



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director



Pinelands
Comprehensive
Management Plan
Four Decades of Protection

NEW JERSEY PINELANDS COMMISSION MEETING AGENDA

Friday, January 8, 2021 - **9:30 a.m.**

Pinelands Commission YouTube link:

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

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

1. Call to Order

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

2. Adoption of Minutes

- December 11, 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 (1) Applications for Public Development:

- Application No. 1982-3514.004 - Pemberton Township
Construction of recreational improvements at West End Park
Pemberton Township

Resolution Approving with Conditions (1) Application for a Waiver of Strict Compliance:

- Application No. 1989-0219.001 - Steven R. King
Single family dwelling
Shamong Township

B. Planning Matters

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

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

A. Public Development Projects

- None

B. Waivers of Strict Compliance

- None

6. Master Plans and Ordinances Not Requiring Commission Action

- Berkeley Township Ordinances 19-44-OAB & 20-37-OAB
- Southampton Township Ordinances 2020-08, 2020-09 & 2020-11
- Wrightstown Borough Ordinance 2020-08

7. Update from the Science Office: Snake monitoring

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

Wednesday, Jan. 20, 2021	Land Use, Climate Impacts and Sustainability Committee meeting (9:30 a.m.)
Friday, Jan. 29, 2021	Policy & Implementation Committee Meeting (9:30 a.m.)
Friday, Feb. 12, 2021	Pinelands Commission Meeting (9:30 a.m.)

Upcoming Office Closures

Friday, Jan. 1, 2021	New Year's Day
Monday, Jan. 18, 2021	Martin Luther King Jr. Day

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

Thursday, Jan. 14, 2021	Virtual CMP Anniversary Roundtable Reflection with Former Commissioners and former staff who Prepared the Plan
Jan. 15 – Jan. 31, 2021	Social Media Postings Charting the History, Implementation and Success of the Plan

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

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

PINELANDS COMMISSION MEETING

MINUTES

December 11, 2020

The December 11, 2020 Pinelands Commission meeting was conducted remotely. All participants were present via Zoom conference and the meeting was livestreamed through YouTube: <https://www.youtube.com/watch?v=IfzFubxk5YA>

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 Rudy Rodas.

Commissioners Absent

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

Call to Order

Chairman Prickett called the meeting to order at 9:34 a.m.

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

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

The Commission pledged allegiance to the Flag.

Minutes

Commissioner Lloyd asked that a portion of the November minutes be corrected. He said he requested that staff provide a memo about how it was determined that the Wrangleboro Road pipeline replacement in Hamilton Township was an exempt activity.

Executive Assistant, Jessica Noble said she would make the correction to the November 13, 2020 Commission meeting minutes.

Chairman Prickett presented the amended minutes from the Commission's November 13, 2020 meeting, including the closed sessions minutes. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Lloyd seconded the motion.

The open and closed session minutes from the November 13, 2020 Commission meeting, as amended, were adopted by a vote of 9 to 0.

Committee Reports

Commissioner Avery provided a summary of the November 17, 2020 Personnel and Budget Committee meeting:

The Committee adopted the minutes from the September 29, 2020 meeting.

The check registers, electronic disbursements and application fees covering August 2020 to September 2020 were reviewed. It was noted that the FY21 application fees are currently at 55% of the anticipated amount.

The Draft FY21 Budget was presented and the Committee recommended the budget for a vote by the full Commission.

There was no public comment and the Committee did not meet in closed session.

Executive Director's Report

ED Wittenberg provided an update on the following items:

- On December 9th, Commissioner Irick, Commissioner Lohbauer and Chairman Prickett participated in a site visit at Joint Base McGuire-Dix-Lakehurst to observe the areas where the Inadvertent Return (IR) occurred during the construction of the Southern Reliability Link gas pipeline. Representatives from New Jersey Natural Gas (NJNG) attended the site visit, including two of their consultants.
- During its November 24th meeting, the Pinelands Municipal Council discussed its efforts to restore the Payment In Lieu Of Taxes (PILOT) program. Assemblywoman Stanfield and representatives for Assemblyman Simonsen participated in the Municipal Council meeting and expressed their willingness to help. In support of the Council, the Commission staff prepared a resolution that supports the reinstatement of the PILOT program, which was removed from the State FY 2021 budget.

