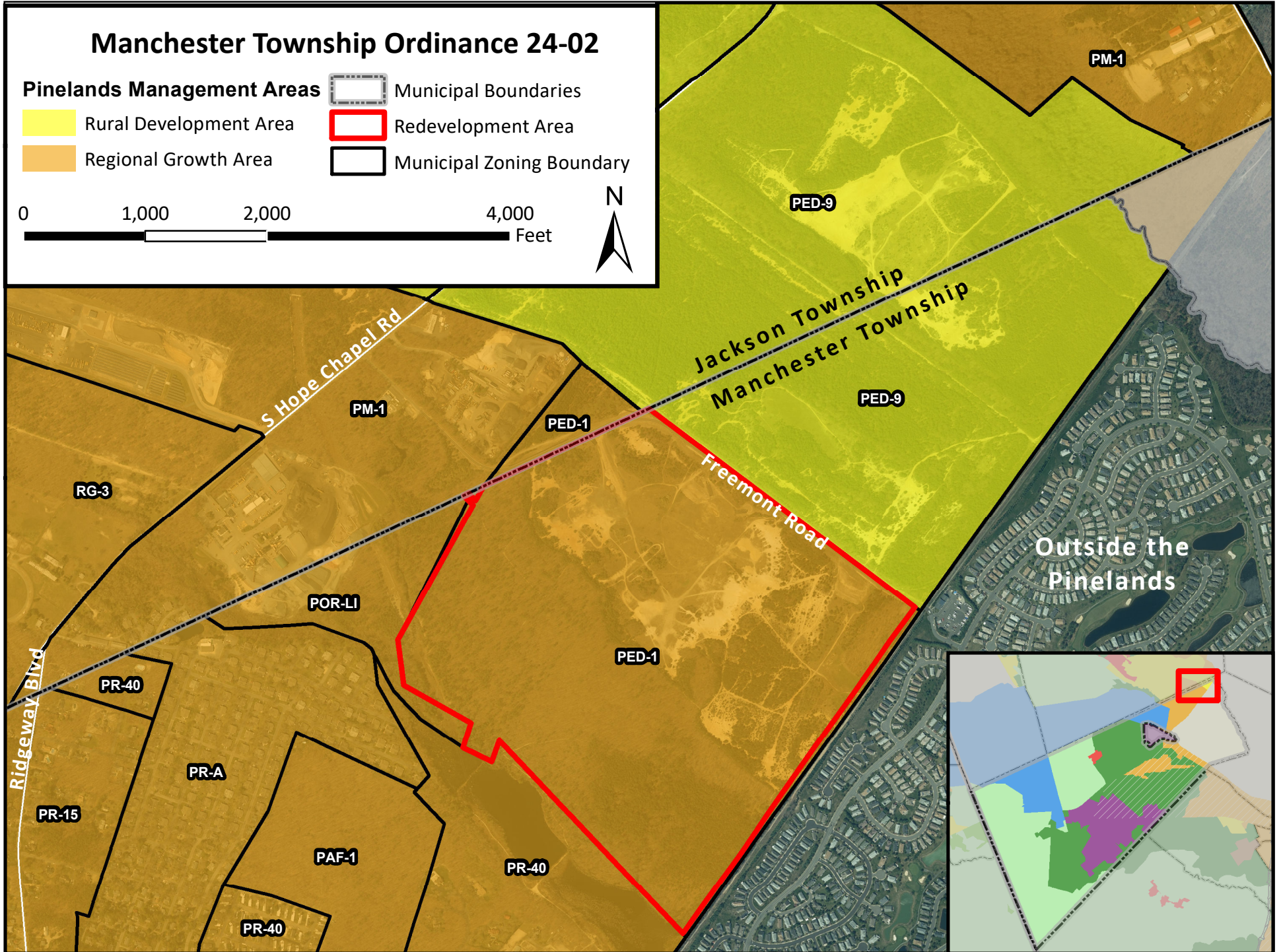
