



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



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

General Information: Info@pinelands.nj.gov  
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RICHARD PRICKETT  
 Chairman  
 NANCY WITTENBERG  
 Executive Director

**NEW JERSEY PINELANDS COMMISSION MEETING AGENDA**

Friday, September 11, 2020 - **9:30 a.m.**

Pinelands Commission YouTube link:

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

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

1. Call to Order

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

2. Adoption of Minutes

- August 14, 2020

3. Committee Chairs' and Executive Director's Reports

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

A. Permitting Matters

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

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

- Application No. 1983-5250.015 - Atlantic Cape Community College  
 Construction of a baseball field, a 12,140 square foot building containing athletic training areas and associated development  
 Hamilton Township
- Application No. 1983-5765.007 - Atlantic County Facilities Management  
 Improvements to the Atlantic County Lake Lenape Park

## Hamilton Township

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

- Application No. 1982-2787.003 - Monroe Township  
Construction of a 4,550 square foot addition to a municipal fire station and associated site improvements  
Monroe Township

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

- Application No. 1985-0462.005 - Ocean County Department of Planning  
Thinning of 152 acres of forest to create a forest fire fuel break  
Manchester Township

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

- Application No. 1985-0949.039 - Ocean County  
Construction of an 8,653 square foot salt storage dome at Ocean County maintenance facility

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

- Application No. 1992-0102.007 - New Jersey Division of Property Management & Construction  
Construction of a 2,400 square foot storage building for the New Jersey Department of Environmental Protection  
Washington Township
- Application No. 1999-0303.002 - Borough of Medford Lakes  
Construction of a walking path and dock at the Medford Lake Municipal Building  
Medford Lakes Borough

## B. Planning Matters

- Municipal Master Plans and Ordinances
  - Issuing an Order to Certify Ordinance 2020-3, Amending Ordinances 1998-4, 1998-11, and 2001-8 of Woodland Township
- Other Resolutions
  - None
- CMP Amendments
  - None

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

A. Public Development Projects

- None

B. Waivers of Strict Compliance

- Application No. 2019-0143.001 – Schoeneberg  
Single family dwelling  
Lacey Township

6. Master Plans and Ordinances Not Requiring Commission Action

- Manchester Township Ordinance 2020-21
- Stafford Township Ordinances 2017-11 & 2017-12

7. Land Management Update by Ray Bukowski, Assistant Commissioner of Natural and Historic Resources at the New Jersey Department of Environmental Protection.

8. General Public Comment

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

10. Adjournment

**Upcoming Meetings**

Fri., September 25, 2020	Policy & Implementation Committee Meeting (9:30 a.m.)
Tues., September 29, 2020	Personnel & Budget Committee Meeting (9:30 a.m.)
Fri., October 9, 2020	Pinelands Commission Meeting (9:30 a.m.)

**Upcoming Office Closures**

Monday, September 7, 2020 – Labor Day

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/](http://www.nj.gov/pinelands/) for more information on agenda details, e-mail the [Public Programs Office](mailto:Info@pinelands.nj.gov) at [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov).

PINELANDS COMMISSION MEETING

MINUTES  
**August 14, 2020**

*The August 14, 2020 Pinelands Commission meeting was conducted remotely. All participants were present via Zoom conference and the meeting was livestreamed through YouTube.*

Commissioners Participating in the Meeting

Alan W. Avery Jr., Daniel Christy, Sean Earlen, Jordan P. Howell, Jerome H. Irick, Ed Lloyd, Mark Lohbauer, William Pikolycky and Chairman Richard Prickett. Also participating were Executive Director Nancy Wittenberg and Deputy Attorney General (DAG) Kristina Miles and Governor's Authorities Unit representative Craig Ambrose.

Commissioners Absent

Gary Quinn, Jane Jannarone and D'Arcy Rohan Green.

Chairman Prickett called the meeting to order at 9:33 a.m.

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

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

The Commission pledged allegiance to the Flag.

Minutes

Chairman Prickett presented the minutes from the Commission's July 10, 2020 meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Earlen seconded the motion.

The minutes from the July 10, 2020 Commission meeting were adopted by a vote of 9 to 0.

Chairman Prickett said John Stokes, former Executive Director of the Commission, passed away in July. He asked Commissioner Lloyd if he would like to share a few words about Mr. Stokes.

Commissioner Lloyd said Mr. Stokes was a passionate and effective leader who held high standards for himself, staff and the Commission. He said the Pinelands lost another champion. He said Mr. Stokes negotiated \$13 million as part of an offset for the Conectiv power line application along the Garden State Parkway. He said the Pinelands Conservation Fund was created because of that money and thousands of acres have been protected over the years. He said the Pinelands is a better place because of John Stokes.

Commissioner Avery said that John Stokes played an integral role in the early years of the Commission when staff was trying to certify Pinelands municipalities. He said Mr. Stokes was a talented negotiator who was able to bring all towns into conformance. Commissioner Avery said Mr. Stokes was both his friend and colleague and he will miss him.

Commissioner Lohbauer said although he did not have the chance to work with Mr. Stokes he said he had reached out to him to seek advice. He said Mr. Stokes offered good insight and cared deeply about the preservation of the Pinelands.

Chairman Prickett said Mr. Stokes' passion for the Pinelands was clearly evident. He asked for a moment of silence in memory of Mr. Stokes.

#### Executive Director's Report

ED Wittenberg provided an update on the following items:

- Commission staff members continue to work from home and go into the office on an as-needed basis. Facilities staff members are currently working three days a week at the office, cleaning and maintaining the grounds. She said the recent storm produced a great deal of downed tree limbs on the Commission property, but no damage.
- A letter was sent to New Jersey Natural Gas (NJNG) after an Open Public Records Act (OPRA) request filed by the Pinelands Preservation Alliance with the New Jersey Department of Environmental Protection (NJDEP) found that an inadvertent return (IR) event had occurred in the Pinelands Area that NJNG had not notified the Commission about. She said NJNG responded and apologized for the oversight. The unreported IR incident occurred in the portion of the route where there had already been an incident.

Commissioner Lohbauer thanked ED Wittenberg for providing answers to questions he raised about spills that occurred during the NJNG pipeline construction. He said he had concerns about responses to the following two questions: did staff consider suspending the NJNG permit and did staff consider notifying the Commission of the IR incidents?

Commissioner Lohbauer said staff responded that the approval recognized the possibility of bentonite release and included provisions for IR incidents. He said the Commissioners

should have been notified about the spills. He said during the application process he was led to believe that the spills would not occur and instead there were six spills over the course of 10 days.

ED Wittenberg said there was an expectation that the IR's could occur and the Executive Director's report acknowledged the potential for such incidents. She said she was unsure if the Commission could have suspended work on the pipeline. She said staff conducted site inspections and had discussions regarding the IRs with NJNG. The determination was that the incidents were handled in accordance with the permit.

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

- The Executive Director issued an emergency authorization for the construction of a 4,500 square foot addition to the Cecil Fire Company Station in Monroe Township. The Chairman of the Commission was consulted first and agreed that a public safety issue did exist. Had the construction not started their emergency vehicles would be subjected to the elements. The application is now complete and on today's agenda for public comment.
- An application has been received for the extension of sanitary sewer to two existing public schools in Pemberton Township. The sanitary sewer lines need to be extended through the Agricultural Production Area, where they are not permitted unless a public health hazard is identified. Staff issued a letter to Pemberton Township requesting additional information regarding the public health matter.
- A Certificate of Filing was issued to the Chatsworth Volunteer Fire Company for the construction of a communication tower. The tower will enhance emergency communications and cell phone coverage in the area.

Commissioner Christy asked for clarification on the Monroe Township emergency authorization application. He asked if the Board was notified of the emergency authorization decision.

Director Horner confirmed that approval was given to Monroe Township to proceed with its application for an addition to the municipal firehouse prior to Commission action. He said there is a provision in the Comprehensive Management Plan (CMP) that requires the ED to consult with the Chairman when a public health hazard, emergency or public safety matter arises. The ED can then authorize development to occur prior to formal action by the Commission. He added that the authorization does not eliminate the need for the applicant to apply and receive approval from the Commission.

Chairman Prickett said going forward when emergency authorizations occur, notification will be sent to all Commissioners.

Susan R. Grogan, Director of Planning, provided an update on the following matters:

- The New Jersey Historic Trust had to postpone their site visit until the end of August. A site visit is required as part of the grant application to paint Fenwick Manor.
- With the end of the fiscal year, staff is currently working on the following: the annual Alternate Design System Pilot Program report, the Pinelands Development Credit Bank annual report and the annual update on Permanent Land Protection.
- The public comment period for the proposed amendments to the Alternate Design System Pilot Program has begun. A virtual hearing on those amendments is scheduled for September 2, 2020.
- Staff continues to make progress on stormwater amendments that the Commission will need to consider in response to NJDEP's recent stormwater regulations. The Policy & Implementation Committee will have recommendations to consider this fall.
- The Barnegat Bay Partnership received grant funding from the NJDEP to create watershed protection and restoration plans for the Toms River, Oyster Creek, Cedar Creek and Forked River watersheds. The Commission will participate as stakeholders on both efforts.

Commissioner Avery asked what types of activities the Barnegat Bay Partnership will be conducting.

Director Grogan said she will review the grant application and provide an update.

Chairman Prickett asked for an update on the Kirkwood-Cohansey rules.

Director Grogan said staff continues to work on a "second draft" and resolve some remaining issues and questions. She said staff must be able to implement the rules and work remains on that effort.

Stacey Roth, Chief of Legal and Legislative Affairs, said at the July Commission meeting she provided information regarding a renewed stay request from the Sierra Club. At the time the Commission received the request, HDD in the Pinelands Area was finished and the Commission issued a letter advising the matter is moot. On July 17<sup>th</sup>, the Sierra Club filed a motion with the Appellate Division to obtain a Stay and supplement the record. The Commission filed an opposition brief arguing the issue was moot. The Appellate Division denied the motion to Stay and supplement the record on August 6<sup>th</sup>. Additionally, the substantive brief is complete, however the Court has yet to schedule oral argument.

Ms. Roth will reach out to the State Ethics Commission to see if virtual ethics training is a possibility for 2020.

Commissioner Avery said there have been some recent news articles about the illegal use of Off- Road Vehicles (ORVs). He asked Ms. Roth to provide information about the status of the bill to enhance penalties for illegal use of ORVs.

Ms. Roth said she would check on the status of the legislation.

Commissioner Avery asked if the Sierra Club and Pinelands Preservation Alliance (PPA) have outside counsel.

Ms. Roth said the Sierra Club is represented by The Eastern Environmental Law Clinic and PPA is represented by Paul Leodori.

Paul Leakan, Communications Officer, said the Commission has hosted 11 webinars since June. He said the webinars keep the public informed and engaged and serve as a great platform for people to share their research. The Commission's social media presence continues to grow.

#### Public Development Projects and Other Permit Matters

Chairman Prickett presented a resolution for the paving of existing trails at the Nesbit Recreation Complex in Pemberton Township.

Commissioner Lohbauer made a motion Approving With Conditions an Application for Public Development (Application Number 1993-0360.005) (See Resolution # PC4-20-24). Commissioner Pikolycky seconded the motion.

