MEMORANDUM

To: Members of the Commission
From: Nancy Wittenberg
    Executive Director
Date: December 4, 2019
Subject: Summary of the December 13, 2019 Meeting Packet

Minutes

The November 8, 2019 Commission Meeting minutes and attachments are included in your packet.

Public Development Application

The following public development application is being recommended for approval with conditions:

1. Application Number 1985-0725.003/ Medford Township, Medford Township, Regional Growth Area, Two lot subdivision and no further development.

Waiver of Strict Compliance

There are no Waiver of Strict Compliance applications on this month’s agenda.

Letter of Interpretation

One Pinelands Development Credit (PDC) Letter of Interpretation was issued since the last Commission meeting, allocating 0 PDCs to 11.14 acres.

Master Plans and Ordinances Not Requiring Commission Action

We have included a memorandum on six ordinance amendments that we reviewed and found to raise no substantial issues with respect to Comprehensive Management Plan standards. These amendments were submitted by Egg Harbor City, Egg Harbor Township, Manchester Township, Monroe Township, Upper Township and Washington Township.
**Other Resolutions**

Included in this month’s packet is a resolution to adopt the 2020 regular meeting schedule. Also included is a resolution to extend the Commission’s Electric Transmission Right of Way Maintenance Pilot Program.

A resolution intended to address the court’s remand of the South Jersey Gas application is also listed on the agenda.

**Closed Session**

The Commission may convene into closed session.

Please note that future meetings and office closure dates, as well as any Pinelands-related activities of interest, are listed at the bottom of the agenda.

/ PC1
NEW JERSEY PINELANDS COMMISSION MEETING AGENDA
Friday, December 13, 2019
Richard J. Sullivan Center for Environmental Policy and Education
Terrence D. Moore Conference Room
15C Springfield Road
New Lisbon, New Jersey
9:30 a.m.

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

2. Adoption of Minutes
   - November 8, 2019

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
         - Approving With Conditions an Application for Public Development (Application Number 1985-0725.003) (two lot subdivision in Medford Township)

   B. Planning Matters
      - Municipal Master Plans and Ordinances
5. Public Comment on Public Development Applications and Waivers of Strict Compliance *Where the Record is Not Closed.*

A. Public Development Projects

- Application No. 1983-5837.058 – South Jersey Transportation Authority
  Construction of a twelve acre deicing pad at the Atlantic City International Airport
  Egg Harbor Township

- Application No. 1985-0202.005 – Hamilton Township Board of Education
  Installation of a rubber surface within three existing playground areas at the Joseph C.
  Shaner Memorial Elementary School
  Hamilton Township

- Application No. 1986-1154.004 – Franklin Township
  Construction of 853 linear feet of wooden boardwalk at the Piney Hollow Preservation
  Area
  Franklin Township

- Application No. 1988-0471.002 – Evesham Township
  Improvement of the Braddock Mill Road dam at Union Mill Lake
  Evesham Township

- Application No. 1988-0706.021 – Town of Hammonton
  Installation of 750 linear feet of groundwater discharge pipe at the Boyer Avenue
  Wastewater Infiltration Facility
  Town of Hammonton

B. Waivers of Strict Compliance

- Application No. 2017-0213.001 – Sabella
  Single family dwelling
  Waterford Township

6. Master Plans and Ordinances Not Requiring Commission Action

- Egg Harbor City Ordinance 11-2019
- Egg Harbor Township Ordinance 31-2019
- Manchester Township Ordinance 19-026
- Monroe Township Ordinance O:48-2019
- Upper Township Ordinance 016-2019
7. Other Resolutions

- Scheduling Regular Pinelands Commission Meeting dates for 2020
- To Extend the Electric Transmission Right-of-Way Vegetation Maintenance Pilot Program
- Resolution Addressing the Remand of the South Jersey Gas Company Application Due to a Significant Change in Material Fact

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

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<tr>
<th>Upcoming Meetings</th>
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<tr>
<td>Unless otherwise noted, all meetings/events are conducted at the offices of the Pinelands Commission in New Lisbon</td>
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<tr>
<td>Fri., January 10, 2020 Pinelands Commission Meeting (9:30 a.m.)</td>
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<td>Fri., January 24, 2020 Policy &amp; Implementation Committee Meeting (9:30 a.m.)</td>
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<th>Events of Interest</th>
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<td>December 12, 2019-10 am-Presentation: “Head of the River Cemetery and the Methodists of Old Tuckahoe: A History in Stone”</td>
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<th>Upcoming Office Closures</th>
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<td>Wed. Dec. 25, 2019 Christmas Day</td>
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<td>Wed., Jan. 1, 2020 New Year’s Day</td>
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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 Web site and can be viewed at [www.nj.gov/pinelands/](http://www.nj.gov/pinelands/). The agendas are also posted and can be viewed at the Pinelands Commission Offices, 15 Springfield Road, New Lisbon, New Jersey or for more information on agenda details, e-mail the Public Programs Office at Info@pinelands.nj.gov or call (609) 894-7300.
Commissioners Present
Alan W. Avery Jr., Jordan P. Howell, Jerome H. Irick, Ed Lloyd, Mark Lohbauer, William Pikolycky, and Chairman Richard Prickett. Also present were Executive Director Nancy Wittenberg, Governor’s Authorities Unit representative Craig Ambrose and Deputy Attorney General (DAG) Kristen Heinzerling.

Commissioners by Phone
Candace M. Ashmun and D’Arcy Rohan Green

Commissioners Absent
Daniel Christy, Sean Earlen, Jane Jannarone and Gary Quinn.

Chairman Prickett called the meeting to order at 9:36 a.m.

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

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

The Commission and public in attendance pledged allegiance to the Flag.

Minutes
Chairman Prickett presented the minutes from the October 11, 2019 meeting and the closed session minutes from the September 13, 2019 meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Pikolycky seconded the motion.
The minutes from the October 11, 2019 meeting and the closed session minutes from the September 13, 2019 meeting were adopted by a vote of 9 to 0.