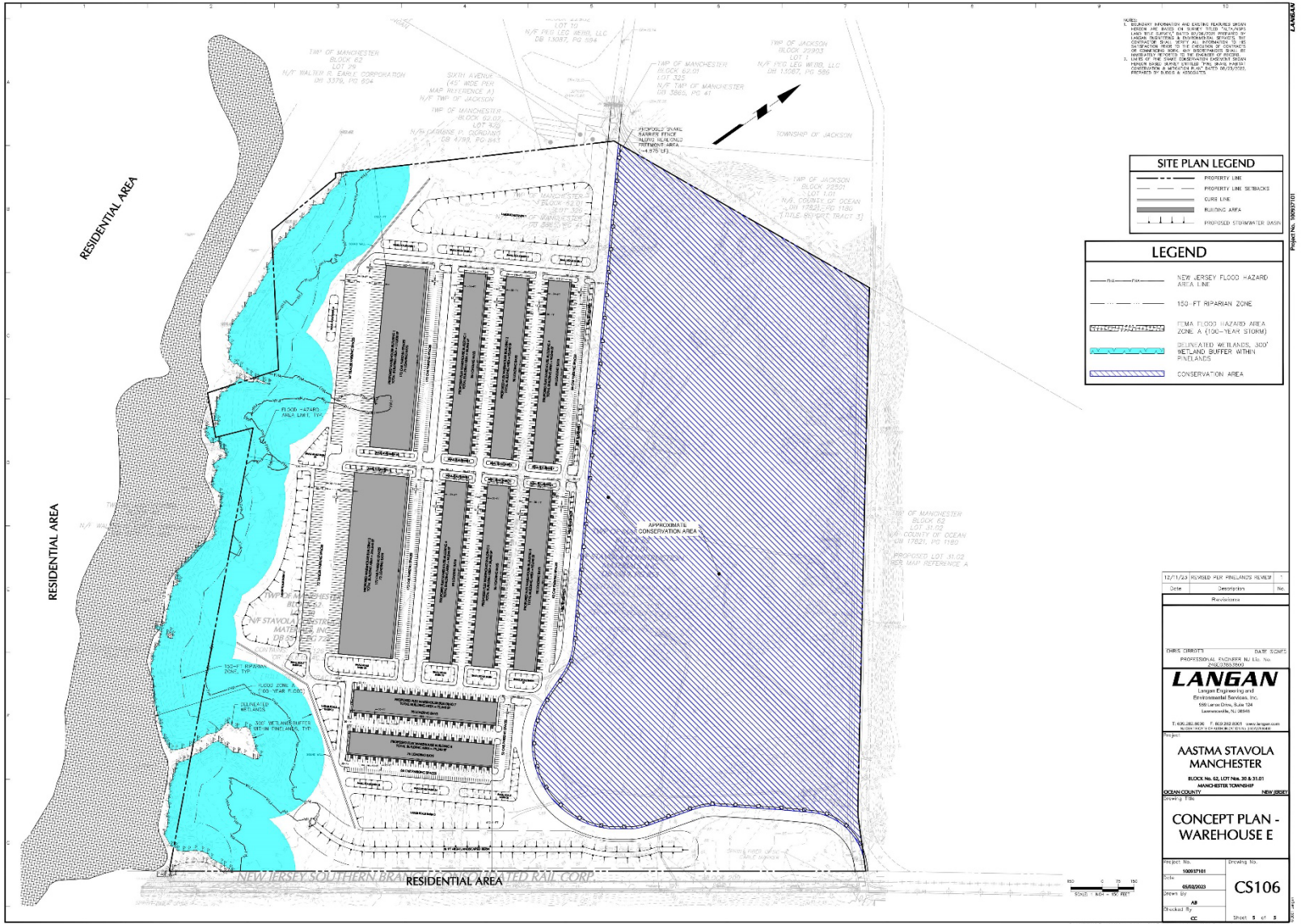