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

Chairman Prickett presented a resolution recommending approval of two public development applications: change of use at the former Green Bank School in Washington Township and the installation of stream scour countermeasures at the Mill Creek Bridge in Upper Township

Commissioner Lohbauer made a motion Approving With Conditions Applications for Public Development (Application Numbers 2000-0637.004 & 2019-0026.001) (See Resolution # PC4-20-25). Commissioner Christy seconded the motion.

Director Horner said the New Jersey Department of Transportation is proposing to install 4,900 square feet of concrete block around the stream bank and within the stream to protect the bridge from erosion.

He said the other application is for a change of use of the Green Bank Elementary School. He said the NJDEP plans to occupy 9,000 square feet of the building for office space. He explained that because a state agency is occupying the building, the New Jersey Department of Community Affairs (DCA) will issue permits. He noted that the public development report references a Certificate of Occupancy; however, after a lengthy discussion with DCA, a Certificate of Approval will actually be issued. He recommended

adding language to the cover letter noting a Certificate of Occupancy is comparable to a Certificate of Approval in this instance.

Commissioner Lloyd asked if the Commission had ever done this before.

Director Horner said no, and the CMP does not speak to either document. However, staff has dealt with similar applications in the past. He added that with this application the Certificate of Approval will approve the architectural plans of the 9,000 square foot portion of the building to be occupied.

Commissioner Prickett asked about the on-site septic system and if there will more or less people in the building with the change of use from school to office.

Director Horner said wastewater is estimated and calculated based on NJDEP's regulations, which assign flow rates based on the use. He said wastewater flows for a school are typically calculated by the number of students and teachers. He said office space wastewater flows are usually based on the square footage. He said there will be less office personnel than students. He noted that the Burlington County Health Department is responsible for ensuring that the actual septic system has adequate capacity.

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

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

Chairman Prickett read the list of seven Public Development applications up for comment. There were no public comments.

#### Ordinances Not Requiring Commission Action

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

- Shamong Township Ordinances 2020-04 & 2020-06

No questions were raised.

Commissioner Avery advised Commissioners that they will be receiving an email from the Human Resources Manager regarding the Executive Director's annual evaluation.

General Public Comment

Fred Akers of the Great Egg Harbor Watershed Association said there may be money for the Commission with the recent signing of the Great American Outdoors Act. He said \$900 million is available through the Land and Water Conservation Fund and land in Hamilton Township was previously preserved with the use of money from this fund.

Rhyan Grech of the Pinelands Preservation Alliance said the NJDEP has made some personnel changes. She recommended inviting the Acting Director of Parks and Forestry to a future meeting. She said the number of accidents that have occurred during the SRL pipeline construction was not what was presented to the Commission by NJNG during the application process. She said PPA, the Sierra Club and members of the public raised the dangers of the pipeline construction to the Commission. She said sludge cannot be dumped into Pinelands wetlands. She said staff did not issue a violation notice, follow up or do a field investigation after the IR incidents occurred. She added that the quality of surface and groundwater must be protected and maintained and, as it relates to the SRL, that has not happened. She said had the Commission and public been made aware of the IR incidents in the Pinelands, a stay request may not have been moot and further incidents outside the Pinelands may have been prevented.

Commissioner Lohbauer thanked the conservation officers for their continued efforts to control illegal ORV use. He also read an excerpt of a social media post by Al Horner about a recent ORV incident.

Commissioner Earlen said the last public comment that was provided went too far. He said for the commenter to insinuate that staff is to blame for the IRs and damage to people's homes is out of line.

Commissioner Howell said he echoed Commissioner Lohbauer's earlier comments about the IR incidents. He said he would have liked to have known about the incidents when they occurred.

Adjournment

Commissioner Lohbauer moved to adjourn the meeting. Commissioner Christy seconded the motion. The Commission agreed to adjourn at 10:52 a.m.

Certified as true and correct:

  
\_\_\_\_\_  
Jessica Noble, Executive Assistant

Date: August 28, 2020



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20-24

**TITLE:** **Approving** With Conditions an Application for **Public Development** (Application Number 1993-0360.005)

Commissioner Lohbauer moves and Commissioner Pikolycky 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:

**1993-0360.005**

<b>Applicant:</b>	<b>Pemberton Township</b>
Municipality:	Pemberton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	July 22, 2020
Proposed Development:	Paving of 2,930 linear feet of three existing stone walking trails at the Nesbit Recreation Complex.

**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 1993-0360.005 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*			
Avery	X			Irick	X			Pikolycky	X		
Christy	X			Jannarone		X		Quinn			X
Earlen	X			Lloyd	X			Rohan Green			X
Howell	X			Lohbauer	X			Prickett	X		

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 14, 2020

Nancy Wittenberg  
Executive Director

Richard Prickett  
Chairman



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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

July 22, 2020

David A. Patriarca, Mayor (via email)  
Pemberton Township  
500 Pemberton Browns Mills Road  
Pemberton, NJ 08068

Re: Application # 1993-0360.005  
Block 812, Lot 16.01  
Pemberton Township

Dear Mayor Patriarca:

The Commission staff has completed its review of this application proposing the paving of 2,930 linear feet of three existing stone walking trails at the Nesbit Recreation Complex. 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 August 14, 2020 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)  
Marianne Risley (via email)





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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

July 22, 2020

David A. Patriarca, Mayor (via email)  
Pemberton Township  
500 Pemberton Browns Mills Road  
Pemberton, NJ 08068

Application No.: 1993-0360.005  
Block 812, Lot 16.01  
Pemberton Township

This application proposes paving of 2,930 linear feet of three existing stone walking trails at the Nesbit Recreation Complex located on the above referenced 93.68 acre parcel in Pemberton Township. The walking trails will be paved to a width of five feet.

On February 24, 2014, the Commission approved the expansion of an existing recreational facility on the above referenced parcel. That application included the construction of the 2,930 linear feet of five foot wide stone walking trails (App. No. 1993-0360.004).

### **STANDARDS**

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

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

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

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

There are wetlands located on the above referenced parcel. The CMP provides that no development shall be carried out within 300 feet of any wetland unless the applicant demonstrates that the proposed development will not result in a significant adverse impact on the wetlands in accordance with the criteria contained in the CMP (N.J.A.C. 7:50-6.7(a)). Based upon the results of a Buffer Delineation Model for New Jersey Pinelands Wetlands completed for the development proposed in App. No. 1993-0360.004, the applicant previously demonstrated that the proposed 175 foot buffer to wetlands will not result in a significant adverse impact on the wetlands. The walking trails are located at least 175 feet from wetlands.

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

The proposed development will be located over existing stone walking trails. No clearing or soil disturbance 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. As the application does not propose any clearing or soil disturbance, no revegetation has been proposed.

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

The applicant previously demonstrated that the development proposed in App. No. 1993-0360.004 was consistent with the stormwater management standards contained in the CMP. The stone walking trails were classified as an impervious surface in the stormwater calculations submitted for App. No. 1993-0360.004. Therefore, no additional stormwater management is required for this application.

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

A cultural resource survey was previously prepared for the above referenced parcel. The cultural resource survey determined that no significant cultural resources existed on the parcel.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on June 28, 2020. Newspaper public notice was completed on June 29, 2020. The application was designated as complete on the Commission's website on June 30, 2020. The Commission's public comment period for this application closed on July 10, 2020. 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 Adams, Rehmann & Heggan Associates and dated May 4, 2020.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

**CONCLUSION**

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



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

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on August 10, 2020 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. PC4-20-25

**TITLE:** **Approving** With Conditions Applications for **Public Development** (Application Numbers 2000-0637.004 & 2019-0026.001)

Commissioner Lohbauer moves and Commissioner Christy 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:

**2000-0637.004**

**Applicant:** New Jersey Department of Environmental Protection  
**Municipality:** Washington Township  
**Management Area:** Pinelands Village  
**Date of Report:** July 23, 2020  
**Proposed Development:** Change in use of a portion of the former Green Bank School in Washington Township to office space for the New Jersey Department of Environmental Protection; and

**2019-0026.001**

**Applicant:** NJ Department of Transportation  
**Municipality:** Upper Township  
**Management Area:** Pinelands Rural Development Area  
**Date of Report:** August 10, 2020  
**Proposed Development:** Installation of stream scour countermeasures to reduce erosion at the Mill Creek Bridge on Route 49.

**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 2000-0637.004 & 2019-0026.001 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

### Record of Commission Votes

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

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 14, 2020

Nancy Wittenberg  
Executive Director

Richard Prickett  
Chairman



# State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

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PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

July 23, 2020

William White (via email)  
New Jersey Department of Environmental Protection  
Bureau of Natural & Historic Resources  
275 Freehold-Englishtown Road  
Englishtown, NJ 07726

Re: Application # 2000-0637.004  
Block 52.01, Lot 6.02  
Washington Township

Dear Mr. White:

The Commission staff has completed its review of this application for a change in use of a portion of the former Green Bank School in Washington Township to office space for the New Jersey Department of Environmental Protection. 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 August 14, 2020 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, Washington Township Planning Board (via email)  
Washington Township Construction Code Official (via email)  
Secretary, Burlington County Planning Board (via email)  
Burlington County Health Department (via email)  
William Fleming (via email)





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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

July 23, 2020

William White (via email)  
New Jersey Department of Environmental Protection  
Bureau of Natural & Historic Resources  
275 Freehold-Englishtown Road  
Englishtown, NJ 07726

Application No.: 2000-0637.004  
Block 52.01, Lot 6.02  
Washington Township

This application proposes a change in use of a portion of the former Green Bank School in Washington Township to office space for the New Jersey Department of Environmental Protection (NJDEP). The school is located on the above referenced 15.9 acre parcel. The New Jersey State Park Police will utilize 9,000 square feet of the existing 24,720 square foot school for office space.

On January 14, 2005, the Commission approved the construction of a 24,720 square foot school on the above referenced parcel (App. No. 2000-0637.001). After construction, the school was closed and subsequently purchased by the State of New Jersey.

The NJDEP has expressed an interest in utilizing the remaining 15,720 square feet of the building as an office. By letter dated June 2, 2020, the NJDEP confirmed that no use of the remaining 15,720 square foot portion of the building will occur prior to the completion of an application with the Pinelands Commission. Any such application must demonstrate consistency with all standards of the Pinelands Comprehensive Management Plan (CMP), including the groundwater quality (septic dilution) standard. Based on the acreage of the parcel and the square footage of the existing building which is serviced by an onsite septic system, use of the remaining 15,720 square feet of the building as an office may raise an issue with the groundwater quality (septic dilution) standard.

### **STANDARDS**

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

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

The parcel is located in the Pinelands Village of Green Bank. The proposed change in use of a portion of the building from a school to an office is a permitted land use in a Pinelands Village Management Area.

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

The existing building is serviced by an on-site septic system. The applicant has demonstrated that the proposed change in use of the 9,000 square foot portion of the existing building will be consistent with the groundwater quality (septic dilution) standard of the CMP.

**PUBLIC COMMENT**

The CMP defines the proposed change in use 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 June 29, 2020. The Commission’s public comment period closed on July 10, 2020. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
2. A copy of the Certificate of Occupancy (CO) for the proposed use of the 9,000 square foot portion of the existing building shall be submitted to the Commission. The CO shall specifically limit occupancy to the 9,000 square foot portion of the building subject of this application. The CO shall also indicate that prior to occupancy of any portion of the remaining 15,720 square feet of the building, an application for any proposed change in use of that square footage must be approved by the Pinelands Commission.
3. In accordance with NJDEP’s June 2, 2020 letter, no use of the remaining 15,720 square foot portion of the building shall occur prior to the completion of an application with the Pinelands Commission.