ED Wittenberg said she would like to discuss the South Jersey Gas pipeline exemption once staff reports are completed.

Before moving on, the Commissioners who participated in the site visit expressed their appreciation for the opportunity to see the IR sites. They also said they did not see the presence of bentonite on the surface.

Commissioner Lloyd said since the spills were 20 months ago, he would have expected them to be cleaned up at this point. He was curious what they looked like when they occurred.

ED Wittenberg said the spills were cleaned up expeditiously.

Ernest Deman, a Supervising Environmental Specialist at the Commission, said that he was at the site of the first spill 24 hours after it happened. He said although he could still see a thin layer of a fine material, it was cleaned up extremely well in a short period of time.

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

- At the November Commission meeting, Fred Akers notified the Commission of cedar harvesting that was occurring in Hamilton Township. Mr. Akers subsequently submitted a letter to the Commission regarding the matter. Staff recently responded to Mr. Akers to advise him that staff had been at the site twice, once to observe the cutting of trees and another time with a member of the Hamilton Township Police Department. He said this remains a trespass and theft issue.
- Monroe Township notified the Commission that the revegetation of a wetlands buffer on the Cecil Fire Company property was completed on November 30, 2020. Staff verified that the revegetation did occur.
- In the fall of 2019, the Commission approved a solar facility at the Legler Landfill in Jackson Township. A Deed of Conservation Easement was required to protect a threatened and endangered plant species on the landfill parcel. Additionally, Jersey Central Power & Light is proposing an easement on the parcel. Staff is working with the applicant on the deed language to make sure it's consistent with the proposed easement.
- A call up hearing has been scheduled for an applicant who proposed a cell tower as an accessory use to the EMS/Fire Station in Chatsworth. Staff reviewed the approval from the Woodland Township Land Use Board and determined that it did not demonstrate that the proposed tower qualifies as an accessory use. If the tower is a principle use, it would have to adhere to the CMP's cellular plan rules.

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

- The septic pilot program amendments that the Commission adopted at its November Commission meeting were submitted to the Office of Administrative Law and will be published in the New Jersey Register on December 21, 2020. Staff discussed the amendments with Jonathan Meade of the National Park Service earlier this week. The Commission is required to submit the amendments to the Secretary of the Department of the Interior. Mr. Meade wanted to be sure that he understood what was required if something needed to be done on his end. The Pinelands Protection

Act provides the opportunity for the Department of the Interior to either approve or disapprove the amendments within 90 days, and if no action is taken, the amendments are automatically approved.

- A meeting is scheduled for early next week with the Board of Public Utilities (BPU) to discuss its community solar pilot program. BPU will be launching its second round of community solar projects, and the Commission's staff wants to ensure better coordination while sharing the issues that the Commission faces when solar projects are proposed on uncapped landfills in the Pinelands Area.
- The Commission should be notified later this month about the possible designation of the Pine Barrens Byway as a National Scenic Byway.
- Staff participated in an advisory committee meeting for a grant that Pemberton Township received from the Delaware Valley Regional Planning Commission (DVRPC) referred to as the "Browns Mills Healthy Community Plan". The group of representatives included members from the Township, County, Deborah Hospital and Rowan College at Burlington County. During the meeting, they discussed the data that had been gathered and the elements of a healthy community as it relates to land use.
- The Commission was notified by the Mark Villinger of the Ocean County Planning Department that the Department of Defense is interested in updating its Joint Land Use Study for the Joint Base. The Commission participated in the study approximately 10-12 years ago. Burlington County is also participating in this effort. The study looks at noise, encroachment issues and better communication between the Joint Base and surrounding communities. The Department is also interested in doing a similar study for Warren Grove, however the lack of planning staff at Burlington County may delay it.