Chairman Prickett presented the closed session minutes from the August 9, 2019 meeting. Commissioner Avery moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The closed session minutes from the August 9, 2019 meeting were adopted by a vote of 8 to 0. Commissioner Lloyd recused from voting on the minutes.

**South Jersey Remand Resolution**

Commissioner Prickett presented the Resolution Addressing the Remand of the South Jersey Gas Company Application Due to a Significant Change in Material Fact.

Commissioner Lloyd said he would be recusing from the South Jersey Gas matter and left the dais.

Commissioner Lohbauer made a motion to allow public comment prior to considering the resolution. Commissioner Irick seconded the motion. All were in favor.

Jeff Tittel of the Sierra Club said the Sierra Club was a litigant in this matter and he would like to see the South Jersey Gas approval rescinded. He said there is no longer justification for the pipeline because the B.L. England plant is closed. He said the resolution needs to be strengthened so South Jersey Gas cannot amend its pipeline application and reapply to the Commission.

Rhyan Grech of the Pinelands Preservation Alliance said she was pleased to see the South Jersey Gas remand matter on the agenda. She expressed dismay over the language in the current resolution. She compared the language in today’s resolution to the one drafted in April and said the resolution should be revised to specifically state that Resolution # PC4-17-03 is no longer valid.

Georgina Shanley of Ocean City, NJ said she agrees with the two prior commenters regarding the South Jersey Gas resolution. She said the current resolution leaves room for challenge. She read a transcript of the Executive Director’s report from the September Commission meeting regarding the meeting staff had with South Jersey Gas. She said she was disappointed that staff met with South Jersey Gas.

Commissioner Prickett said the Comprehensive Management Plan (CMP) encourages applicants to meet with staff.

Arnold Fishman of Medford Lakes Borough, NJ said this Commission has the opportunity to adopt a resolution to end the South Jersey Gas matter. He said the current resolution is equivalent to a stop work order. He said the resolution needs to be amended to include language to rescind the original South Jersey Gas approval.
Agnes Marsala of Chesterfield, NJ said she would like to see stronger language in the resolution. She suggested tabling the resolution until new Commissioners can be appointed or revising the current language.

Joanne Pannone of Robbinsville, NJ said she would like for Governor Murphy to put a moratorium on all fossil fuel projects.

Executive Director Wittenberg said the language in the resolution was agreed upon by a working group of Commissioners.

Commissioner Irick said he wanted to vote on the resolution today.

Due to issues with telephone connections, the Commission was not able to gain a quorum to vote on the South Jersey Gas resolution. The Commission decided to move on to other agenda items.

Public Development Projects and Other Permit Matters

Chairman Prickett presented a resolution recommending approval for the construction of a municipal building in Medford Township.


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

Chairman Prickett presented a resolution recommending the approval of three public development applications.


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

Commissioner Lohbauer suggested that the Commission not take action on the South Jersey Gas resolution today due to difficulties with Commissioners participating in the
meeting by phone. He said a discussion on the matter cannot take place if Commissioners are having trouble hearing and staying on the line.

Commissioner Irick disagreed. He said if the Commission is able to regain a quorum, the Commission should vote on the South Jersey Gas resolution. He said it has been postponed long enough.

The Commissioners engaged in a discussion about whether the resolution should be tabled or should the meeting proceed. The Commission decided to move through the remainder of the agenda.

The Commission lost its quorum at 10:25 a.m.

ED Wittenberg said staff made every effort to get a quorum for today’s meeting. She apologized for the problems with the phone system.

Executive Director’s Reports
ED Wittenberg provided an update on the following items:

- A meeting was held at Assemblyman Ronald Dancer’s office, where representatives from Jersey Central Power & Light and Commission staff discussed the existing Right of Way Plan pilot program and their desire to use herbicides. ED Wittenberg provided some background on the pilot program; she said three utilities currently participate in the pilot program. The purpose of the pilot was to adhere to a specific vegetation management plan to maintain and protect Pinelands habitat. A report including recommendations on the pilot will be presented to the Commission soon.

Chairman Prickett said information on the meeting is detailed in the monthly management report.

ED Wittenberg noted that some items that were previously included in the Commission packet have been moved to the monthly management report.

Director Larry Liggett provided an update on the following:

- Staff attended a New Jersey Department of Environmental Protection (NJDEP) stakeholder meeting regarding the Pinelands Infrastructure Trust Fund. A question was raised about what amount a time an awarded project should be given to commence work before another project is chosen.
- Staff met with the NJDEP on the Kirkwood/Cohansey draft water management rule changes. The NJDEP asked if there was enough water for the future and raised questions about thresholds for well size and wetland impacts included in the Commission’s proposed rule.

Director Chuck Horner provided information on the following regulatory matters:

- The applicant for a large residential development in Galloway Township, commonly referred to as Blue Heron East, has decided to abandon the project. The applicant is going through the process to rescind municipal approvals. The applicant
is also in the process of removing a conservation deed restriction that was placed on the parcel in order to comply with the CMP’s threatened and endangered species standards and Township related issues. A public hearing regarding the removal of the deed restriction took place in Galloway Township.

- Staff met with Pemberton Township officials to discuss an approach for developing recreational fields at a park that is severely restricted by wetlands. Staff has met with the Township on this matter before.
- Staff received an inquiry regarding the disposal of dredge spoils in the Pinelands. The placement of dredge spoils constitutes development and requires an application to the Commission. If it can be demonstrated that the dredge spoils have no contaminants and will not degrade Pinelands water quality, the placement of the spoils can be permitted.
- A pre-application meeting was held to discuss the establishment of a soccer facility in an Agricultural Production Area in Shamong Township.

Commissioner Irick said dredged spoils don’t belong in the Pinelands. He asked what could be done to avoid the repository of dredge spoils.

Director Horner explained the rules regarding the placement of fill materials. He said it’s not much different from the placement of dredge spoils. He added that due to the nature of dredge spoils, it is very difficult to meet the standards of the CMP.

Commissioner Irick said his real concern is the potential to place large volumes of dredge spoils in the Pinelands Area without other development.

Commissioner Lloyd said he would like fire prevention to be included in the Right of Way discussions with the utilities.

ED Wittenberg agreed.