**CONCLUSION**

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



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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

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

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on August 10, 2020 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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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

August 10, 2020

(Corrected Copy – Revised Cond. #5 on Page 2 of Report)

Brendan Brock (via email)  
NJ Department of Transportation  
951 Parkway Avenue  
Ewing, NJ 08625

Re: Application # 2019-0026.001  
Route 49 Mill Creek Bridge  
Upper Township

Dear Mr. Brock:

The Commission staff has completed its review of your application for installation of stream scour countermeasures to reduce erosion at the Mill Creek Bridge on Route 49. Enclosed is a copy of a revised 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 August 14, 2020 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, Upper Township Planning Board (via email)  
Upper Township Construction Code Official (via email)  
Secretary, Cape May County Planning Board (via email)  
James Mellett (via email)





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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

(Corrected Copy – Revised Cond. #5 on Page 2 of Report)

August 10, 2020

Brendan Brock (via email)  
NJ Department of Transportation  
951 Parkway Avenue  
Ewing, NJ 08625

Application No.: 2019-0026.001  
Route 49 Mill Creek Bridge  
Upper Township

This application proposes installation of stream scour countermeasures to reduce erosion at the Mill Creek Bridge on Route 49 in Upper Township.

This application proposes the installation of approximately 4,900 square feet of articulated concrete blocks within the stream channel and along the banks adjacent to the existing bridge to prevent soil erosion.

### **STANDARDS**

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

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

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

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

There are wetlands located within 300 feet of the proposed development. The proposed development will be located in wetlands and the required buffer to wetlands. The proposed development will disturb approximately 4,000 square feet of wetlands.

The CMP permits bridges (linear improvements) and improvements associated with bridges, such as soil erosion measures, in wetlands and the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The applicant has demonstrated that there is no feasible

alternative to the proposed development that does not involve development in wetlands and the required buffer to wetlands or that will result in a less significant adverse impact to the wetlands and the required buffer to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetlands and the required buffer to wetlands. The applicant has represented that the proposed stream bank erosion scour countermeasures are necessary to improve the safety of the existing roadway. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetlands.

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

The proposed development will be located over vegetated road shoulders and within open water. All soil disturbance and clearing is limited to that which is necessary to accommodate the proposed development.

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

### **PUBLIC COMMENT**

The CMP defines the proposed bridge improvements 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 June 24, 2020. The Commission’s public comment period closed on July 10, 2020. 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 eight sheets, prepared by Churchill Consulting Engineers and dated May 21, 2020.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Prior to the construction of any portion of the proposed development which will result in the disturbance of any tidal wetland area, the applicant shall obtain any authorization or permits required by the New Jersey Department of Environmental Protection and the United States Army Corps of Engineers.

**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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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

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

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on August 10, 2020 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. PC4-20-\_\_\_\_\_

**TITLE:** Approving With Conditions Applications for Public Development (Application Numbers 1983-5250.015 & 1983-5765.007)

Commissioner \_\_\_\_\_ moves and Commissioner \_\_\_\_\_ seconds the motion that:

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

**1983-5250.015**

**Applicant:** Atlantic Cape Community College  
**Municipality:** Hamilton Township  
**Management Area:** Pinelands Regional Growth Area  
**Date of Report:** August 20, 2020  
**Proposed Development:** Construction of a baseball field, a 12,140 square foot building containing athletic training areas and associated development; and

**1983-5765.007**

**Applicant:** Atlantic County Facilities Management  
**Municipality:** Hamilton Township  
**Management Area:** Pinelands Forest Area  
Pinelands Regional Growth Area  
**Date of Report:** August 20, 2020  
**Proposed Development:** Improvements to the Atlantic County Lake Lenape Park.

**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 1983-5250.015 & 1983-5765.007 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

### Record of Commission Votes

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

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Nancy Wittenberg  
Executive Director

\_\_\_\_\_  
Richard Prickett  
Chairman



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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

August 20, 2020

Jean McAlister (via email)  
Atlantic Cape Community College  
5100 Black Horse Pike  
Mays Landing, NJ 08330

Re: Application # 1983-5250.015  
Block 996, Lot 26  
Hamilton Township

Dear Ms. McAlister:

The Commission staff has completed its review of this application for construction of a baseball field, a 12,140 square foot building containing athletic training areas and associated development. 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 September 11, 2020 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, Hamilton Township Planning Board (via email)  
Hamilton Township Construction Code Official (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Cormac Morrissey, PE, PP, CME (via email)





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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

August 20, 2020

Jean McAlister (via email)  
Atlantic Cape Community College  
5100 Black Horse Pike  
Mays Landing, NJ 08330

Application No.: 1983-5250.015  
Block 996, Lot 26  
Hamilton Township

This application proposes construction of a baseball field, a 12,140 square foot building containing athletic training areas, a concession stand with restrooms and associated development located on the above referenced 312.73 acre parcel in Hamilton Township. The existing Atlantic Cape Community College campus is located on the parcel.

The application also proposes a 765 linear foot paved walking path and 1,123 linear feet of 12 foot wide paved road to provide access to the baseball field.

### **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 land use in a Pinelands Regional Growth Area.

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

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

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to plant grasses suitable for an athletic field. The Commission staff has not required applicants to meet this CMP grass guideline for athletic fields.

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

The proposed development will be serviced by public sanitary sewer.

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

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

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

The Commission staff reviewed the application for evidence of cultural resources on the parcel. Based upon the lack of potential for significant cultural resources on the parcel, a cultural resource survey was not required.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on July 9, 2020. Newspaper public notice was completed on July 9, 2020. The application was designated as complete on the Commission's website on July 16, 2020. The Commission's public comment period closed on August 14, 2020. 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 seven sheets, prepared by Dixon Associates Engineering, LLC and dated as follows:  
  
Sheets 1, 4 & 6 - February 27, 2020; last revised June 26, 2020  
Sheets 2, 3, 5 & 7 - February 27, 2020; last revised June 8, 2020
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

**CONCLUSION**

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



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

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on September 7, 2020 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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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

August 20, 2020

Leslie MacDonnell, Asst. Chief Administrative Services (via email)  
Atlantic County Facilities Management  
1333 Atlantic Avenue  
Atlantic City, NJ 08401

Re: Application # 1983-5765.007  
Block 588, Lot 75.01  
Hamilton Township

Dear Ms. MacDonnell:

The Commission staff has completed its review of this application for improvements to the Atlantic County Lake Lenape Park. 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 September 11, 2020 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, Hamilton Township Planning Board (via email)  
Hamilton Township Construction Code Official (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Jeanmarie Murphy (via email)  
Dan Jones (via email)  
Thomas Stark (via email)





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General Information: Info@pinelands.nj.gov  
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RICHARD PRICKETT  
 Chairman  
 NANCY WITTENBERG  
 Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

August 20, 2020

Leslie MacDonnell, Asst. Chief Administrative Services (via email)  
 Atlantic County Facilities Management  
 1333 Atlantic Avenue  
 Atlantic City, NJ 08401

Application No.: 1983-5765.007  
 Block 588, Lot 75.01  
 Hamilton Township

This application proposes improvements to the Atlantic County Lake Lenape Park located on the above referenced 14.84 acre parcel in Hamilton Township.

The existing park includes several pavilions, a catering hall, a park ranger station, docks, walkways and a playground. The application also proposes to remove two small storage buildings, 50 years old or older, and sections of concrete walkways. The application further proposes the construction of two open sided pavilions, walkways, two access ramps, a pickleball court and a 37 space paved and permeable pavement parking lot.

The Atlantic County Lake Lenape Park is located partially in a Pinelands Regional Growth Area and partially in a Pinelands Forest Area. The portion of the Atlantic County Lake Lenape Park located in a Pinelands Forest Area is subject of an existing Memorandum of Agreement (MOA) between Atlantic County and the Pinelands Commission. That MOA specifies the type, and limits the extent, of development that is permitted in the Pinelands Forest Area portion of the Atlantic County Lake Lenape Park. The parcel subject of this application is located in the Pinelands Regional Growth Area portion of the parcel. The portion of the Atlantic County Lake Lenape Park located in the Pinelands Regional Growth Area is not subject of the MOA.

**STANDARDS**

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

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

The portion of the parcel proposed to be developed is located in a Pinelands Regional Growth Area. The proposed development is a permitted land use in a Pinelands Regional Growth Area.

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

There are wetlands located on the above referenced parcel. Based upon the location of existing development on the parcel closer to wetlands, the proposed development will not result in a significant adverse impact on wetlands.

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

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

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

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

The existing recreational facility is serviced by public sanitary sewer.

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

The proposed development will result in a decrease of impervious surfaces by 2,664 square feet. There will be no increase in the volume and rate of stormwater runoff from the project after the development than occurred prior to the proposed development. The proposed development is consistent with the CMP stormwater management standard.

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

The Commission staff reviewed the application for evidence of cultural resources on the parcel. Based upon the lack of potential for significant cultural resources on the parcel, a cultural resource survey was not required.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on June 18, 2020. Newspaper public notice was completed on June 19, 2020. The application was designated as complete on the Commission's website on July 9, 2020. The Commission's public comment period closed on August 14, 2020. The Commission received two written requests for a copy of the development plan, which the staff provided. No additional requests for information or comments were received.

**CONDITIONS**

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

Sheets 1-3 & 5-14 - October 2, 2019

Sheet 4 -October 5, 2018; last revised December 19, 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.



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



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

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

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

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on September 7, 2020 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. PC4-20- \_\_\_\_\_

**TITLE:** Approving With Conditions an Application for **Public Development** (Application Number 1982-2787.003)

Commissioner \_\_\_\_\_ moves and Commissioner \_\_\_\_\_ seconds the motion that:

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

**1982-2787.003**

<b>Applicant:</b>	<b>Monroe Township</b>
Municipality:	Monroe Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	August 20, 2020
Proposed Development:	Construction of a 4,550 square foot addition to a municipal fire station and associated site improvements.

**WHEREAS**, in a prior application (App. No. 1982-2787.002) to the Commission for construction of a communications tower, the applicant proposed to re-vegetate approximately 4,700 square feet of a required buffer to wetlands that was cleared on the parcel and that re-vegetation has not occurred, and

**WHEREAS**, not completing the proposed re-vegetation of the required buffer to wetlands continues to constitute a violation of the wetland protection standards of the Pinelands Comprehensive Management Plan (CMP); and

**WHEREAS**, the subsequent placement of two 100 square foot storage containers within the previously cleared required buffer to wetlands on the parcel also constitutes a violation of the wetlands protection standards of the CMP; and

**WHEREAS**, the applicant proposes to address these two violations by re-vegetating the cleared wetlands buffer and removing the two storage containers, both by November 30, 2020; and

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

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

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

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

**NOW, THEREFORE BE IT RESOLVED** that Application Number 1982-2787.003 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*
				Avery				Pikolycky			
				Christy				Jannarone			
				Earlen				Lloyd			
				Howell				Lohbauer			
								Prickett			

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Nancy Wittenberg  
Executive Director

\_\_\_\_\_  
Richard Prickett  
Chairman



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

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

August 20, 2020

Joseph P. Marino, III (via email)  
Monroe Township Municipal Building  
125 Virginia Avenue  
Williamstown, NJ 08094

Re: Application # 1982-2787.003  
Block 8601, Lot 24  
Block 8708, Lot 1  
Monroe Township

Dear Mr. Marino:

The Commission staff has completed its review of this application for construction of a 4,550 square foot addition to a municipal fire station and associated site improvements. 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 September 11, 2020 meeting.