Figure 6 – Illustrative Concept Plan



Excerpt Map from
A Regional Natural Resource Protection Plan for the Toms River Corridor (2004)

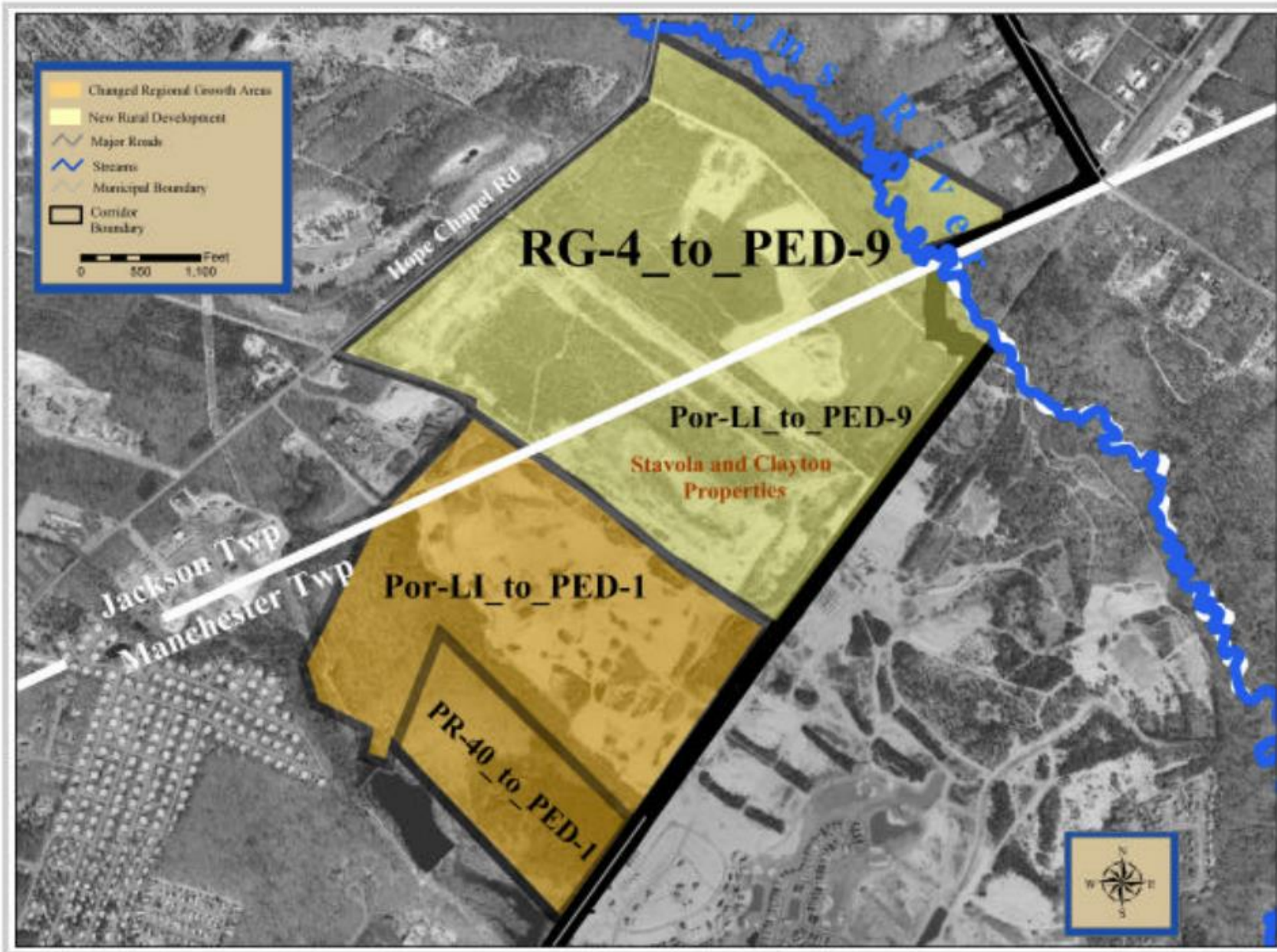


Figure 12. Proposed Changes Associated with the Planned Environmental Development (PED) Zone.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-24-_____

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1990-0445.028 & 1990-0450.008)

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:

1990-0445.028

Applicant:	New Jersey Department of Transportation
Municipality:	Pemberton Township
Management Area:	Pinelands Preservation Area District
Date of Report:	May 22, 2024
Proposed Development:	Realignment of the County Route 530 and State Route 70 intersection; and