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

Chairman Prickett read the list of Public Development applications. No one from the public offered comment.

Ordinances Not Requiring Commission Action

Chairman Prickett asked if any Commissioners had questions regarding the ordinances not requiring Commission action.

- Barnegat Township Ordinance 2019-13
- Corbin City 2018 Master Plan Reexamination Report
- Corbin City Housing Element and Fair Share Plan
- Egg Harbor Township Ordinance 23-2019
- Town of Hammonton Ordinance 014-2019

No members of the Commission had questions.
Climate Projections and Potential Actions By NJ Pinelands Commission

Commissioner Lloyd introduced Speaker Michael Gerrard, who is the Founder and Director of the Sabin Center for Climate Change Law at Columbia University. He has numerous publications, one of which is Legal Pathways to Deep Decarbonization in the United States. The slides of Professor Gerrard’s presentation are attached and can be found on the Commission’s Land Use, Climate Impacts and Sustainability Committee webpage. After the presentation, Professor Gerrard answered questions from members of the public.

Commissioners thanked Professor Gerrard for attending the meeting.

Commissioner Lohabuer made a plea to Senate President Stephen Sweeney to act on the Governor’s nominees to the Pinelands Commission.

General Public Comment

Denise Garner of Jackson Township, NJ, spoke about the surge of residential development in Jackson Township. She blamed the development on the Southern Reliability link pipeline. She raised concerns about impacts the development will have on the local watersheds.

Fred Akers of the Great Egg Harbor Watershed Association said he reviews Army Corps of Engineers permits. He said a recent permit was for the placement of dredge spoils located in the Pinelands National Reserve portion of Corbin City, not the state-designated Pinelands Area. He said he alerted the Commission staff about the dredged materials. He thanked ED Wittenberg for sending a letter of support on the matter.

Patricia Hansen, an Evesham Township Councilwoman, thanked the Commission on behalf of Mayor Jaclyn Veasy. She said she looks forward to working with the Commission in the future.

Agnes Marsala of Chesterfield, NJ suggested having an intern or volunteer assist the Commissioners who cannot be present at the meetings.

Adjournment

Paul Leakan, Communications Officer, said approximately 200 students participated at this year’s World Water Monitoring Challenge. He informed the Commission about the upcoming Pinelands Speaker Series presentations.
Commissioner Irick moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 12:06 p.m.

Certified as true and correct:

Jessica Noble, Executive Assistant

Date: November 19, 2019
RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19-

TITLE: Approving With Conditions an Application for Public Development and Certificate of Appropriateness (Application Number 2018-0186.001)

Commissioner moves and Commissioner seconds the motion that:

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

2018-0186.001
Applicant: Medford Township
Municipality: Medford Township
Management Area: Pinelands Regional Growth Area
Date of Report: October 18, 2019
Proposed Development: Construction of a 23,516 square foot municipal building.

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 and Certificate of Appropriateness both conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 and the standards for approving a Certificate of Appropriateness set forth in N.J.A.C. 7:50-6.156 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 2018-0186.001 for public development and a Certificate of Appropriateness is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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*A = Abstained; N = Rejected

Adopted at a meeting of the Pinelands Commission

Date: November 8, 2019

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman
October 18, 2019

Katherine Burger, Township Manager (via email)
Medford Township
17 N. Main Street
Medford, NJ 08055

Re: Application # 2018-0186.001
Block 1201, Lot 1.01
Block 1601, Lot 2
Medford Township

Dear Ms. Burger:

The Commission staff has completed its review of this application for construction of a 23,516 square foot 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 November 8, 2019 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Medford Township Planning Board (via email)
Medford Township Construction Code Official (via email)
Medford Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Christopher J. Noll, PE, PP, CME (via email)
Katherine Burger, Township Manager (via email)
Medford Township
17 N. Main Street
Medford, NJ 08055

Application No.: 2018-0186.001
Block 1201, Lot 1.01
Block 1601, Lot 2
Medford Township

This application proposes construction of a 23,516 square foot municipal building and a 93 space parking lot on 3.27 acre Block 1601, Lot 2 in Medford Township. A single family dwelling which is owned by the Township is located on Block 1601, Lot 2. The application proposes to retain the single family dwelling.

A private school which is owned by Saint Mary of the Lakes is located on 13.5 acre Block 1201, Lot 1.01. The only development proposed on Block 1201, Lot 1.01 is the installation of 91 linear feet of stormwater drainage piping and 268 linear feet of sanitary sewer main.

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 municipal building is a permitted land use in a Pinelands Regional Growth Area.

The proposed municipal building will be located in Medford Township’s RHO zoning district. The Commission certified Township land use ordinance permits public purpose uses in the RHO zoning district and defines public purpose uses as the use of land or buildings by Medford Township.
The residential density for the RHO zoning district is 1.25 dwellings per acre (equivalent to one
dwelling per 34,848 square feet) when serviced by public sanitary sewer. The applicant has indicated
that 34,848 square feet of Block 1601, Lot 2 is available to meet the residential density requirements of
the RHO zoning district for the existing single family dwelling.

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

The proposed development will be located within existing maintained grass areas and wooded areas.
The proposed development will disturb approximately 6,000 square feet of wooded area. 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 to utilize a seed mixture that
meets this recommendation.

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 a stormwater infiltration basin.

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

The existing single family dwelling is serviced by public sanitary sewer. The proposed municipal
building will be serviced by public sanitary sewer.

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

A cultural resource survey was prepared for this application. The parcel is located within the locally
designated Medford Village Historic District. The circa 1760 John Haines house, which is believed to be
the oldest dwelling in the Village of Medford, is located on Block 1601, Lot 2. The John Haines house
constitutes a significant historic resource. The application proposes to retain the dwelling.

The parcel is situated within close proximity to several previously identified significant architectural
resources of the 18th and 19th century that are also associated with the Medford Village Historic District.

The CMP (N.J.A.C. 7:50-6.156(a)4) requires that the Commission issue a Certificate of Appropriateness
that addresses the visual compatibility of the new municipal building and associated development with
the Medford Village Historic District in accordance with the Secretary of the Interior’s Standards and
Guidelines for Archaeology and Historic Preservation.