**In a prior application to the Commission for construction of a communications tower (App. No. 1982-2787.002), the applicant proposed to re-vegetate approximately 4,700 square feet of wetlands buffer that had been disturbed on the parcel. The proposed re-vegetation has not occurred. The current application proposes to re-vegetate the disturbed area within the wetlands buffer by November 30, 2020. Additionally, two 100 square foot storage containers have been placed within the required buffer to wetlands on the parcel. The current application proposes to remove these storage containers by November 30, 2020. Both the disturbance of the wetlands buffer and the placement of the two storage containers in the wetlands buffer constitute violations of the wetland protection standards of the Monroe Township land use ordinance and the Pinelands Comprehensive Management Plan.**

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, Monroe Township Planning Board (via email)
- Monroe Township Construction Code Official (via email)
- Monroe Township Environmental Commission (via email)
- Secretary, Gloucester County Planning Board (via email)
- Andrew Banff (via email)



# State of New Jersey

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PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

August 20, 2020

Joseph P. Marino, III (via email)  
Monroe Township Municipal Building  
125 Virginia Avenue  
Williamstown, NJ 08094

Application No.: 1982-2787.003  
Block 8601, Lot 24  
Block 8708, Lot 1  
Monroe Township

This application proposes construction of a 4,550 square foot addition to a municipal fire station and associated site improvements located on the above referenced 3.15 acre parcel in Monroe Township.

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.5) provides that the Commission's Executive Director, after consultation with the Chairperson of the Pinelands Commission, may authorize immediate action when it is necessary to remedy a condition dangerous to life, health or safety. On July 29, 2020, the Commission's Executive Director, after consultation with the Chairperson of the Commission, issued a letter authorizing the immediate construction of the proposed fire station addition to eliminate a public safety condition. The Commission's July 29, 2020 letter required that an after-the-fact application for the proposed development be completed with the Commission. This application satisfies that requirement.

In a prior application to the Commission for construction of a communications tower (App. No. 1982-2787.002), the applicant proposed to re-vegetate approximately 4,700 square feet of wetlands buffer that had been disturbed on the parcel. The proposed re-vegetation has not occurred. The current application proposes to re-vegetate the disturbed area within the wetlands buffer by November 30, 2020. Additionally, two storage containers have been placed within the required buffer to wetlands on the parcel. The current application proposes to remove these storage containers by November 30, 2020. Both the disturbance of the wetlands buffer and the placement of the two 100 square foot storage containers in the wetlands buffer constitute violations of the wetland protection standards of the Monroe Township land use ordinance and the Pinelands Comprehensive Management Plan.

### **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. 7:50-5.28(a))

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

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

There are wetlands located on the above referenced parcel. Based upon the location of the proposed development and the location of existing development closer to wetlands, the applicant has demonstrated that the proposed development will not result in a significant adverse impact on wetlands.

To resolve the violation of the wetland protection standards of the Monroe Township land use ordinance and the CMP, the applicant proposes to re-vegetate a previously disturbed area in the required buffer to wetlands with native vegetation and remove two storage containers from 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 impervious and stoned areas and an area occupied by a portion of the existing fire station building.

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

The parcel is serviced by public sanitary sewer.

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

The Commission staff reviewed the application for evidence of cultural resources on the parcel. Based upon the lack of potential for significant cultural resources on the parcel, a cultural resource survey was not required.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on July 9, 2020. Newspaper public notice was completed on July 9, 2020. The application was designated as complete on the Commission's website on July 30, 2020. The Commission's public comment period closed on August 14, 2020. No public comment was received by the Commission regarding the application.

**CONDITIONS**

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

Sheets 1, 3-5 & 9 - February 24, 2020; revised July 23, 2020

Sheets 2, 6, 7 & 11 - February 24, 2020

Sheet 8 - July 23, 2020

Sheet 10 - February 24, 2020; revised August 5, 2020

Restoration Plan, consisting of one sheet, prepared by Pennoni Associates, Inc., dated July 9, 2020 and revised August 5, 2020

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
6. The applicant shall remove two storage containers and re-vegetate the approximately 4,700 square foot area by November 30, 2020.

### **CONCLUSION**

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



## State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

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

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on September 7, 2020 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. PC4-20-\_\_\_\_\_

**TITLE:** Approving With Conditions an Application for **Public Development** (Application Number 1985-0462.005)

Commissioner \_\_\_\_\_ moves and Commissioner \_\_\_\_\_ seconds the motion that:

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

**1985-0462.005**

<b>Applicant:</b>	<b>Ocean County Department of Planning</b>
Municipality:	Manchester Township
Management Area:	Pinelands Forest Area Pinelands Town
Date of Report:	August 21, 2020
Proposed Development:	Thinning of 152 acres of forest to create a forest fire fuel break

**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 1985-0462.005 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*			
Avery				Irick				Pikolycky			
Christy				Jannarone				Quinn			
Earlen				Lloyd				Rohan Green			
Howell				Lohbauer				Prickett			

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Nancy Wittenberg  
Executive Director

\_\_\_\_\_  
Richard Prickett  
Chairman



# State of New Jersey

THE PINELANDS COMMISSION

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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

August 21, 2020

Mark Villinger (via email)  
Ocean County Department of Planning  
129 Hooper Avenue  
Toms River, NJ 08754

Re: Application # 1985-0462.005  
Blocks/Lots: See Attachment A  
Manchester Township

Dear Mr. Villinger:

The Commission staff has completed its review of this application for thinning of 152 acres of forest to create a forest fire fuel break. 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 September 11, 2020 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, Manchester Township Planning Board (via email)  
Manchester Township Construction Code Official (via email)  
Manchester Township Environmental Commission (via email)  
Secretary, Ocean County Planning Board (via email)  
Jason Hoger (via email)  
Bill Brash (via email)

Raymond Clark (via email)  
Dave Davis (via email)  
Angel Vaccarella (via email)  
V R (via email)  
Kathie Smith (via email)  
Colin Jaeger (via email)  
Richard Silver (via email)  
Kevin Kura (via email)  
Tom & Susan Verneke (via email)  
Dianne & Terry O'Brien (via email)  
Natalie Lightbody (via email)  
James & Mie Lowe (via email)  
Sandra Homoski (via email)  
Patricia White (via email)  
Jean Montgomerie (via email)



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General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

August 21, 2020

Mark Villinger (via email)  
Ocean County Department of Planning  
129 Hooper Avenue  
Toms River, NJ 08754

Application No.: 1985-0462.005  
Blocks/Lots: See Attachment A  
Manchester Township

This application proposes thinning of 152 acres of forest to create a forest fire fuel break (fuel break). The fuel break will be located on the above referenced 1,207 acre parcel in Manchester Township.

The proposed fuel break will have a total length of 29,850 feet (5.7 miles) and a width of approximately 200 feet. The proposed fuel break will be created exclusively on publically owned lands. The proposed fuel break is located along the undeveloped southern and western borders of Roosevelt City, an existing residential community in Manchester Township. The proposed forest thinning is intended to help protect the existing residential development in the Roosevelt City area from forest fire.

The parcel consists of typical Pine Barrens upland vegetation dominated by Pitch Pine that are all roughly the same age. The applicant represents that the parcel contains an abnormally high density of tree and shrub layer and is classified as overstocked. This overstocking creates a very high forest fire fuel load and encourages the persistence of ladder fuels, which in turn lead to a very high risk of wildfire.

To create the fuel break, the application proposes the thinning of smaller diameter trees and shrubs while preserving larger diameter trees. The proposed thinning will reduce the fuel load and presence of forest fire ladder fuels, thereby reducing wildfire risk. The overall tree density of the area subject of the thinning will be reduced by not more than 30 to 40 percent. The smaller diameter trees subject of the thinning will be chipped and not removed from the parcel.

No herbicide use is proposed to create or maintain the fuel break.

The applicant also proposes to undertake prescribed burning on the parcel. Prescribed burning does not require application to the Commission.

## **STANDARDS**

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

### **Land Use (N.J.A.C. 7:50-5.23(a)5 & 5.27(a))**

The parcel is located in a Pinelands Forest Area and the Pinelands Town of Whiting. The proposed fuel beak is a permitted use in a Pinelands Forest Area and a Pinelands Town.

### **Wetlands Standards (N.J.A.C. 7:50-6.9)**

There are wetlands located on the parcel. The proposed tree thinning will not occur in or within 300 feet of wetlands.

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

The area subject of the proposed tree thinning was evaluated for potential habitat for threatened and endangered (T&E) animal species. No tree thinning will occur in or within 300 feet of wetlands. To protect any T&E snake species that may be present, only low pressure ground equipment will be used for the proposed forest thinning. All forest thinning is proposed to occur between December 1 and April 1, when the concerned snake species will be denning. The proposed tree thinning is designed to avoid irreversible adverse impact on habitats critical to the survival of any local population of T&Es animal species.

The area subject of the proposed tree thinning was evaluated for potential habitat for T&E plant species. No tree thinning will occur in or within 300 feet of wetlands. The densely forested upland areas are too shaded to be suitable habitat for upland T&E plant species. The proposed forestry is designed to avoid irreversible adverse impact on the survival of any local populations of T&E plant species.

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

No new or temporary access roads are proposed as part of this application. Minimal soil disturbance caused by tree thinning will occur. No new or temporary stream crossings are proposed. As a result, a cultural resource survey was not required for the proposed tree thinning.

## **PUBLIC COMMENT**

This applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on July 14, 2020. Newspaper public notice was completed on July 13, 2020. The application was designated as complete on the Commission's website on July 14, 2020. The Commission's public comment period closed on August 14, 2020.

The Commission received sixteen written public comments (Attachment B) regarding the application. Attachment B will be emailed as a separate document. The Commission staff provided each commenter with a computer link access to the submitted Forest Stewardship Plan. Each commenter will receive a copy of this Report on an Application for Public Development.

Public Comment:

- Commenter One (Richard Silver): The commenter inquired as to whether the application proposed the complete clearing of vegetation, the construction of roads and how close the fuel break would be to his property line.

Staff Response: The application proposes to thin, not completely clear, the proposed forest within the 200 foot wide fuel break. No new roads are proposed. The proposed fuel break will be located on public lands, along the southern and western borders of the parcel subject of the application. The CMP does not specify or require a minimum set back from a property line for a proposed fuel break. There are approximately 90 property owners within 200 feet of the proposed fuel break. The submitted Forest Stewardship Plan depicts the location of the forest fire fuel break relative to surrounding properties.

- Comment Two (Colin Jaeger): The commenter inquired as to what the application was regarding and when it would occur.

Staff Response: The application proposes 152 acres of forest thinning to create a fire break. The CMP does not require the applicant to specify an anticipated start date for the proposed forest thinning. The commenter may wish to discuss the anticipated start date with an appropriate representative of Ocean County.

- Comment Three (Kathie Smith): The commenter asked how far the fuel break would be from her property line, the extent of the fuel break and the start date for the project.