Commissioner Avery requested clarification on whether community solar projects can be proposed outside of the BPU pilot program. Director Grogan said she would ask that question at the upcoming meeting with the BPU.

Commissioner Lloyd asked if there was an update on the preservation of Fenwick Manor. Specifically, he asked why the New Jersey Historic Trust suggested that the contractor was not qualified to paint the building.

Director Grogan said staff has been in contact with the New Jersey Historic Trust (NJHT) since the Commission was notified that it was not selected for the grant. Staff is trying to understand the best way to proceed and determine what other assistance may be available. Staff has also been in contact with the New Jersey State Historic Preservation Office (SHPO). The selection process for the funding was highly competitive and more well-known sites such as Ellis Island and Lucy the Elephant were recipients. Staff is still unsure why NJHT raised concern about the contractor.

Stacey Roth, Chief of Legal and Legislative Affairs, provided an update on the following matters:

- The South Jersey Transportation Authority has submitted a payment of \$500,000 for 2021. The annual payment is required by the amended Memorandum of Agreement and will be used toward land acquisition.
- Atlantic County has obtained Freeholder authorization to proceed with the acquisition of the new Grassland Conservation Management Area.
- Oral argument for the NJNG appeals, including the BPU's appeals and third party appeals will be heard by the Appellate Division on January 20th.

Paul Leakan, Communications Officer, provided information on the 2021 Pinelands National Reserve wall calendar, which features scenes of the Pine Barrens Byway and can be obtained free of charge at Jake's Branch County Park, Whitesbog Village and Wells Mills County Park. He added that he has been conducting and recording video interviews of past Commission employees and Commissioners. The interviews will be shared with the public in January as part of the 40th anniversary celebration of the Comprehensive Management Plan.

South Jersey Gas pipeline exemption

ED Wittenberg said at last month's Commission meeting there was a lengthy dialogue between staff and Commissioners about an exemption letter that was issued to South Jersey Gas (SJG) for a pipeline replacement project in Hamilton Township. She said there was confusion amongst staff and Commissioners about requests made during that discussion. She added that before the Division of Law is involved, it would be helpful to discuss the matter further and try to answer questions.

Commissioner Lloyd said he would like to an explanation, in writing, of how staff applied the 4.1 exemption for the application.

DAG Miles advised the Commission that she does not have anything prepared to share with the Commission today on this matter. She said she would like clarification on what exactly the Commission wants, whether it's a legal memo or guidance. She added that at this time her schedule is extremely busy and based on the outcome of the discussion, it may take a while to prepare something should the Commission want formal guidance.

Ms. Roth said that staff started to look at how many exemptions letter requests the Commission has received for 7:50- 4.1(a)5 & 7:50- 4.1(a)6, which both relate to utility distribution lines. She said dating back to 1986, staff issued 35 requests for exemption letters for 7:50- 4.1(a)6. She said it seems most applicants are not requesting the exemption letter. She added that 7:50- 4.1(a)5 is used for sewer line replacements.

Commissioner Lohbauer said he still wants to know what ability the Commissioners have to override the staff's exemption determination.

Commission Irick said he spoke with Ms. Roth and he would like to see the exemption language in the CMP made clearer.

Ms. Roth said if the Commission would like to see changes to the 4.1 section of the CMP, it would require a rule change. She suggested that a good starting place would be a discussion at an upcoming Policy & Implementation Committee meeting.

Commissioner Irick said he would like to discuss 4.1 exemptions at a future P&I Committee meeting.

Commissioner Avery said he supports having a discussion about the 4.1 exemptions at an upcoming P&I meeting; however, he does not support making ad-hoc changes to the CMP. He also said we don't need advice from the Attorney General's office on how to do rulemaking. He said work requests to the AG's office come with a fee.