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 August 1, 2019. Newspaper public notice was
completed on August 2, 2019. The application was designated as complete on the Commission’s website
on September 30, 2019. The Commission’s public comment period closed on October 11, 2019. 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 10 sheets, prepared by Environmental Resolutions and dated as follows:

   Sheets 1, 7 & 8 - May 14, 2019; revised to August 28, 2019
   Sheet 2 - July 30, 2018
   Sheets 3, 4, 9 & 10 - May 14, 2019; revised to October 7, 2019
   Sheets 5 & 6 - May 14, 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.

5. Prior to development, the applicant shall submit to the Commission an architectural plan depicting the design of the exterior of the municipal building and associated improvements demonstrating that the proposed development is compatible with the Medford Historic District in accordance with the Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation.

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.
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 November 6, 2019 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. PC4-19-


Commissioner moves and Commissioner second 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:

1985-0204.009
Applicant: Hamilton Township Board of Education
Municipality: Hamilton Township
Management Area: Pinelands Regional Growth Area
Date of Report: October 17, 2019
Proposed Development: Construction of a playground and associated recreational improvements at the William Davies Middle School;

2018-0029.001
Applicant: New Jersey Department of Transportation
Municipality: Hamilton Township
Management Area: Pinelands Regional Growth Area
Date of Report: October 18, 2019
Proposed Development: Construction of a stormwater management basin at the intersection of U.S. Route 322 and Cologne Avenue; and

2019-0115.001
Applicant: Town of Hammonton
Municipality: Town of Hammonton
Management Area: Pinelands Town
Date of Report: October 17, 2019
Proposed Development: Demolition of a single family dwelling, 50 years old or older.

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 1985-0204.009, 2018-0029.001 & 2019-0115.001 for public development are hereby approved subject to the conditions recommended by the Executive Director.

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*A = Abstained, AR = Absent

Adopted at a meeting of the Pinelands Commission

Date: November 8, 2024

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman
October 17, 2019

Anne Marie Fala, Business Administrator
Hamilton Township Board of Education (via email)
1876 Dr. Dennis Foreman Drive
Mays Landing, NJ 08330

Re: Application #1985-0204.009
Block 1027, Lot 1.02
Hamilton Township

Dear Ms. Fala:

The Commission staff has completed its review of this application for construction of a playground and associated recreational improvements at the William Davies Middle School. 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 November 8, 2019 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)
Beth Kenderdine, P.E. (via email)
This application proposes construction of a playground and associated recreational improvements at the William Davies Middle School located on the above referenced 31.17 acre parcel in Hamilton Township.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.28(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 within 300 feet of the proposed development. An application for the construction of two building additions and associated improvements to the existing William Davies Middle School was approved by the Commission on February 13, 2004 (App. No. 1985-0204.007). For that application, the Commission staff determined that a 175 foot buffer to wetlands would not result in a significant adverse impact to wetlands. The proposed development subject of the current application will be 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 within existing maintained grassed areas. 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 utilize a seed mixture which meets that recommendation.

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 enlarging an existing stormwater infiltration basin.

The applicant also proposes the remediation of the existing stormwater infiltration basin. The existing stormwater management basin was constructed as part of a prior application that was approved by the Commission on October 4, 1985 for the development of the William Davies Middle School (App. No. 1985-0204.001). The concerned stormwater management basin is not infiltrating as designed.

The applicant proposes to remediate the existing stormwater management basin by removing accumulated soil sediment from the basin, regrading the basin and then replacing soils within the bottom of the basin.

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 13, 2019. Newspaper public notice was completed on June 17, 2019. The application was designated as complete on the Commission’s website on September 30, 2019. The Commission’s public comment period closed on October 11, 2019. 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 16 sheets, prepared by Edwards Engineering Group, Inc. and all sheets dated April 22, 2019 and revised to June 25, 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.

5. All development, including clearing and land disturbance, shall be located at least 175 feet from wetlands.
CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission APPROVE the proposed development subject to the above conditions.
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 November 4, 2019 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.
October 18, 2019

Brenna Fairfax (via email)
New Jersey Department of Transportation
1035 Parkway Avenue
PO Box 600
Trenton, NJ 08625

Re: Application # 2018-0029.001
U.S. Route 322 and Cologne Avenue
Hamilton Township

Dear Ms. Fairfax:

The Commission staff has completed its review of this application for construction of a stormwater management basin at the intersection of U.S. Route 322 and Cologne Avenue. 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 November 8, 2019 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)
This application proposes construction of an approximately 18,500 square foot stormwater management basin at the intersection of U.S. Route 322 and Cologne Avenue located within Hamilton Township. The application also proposes the installation of 1,071 linear feet of drainage pipe and 10 stormwater inlets.

The proposed stormwater management improvements are necessary to alleviate flooding and improve the safety of the existing U.S. Route 322 and Cologne Avenue intersection.

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 stormwater management improvements are permitted in a Pinelands Regional Growth Area.

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

Stormwater runoff is currently managed at the intersection by a series of inlets and pipes. This application proposes to modify the existing stormwater management collection system. The proposed stormwater improvements will direct a portion of the stormwater runoff from the intersection to the proposed stormwater management basin. The proposed improvements are consistent with the CMP stormwater management standards.
Wetlands Standard (N.J.A.C. 7:50-6.7)

The proposed stormwater management improvements will not be located in wetlands or the required buffer to wetlands.

The existing stormwater management piping system, installed prior to the 1981 effective date of the CMP, discharges to a wetland. Stormwater from the proposed basin will be discharged to the existing stormwater management piping system. The applicant has submitted stormwater drainage calculations demonstrating that the proposed stormwater management improvements will not result in an increase in the volume and rate of stormwater runoff discharging to the wetland. Based upon this demonstration, 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 stormwater basin will be located within a grassed area located within the limits of the existing intersection. 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 utilize a seed mixture which meets that recommendation.

Threatened and Endangered Plant Species Standard (N.J.A.C. 7:50-6.27)

A threatened and endangered (T&E) plant species survey was completed in the project area. The T&E plant survey found a population of Barratt’s sedge, a CMP designated T&E plant species, located approximately 600 linear feet from the proposed stormwater management basin.