1990-0450.008

Applicant:	NJ Turnpike Authority
Municipality:	Lacey Township
Management Area:	Pinelands Garden State Parkway Overlay District
Date of Report:	May 23, 2024
Proposed Development:	Construction of a 2,000 square foot State Police barracks and a 3,844 square foot helicopter pad at the Celia Cruz Service Area

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 1990-0445.028 and 1990-0450.008 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

 Susan R. Grogan
 Executive Director

 Laura E. Matos
 Chair



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

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PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

May 22, 2024

Brendan Brock (via email)
New Jersey Department of Transportation
1035 Parkway Ave.
P.O. Box 600
Trenton NJ 08625

Re: Application # 1990-0445.028
Burlington County Route 530 and State Route 70
Pemberton Township

Dear Mr. Brock:

The Commission staff has completed its review of this application proposing the realignment of the Burlington County Route 530 and State Route 70 intersection. 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 June 14, 2024 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

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



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TAHESHA L. WAY
Lt. Governor

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

May 22, 2024

Brendan Brock (via email)
New Jersey Department of Transportation
1035 Parkway Ave.
P.O. Box 600
Trenton NJ 08625

Application No.: 1990-0445.028
Burlington County Route 530 and State Route 70
Pemberton Township

This application proposes the realignment of the Burlington County Route 530 and State Route 70 intersection located within the above referenced rights-of-way in Pemberton Township.

Burlington County Route 530 currently intersects State Route 70 at an angle which creates safety concerns and difficulty turning for larger vehicles. The proposed realignment will create an intersection angle closer to 90 degrees to improve vehicle safety. The proposed development will result in the removal of 14,805 square feet of existing impervious surfaces. The applicant proposes to revegetate that area with native Pinelands grasses.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.2(b))

The proposed development is located in the Pinelands Preservation Area District. The CMP limits the development of new public service infrastructure, including roads, in the Pinelands Preservation Area District to that infrastructure necessary to serve only the needs of Preservation Area District uses.

The existing road intersection predates the January 14, 1981 effective date of the Commission's regulations. The Commission's regulations permit up to a 50 percent expansion of the area of a nonconforming use, including roads, that existed prior to January 14, 1981. The intersection improvement proposed in this application results in an overall reduction of the area of the intersection existing as of January 14, 1981. Therefore, the proposed intersection improvement is permitted by the CMP.

Wetlands Linear Improvement Standards (N.J.A.C. 7:50-6.6 & 6.13)

No development is proposed in wetlands. The CMP requires a buffer of up to 300 feet to wetlands.

There is a wetland area located to the north of the existing intersection of Burlington County Route 530 and State Route 70. The existing intersection is located within 115 feet of this wetland area. The proposed development will be located no closer to this wetland area than the existing intersection. The application proposes to remove 14,805 square feet of existing road pavement that is located within the 300 feet of this wetland area.

There is a second wetland area located approximately 290 feet to the west of the existing intersection. The proposed development will be located approximately 85 feet from this wetland area. The proposed development will be located within the required buffer to wetlands for this wetlands area. The CMP permits linear improvements, including roads and road intersections, in the required buffer to wetlands provided certain CMP specified conditions are met. Those CMP conditions include demonstrating that there is no feasible alternative to the proposed development which will result in a less significant adverse impact to wetlands and 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 of the proposed development on the required buffer to wetlands. The proposed development within the required buffer to wetlands is necessary to improve traffic safety. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the required buffer to wetlands.

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

The proposed development will be located within existing paved areas and grassed road shoulders. All soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

The applicant performed a threatened and endangered plant survey for the presence of American chaffseed and Slender rattlesnake root. The results of the threatened and endangered plant survey indicated that no threatened or endangered plant species were present on or in the vicinity of the proposed development.

The applicant has demonstrated that the proposed development will not have an irreversible adverse impact on local populations of American chaffseed and Slender rattlesnake root or on any other local populations of threatened or endangered plant species.