ED Wittenberg asked if DAG Miles should pursue a legal analysis on this matter.

Commissioner Lloyd clarified the next steps:

- Does the Commission want to proceed with rulemaking to change some of the exemptions in the CMP?;
- Staff will provide background and history of how the exemptions: 7:50- 4.1(a)5 & 7:50- 4.1(a)6 have been applied at an upcoming P&I Committee meeting; and
- If necessary, the Commission could then ask for guidance from the AG's office regarding the Commission's ability to look at staff's decisions and potentially override them.

Chairman Prickett requested that Commissioners contact him if they have matters they would like to see changed or discussed. He said matters like this should be discussed at the Committee level first.

Ms. Roth said she will provide a written analysis on how the exemption was applied for the SJG pipeline replacement and some past practice.

Commissioner Lohbauer said he still may want guidance from the AG's office but would wait to hear further from staff on the 4.1 exemption.

Public Development Projects and Other Permit Matters

Chairman Prickett presented a resolution recommending approval of solar projects at a middle school and a high school in Monroe Township.

Commissioner Lloyd made a motion Approving With Conditions Applications for Public Development (Application Numbers 1993-0731.005 & 2001-0438.006) (See Resolution # PC4-20-38). Commissioner Lohbauer seconded the motion.

Director Horner noted that some of the proposed development required an application to the Commission but roof-mounted solar is an exempt activity.

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 Public Development and Waiver of Strict Compliance applications.

No one from the public provided comment.

Ordinances Not Requiring Commission Action

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

- Barnegat Township Ordinances 2019-14, 2020-12 and 2020-13
- Galloway Township Planning Board Resolution 6A-2020
- Medford Lakes Borough Planning Board Resolution 3-2018 and Ordinances 665, 672 and 673
- Medford Township Ordinance 2020-20
- Monroe Township Ordinance O:26-2020
- Southampton Township Ordinance 2020-2
- Stafford Township Ordinances 2020-30 and 2020-31

No questions were raised.

Other Resolutions

Chairman Prickett presented a resolution in support of Payment in Lieu of Taxes.

Commissioner Lloyd made a motion To Support the Pinelands Municipal Council's Initiative to Reinstate the Payment in Lieu of Taxes Program (See Resolution # PC4-20-39). Commissioner Lohbauer seconded the motion.

Commissioner Pikolycky said this program affects both Pinelands municipalities and non-Pinelands municipalities that were relying on this money. The money in question is about \$2 million.

Commissioner Lloyd said he supports this effort.

Chairman Prickett said open space lands benefit all residents.

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

Chairman Prickett presented a resolution scheduling Commission meeting dates for 2021.

Commissioner Lohbauer made a motion Scheduling Regular Pinelands Commission Meeting dates for 2021 (See Resolution # PC4-20-40). Commissioner Lloyd seconded the motion.

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

Chairman Prickett presented a resolution to adopt the Fiscal Year 2021 Budget.

Commissioner Avery made a motion To Adopt the Pinelands Commission's Fiscal Year 2021 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund, Katie Trust Fund and the Pinelands Conservation Fund (See Resolution # PC4-20-41). Commissioner Lohbauer seconded the motion.

ED Wittenberg said the FY2021 budget consists of four budgets: Operating, Kirkwood-Cohansey, Katie Fund and Pinelands Conservation Fund.

She said the Commission's fringe and indirect costs continue to grow while the state's supplemental funding remains the same. She said after some analysis from the Planning office, applications fees are being projected differently and more conservatively. ED Wittenberg reviewed staffing levels and FY 21 Initiatives (see attached slides for the full budget presentation). She added that now that the budget is complete, she will focus on contract negotiations.

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

General Public Comment

Richard Dann of the Communication Workers of America said the administration at the Pinelands Commission has refused to negotiate for the last nine months. He said he was encouraged to hear ED Wittenberg say she will be concentrating on negotiations.