The proposed development will not result in an irreversible adverse impact on the survival of any local population of those plant species designated by the CMP as threatened or endangered.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on November 21, 2018. The application was designated as complete on the Commission’s website on September 30, 2019. The Commission’s public comment period closed on October 11, 2019. 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 HNTB Corporation and dated as follows:

   Sheets 1, 2, 5, 6 & 6A - October 12, 2018; and
   Sheets 3 & 4 - August 21, 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.

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.
The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by 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 November 6, 2019 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.
October 17, 2019

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

Re: Application # 2019-0115.001
Block 3606, Lot 18
Town of Hammonton

Dear Mayor DiDonato:

The Commission staff has completed its review of this application for demolition of a single family dwelling, 50 years old or older. 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 November 8, 2019 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

C: Secretary, Town of Hammonton Planning Board (via email)
Town of Hammonton Construction Code Official (via email)
Town of Hammonton Environmental Commission (via email)
Atlantic County Department of Regional Planning and Development (via email)
Marianne G. Risley (via email)
PUBLIC DEVELOPMENT APPLICATION REPORT

October 17, 2019

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

Application No.: 2019-0115.001
Block 3606, Lot 18
Town of Hammonton

This application proposes demolition of a single family dwelling, 50 years old or older, located on the above referenced 0.19 acre parcel in the Town of Hammonton. The Town owns the property.

STANDARDS

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

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

The parcel is located in the Pinelands Town of Hammonton. The demolition of a dwelling is permitted in the Pinelands Area.

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 CMP defines the proposed demolition 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 September 4, 2019. The Commission’s public comment period closed on October 11, 2019. No public comment was submitted to the Commission regarding this application.
CONDITIONS

1. Disposal of any debris may only occur at an appropriately licensed facility.

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

3. Reconstruction of a single family dwelling, within five years of its demolition, does not require an application to the Pinelands Commission.

CONCLUSION

As the proposed demolition 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 demolition subject to the above conditions.
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’s office no later than 5:00 PM on November 4, 2019 and include the following information:

1. the name and address of the person requesting the appeal;
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5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

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

Michael B. Gerrard
Andrew Sabin Professor of Professional Practice
Director, Sabin Center for Climate Change Law
Global fossil CO₂ emissions have risen steadily over the last decades. The peak in global emissions is not yet in sight.

Estimates for 2015, 2016 and 2017 are preliminary; 2018 is a projection based on partial data. Source: CDIAC; Le Quéré et al 2018; Global Carbon Budget 2018
The global CO₂ concentration increased from ~277 ppm in 1750 to 405 ppm in 2016. 2016 was the first full year with concentration above 400 ppm.
Global Average Temperature 1850 - 2018

Land data prepared by Berkeley Earth and combined with ocean data adapted from the UK Hadley Centre

Global temperature anomalies relative to 1951-1980 average

Vertical lines indicate 95% confidence intervals
Global greenhouse gas emissions under different scenarios

- **Baseline**
- **Current Policy**
- **Unconditional NDCs**
- **Conditional NDCs**
- **2C scenario**
- **1.5C scenario**

Median emission scenarios adapted from figure 3.1 in the UNEP Emission Gap Report 2017. Chart by Carbon Brief using data from the Intergovernmental Panel on Climate Change (IPCC).
Figure 1: Net US GHG emissions under current policy, Baseline scenario

MMt CO$_{2e}$

HISTORICAL

17% below 2005

26-28% below 2005

Source: EPA, Rhodium’s US Climate Service
Intended Nationally Determined Contributions Compared with Waxman-Markey Caps

- **U.S. Copenhagen Pledge**: 27% below 2005 levels by 2012
- **U.S. Paris Pledge**: To achieve economy-wide GHG emissions by 26-28% by 2025
- **GHG reductions under Waxman-Markey**: Caps plus all complementary requirements

Legend:
- Blue: Historic Emissions
- Orange: 17% below 2005 levels in 2020
- Gray: 26% below 2005 levels in 2025
- Yellow: 28% below 2005 levels in 2025
- Red: Emissions caps only

Year Range: 1990 to 2050

Million metric tons CO2e
Figure 1.4: The maps show projections of change in relative sea level along the U.S. coast by 2100 (as compared to 2000) under the lower (RCP4.5) and higher (RCP8.5) scenarios (see CSSR, Ch. 12.5). Globally, sea levels will continue to rise from thermal expansion of the ocean and melting of land-based ice masses (such as Greenland, Antarctica, and mountain glaciers). Regionally, however, the amount of sea level rise will not be the same everywhere. Where land is sinking (as along the Gulf of Mexico coastline), relative sea level rise will be higher, and where land is rising (as in parts of Alaska), relative sea level rise will be lower. Changes in ocean circulation (such as the Gulf Stream) and gravity effects due to ice melt will also alter the heights of the ocean regionally. Sea levels are expected to continue to rise along almost all U.S. coastlines, and by 2100, under the higher-end scenarios, there is a risk that some lower-lying areas could become permanently flooded.
Change in extreme precipitation across the United States

- **Observed long-term change (1901-2016)**
- **Observed recent change (1958-2016)**
- **Future change (lower emissions)**
- **Future change (higher emissions)**

by late 21st century compared to 1986-2016

Data: NCA4
Projected Change in Spring Precipitation

Change in Spring Precipitation (%)

<-20  -15  -10  -5  0  5  10  >15
WARMER AIR

MORE EVAPORATION

MORE PRECIPITATION

1°F increase = 4% more water vapor

Available water

- Temperature +
Sea Level Rise

**OBSERVATIONS**
Over the last century, sea level has risen by over 1.3 feet around Atlantic City, NJ.

*Source: NOAA*

*Seemingly small increases in sea level can have large impacts along the coast due to storm surges and exceptionally high tides.*

*Communities in Atlantic City are now seeing more days with tidal flooding.*

*Source: UCSUSA*
The annual mean temperature in NJ has already increased by about 3.6°F (2°C) since 1895 – faster than the rise in global mean temperature.