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

The application proposes to remove 14,805 square feet of existing pavement. The application proposes 5,544 square feet of new pavement and a 1,161 square foot concrete traffic island. The proposed development will result in a decrease of 8,100 square feet of impervious surface. There will be no

increase in the volume and rate of stormwater runoff after the development than occurred prior to the proposed development. The proposed development is consistent with the CMP stormwater standards.

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on August 10, 2023. The application was designated as complete on the Commission's website on April 30, 2024. The Commission's public comment period closed on May 10, 2024. No public comment was submitted to the Commission regarding this application.

CONDITIONS

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

Sheets 1-3 - April 18, 2024
Sheet 4 - February 7, 2024
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

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



State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

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 June 10, 2024 and include the following information:

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

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



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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

May 23, 2024

Michael Garofalo (via email)
NJ Turnpike Authority
P.O. Box 5042
Woodbridge NJ 07095

Re: Application # 1990-0450.008
Garden State Parkway
Celia Cruz Service Area
Lacey Township

Dear Mr. Garofalo:

The Commission staff has completed its review of this application for construction of a State Police barracks and helicopter pad at the Celia Cruz Service Area. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its June 14, 2024 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, 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)
Elise Rodriguez (via email)



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Lt. Governor

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

May 23, 2024

Michael Garofalo (via email)
NJ Turnpike Authority
P.O. Box 5042
Woodbridge NJ 07095

Application No.: 1990-0450.008

Location: Garden State Parkway
Celia Cruz Service Area
Lacey Township

This application proposes construction of a 2,000 square foot State Police barracks and a 3,844 square foot helicopter pad at the Celia Cruz Service Area within the Garden State Parkway right-of-way in Lacey Township.

STANDARDS

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

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

The proposed development is located in the CMP designated Parkway Overlay District and underlain by the Pinelands Preservation Area District. The proposed development constitutes accessory facilities associated with the operation of the Garden State Parkway. The proposed development is a permitted land use in the Parkway Overlay District.

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

The proposed development will be located primarily within existing maintained grassed areas and partially within a forested area. The proposed development will result in the clearing of approximately 1,000 square feet of trees. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes a seed mixture which meets that

recommendation.

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

The existing Celia Cruz Service Area is serviced by public sanitary sewer. The proposed barracks will be serviced by public sanitary sewer.

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

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

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

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

The New Jersey State Historic Preservation Office (SHPO) previously determined that the Garden State Parkway Historic District was eligible for the National Register of Historic Places. The Celia Cruz Service Area is located within the Garden State Parkway Historic District. The proposed State Police barracks will not affect any contributing resource to that National Register eligible Historic District. Therefore, no Certificate of Appropriateness is required for this application.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on December 14, 2023. The application was designated as complete on the Commission's website on April 29, 2024. The Commission's public comment period closed on May 10, 2024. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 22 sheets, prepared by Gannett Fleming, Inc. and dated as follows:
 - Sheet 1 - undated
 - Sheets 2-19 - February 2024
 - Sheet 20 - April 2009
 - Sheets 21 & 22 - April 2009; last revised March 2022
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.

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

CONCLUSION

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



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Application Specific Information: AppInfo@pinelands.nj.gov

LAURA E. MATOS
Chair

SUSAN R. GROGAN
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 June 10, 2024 and include the following information:

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

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



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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

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

MEMORANDUM

To: Members of the Pinelands Commission

From: Katie Elliott *KE*
Planning Specialist

Date: May 28, 2024

Subject: No Substantial Issue Findings

During the past month, the Land Use Programs Office reviewed 18 ordinance amendments, two master plan reexamination reports and two master plan amendments that were found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan (CMP). They included the following:

2023 CMP Amendments/NJDEP Stormwater Management Amendments

The following ordinances responded to the New Jersey Department of Environmental Protection (NJDEP) amendments to the statewide stormwater management regulations at N.J.A.C. 7:8, adopted July 17, 2023 and the Pinelands Commission's amendments to the CMP water management regulations, adopted December 4, 2023:

Buena Borough Ordinance 752 – amends Chapter 150, Land Use, of the Code of Buena Borough.