Staff Response: The proposed 200 foot wide fuel break will be located on public lands, along the southern and western borders of the parcel subject of the application. The CMP does not specify or require a minimum set back from a property line for a proposed fuel break. There are approximately 90 property owners within 200 feet of the proposed fuel break. The submitted Forest Stewardship Plan depicts the location of the fuel break relative to surrounding properties. The CMP does require the applicant to specify an anticipated start date for the proposed forest thinning. The commenter may wish to discuss the anticipated start date with an appropriate representative of Ocean County.

- Comment Four (V.R., named not provided): The commenter inquired as to what the proposed fuel break entailed.

Staff Response: The application proposes 152 acres of forest thinning to create a fuel break. The Commission staff provided the commenter with computer link access to the Forest Stewardship Plan and the commenter will receive a copy of this Report.

- Comment Five (Angel Vaccarella): The commenter expressed concern about where the fuel break would be constructed.

Staff Response: The proposed fuel break will be located on public lands, along the southern and western borders of the parcel subject of the application. The submitted Forest Stewardship Plan depicts the location of the forest fire fuel break relative to surrounding lands.

- Comment Six (Dave David): The commenter inquired as to how close the proposed fuel break would be to his property line, the width of the fuel break, how the County would prevent use by off road vehicles and when the project would start.

Staff Response: The proposed 200 foot wide fuel break will be located on public lands, along the southern and western borders of the parcel subject of the application. There are approximately 90 property owners within 200 feet of the proposed fuel break. The submitted Forest Stewardship Plan depicts the location of the forest fire fuel break relative to surrounding properties. The Commission staff appreciates the commenters concerns regarding possible off road recreational vehicle use of the proposed fuel break. The CMP permits the creation of a fuel break. The commenter may wish to discuss this recreational vehicle concern with an appropriate representative of Ocean County. The CMP does require the applicant to specify an anticipated start date for the proposed forest thinning. The commenter may wish to discuss the anticipated start date with an appropriate representative of Ocean County.

- Comment Seven (Raymond Clark): The commenter expressed concern about the effect of controlled burning on their property and on vegetation located on public property.

Staff Response: The CMP does not regulate prescribed burning. The commenter may wish to discuss the concern with an appropriate representative of Ocean County.

- Comment Eight (Tom & Susan Varneke): The commenter inquired as to how the fuel break would affect their property and how the County would prevent use by off road vehicles.

Staff Response: The proposed fuel break will be located on public lands and will not be located on private property. There are approximately 90 property owners within 200 feet of the proposed fuel break. The submitted Forest Stewardship Plan depicts the location of the fuel break relative to surrounding properties. The Commission staff appreciates the commenters' concerns regarding possible off road recreational vehicle use of the proposed fuel break. The CMP permits the creation of a fuel break. The commenters may wish to discuss this concern with an appropriate representative of Ocean County.

- Comment Nine (Terry & Dianne O'Brien): The commenters requested a copy of the plan.

Staff Response: The Commission staff provided the commenter with computer link access to the submitted Forest Stewardship Plan.

- Comment Ten (Natalie Lightbody): The commenter inquired as to whether the fuel break would affect their property.

Staff Response: The proposed fuel break will be located exclusively on public lands. The proposed forest fire fuel break will not be located on private property. There are approximately 90 property owners within 200 feet of the proposed fuel break. The submitted Forest Stewardship Plan depicts the location of the forest fire fuel break relative to surrounding properties.

- Comments Eleven (James & Mia Lowe), Twelve (Patricia White) & Thirteen (Kevin Kura): The three commenters asked if their land was being taken for the proposed fuel break.

Staff Response: The proposed fuel break will be located exclusively on public lands. The proposed fuel break will not be located on private lands.

- Comment Fourteen (Chris): The commenter asked for a copy of the Executive Director's Report on an Application for Public Development.

- 

Staff Response: The commenter is receiving a copy of this Report on an Application for Public Development.

- Comment Fifteen (Richard Silver): The commenter asked how the County would prevent illegal off road vehicles from accessing the site.

Staff Response: Staff Response: The proposed fuel break will be located on public lands. The Commission staff appreciates the commenters concern regarding possible off road recreational vehicle use of the proposed fuel break. The CMP permits the creation of a fuel break. The commenter may wish to discuss this concern with an appropriate representative of Ocean County.

- Comment Sixteen (Sandra Homoki): The commenter inquired as to how far the proposed fuel break was from their property line.

Staff Response: The proposed fuel break will be located on public lands, along the southern and western borders of the parcel subject of the application. There are approximately 90 property owners within 200 feet of the proposed fuel break. The submitted Forest Stewardship Plan depicts the location of the fuel break relative to surrounding properties. The CMP does not specify or require a minimum set back from a property line for a proposed forest fire fuel break.

### CONDITIONS

1. The proposed forest thinning shall adhere to the Forest Stewardship Plan, prepared by Shelterwood Forest Managers, LLC, dated July 1, 2020.
2. No forest thinning shall occur after September 11, 2030 unless a new application has been completed with and approved by the Pinelands Commission.
3. To avoid impacting T&E snake species which may be denning, any proposed tree thinning that will utilize heavy equipment is limited to the time period between April 15<sup>th</sup> through November 15<sup>th</sup>, the time period when snakes are active and not denning.
4. Prior to any tree thinning, the applicant shall obtain any other necessary permits and approvals.

**CONCLUSION**

As the proposed creation of a forest fire fuel break conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommend that the Pinelands Commission **APPROVE** the proposed fuel break subject to the above conditions.



## State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

[www.nj.gov/pinelands](http://www.nj.gov/pinelands)



PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

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

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on September 8, 2020 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.

## ATTACHMENT A

Block 99.39, Lot 1  
Block 99.74, Lot 1  
Block 99.75, Lot 1  
Block 99.76, Lots 1 - 3  
Block 99.117, Lots 8 - 10  
Block 99.120, Lots 6 - 10  
Block 99.163, Lots 1 - 5, 9 & 10  
Block 99.168, Lots 1 - 5  
Block 99.212, Lots 1 - 10  
Block 99.217, Lots 1 - 5  
Block 99.220, Lots 6 - 9  
Block 99.221, Lots 2 & 9  
Block 99.222, Lots 2 & 9  
Block 99.223, Lots 2 & 6  
Block 99.224, Lot 1  
Block 99.225, Lot 1  
Block 99.226, Lot 1  
Block 99.227, Lot 1  
Block 99.228, Lot 1  
Block 99.229, Lots 1 - 17 & 19 - 25  
Block 99.240, Lots 1 - 32  
Block 99.241, Lots 1 - 32  
Block 99.244, Lots 1 - 5 & 58 - 62  
Block 99.245, Lots 1 - 5 & 58 - 62  
Block 99.246, Lots 1 - 31 & 58 - 62  
Block 99.247, Lots 1 - 31  
Block 99.248, Lots 5 - 14  
Block 99.249, Lots 5 - 14  
Block 99.250, Lots 5 - 14  
Block 99.251, Lots 5, 6 & 9 - 14  
Block 99.252, Lots 2 & 12 - 14  
Block 99.253, Lots 1 - 10 & 28  
Block 99.254, Lots 1 - 2 & 20 - 25  
Block 99.255, Lots 1 - 4 & 7 - 18  
Block 99.262, Lots 1, 2 & 18  
Block 99.263, Lots 1, 2, 17 & 18  
Block 99.264, Lots 1, 2, 17 & 18  
Block 99.265, Lots 1, 2, 17 & 18  
Block 99.280, Lots 4 - 6 & 11 - 18  
Block 99.281, Lots 6 - 8 & 16 - 27  
Block 99.282, Lots 8 - 16 & 22 - 24  
Block 99.283, Lots 1 - 7 & 12 - 18  
Block 99.347, Lots 6 - 8  
Block 99.355, Lots 1 & 2  
Block 99.356, Lots 1 - 4, 9 & 10  
Block 99.359, Lots 1 & 2

---

**From:** Sandra Homoki (shomoki1565@gmail.com)  
**Received:** 7/31/2020 2:47:36 PM  
**To:** Thorsen, Tom (tthorsen@co.ocean.nj.us),AppInfo, PC (AppInfo@pinelands.nj.gov)  
**CC:**  
**Subject:** [EXTERNAL] Re: Pinelands Application #1985-0462.005, Shelterwood Forest Managers, LLC  
**Attachments:** None

Thank you Keith and Tom. After reviewing the entire document, it seems that the one piece of information I am looking for is not included. What I want to know is exactly how many feet from my property line will the fuel break be?

Can you provide me with this information? Thank you.

Sandy

On Tue, Jul 28, 2020 at 5:10 PM <[appinfo@pinelands.nj.gov](mailto:appinfo@pinelands.nj.gov)> wrote:

Ms. Homoki

I am sorry for the delay in responding to your file review request. Attached is the dropbox information with the submission in reference to the proposed fuel break.

<https://www.dropbox.com/s/03fotran9pswsej/Roosevelt%20City%20Forest%20Stewardship%20Plan12REDACT>

Also attached is the revised public notice indicating the the development will be taking place on public land. Any questions please email me since we are working remotely.

Keith Carter

Keith M. Carter  
Pinelands Commission  
PO BOX 359  
New Lisbon, NJ 08064  
609-894-7300

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The information contained in this communication from the Pinelands Commission is privileged and confidential and is intended for the sole use of the persons or entities who are the addressees. If you are

not an intended recipient of this email, the dissemination, distribution, copying or use of the information it contains is strictly prohibited. If you have received this communication in error, please immediately contact the Pinelands Commission at 609-894-7300 to arrange for the return of this information.

---

**From:** Richard Silver (hihosilver1300@gmail.com)  
**Received:** 7/24/2020 4:27:24 AM  
**To:** AppInfo, PC (AppInfo@pinelands.nj.gov)  
**CC:**  
**Subject:** [EXTERNAL] Re: Pinelands Application #1985-0462.005, Shelterwood Forest Managers, LLC  
**Attachments:** Email-01-ConnectWithUs.png, Email-02-Facebook.png, Email-03-YouTube.png

Interesting information, ThankYou.

The use of illegal off road vehicles has increased with the fire breaks.

If this is a conservation area, how will Ocean County enforce?

Richard Silver

---

**From:** appinfo@pinelands.nj.gov <appinfo@pinelands.nj.gov>  
**Sent:** Thursday, July 23, 2020 12:17:58 PM  
**Subject:** Pinelands Application #1985-0462.005, Shelterwood Forest Managers, LLC

We have received and reviewed your comments regarding the above referenced application. Your comments have been placed in the Commission application file. Based upon submission of your comments, you will receive a copy of any Executive Director's recommended approval or denial of the application to the Commission.

For information or specific questions regarding the application, please click on the following link to access the information submitted by the applicant:

[https://www.dropbox.com/sh/sy3gnfbjl1ihy10/AABIY8IrydwvIx\\_2bx32hUCa?dl=0](https://www.dropbox.com/sh/sy3gnfbjl1ihy10/AABIY8IrydwvIx_2bx32hUCa?dl=0).

Please note that the applicant has indicated there was an error in the original public notice regarding the location of a proposed the fuel break and has sent a revised public notice.

Thank you for your interest in the Pinelands Area.