Fred Akers of the Great Egg Harbor Watershed Association, thanked Director Horner and Rhonda Ward for their response regarding the Atlantic White Cedar matter on the South River in Hamilton Township.

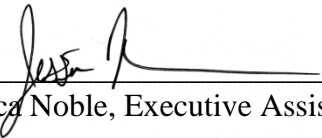
Rhyan Grech of the Pinelands Preservation Alliance (PPA), thanked the Commissioners who attended the visit to see the IR sites. She said we may never know the extent of damage caused by the spills. She said during one of the clean-ups an unexploded ordnance was discovered and clean-up activities were suspended. She asked if the clean-up was ever completed. After reading portions of the Pinelands Protection Act, she said the Commission bears the responsibility of implementing the CMP. She said she believes the Commission can override staff's decision related to the South Jersey Gas main replacement exemption in Hamilton Township. She closed by commending the Commission's ability to hold meetings virtually.

Commissioner Lohbauer said during the site visit, Commissioners learned that the ordnance was detonated, and once the area was deemed safe, the clean-up in this particular area concluded.

Adjournment

Commissioner Lloyd moved to adjourn the meeting. Commissioner Earlen seconded the motion. The Commission agreed to adjourn at 11:43a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: December 22, 2020



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20- 38

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1993-0731.005 & 2001-0438.006)

Commissioner Lloyd moves and Commissioner Lohbauer 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:

1993-0731.005

Applicant: **Monroe Township Board of Education**
Municipality: Monroe Township
Management Area: Pinelands Regional Growth Area
Date of Report: November 17, 2020
Proposed Development: Installation of an accessory solar energy facility at the Williamstown High School; and

2001-0438.006

Applicant: **Monroe Township Board of Education**
Municipality: Monroe Township
Management Area: Pinelands Regional Growth Area
Date of Report: November 17, 2020
Proposed Development: Installation of an accessory solar energy facility at the Williamstown Middle School.

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 1993-0731.005 & 2001-0438.006 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: December 11, 2020

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

November 17, 2020

Lisa Schulz (via email)
Monroe Township Board of Education
700 North Tuckerton Road
Williamstown, NJ 08094

Re: Application # 1993-0731.005
Block 13001, Lots 7, 8, 27 & 30
Monroe Township

Dear Ms. Schulz:

The Commission staff has completed its review of this application for installation of an accessory solar energy facility at the Williamstown High 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 December 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, 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)
William Vogt (via email)



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Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

November 17, 2020

Lisa Schulz (via email)
Monroe Township Board of Education
700 North Tuckerton Road
Williamstown, NJ 08094

Application No.: 1993-0731.005
Block 13001, Lots 7, 8, 27 & 30
Monroe Township

This application proposes installation of an accessory solar energy facility at the Williamstown High School located on the above referenced 46.45 acre parcel in Monroe Township. The proposed ground mounted solar energy facility is comprised of fifteen canopies located above existing paved parking areas.

The applicant also proposes to install roof mounted solar arrays on the existing high school. The Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.1(a)20) provides that the installation of an accessory solar energy facility on an existing structure does not require application to the Pinelands Commission.

The applicant has indicated that the proposed ground mounted and roof mounted solar energy facilities will produce 4,497,000 Kwh per year which represents approximately 85 percent of the annual electric use of the existing high school.

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)

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.