Egg Harbor City Ordinance 7-2024 – amends Chapter 170, Land Use and Development, and Chapter 233, Stormwater Control, of the Code of Egg Harbor.

Folsom Borough Ordinance 4-2024 – amends Chapter 164, Stormwater Management, and Chapter 200, Zoning, of the Code of Folsom Borough.

Medford Lakes Borough Ordinance 710 – amends Chapter 145, Land Development, and Chapter 204, Stormwater Management, of the Code of Medford Lakes Borough.

Woodbine Borough Ordinance 625-2024 – amends Chapter 21, Stormwater Control, and Chapter 26, Zoning, of the Code of Woodbine Borough.

Tier A MS4 Permit – Tree Removal Replacement Ordinances

The following ordinances responded to the Tier A MS4 Permit requirement that municipalities adopt an ordinance to control tree removal and replacement:

Evesham Township Ordinance 6-4-2024 – repeals and replaces Chapter 144, Trees and Shrubs, of the Township Code. The new chapter establishes requirements for the removal and replacement of trees within the Township. The ordinance provides standards and specifications for replacement trees. The ordinance also provides tree removal activities that are exempt from regulation. Replacement trees species must be in accordance with Section 62-56.H(11), which was previously reviewed by the Pinelands Commission and found to raise no substantial issues, or from the list of species included in the “Native Pinelands Plants for Landscape” document maintained by the Pinelands Commission. Notably, development applications reviewed by the Planning Board or Zoning Board of Adjustment remain subject to existing standards containing the landscaping and vegetation standards of the Pinelands CMP.

Hamilton Township Ordinance 2074-2024 – repeals and replaces Chapter 282, Trees, of the Township Code. The new chapter, entitled “Tree Removal,” establishes requirements for the removal and replacement of trees within the Township. The ordinance provides standards and specifications for replacement trees. The ordinance also provides tree removal activities that are exempt from regulation. Replacement trees species are limited to those species included in the “Native Pinelands Plants for Landscape” maintained by the Pinelands Commission. The ordinance also provides that if some or all of the required replacement trees cannot be planted on the property where the tree removal activity occurred, then the applicant must either plant trees in a separate area approved by the municipality or pay a fee that will go into a fund dedicated to tree planting and continued maintenance of trees within the Township.

Other Ordinances

Hamilton Township Ordinance 2073-2024 – adopts the Redevelopment Plan for Block 1134, Lot 14, dated April 2024. The redevelopment area is approximately 16 acres, contains a single lot, and is the site of an existing one-story commercial building. The lot is currently located within the Township’s Design Commercial (DC) District within a Pinelands Regional Growth Area. The redevelopment plan establishes an overlay zone spanning the entire redevelopment area. The overlay zone permits all the permitted and conditionally permitted uses in the DC District. It also permits medical marijuana dispensary facilities and conditionally permits Class 5 adult use recreational cannabis retail facilities. Additional standards are included for the medical marijuana and retail cannabis uses.

Monroe Township Ordinance O:18-2024 – amends Chapter 175, Land Management, of the Township Code. The ordinance revises the definition of the term “Lot Coverage” to remove the exemption of swimming pools from lot coverage calculations. The ordinance also increases lot coverage maximums for residential uses in the RD-A, RD-RR, and RD-RS districts from 3 percent to 10 percent. Additionally, lot coverage maximums for residential uses in the RG-MR, RG-PR, RG-30, and RG-40 districts are increased from between 10-20 percent, depending on the housing type, to 40 percent. The RD-A, RD-RR, and RD-RS districts are located within a Pinelands Rural Development Area. The RG-MR, RG-PR, RG-30, and RG-40 Districts are located in a Pinelands Regional Growth Area.

Waterford Township Ordinance 2023-17 – repeals and replaces Chapter 143, Flood Damage Prevention, of the Township Code. The ordinance adopts updated flood damage prevention regulations. The regulations require the application and issuance of a floodplain development permit for any development within a flood hazard area. The ordinance contains administrative procedures for the submission and review of floodplain development applications as well as floodplain development standards. The ordinance also provides updated flood hazard maps and designates a floodplain administrator.