The annual mean temperature in NJ exceeded the 20th-century average every year since 1993 (the last 22 years).

Source: NOAA
PROJECTIONS
In the next 50-60 years, when global warming crosses the 2°C threshold, NJ average summer and winter temperatures will increase by over 6°F (3.3°C).

Source: produced by CSRC, UMass Amherst
Future Climate Shift

- Current climate
- Future climate

Probability of occurrence

- Cold
- Average temperature
- Hot

Increase in average temperature

Less cold weather

More extreme hot weather

More hot weather
New Jersey Greenhouse Gas Sources and Sinks – 2018

42% Transportation
19% Electricity generation
17% Commercial and industrial
16% Residential
  8% Highly warming gases
  5% Waste management
  1% Land clearing
-8% Terrestrial carbon sequestration
Three Pillars of Deep Decarbonization

Pathways to Deep Decarbonization in the United States, Mixed case results
Energy Efficiency

New buildings
Old buildings
Appliance standards [but: preemption]
Energy audits of buildings
Decarbonization of electricity

Distributed renewables (e.g. rooftop solar)
Renewables on existing gravel, sand, clay mines
Offshore wind – cable landings
Electrification

Electric vehicles

Purchases

Charging stations

Building heating and cooling; water heating
Adaptation to climate change

Drainage and stormwater
  Pipes, culverts, retention basins

Fire
  Development at wildland-urban interface
  Fire resistant materials in buildings
  Buffer zones
  Prescribed burns
  Timber harvesting
  Wildfire suppression
RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19-____________

TITLE: Approving With Conditions an Application for Public Development (Application Number 1985-0725.003)

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:

1985-0725.003

Applicant: Medford Township
Municipality: Medford Township
Management Area: Pinelands Regional Growth Area
Date of Report: November 19, 2019
Proposed Development: Two lot subdivision and no further development.

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 1985-0725.003 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: ______________________

Nancy Wittenberg  Richard Prickett
Executive Director  Chairman
Katherine Burger (via email)
Medford Township
17 North Main Street
Medford, NJ 08055

Re: Application # 1985-0725.003
Block 1813, Lot 15
Medford Township

Dear Ms. Burger:

The Commission staff has completed its review of this application for a two lot subdivision and no further 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 December 13, 2019 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Medford Township Planning Board (via email)
   Medford Township Construction Code Official (via email)
   Medford Township Environmental Commission (via email)
   Secretary, Burlington County Planning Board (via email)
   Christopher J. Noll (via email)
This application proposes a two lot subdivision and no further development of the above referenced 0.45 acre parcel in Medford Township. There is an existing commercial office building and stone parking lot located on the parcel.

The proposed subdivision will create a 0.25 acre lot containing the existing stone parking lot and a 0.20 acre lot containing the existing commercial office building. The 0.25 acre lot will be acquired by Medford Township and the 0.20 acre lot will be retained by the current owner.

The proposed 0.25 acre lot containing the existing stone parking lot is located immediately adjacent to Block 1807, Lot 7 in Medford Township. That parcel contains an existing building and parking lot owned by the Trustees of the Medford Memorial Community Center (TMMCC). The Township entered into a 2001 lease agreement with the TMMCC to permit the existing parking lot on Block 1807, Lot 7 to be utilized as a parking lot for the benefit of the general public. The parking lot located on the proposed 0.25 acre lot will provide additional parking to the general public.

**STANDARDS**

The Commission staff has reviewed the proposed subdivision 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)**

The parcel is located in a Pinelands Regional Growth Area. The proposed subdivision is permitted in a Pinelands Regional Growth Area.
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 October 29, 2019. The Commission’s public comment period closed on November 8, 2019. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. The proposed subdivision shall adhere to the plan prepared by Environmental Resolutions, Inc. and dated August 1, 2019.

2. The applicant shall obtain any other necessary permits and approvals for the subdivision.

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.
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 December 9, 2019 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. PC4-19-_____________

TITLE: Scheduling Regular Pinelands Commission Meeting dates for 2020

Commissioner ______________________________ moves and Commissioner ___________________________ seconds the motion that:

WHEREAS, the Open Public Meetings Act requires that the Pinelands Commission establish an annual schedule of regular meetings prior to January 10th of each year; and

WHEREAS, the Pinelands Commission will use the Pinelands Commission’s Richard J. Sullivan Center for Environmental Policy and Education in New Lisbon, Pemberton Township, as the regular site for its meetings; and

WHEREAS, the Pinelands Commission may need to find an alternate, temporary meeting location within the Pinelands Area for its meetings throughout the year; and

WHEREAS, any meeting that will be scheduled at a location other than the Pinelands Commission's Richard J. Sullivan Center for Environmental Policy and Education, 15 C Springfield Road, New Lisbon, Pemberton Township, will be advertised in accordance with the requirements of the Open Public Meetings Act; and

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

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission shall conduct its meetings on the following dates in 2020, beginning at the specified time at the Pinelands Commission’s Richard J. Sullivan Center for Environmental Policy and Education, 15 C Springfield Road, New Lisbon, Pemberton Township, New Jersey, unless notice is otherwise provided in accordance with the Open Public Meetings Act:

Friday, January 10, 2020 (9:30 a.m.)
Friday, February 14, 2020 (9:30 a.m.)
Friday, March 13, 2020 (9:30 a.m.)
Friday, April 3, 2020 (9:30 a.m.)
Friday, May 8, 2020 (9:30 a.m.)
Friday, June 12, 2020 (9:30 a.m.)
Friday, July 10, 2020 (9:30 a.m.)
Friday, August 14, 2020 (9:30 a.m.)
Friday, September 11, 2020 (9:30 a.m.)
Friday, October 9, 2020 (9:30 a.m.)
Friday, November 13, 2020 (9:30 a.m.)
Friday, December 11, 2020 (9:30 a.m.)

BE IT FURTHER RESOLVED that the Executive Director is directed to publish notice of this schedule in the Commission's official newspapers, file copies of the schedule with the Secretary of State of the State of New Jersey and Pinelands county and municipal clerks, post a copy of the notice in the Commission's offices and post the annual schedule on the Commission’s website (www.nj.gov/pinelands).