Dawn Holgersen  
Pinelands Commission  
PO BOX 359  
New Lisbon, NJ 08064  
609-894-7300

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**From:** Kevin Kura <kevkura@gmail.com>  
**Sent:** Tuesday, July 14, 2020 3:02 PM  
**To:** AppInfo, PC  
**Subject:** [EXTERNAL] 1300 Tuckerton Ave. - Application 19850462.005  
**Attachments:** 20200714\_121059.jpg

Hello,

I received a certified letter (attached) that the Ocean County Planning board is applying for the construction of a fuel break on my property. Would I be able to see that application? Is there a reason they need to do it on my property instead of township property across the street? Thanks for any assistance that you can provide.

Kevin Kura  
732-616-1928

---

**From:** dr chris (cthajudeen@gmail.com)  
**Received:** 7/14/2020 4:14:41 PM  
**To:** AppInfo, PC (AppInfo@pinelands.nj.gov)  
**CC:**  
**Subject:** [EXTERNAL] Request a copy of executive director's finding and conclusions  
**Attachments:** None

To whom it may concern,

I received a letter regarding Pinellas application no. 19850462.005 for a fuel break to be constructed on my property at 1221 Paterson Ave, Whiting, NJ 08759. I would like to request a copy of the executive director's findings and conclusion.

---

**From:** Patricia White <pwhitemths@gmail.com>  
**Sent:** Tuesday, July 14, 2020 1:44 PM  
**To:** AppInfo, PC  
**Subject:** [EXTERNAL] App. 19850462.005 fuel break

Hi

I was wondering along with the letter that explains App. 19850462.005 fuel break why you did not send a plan on what you are doing. I am very concerned about what you are planning to do. I have a fence that I recently put in. Are you planning on taking that down in the process? Are you planning on removing trees from my property? Is this just a controlled burn behind my lot? Instead of my entire neighborhood emailing you would it not have been easier to send out a plan along with your letter? I am not comfortable with this letter telling me that you can do whatever you want to my property. Please send a plan as soon as possible or let me know where I can go to view it.

Regards  
Patricia White

---

**From:** Mie Lowe (mlowe@angelichospice.net)  
**Received:** 7/13/2020 3:49:12 PM  
**To:** AppInfo, PC (AppInfo@pinelands.nj.gov)  
**CC:**  
**Subject:** [EXTERNAL] Pinelands App 19850462.005 fuel break  
**Attachments:** None

Please send all info regarding Block 99.250 Lot 4 as well as executive director findings.

Is land being taken from current property owners for this fuel break?

James M Lowe Jr and  
Mie Lowe, RN  
Clinical Liaison, Case Manager  
Angelic Hospice  
Cell: 609.464.1177  
Office: 609.822.7979  
Fax: 609.822.7980  
**[www.angelic.health](http://www.angelic.health)**

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**From:** Dianne Ewers (dewers1959@comcast.net)  
**Received:** 7/13/2020 8:46:49 AM  
**To:** AppInfo, PC (AppInfo@pinelands.nj.gov)  
**CC:**  
**Subject:** [EXTERNAL] RE: App#19850462.005 Fuel Break  
**Attachments:** None

RE: Pinelands App#19850462.005 Fuel Break

We are in receipt of notification of a Fuel Break affecting our private property. In terms of determining the need for a hearing to appeal this application we require a visual map indicating exactly where the Fuel Break is to be created in relation to property: Block 99.252 Lot 1 located at 1250 Pershing Avenue Manchester (Whiting), NJ.

Please forward a copy of this map via email or mail.

I appreciate a response to this request.

Sincerely,  
Dianne O'Brien  
Terry O'Brien

---

**From:** kmsmith422@aol.com (kmsmith422@aol.com)  
**Received:** 7/11/2020 2:04:03 PM  
**To:** AppInfo, PC (AppInfo@pinelands.nj.gov)  
**CC:**  
**Subject:** [EXTERNAL] Pinelands Application for Fuel Break  
**Attachments:** None

Hi,

I received the notice concerning the Pinelands Application No. 19850462.005 for a fuel break near my property at 1281 Camden Avenue in Manchester Twp. (block 99.253, Lot 29)

Would you please provide further information including:

How far from my property

The length and width

The approximate start date

I would also like to see a map with the location of the break in relation to my property.

Thank you in advance

Kathie Smith

---

**From:** Angel V. (babyangel\_00@yahoo.com)  
**Received:** 7/10/2020 5:11:52 PM  
**To:** AppInfo, PC (AppInfo@pinelands.nj.gov)  
**CC:** Vincent Vaccarella (vvacc81@gmail.com)  
**Subject:** [EXTERNAL] Fuel Break Construction 1301 Tuckerton Ave, Whiting, NJ 08759  
**Attachments:** None

Hello! I received a letter in the mail today that says the Ocean County Planning Board has filed for approval to build a Fuel Break on my property. I am concerned because there was no information on WHERE this would be constructed, what it is or what I would need to do ect! I am requesting more information and a copy of the application.

Thank you,

Angel Vaccarella  
1301 Tuckerton Ave  
Whiting, NJ 08759  
732-575-7857  
"Even Monkeys fall out of trees"

---

**From:** Natalie Lightbody (nlightbody18@aol.com)  
**Received:** 7/13/2020 1:53:06 PM  
**To:** AppInfo, PC (AppInfo@pinelands.nj.gov)  
**CC:** joshlightbody18@yahoo.com (joshlightbody18@yahoo.com)  
**Subject:** [EXTERNAL] Fuel Break No. 19850462.005  
**Attachments:** None

Good afternoon,

My husband and I received a letter dated for July 8th, 2020 regarding the construction of a fuel break on our property. We have some questions/concerns about this. I left a message today for Thomas Thorsen regarding this. We would like a copy of the said findings and conclusion. We would like to know where on our property this would be taking place. We would also like to know if there is any damage done to our property such as our fence would you be responsible to fix it? Will this fuel break impose on our acre of land? If you would like to call me to discuss this my number is 609-661-9457. I look forward to hearing from you

Thank you,  
Natalie Lightbody

---

**From:** V R (baronhead2@msn.com)  
**Received:** 7/10/2020 10:21:06 PM  
**To:** AppInfo, PC (AppInfo@pinelands.nj.gov)  
**CC:**  
**Subject:** [EXTERNAL] Application No. 19850462.005 Fuel Break  
**Attachments:** None

Hello. I would please like to receive some more information on the fuel break in Reference to Cabot Ave in Whiting NJ. what exactly does this entail

Sent from my iPhone

JAMES RUSSELL, CHAIRMAN  
EARL F. SUTTON, JR., VICE CHAIRMAN  
JOSEPH H. VICARI, FREEHOLDER DIRECTOR  
GARY QUINN, FREEHOLDER  
JOHN N. ERNST, COUNTY ENGINEER  
JOSEPH BILOTTA  
DENNIS LIBERATORE  
ELAINE McCRYSTAL  
SCOTT K. TIRELLA  
JOHN P. KELLY, FREEHOLDER ALTERNATE  
MARK JEHNKE, ENGINEERING ALTERNATE  
ALAN W. AVERY, JR., ALTERNATE  
JOSEPH R. MARRA, ALTERNATE



**OCEAN COUNTY PLANNING BOARD**

P O Box 2191  
Toms River, New Jersey 08754-2191  
Telephone (732) 929-2054  
Fax (732) 244-8396

ANTHONY M. AGLIATA  
PLANNING DIRECTOR

JOHN C. SAHRADNIK  
COUNSEL

ROBIN L. FLORIO  
SECRETARY

July 8, 2020

SENT CERTIFIED MAIL/RR

David & Mary Davis  
2050 HARRY WRIGHT BLVD  
WHITING NJ 08759

Re: Re: Pinelands Application No. 19850462.005 for a Fuel Break

Dear David & Mary Davis,

Please take notice that The Ocean County Department of Planning has applied to the New Jersey Pinelands Commission to permit the construction of a fuel break on Block(s) 99.222, Lot(s) 1, located at 2050 HARRY WRIGHT BLVD in Manchester Township. The application is on file and available for inspection by appointment at the Pinelands Commission's office. Interested persons may comment to the Pinelands Commission within ten (10) days of the date of this notice.

Comments may be sent via the following:

Mail: Pinelands Commission Fax: (609)894-7331 Email: [ApplInfo@njpines.state.nj.us](mailto:ApplInfo@njpines.state.nj.us)  
PO Box 359  
New Lisbon, NJ 08064

Any person who provides comments or requests a copy of the Executive Director's findings and conclusion shall be provided a copy of said findings and conclusion. Any interested person who is aggrieved by said determination is entitled to a hearing by appealing the determination.

Prepared by: Ocean County Department of Planning  
129 Hooper Avenue  
P.O. Box 2191  
Toms River, NJ 08754

Sincerely,

Thomas Thorsen  
GIS Specialist II

/tnt

cc: Nicole Leaf, Assistant Planner

Printed on  Recycled Paper



SPECIAL ASSISTANCE/ACCOMMODATIONS UPON REQUEST.

---

**From:** Davis Mechanical (davismechanical@comcast.net)  
**Received:** 7/10/2020 8:36:48 PM  
**To:** AppInfo, PC (AppInfo@pinelands.nj.gov)  
**CC:** yukons120@gmail.com (yukons120@gmail.com)  
**Subject:** [EXTERNAL] Fuel Break Questions  
**Attachments:** Ocean County Planning Board Letter 7-8-2020.pdf

To whom it may concern,

I am a homeowner who purchased a residential property at 2050 Harry Wright Blvd. in Whiting and last year built a new home on the property backed up to all woods for many miles. I received a letter, see attached, stating that there is an application, #19850462.005, for permit to install a fire break on Block 99.222, lot 1, which is my property. How is my property affected with this proposed fuel break? There is no further explanation.

Can you send me any details about the fuel break? Are you requiring an appointment to come to your office to view the application, during these trying times with the Covid concerns?

A few questions, and hopefully you can answer, are as follows:

- 1) How close to my property line will this fuel break be?
- 2) Is this a trench, or a path?
- 3) How wide is the fuel break?
- 4) Will there be posted signs for no dirt bikes or quads? Is it going to be off limits to off road vehicles?
- 5) Based on your professional opinion, if this gets approved, about how long before clearing begins?

I am requesting a copy of the Executive Director's findings and conclusion.

Thank you,  
Dave Davis

609-658-1725

---

**From:** Raymond Clark (latitudeadjustment@earthlink.net)  
**Received:** 7/11/2020 9:29:52 AM  
**To:** AppInfo, PC (AppInfo@pinelands.nj.gov)  
**CC:**  
**Subject:** [EXTERNAL] Controlled burn  
**Attachments:** None

i got the letter about you doing a controlled burn on my lot 99.236 6.

I don't see how you are going to do this without damaging our home, garden or landscaping so who do I send the bill too?

They did a controlled burn in Harry wright Park that destroyed plants that I would have been fined for removing :(

Raymond Clark  
1301 New Brunswick Ave  
Whiting, NJ 08759

---

**From:** tj525 (tj525@att.net)  
**Received:** 7/10/2020 4:03:19 PM  
**To:** AppInfo, PC (AppInfo@pinelands.nj.gov)  
**CC:**  
**Subject:** [EXTERNAL] Fuel break  
**Attachments:** None

App#19850462.005.

How will this affect our property . We already have dirt bikes an quads cruising through this area.this will only give more access to them. Were concerned what this will do to our already declining area. Do we have any say or rights to this location.