Berlin Borough

During the review of Berlin Borough Ordinance 2022-10, it was discovered that the Commission had not issued a final determination on several master plan amendments and ordinances submitted by the Borough to the Commission. Staff reviewed these items and determined that only a minor ordinance amendment was required to be adopted by the Borough in order for the Commission to deem all the outstanding ordinances and master plans as raising no substantial issue with respect to the standards of the CMP. That amendment was adopted via Ordinance 2024-04 and submitted to the Commission. As a result, the following items were found to raise no substantial issue with respect to the standards of the CMP:

2001 Master Plan Amendment - amends the Township's land use element by reclassifying Block 1700, Lots 1 and 1.01 and Block 1805, Lot 24 (referred to as the Virtua Tract) as a medical and senior facilities district. Approximately 0.7 acres of Block 1700, Lot 1 is located within the Pinelands Area, in a Regional Growth Area. The Pinelands Area portion of this lot was subsequently rezoned to the Planned Adult Residential Community (PARC) District via Ordinance 18-2002 (see below). It was then rezoned to the R-5 Apartment and Townhouse District via Ordinance 2012-19, which was previously reviewed by the Pinelands Commission and found to raise no substantial issue with respect to the CMP.

2002 Master Plan Reexamination Report - provides an update on the major problems and objectives related to land development identified in the previous reexamination report (1996); a discussion of the changes in policies and objectives since the prior report; updated demographic information; and a summary of recommended changes to the master plan and land use regulations. Applicable to the Pinelands Area portion of the Borough, the report recommends establishing new commercial zones aligning with the Route 73 and White Horse Pike Corridors.

Ordinance 18-2002 - amends Chapter 335, Zoning and Land Use, of the Borough Code and implements the recommendations of the 2002 Master Plan Reexamination Report. Applicable to the Pinelands Area portion of the Borough, the ordinance repeals the PC-1 Commercial District, repeals and replaces the district standards of the PC-2 Neighborhood Commercial District, amends the district standards of the PI-3 Industrial District and establishes a new PC-3 Highway Commercial District. The new PC-2 and PC-3 Districts permit a variety of non-residential uses as well as existing residential uses. The ordinance conditionally permits self-storage facilities in the PI-3 District.

The ordinance adopts a revised zoning map, dated October 10, 2002. Within the Pinelands Area portion of the Borough, approximately 79 acres are rezoned. Approximately 54.5 acres are rezoned from one non-residential district to another non-residential district as follows: 42.4 acres are rezoned from PI-3 to PC-2; 7.5 acres are rezoned from PC-1 to PC-3; and 4.6 acres are rezoned from PC-2 to PC-3. Approximately 21.3 acres are rezoned from the PR-1 Residential District to PC-2, 1.4 acres are rezoned from PR-2 Residential District to PR-1, and 1 acre is rezoned from PC-1 to PR-1. The Pinelands Area portion of the Borough is located entirely within a Pinelands Regional Growth Area.

Given the existing uses, property ownership and lot configuration, the zoning changes described above have no impact on the Borough's Regional Growth Area residential zoning capacity.

Lastly, the ordinance establishes a Planned Adult Residential Community (PARC) District. Approximately 0.7 acres within the Pinelands Area is rezoned from PR-1 to PARC. However, the Borough subsequently rezoned the PARC District lands within the Pinelands Area to the R-5 Apartment and Townhouse District via Ordinance 2012-19, which was previously reviewed by the Pinelands Commission and found to raise no substantial issue with respect to the CMP.

Ordinance 2003-10 - amends Chapter 335, Zoning and Land Use, of the Borough Code by revising various district regulations. Applicable to the Pinelands Area portion of the Borough, the PR-1 and PR-2 Districts are renamed as the Low Density Residential and Medium Density Residential Districts, respectively. The PC-2 District regulations are amended by removing video stores as a permitted use. The PC-3 and PI-3 Districts are amended by revising the definition and conditional use standards related to self-storage facilities.