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

Portions of the proposed development will be located over and within existing maintained non-native grassed areas. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on October 23, 2020. Newspaper public notice was completed on October 24, 2020. The application was designated as complete on the Commission's website on October 30, 2020. The Commission's public comment period closed on November 13, 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 DSD, dated April 14, 2020 and revised to June 29, 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 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 December 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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November 17, 2020

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Monroe Township Board of Education
700 North Tuckahoe Road
Williamstown, NJ 08094

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Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

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Monroe Township Environmental Commission (via email)
Secretary, Gloucester County Planning Board (via email)
William Vogt (via email)
Al Best (via email)



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



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

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

November 17, 2020

Lisa Schulz (via email)
Monroe Township Board of Education
700 North Tuckahoe Road
Williamstown, NJ 08094

Application No.: 2001-0438.006
Block 13001, Lots 22 - 26
Monroe Township

This application proposes installation of an accessory solar energy facility at the Williamstown Middle School located on the above referenced 74.69 acre parcel in Monroe Township. The proposed ground mounted solar energy facility is comprised of eight canopies located above existing paved parking areas.

The applicant also proposes to install roof mounted solar arrays on the middle school. The Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.1(a)20) provides that the installation of an accessory solar energy facility on an existing structure does not require application to the Pinelands Commission.

The applicant has indicated that the proposed ground mounted and roof mounted solar energy facilities will produce 3,159,000 Kwh per year which represents approximately 59 percent of the annual electric use of the existing middle school.

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)

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.

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

Portions of the proposed development will be located over and within existing maintained non-native grassed areas. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on October 23, 2020. Newspaper public notice was completed on October 24, 2020. The application was designated as complete on the Commission's website on October 30, 2020. The Commission's public comment period closed on November 13, 2020. The Commission received a request from a public commenter for a copy of the application submission. The Commission provided a copy of the application submission to the commenter and they are receiving a copy of this report.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan prepared by DSD, dated April 15, 2020 and revised to July 1, 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 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 December 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- 39

TITLE: To Support the Pinelands Municipal Council's Initiative to Reinstate the Payment in Lieu of Taxes Program

Commissioner Lloyd moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, the Pinelands Protection Act of 1979 recognized the Pinelands Area as an area comprised of significant and unique natural, ecological, agricultural, scenic, cultural and recreational resources, among them pine-oak forests, cedar swamps and extensive surface and ground water resources of high quality that provide unique habitat for a wide diversity of rare plant and animal species; and

WHEREAS, to ensure the protection of the Pinelands Area from threats posed by development pressure, the Pinelands Protection Act directed the Pinelands Commission to adopt a Comprehensive Management Plan designed to protect, preserve and enhance the significant values of the resources of the Pinelands Area; and

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

WHEREAS, the success of the Pinelands Comprehensive Management Plan is enhanced by land acquisition and preservation that protects the resources of the Pinelands, supports appropriate growth, and prevents piecemeal and scattered development; and

WHEREAS, the Pinelands Commission collects and reviews data from the New Jersey Department of Community Affairs and the New Jersey Department of Treasury to evaluate long-term economic trends in the Pinelands and in the non-Pinelands areas of southern New Jersey; and

WHEREAS, municipalities within the Pinelands are, on average, characterized by a higher proportion of taxes generated from residential uses, necessitating greater reliance on the residential tax base and placing a greater burden on Pinelands homeowners; and

WHEREAS, municipalities within the Pinelands are uniquely characterized by higher rates of land preservation and more land in conservation-oriented zoning districts than non-Pinelands municipalities; and

WHEREAS, as a result of public and private efforts, the amount of permanently preserved land in the Pinelands Area increased by nearly 75,000 acres since 2010; and

WHEREAS, as of June 30, 2020, 51% of the Pinelands Area (479,000 acres) has been permanently protected; and

WHEREAS, the Pinelands Commission supports continued land preservation efforts in the Pinelands Area while also recognizing the need to maintain vibrant and diverse communities through strong, stable municipal financial structures; and

WHEREAS, the Payment in Lieu of Taxes (PILOT) program was established on June 30, 1999 through the adoption of the Garden State Preservation Trust Act and was renewed in 2010; and

WHEREAS, the PILOT program recognized the unique municipal budget challenges of municipalities that host significant areas land preservation; and

WHEREAS, the PILOT program has been an important component of municipal revenue, particularly in those municipalities where future growth is limited by the State's permanent land preservation efforts; and