Sent from my T-Mobile 4G LTE Device

Tom & Susan Varneke

---

**From:** Info, PC (info@pinelands.nj.gov)  
**Received:** 7/10/2020 3:16:44 PM  
**To:** AppInfo, PC (AppInfo@pinelands.nj.gov)  
**CC:**  
**Subject:** Fw: OceanCountyPlanningBoard Application #19850462.005  
**Attachments:** None

---

**From:** Richard Silver <hihosilver1300@gmail.com>  
**Sent:** Friday, July 10, 2020 7:16 PM  
**To:** Info, PC <info@pinelands.nj.gov>  
**Subject:** [EXTERNAL] OceanCountyPlanningBoard Application #19850462.005

I received a letter from OceanCountyPlanningBoard stating that a request for a fuel break at my home location (1300 Cabot Ave. Whiting, NJ) was sent to the Pineland Commission for approval.

Would you clarify.

Does that mean complete clearing of vegetation, fire break road, or thinning and how close to the property line?

---

**From:** ardententhusiast (ardententhusiast@aol.com)  
**Received:** 7/10/2020 3:49:01 PM  
**To:** AppInfo, PC (AppInfo@pinelands.nj.gov)  
**CC:**  
**Subject:** [EXTERNAL] Re: Programs Application for Fuel Break  
**Attachments:** None

Hello,

We received a certified letter in the mail regarding an application for a fuel brake inspection at 1341 Camden Avenue in Manchester Township. Just curious what this is regarding, when this might be happening, and if we need to do anything.

Thank you!

Colin Jaeger



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20- \_\_\_\_\_

**TITLE:** Approving With Conditions an Application for **Public Development** (Application Number 1985-0949.039)

Commissioner \_\_\_\_\_ moves and Commissioner \_\_\_\_\_ seconds the motion that:

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

**1985-0949.039**

**Applicant:** Ocean County  
**Municipality:** Lacey Township  
**Management Area:** Pinelands Forest Area  
 Pinelands Preservation Area District  
**Date of Report:** August 20, 2020  
**Proposed Development:** Construction of an 8,653 square foot salt storage dome at Ocean County maintenance facility.

**WHEREAS**, 13,000 square feet on the parcel was cleared and utilized for the storage of vehicles without application to, and approval by, the Commission and this development constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP); and

**WHEREAS**, the applicant has addressed this violation by removing the vehicles and submitting a re-vegetation plan proposing to plant approximately 450 Pitch pines in the 13,000 square foot cleared area; and

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

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

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

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

**NOW, THEREFORE BE IT RESOLVED** that Application Number 1985-0949.039 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*
				Irick				Pikolycky			
				Jannarone				Quinn			
				Lloyd				Rohan Green			
				Lohbauer				Prickett			

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
 Nancy Wittenberg  
 Executive Director

\_\_\_\_\_  
 Richard Prickett  
 Chairman



# State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

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PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

August 20, 2020

Michael Fiure, Director of Management and Budget (via email)  
Ocean County  
PO Box 2191  
Toms River, NJ 08753

Re: Application # 1985-0949.039  
Block 2825, Lot 3  
Lacey Township

Dear Mr. Fiure:

The Commission staff has completed its review of this application for construction of an 8,653 square foot salt storage dome at Ocean County maintenance facility. The application also proposes three storage buildings. 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 September 11, 2020 meeting.

**A 13,000 square foot area on the parcel was cleared and utilized for the storage of vehicles without application to the Commission. This development constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP). The applicant has removed the vehicles and submitted a re-vegetation plan proposing to plant approximately 450 Pitch pines in the concerned 13,000 square foot area.**

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)  
Matthew Smith (via email)  
Massimo Yezzi, Jr. (via email)



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

RICHARD PRICKETT  
 Chairman  
 NANCY WITTENBERG  
 Executive Director

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

**PUBLIC DEVELOPMENT APPLICATION REPORT**

August 20, 2020

Michael Fiure, Director of Management and Budget (via email)  
 Ocean County  
 PO Box 2191  
 Toms River, NJ 08753

Application No.: 1985-0949.039  
 Block 2825, Lot 3  
 Lacey Township

This application proposes construction of an 8,653 square foot salt storage dome at Ocean County maintenance facility located on the above referenced 358.41 acre parcel in Lacey Township. This application also proposes the construction of two 663 square foot storage buildings and a 4,800 square foot storage building. The County maintenance facility is located immediately adjacent to, but is not a part of the Robert Miller Airport.

The applicant proposes to demolish five existing storage buildings, less than 50 years old, on the parcel. The demolition of a building (structure) less than 50 year old does not require the completion of an application to the Commission. The five existing storage buildings contain approximately 12,700 square feet.

A 13,000 square foot area on the parcel was cleared and utilized for the storage of vehicles without application to the Commission. This development constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP). The applicant has removed the vehicles and submitted a re-vegetation plan proposing to plant approximately 450 Pitch pines in the concerned 13,000 square foot area.

**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. 7:50-5.2)**

The parcel is located partially in the Pinelands Preservation Area District (358 acres) and partially in a Pinelands Forest Area (0.41 acres). The proposed development will be located within the Preservation Area District portion of the parcel. The maintenance facility existed prior to January 14, 1981, the date the CMP was adopted and is a pre-existing nonconforming use in the Preservation Area District. The

CMP (N.J.A.C. 7:50-5.2(b)) permits a fifty percent expansion of a nonconforming use in the Preservation Area District provided the area of the expansion does not exceed fifty percent of the area of the use or the capacity of the use, whichever is applicable, existing on January 14, 1981. Prior to January 14, 1981, the maintenance facility occupied approximately five acres of the parcel. The development subject of this application will be located in the five acre portion of the parcel that was developed as a maintenance facility as of January 14, 1981. The proposed development constitutes a less than fifty percent expansion of the area of the use existing as of January 14, 1981. The area of the development subject of this application meets the CMP fifty percent expansion provision and is a permitted land use.

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

The proposed development will be located over existing paved surfaces. No clearing or soil disturbance is required for the proposed development.

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

The Commission staff reviewed the application for evidence of cultural resources on the parcel. Based upon the lack of potential for significant cultural resources on the parcel, a cultural resource survey was not required.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on June 29, 2020. Newspaper public notice was completed on July 2, 2020. The application was designated as complete on the Commission's website on July 20, 2020. The Commission's public comment period closed on August 14, 2020. 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 (Sheets 4-7), prepared by O'Donnell, Stanton & Associates, Inc., all sheets dated March 30, 2017 and last revised February 14, 2020.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
4. The concerned 13,000 square foot area shall be revegetated in accordance with the above referenced plan by November 30, 2020.

**CONCLUSION**

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



## State of New Jersey

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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

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

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on September 7, 2020 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. PC4-20-\_\_\_\_\_

**TITLE:** **Approving** With Conditions Applications for **Public Development** (Application Numbers 1992-0102.007 & 1999-0303.002)

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:

**1992-0102.007**

**Applicant:** New Jersey Division of Property Management & Construction  
**Municipality:** Washington Township  
**Management Area:** Pinelands Preservation Area District  
**Date of Report:** August 20, 2020  
**Proposed Development:** Construction of a 2,400 square foot storage building for the New Jersey Department of Environmental Protection, Division of Marine Law Enforcement; and

**1999-0303.002**

**Applicant:** Borough of Medford Lakes  
**Municipality:** Borough of Medford Lakes  
**Management Area:** Pinelands Regional Growth Area  
**Date of Report:** August 20, 2020  
**Proposed Development:** Construction of a walking path and dock at the Medford Lake Municipal Building.

**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 1992-0102.007 & 1999-0303.002 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

### Record of Commission Votes

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

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Nancy Wittenberg  
Executive Director

\_\_\_\_\_  
Richard Prickett  
Chairman



# State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

August 20, 2020

Eugene Cardone  
New Jersey Division of Property Management & Construction (via email)  
20 West State Street 3rd Floor  
Trenton, NJ 08608

Re: Application # 1992-0102.007  
Block 53.01, Lot 26  
Washington Township

Dear Mr. Cardone:

The Commission staff has completed its review of this application for construction of a 2,400 square foot storage building for the New Jersey Department of Environmental Protection. 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 September 11, 2020 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, Washington Township Planning Board (via email)  
Washington Township Construction Code Official (via email)  
Secretary, Burlington County Planning Board (via email)  
Dante Guzzi, PE (via email)





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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

August 20, 2020

Eugene Cardone  
New Jersey Division of Property Management & Construction (via email)  
20 West State Street 3rd Floor  
Trenton, NJ 08608

Application No.: 1992-0102.007  
Block 53.01, Lot 26  
Washington Township

This application proposes construction of a 2,400 square foot storage building for the New Jersey Department of Environmental Protection (NJDEP), Division of Marine Law Enforcement on the above referenced 321.37 acre parcel in Washington Township. The parcel is owned by the NJDEP. There is an existing maintenance facility for Wharton State Forest located on the parcel.

### **STANDARDS**

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

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

The parcel is located in the Pinelands Preservation Area District. The maintenance facility existed prior to January 14, 1981, the date the CMP was adopted and is a pre-existing nonconforming use in the Preservation Area District. The CMP (N.J.A.C. 7:50-5.2(b)) permits a fifty percent expansion of a nonconforming use in the Preservation Area District provided the area of the expansion does not exceed fifty percent of the area of the use or the capacity of the use, whichever is applicable, existing on January 14, 1981. Prior to January 14, 1981, the maintenance facility was comprised of eight buildings with a total area of 11,625 square feet. There are six buildings currently located on the parcel comprising a total area of 10,052 square feet. The proposed 2,400 square foot storage building will constitute a less than fifty percent expansion of the building area existing as of January 14, 1981. The proposed storage building subject of this application meets the CMP fifty percent expansion of a nonconforming use provision and is a permitted land use.

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

There are wetlands located on the parcel. The proposed development, including clearing and land disturbance, will be located at least 300 feet from wetlands.

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

The proposed development will be located in an existing maintained grassed area with sparse 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 natural re-vegetation.

**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 July 22, 2020. The Commission’s public comment period closed on August 14, 2020. 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 two sheets, prepared by Dante Guzzi Engineering Associates, both sheets dated October 16, 2019 and last revised June 3, 2020.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

**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](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

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

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on September 7, 2020 and include the following information:

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

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



# State of New Jersey

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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

August 20, 2020

Robert Burton (via email)  
Borough of Medford Lakes  
1 Cabin Circle Drive  
Medford Lakes, NJ 08055

Re: Application # 1999-0303.002  
Block 30001, Lot 1.01  
Borough of Medford Lakes

Dear Mr. Burton:

The Commission staff has completed its review of this application for construction of a walking path and dock at the Borough of Medford Lakes Municipal Building. 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 September 11, 2020 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, Borough of Medford Lakes Planning Board (via email)  
Borough of Medford Lakes Construction Code Official (via email)  
Borough of Medford Lakes Environmental Commission (via email)  
Secretary, Burlington County Planning Board (via email)  
C. Jeremy Noll, PE (via email)





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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

August 20, 2020

Robert Burton (via email)  
Borough of Medford Lakes  
1 Cabin Circle Drive  
Medford Lakes, NJ 08055

Application No.: 1999-0303.002  
Block 30001, Lot 1.01  
Borough of Medford Lakes

This application proposes construction of a walking path and dock on the above referenced 0.45 acre parcel in the Borough of Medford Lakes. The Borough of Medford Lakes Municipal Building is located on the parcel.