Record of Commission Votes

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Adopted at a meeting of the Pinelands Commission Date: ________________________

Nancy Wittenberg  Richard Prickett
Executive Director  Chairman
TITLE: To Extend the Electric Transmission Right-of-Way Vegetation Maintenance Pilot Program

Commissioner __________________________ moves and Commissioner __________________________ seconds the motion that:

WHEREAS, the New Jersey Pinelands Electric-Transmission Right-of Way Vegetation Management Plan (ROW Plan), dated March 2009, was approved by the Pinelands Commission on October 9, 2009; and

WHEREAS, the ROW Plan specifies a variety of vegetation management prescriptions that seek to achieve several ecological and electric transmission line right-of-way objectives; and

WHEREAS, the purpose of the ROW Plan is to create and maintain sustainable early successional habitats that are characteristic of the Pinelands Area and which provide habitat for native Pinelands plants and animals, including threatened and endangered species and to ensure the reliability and safety of the electric transmission system in the Pinelands Area by creating and maintaining low growth vegetation communities; and

WHEREAS, to implement the ROW Plan, the Commission amended the Pinelands Comprehensive Management Plan (CMP) to establish the Electric Transmission Right-of-Way Maintenance Pilot Program; and

WHEREAS, the CMP regulations (N.J.A.C. 7:50-10.31 through 10.35) implementing the Pilot Program became effective on December 21, 2009; and

WHEREAS, the Pilot Program was authorized for a ten year period through December 31, 2019; and

WHEREAS, the CMP requires that by September 30, 2019, the Executive Director shall report on the Pilot Program’s implementation to the Commission, Public Service Electric and Gas, Jersey Central Power and Light, Atlantic City Electric and the New Jersey Board of Public Utilities, to determine whether the Pilot Program is successful in accordance with evaluation criteria set forth in the CMP (N.J.A.C. 7:50-10.35(a)); and

WHEREAS, the CMP (N.J.A.C. 7:50-10.35(c) provides that if the Executive Director finds that additional time is needed to fully assess the results of the Pilot Program, he or she shall so inform the Commission and upon Commission approval, the Pilot Program may be extended for up to two years; and

WHEREAS, in 2014 and 2017, the Commission staff submitted progress reports to the Commission, indicating that the Pilot Program was being successfully implemented; and

WHEREAS, the Executive Director finds that additional time is needed to fully assess the results of the Pilot Program and to formulate the appropriate regulatory approach for long term implementation and incorporation of the ROW Plan into the CMP; and

WHEREAS, the Executive Director recommends that the Pinelands Commission extend the Pilot Program for two years; and

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

NOW, THEREFORE, BE IT RESOLVED that the Pinelands Commission hereby extends the Electric Transmission Right-of Way Maintenance Pilot Program until September 30, 2021. In accordance with the CMP (N.J.A.C.7:50-10.35(c)), all of the conditions of the Pilot Program shall be extended and remain in full force and effect, including the utility company responsibilities set forth at N.J.A.C. 7:50-10.32(b).

Record of Commission Votes

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Adopted at a meeting of the Pinelands Commission

Date: ______________________

Nancy Wittenberg  Richard Prickett
Executive Director  Chairman
RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19-___________

TITLE: Resolution Addressing the Remand of the South Jersey Gas Company Application Due to a Significant Change in Material Fact

Commissioner ______________________________ moves and Commissioner ___________________________ seconds the motion that:

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

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

WHEREAS, on May 21, 2015, South Jersey Gas Company (“South Jersey Gas”) filed a revised application (“Original application”) to install approximately 15 miles of an approximately 22-mile, 24-inch natural gas pipeline within the Pinelands (“Project”); and

WHEREAS, as discussed in the Original application, the Project was intended to provide natural gas required to repower the BL England electrical generation plant (“BLE plant” or “BLE”) at Beesley’s Point in Upper Township 95% of the time and to provide natural gas redundancy to the southernmost portion of South Jersey Gas’s service territory; and

WHEREAS, 9.51 miles of the proposed Project would be located within a Forest Area; and

WHEREAS, the Project is considered “public service infrastructure” as defined by the Pinelands CMP at N.J.A.C. 7:50-2.11; and

WHEREAS, “public service infrastructure” is a permitted use in a Forest Area if it is demonstrated that the proposed infrastructure is “intended to primarily serve only the needs of the Pinelands,” N.J.A.C. 7:50-5.23(b)(12); and

WHEREAS, South Jersey Gas’s Original application represented that the Project’s primary purpose would be to provide the natural gas required to repower the BLE plant, which is located within the Pinelands; and

WHEREAS, the Commission, on December 9, 2016, approved Pinelands Resolution No. PC4-16-42 setting forth the process by which the it would review South Jersey Gas’s Original application and the Pinelands Preservation Alliance (“PPA”) subsequently appealed that resolution (“process appeal”); and

WHEREAS, after considering the Original application and public comment, the February 17, 2017 Executive Director’s Recommendation Report concluded that the Project was consistent with the CMP, because the proposed pipeline would serve the BLE plant, an existing Pinelands business, more than 95% of the time, and thus it would primarily serve only the needs of the Pinelands; and

WHEREAS, on February 24, 2017, the Commission approved Pinelands Resolution No. PC4-17-03, which adopted the factual findings in the February 17, 2017 Executive Director’s Recommendation Report, and approved the Project as delineated in the Original application; and

WHEREAS, the PPA, New Jersey Sierra Club, and Environment New Jersey appealed the Commission’s approval of the Project and adoption of Pinelands Resolution No. PC4-17-03 (“substantive appeals”); and

WHEREAS, R.C. Cape May Holdings, LLC, (“RCCM”) the entity that owns and operates BLE, intervened in the appeal; and

WHEREAS, on February 27, 2019, RCCM filed a motion seeking permission to withdraw as an intervenor, because it had decided not to repower the BLE plant; and
WHEREAS, RCCM’s decision not to repower BLE with natural gas changes a fundamental fact relied upon by the Pinelands Commission for its finding that the project was “intended to primarily serve only the needs of the Pinelands”;