WHEREAS, the State budget for Fiscal Year 2021 included funding for PILOT payments but was subsequently amended to remove all such funding for municipalities; and

WHEREAS, the unexpected loss of PILOT funding has had a significant negative impact on municipal budgets that were adopted on the basis of PILOT payment receipts; and

WHEREAS, at its meeting of October 27, 2020, the Pinelands Municipal Council adopted Resolution 2020-1, urging the State to restore the entirety of the PILOT funding originally promised to municipalities for Fiscal Year 2021; and

WHEREAS, the Pinelands Commission supports full funding of the PILOT program for all Pinelands municipalities for the reasons outlined herein; and

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

NOW, THEREFORE BE IT RESOLVED that

1. The Pinelands Commission hereby expresses its support for Pinelands Municipal Council Resolution 2020-1 and the reinstatement of PILOT program funding for Pinelands Area municipalities.
2. The Executive Director shall forward a copy of this resolution to the Governor, members of the State Legislature and the Pinelands Municipal Council.

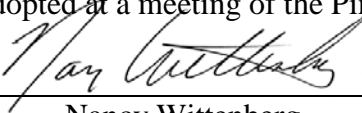
Record of Commission Votes

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		

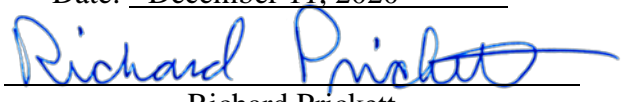
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 11, 2020



Nancy Wittenberg
Executive Director



Richard Prickett
Chairman

PINELANDS MUNICIPAL COUNCIL

RESOLUTION 2020-01

**OPPOSING STATE OF NEW JERSEY
CUT OF PILOT PAYMENTS UNDER THE
GARDEN STATE PRESERVATION TRUST ACT
AFTER MUNICIPAL TAX RATES HAVE BEEN SET**

WHEREAS, the Garden State Preservation Trust Act was signed into law on June 30th, 1999 and extended payments in lieu of taxes to municipalities in which lands are purchased or held by the State or conservancies for recreational or conservational purposes by constitutionally-dedicated money, so that municipalities do not suffer a loss of taxes due to state acquisition of lands; and

WHEREAS, the New Jersey Pinelands is a unique ecological and cultural area with extensive wetlands, vast oak-pine forest and diverse species of plants and animals; and

WHEREAS, the natural resources within the Pinelands are a treasure to be enjoyed by all citizens of New Jersey and the cost to protect and preserve this region are for the greater good of the entire state and should not be borne upon the local residents solely; and

WHEREAS, The State of New Jersey, in 2010, reduced this constitutionally-dedicated funding by one-third in order to meet budgetary constraints, which reductions have remained in place for a decade; and

WHEREAS, Municipalities have unfairly borne the additional costs of preservation for the entire state, and as additional State acquisitions have added to these costs by depleting the tax base of these municipalities, the impact of these costs have escalated; and

WHEREAS, in this year's budget, The State of New Jersey restored the funding to the municipalities and municipal budgets and tax rates were certified based on this funding; and

WHEREAS, on October 1, 2020, a Local Finance Notice, for the first time, alerted municipalities that the restored funding would not be funded and the municipalities now have no way to recoup the cuts since their budgets and tax rates are already certified; and

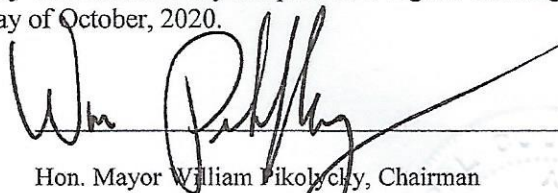
WHEREAS, the funding cuts will result in immediate deficits in anticipated revenue that municipalities are no longer in a position to fill, and will also result in a loss of municipal services and a reduction in public safety in the midst of a pandemic; and