This application proposes 175 linear feet of four feet wide walking path. The walking path will be surfaced with permeable pavers. The proposed 18 foot long dock will be located on Ballinger Lake. The applicant also proposes native landscaping and interpretive signs.

### **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 land use in a Pinelands Regional Growth Area.

#### **Wetlands Standards (N.J.A.C. 7:50-6.12(b) & 6.13)**

There are wetlands located within 300 feet of the proposed development. The proposed dock will result in the disturbance of 160 square feet of open water wetlands. The proposed walkway will be located within 300 feet of wetlands.

The CMP permits public docks in wetlands provided the applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is a need for the facility that cannot be met by existing facilities and that the development conforms with all state and federal regulations. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands.

The CMP permits linear improvements, such as the proposed walkway, in the required buffer to wetlands provided the applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in wetland buffers or that will result in a less significant adverse impact to wetland buffers. In addition, the proposed walkway will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetland buffer. The applicant has indicated that the proposed walkway will provide the general public with access to Ballinger Lake. The applicant has demonstrated that the need for the proposed walkway overrides the importance of protecting the wetland buffer.

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

The proposed development will be located within existing maintained grassed areas with sparse scrub undergrowth. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the 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.

### **PUBLIC COMMENT**

The CMP defines the proposed improvements 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 July 29, 2020. The Commission’s public comment period closed on August 14, 2020. 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 five sheets, prepared by Environmental Resolutions, Inc., all sheets dated May 8, 2020 and last revised July 23, 2020.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

**CONCLUSION**

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



## State of New Jersey

THE PINELANDS COMMISSION

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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

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

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on September 7, 2020 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. PC4-20-\_\_\_\_\_**

**TITLE:** Issuing an Order to Certify Ordinance 2020-3, Amending Ordinances 1998-4, 1998-11, and 2001-8 of Woodland Township.

**Commissioner \_\_\_\_\_ moves and Commissioner \_\_\_\_\_ seconds the motion that:**

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

**WHEREAS**, Resolution #PC4-83-78 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, Resolution #PC4-83-78 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 June 23, 2020, Woodland Township adopted Ordinance 2020-3, amending Ordinances 1998-4, 1998-11, and 2001-8 of Woodland Township by revising Section 1711, Resource Extraction, in order to extend the duration of mining permits from two to five years; and

**WHEREAS**, the Pinelands Commission received a certified copy of Ordinance 2020-3 on July 13, 2020; and

**WHEREAS**, by letter dated July 15, 2020, the Executive Director notified the Township that Ordinance 2020-3 would require formal review and approval by the Pinelands Commission; and

**WHEREAS**, a public hearing to receive testimony on Ordinance 2020-3 was duly advertised, noticed and remotely held on August 5, 2020 at 9:30 a.m. with live broadcast on the Pinelands Commission's public YouTube channel and opportunity for the public to call in and provide oral testimony; and

**WHEREAS**, the Executive Director has found that Ordinance 2020-3 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 2020-3, amending Ordinances 1998-4, 1998-11, and 2001-8 of Woodland Township, is in conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Ordinance 2020-3 be certified; and

**WHEREAS**, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 2020-3 and has reviewed the Executive Director's report; and

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

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

**NOW, THEREFORE BE IT RESOLVED** that

1. An Order is hereby issued to certify that Ordinance 2020-3, amending Ordinances 1998-4, 1998-11, and 2001-8 of Woodland Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Woodland 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				Irick				Pikolycky			
Christy				Jannarone				Quinn			
Earlen				Lloyd				Rohan Green			
Howell				Lohbauer				Prickett			

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

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Nancy Wittenberg  
Executive Director

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Richard Prickett  
Chairman



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 THE PINELANDS COMMISSION  
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 NEW LISBON, NJ 08064  
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PHILIP D. MURPHY  
 Governor  
 SHEILA Y. OLIVER  
 Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
 Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

RICHARD PRICKETT  
 Chairman  
 NANCY WITTENBERG  
 Executive Director

**REPORT ON ORDINANCE 2020-3, AMENDING ORDINANCES  
 1998-4, 1998-11, AND 2001-8 OF WOODLAND TOWNSHIP**

August 28, 2020

Woodland Township  
 PO Box 388  
 Chatsworth, NJ 08019

**FINDINGS OF FACT**

I. Background

The Township of Woodland is located in eastern Burlington County, in the central portion of the Pinelands Area. Pinelands municipalities that border Woodland Township include the Townships of Bass River, Pemberton, Southampton, Tabernacle, and Washington in Burlington County, and the Townships of Barnegat, Lacey, Manchester, and Stafford in Ocean County.

On September 9, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Woodland Township.

On September 9, 1994, the Pinelands Commission adopted amendments to the Pinelands Comprehensive Management Plan (CMP) that, among other things, provided Pinelands Area municipalities with the option to extend the duration of mining permits from two years up to five years. The amendment specified that any municipality that opted to issue mining permits with durations exceeding two years was also required to adopt additional standards to ensure that the approved resource extraction activity maintains compliance with all local approvals for the duration of the permit (7:50-6.64(a)).

On June 23, 2020, Woodland Township adopted Ordinance 2020-3, amending Ordinances 1998-4, 1998-11, and 2001-8. Ordinance 2020-3 amends Section 1711, Resource Extraction, by extending the duration of resource extraction permits from two to five years. The ordinance also establishes additional resource extraction permit approval conditions to ensure that permitted resource extraction activities maintain conformance with Township Land Use Board approvals. The ordinance also includes minor corrections to resource extraction application requirements and standards.

The Pinelands Commission received a certified copy of Ordinance 2020-3 on July 13, 2020. By letter dated July 15, 2020, the Executive Director notified the Township that Ordinance 2020-3 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 2020-3, amending Ordinances 1998-4, 1998-11, and 2001-8, introduced on May 27, 2020 and adopted on June 23, 2020.

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**

Ordinance 2020-3 amends Section 1711, Resource Extraction, by extending the duration of resource extraction permits from two to five years. The ordinance also establishes additional resource extraction permit approval condition to ensure that approved resource extraction activities maintain compliance with Township Land Use Board approvals for the duration of the permit. The ordinance also includes minor corrections to resource extraction application requirements and standards.

Ordinance 2020-3 establishes new resource extraction permit conditions. The conditions require that all resource extraction operators certify, in writing and on an annual basis, that all mining, restoration, and other activities have been, and continue to be, conducted in accordance with approved permits. It further provides that if the Township Land Use Board or the Commission's Executive Director determines that any activity deviates from an approved permit, the operator shall be immediately notified of the deviation. The notice must state the nature of the deviation; order the action necessary to correct it; and, set forth the date, time and location of a meeting to be held within ten days of the notice, at which the mine operator shall present all relevant information concerning the deviation and the action taken or to be taken to correct it. The order to take corrective action must specify any activity which must be immediately ceased to prevent direct or indirect aggravation of the deviation or to avoid a danger to the public health, safety or welfare. Failure to resolve a deviation or to adhere to the terms and conditions of any agreement to resolve a deviation will constitute sufficient cause for revocation of the mining permit. Either the Township's Land Use Board or the Executive Director may institute proceedings for revocation of the permit. Additionally, Ordinance 2020-3 includes minor corrections to

resource extraction application requirements and standards to account for changes in terminology that have been adopted through various amendments to CMP over time.

The provisions included in Ordinance 2020-3 include the minimum requirements for a municipality to issue resource extraction permits with a five-year duration (N.J.A.C. 7:50-6.64). Woodland Township Ordinance 2020-3 is consistent with the land use and development standards of the Comprehensive Management Plan.

This standard for certification is met.

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

As currently certified, Section 1711, Resource Extraction, of Woodland Township's Ordinance 1998-4, as amended, includes an extensive list of required documents that must accompany any resource extraction permit application. The ordinance explicitly requires that such applications include a Certificate of Filing from the Pinelands Commission. Ordinance 2020-3 maintains these application requirements, with minor corrections, and conforms to the CMP's application requirements for resource extraction (N.J.A.C. 7:50-4.2(b)6).

Therefore, this standard for certification is met.

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

Not applicable.

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

Not applicable.

### **6. Review of Local Permits**

Woodland Township's certified land use and development ordinances require that no local permit shall be effective until the Pinelands Commission's review process has been completed (N.J.A.C. 7:50-4.31 through 4.42). Ordinance 2020-3 does not revise any of these procedures.

However, it is noted that the CMP requires that municipalities granting resource extraction permits for any period exceeding two years must adopt additional standards to ensure that the approved mining activity maintains compliance with all local approvals for the duration of the permit (7:50-6.64(a)). As detailed above, Ordinance 2020-3 adequately incorporates the required provisions into the Township's ordinance.

Ordinance 2020-3 is consistent with the provisions of the Pinelands Comprehensive Management Plan relating to the review of local permits. This standard for certification is met.

**7. Requirement for Capital Improvement Program**

Not applicable.

**8. Accommodation of Pinelands Development Credits**

Not applicable.

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

Not applicable.

**10. General Conformance Requirements**

Woodland Township Ordinance 2020-3 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**

Woodland Township Ordinance 2020-3 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**

Not applicable.

### **PUBLIC HEARING**

A public hearing to receive testimony concerning Woodland Township's application for certification of Ordinance 2020-3 was duly advertised, noticed and held on August 5, 2020 at 9:30 a.m. Ms. Grogan conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call in during the public hearing to provide oral testimony. No such testimony was received.

Written comments on Ordinance 2020-3 were accepted through August 10, 2020. However, no written comments were received.

### **CONCLUSION**

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 2020-3, amending Ordinances 1998-4, 1998-11, and 2001-8 of Woodland Township, 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 2020-3 of Woodland Township.

SRG/DBL/CWO



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

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THE PINELANDS COMMISSION  
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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

## MEMORANDUM

To: Members of the Pinelands Commission

From: Susan R. Grogan   
Director of Planning

Date: August 31, 2020

Subject: No Substantial Issue Findings

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During the past month, we reviewed three ordinance amendments that we found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan. These amendments were:

**Manchester Township Ordinance 2020-21** - adopts a Redevelopment Plan for Block 44, Lot 15.01. Permitted uses in the new 2065 Route 37 Redevelopment Area include townhouses, stacked townhouses, gasoline stations with convenience stores, renewable energy facilities, self-storage facilities, as well as all uses permitted within the HD-3 district. The Plan also includes bulk standards, parking requirements, signage regulations, buffering requirements and other design standards. The Redevelopment Area is located in a Regional Growth Area, in that portion of the Pinelands National Reserve (PNR) outside of the state-designated Pinelands Area.

**Stafford Township Ordinance 2017-11** - amends the Township Zoning map by rezoning Block 77.02, Lot 1 from the Multi-Family Affordable Housing (MFAH-10) Zone to the Highway Commercial (HC) Zone. The rezoned property is located outside of the state-designated Pinelands Area, but within the PNR. The lot is approximately 8.4 acres and is located within a Pinelands Regional Growth Area.

**Stafford Township Ordinance 2017-12** - amends Chapter 211 (Zoning) of the Township's Code by revising permitted uses in the Highway Commercial (HC) Zone, to permit a variety of nonresidential uses. These permitted uses include offices and retail shopping centers, both of which may include certain medical uses. The HC zone is located outside of the state-designated Pinelands Area, but within a Pinelands Regional Growth Area in the PNR.