2004 Master Plan Amendment - amends the Borough Master Plan to recommend revised standards for the PARC District. Within the Pinelands Area portion of the Borough, approximately, 0.7 acres was included in the PARC District. However, the Borough subsequently rezoned the PARC District lands within the Pinelands Area to the R-5 Apartment and Townhouse District via Ordinance 2012-19, which was previously reviewed by the Pinelands Commission and found to raise no substantial issue with respect to the CMP.

Ordinance 2005-01 - adopts the Redevelopment Plan for the Borough of Berlin, dated January 2005. The redevelopment plan addresses multiple redevelopment areas within the Borough. Within the Pinelands Area portion of the Borough, the plan establishes the Pinelands Redevelopment Area, which consists of areas surrounding the former Owens Corning plant and commercial districts along the White Horse Pike. The redevelopment plan maintains the existing, underlying zoning and land use regulations within the Pinelands Redevelopment Area.

Ordinance 2007-004 - adopts a revised zoning map dated December 18, 2006. The revised map adds overlays for the redevelopment areas established by Ordinance 2005-01 (see above). Within the Pinelands Area portion of the Borough, the map includes an overlay for the Pinelands Redevelopment Area. All other zoning boundaries within the Pinelands Area align with the zoning map adopted via Ordinance 18-2002 (see above).

2008 Master Plan Reexamination Report - provides an update on the major problems and objectives related to land development identified in the previous reexamination report (2002); a discussion of the changes in policies and objectives since the prior report; updated demographic information; and a summary of recommended changes to the master plan and land use regulations. The report recommends amending the master plan to incorporate additional elements. The report recommends amending the land use regulations to implement any specific affordable housing sites identified in any revised housing element. It also recommends that the Borough investigate infill development standards, development standards for age-restricted residential uses, and commercial development design standards. The Borough subsequently updated its housing and land use elements, most recently in 2017, which were both previously reviewed by the Pinelands Commission and found to raise no substantial issues with respect to the CMP.

Ordinance 2012-17 - amends Chapter 335, Zoning and Land Use, of the Borough Code by adding side yard setback standards for decks in the PR-2 High Density Residential District. Additionally, the ordinance revises the maximum density for townhouses from 6.0 units per acre to 4.375 units per acre. Standards for townhouses in the PR-2 were subsequently repealed and replaced via Ordinance 2012-20, which was previously reviewed by the Pinelands Commission and found to raise no substantial issues with respect to the CMP.

Ordinance 2013-08 - repeals and replaces Chapter 193, Affordable Housing, of the Borough Code in its entirety with updated administrative procedures and regulations pertaining to the Borough's affordable housing program. The ordinance establishes the powers and duties of the municipal housing liaison and administrative agent, household eligibility requirements, regulations on the purchase and sale of low- and moderate-income dwellings, and development and design standards for affordable dwellings units. The ordinance also establishes the Borough's housing rehabilitation program, market-to-affordable program, and residential and non-residential development fees.

Ordinance 2022-10 - amends Chapter 335, Zoning and Land Use, of the Borough Code. Applicable to the Pinelands Area portion of the Borough, the ordinance repeals a 0.25 minimum floor area ratio requirement for development in the PC-2 and PC-3 Districts.

Ordinance 2024-02 - amends Chapter 335, Zoning and Land Use, of the Borough Code by establishing Pinelands Development Credit requirements applicable to any variance or other municipal approval that would allow residential development in the PC-3 Highway Commercial District.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-24-_____

TITLE: To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2025 at the Same Level of Expenditures as Fiscal Year 2024 until the Adoption of the Fiscal Year 2025 Budgets

Commissioner _____ moves and Commissioner _____ seconds the motion that:

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

WHEREAS, based on the Governor’s proposed budget, it is anticipated that the Commission will receive an appropriation of at least \$3,749,000 to support its operations during Fiscal Year 2025; and

WHEREAS, confirmation of the State appropriation is expected in July, after which the Commission will be able to finalize and adopt its Fiscal Year 2025 budgets; 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 actions shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director is authorized to continue to expend funds during Fiscal Year 2025 at the same level of expenditures as Fiscal Year 2024 until the Commission’s adoption of the Fiscal Year 2025 Budgets.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Executive Director

Laura E. Matos
Chair