WHEREAS, RCCM’s decision not to repower BLE with natural gas is a fundamental change in the scope of the Project delineated in the Original application and the prior approval of same; and

WHEREAS, in correspondence dated March 6, 2019, the Commission’s Executive Director informed South Jersey Gas that, based on the new information that RCCM would not repower BLE with natural gas, the factual basis for the Commission’s approval, as detailed in the February 17, 2017 Executive Director’s Recommendation Report, had substantially changed and the approval was no longer justified; and

WHEREAS, South Jersey Gas did not provide a substantive response to the March 6, 2019 letter; and

WHEREAS, by letter dated April 12, 2019, South Jersey Gas advised the Commission that the Commission should not reconsider its previous approval of South Jersey Gas’s natural gas pipeline application, unless the Appellate Division remanded the matter to the Commission and that South Jersey Gas felt it was entitled to an adjudicatory hearing prior to any revocation of its existing approval pursuant to the Administrative Procedures Act; and

WHEREAS, on May 10, 2019, the Pinelands Commission filed a motion to remand the appeals on Resolution No. PC4-17-03 (granting South Jersey Gas’s application) and Resolution No. PC4-16-42 (regarding the Commission’s review process for South Jersey Gas’s application); and

WHEREAS, on May 20, 2019, PPA and New Jersey Sierra Club opposed the motion to remand the process appeal, and South Jersey Gas opposed the motion to remand the substantive appeals; and

WHEREAS, by Order dated May 29, 2019, the Appellate Division granted the Commission’s motion to remand the matter back to the Commission so it could reconsider its approval of the Project “in light of the decision by R.C. Cape May Holdings, LLC, not to re-fire the B.L. England plant with natural gas”; and

WHEREAS, in the May 29, 2019 Order, the Appellate Division rejected all arguments submitted in opposition to the Commission’s remand motion, did not retain jurisdiction, and dismissed the appeals; and

WHEREAS, despite having received written notice from the Commission’s Executive Director that the approval was no longer justified given the material change from the scope of the project in the Original application, i.e. that the Project would no longer serve BLE 95% of the time, South Jersey Gas has not voluntarily relinquished its approval, submitted a new application, or modified its existing application filed on May 21, 2015 to account for the substantially changed facts or provided any formal indication of its intentions whatsoever relative to the Project; and

WHEREAS, South Jersey Gas acknowledged in its Appellate Division filings that BLE will no longer be served by the Project, and thus there are no material facts in dispute and an adjudicatory hearing is not required; and

WHEREAS, given South Jersey Gas’s failure to provide information to account for the substantial change in facts and to address how the current scope of the Project satisfies the public service infrastructure requirements for a Forest Area set forth at N.J.A.C. 7:50-5.23(b)12, the application is incomplete; 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, because the Project has significantly changed, i.e. it will no longer serve BL England, the submitted application no longer addresses the Forest Area Public Infrastructure standard of the Pinelands CMP at N.J.A.C. 7:50-5.23(b)12. As a result, SJG may not proceed with the Project.

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Adopted at a meeting of the Pinelands Commission

Date: ________________________

_________________________________  ____________________________________________
Nancy Wittenberg  Richard Prickett
Executive Director  Chairman
MEMORANDUM

To: Members of the Pinelands Commission

From: Susan R. Grogan
Chief Planner

Date: November 29, 2019

Subject: No Substantial Issue Findings

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

**Egg Harbor City Ordinance 11-2019** - amends Chapter 170, Land Use and Development, of the City’s Code by eliminating the Gateway Residential District and its affiliated district regulations. The ordinance also rezones the entirety of Block 51.07 from the Gateway Residential District to the Highway Commercial District and rezones Block 1.07, Lots 8-14.03 from the Gateway Residential District to the R-22 (Residential) District. All of the affected lots are located in a Pinelands Town management area.

**Egg Harbor Township Ordinance 31-2019** - amends Chapter 225 (Zoning) of the Township’s Code by adding “Ground Mounted Solar Arrays” as a conditional use in the M-1 (Light Industrial) and R-I (Restricted Industrial) Districts. The ordinance also sets forth the conditional use standards that such solar arrays must meet, including area, yard and building requirements, landscaped buffer requirements and limitations on clearing. The M-1 and R-I Districts are nonresidential zones located in the Pinelands Regional Growth Area.

**Manchester Township Ordinance 19-026** - amends Chapter 245 (Land Use and Development) of the Township’s Code by revising standards for development in the PAF-1 (Pinelands Affordable Housing) District. Specifically, Ordinance 19-026 revises standards for maximum building length, number of units per structure, recreational amenities, signs, bedrooms, and minimum gross habitable floor area. The PAF-1 District is located in the Pinelands Regional Growth Area.

**Monroe Township Ordinance O:48-2019** - repeals Ordinance O:38-2019 in its entirety. Ordinance O:38-2019 amended Chapter 175 (Land Management) of the Township’s Code by establishing Alternative Treatment Centers (dispensaries, cultivation and manufacturing facilities) as a permitted use in various zoning districts. In the Pinelands Area, such districts included the RG-C (Regional Growth...
Commer
cial), RG-MU (Regional Growth – Mixed Use), RD-C (Rural Development Commercial), RD-
A (Rural Development Agricultural) and AG (Agricultural Production) Districts.

**Upper Township Ordinance 016-2019** - amends Chapters XIX (Land Subdivision and Site Plan) and XX (Zoning) of the Township’s Code by establishing and revising various definitions, permitting storage containers as accessory buildings for certain periods of time, prohibiting tractor trailers as accessory buildings and deleting pole barns as an accessory use in various residential zones. Ordinance 016-2019 also amends standards for lighting, temporary signs and flags and revises the types of development that require zoning permits.

**Washington Township Ordinance 2019-02** - establishes Chapter 150, Mobile Food Vendors, within the Township’s Code. The new chapter provides definitions, permit application procedures, and standards for the permitting of mobile food vendors. A mobile food vendor is defined as a business that sells edible goods from a non-stationary location within the Township. Standards include, among others, location and duration restrictions including a maximum of 10 hours per location on private property and a maximum of four hours on public property per day.