WHEREAS, the Pinelands Municipal Council serves as a sounding board among fifty-three (53) municipalities within the State-designated Pinelands area, and is charged with the responsibility of addressing issues affecting the Pinelands and Pinelands municipalities; and

WHEREAS, the reduction of any funding is contrary to the terms of the Garden State Preservation Trust Act, and the reduction of funding this year after advising funding would be fully restored and the municipal tax rates have been set is contrary to the law and unprecedented.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Pinelands Municipal Council urges State of New Jersey to restore the entirety of the funding promised to the municipalities through the constitutionally-dedicated money in order to adequately provide services and public safety to the residents of our municipalities and to prevent an unfair and irreparable negative impact on these municipalities.

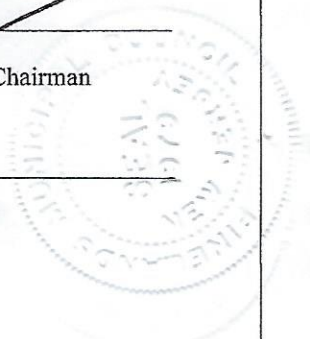
I certify that the foregoing Resolution was duly and unanimously adopted at a regular meeting of the Pinelands Municipal Council held on the 27th day of October, 2020.



Hon. Mayor William Pikolycky, Chairman



Karen H. Vaccaro, Secretary





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20- 40

TITLE: Scheduling Regular Pinelands Commission Meeting dates for 2021

Commissioner Lohbuaer moves and Commissioner Lloyd 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, due to the COVID-19 pandemic, it is anticipated that the Pinelands Commission will continue to hold its regular monthly meetings and committee meetings virtually through Zoom; and

WHEREAS, the public can livestream these meetings through the Commission's YouTube channel and can provide comment during the public comment portion of the meetings by dialing the phone number and entering the code displayed on the YouTube screen during each meeting. The number and code are also provided on each meeting agenda, which is posted on the Commission's website (www.nj.gov/pinelands/) days in advance of the meeting; and

WHEREAS, depending upon future developments involving the Covid-19 pandemic, it is anticipated that during the year 2021, the Pinelands Commission will resume in-person meetings at its offices or at an alternate, temporary meeting location within the Pinelands Area; and

WHEREAS, any meeting that will be scheduled in person at a meeting place, rather than remotely by Zoom, will be advertised at least 48 hours in advance in accordance with the requirements of the Open Public Meetings Act; and

WHEREAS, the Pinelands Commission will resume use of its Richard J. Sullivan Center for Environmental Policy and Education in New Lisbon, Pemberton Township, as the regular site for its meetings once it is safe to do so; 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 2021, beginning at the specified time unless notice is otherwise provided in accordance with the Open Public Meetings Act:

Friday, January 8, 2021 (9:30 a.m.)
Friday, February 12, 2021 (9:30 a.m.)
Friday, March 12, 2021 (9:30 a.m.)
Friday, April 9, 2021 (9:30 a.m.)
Friday, May 14, 2021 (9:30 a.m.)
Friday, June 11, 2021 (9:30 a.m.)

Friday, July 9, 2021 (9:30 a.m.)
Friday, August 13, 2021 (9:30 a.m.)
Friday, September 10, 2021 (9:30 a.m.)
Friday, October 8, 2021 (9:30 a.m.)
Friday, November 12, 2021 (9:30 a.m.)
Friday, December 10, 2021 (9:30 a.m.)

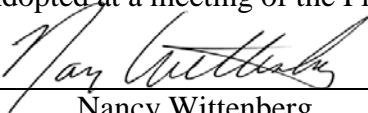
BE IT FURTHER RESOLVED that the Executive Director is directed to publish notice of this schedule in the Commission's official newspapers, file copies of the schedule with the Secretary of State of the State of New Jersey and Pinelands county and municipal clerks, post a copy of the notice in the Commission's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

Record of Commission Votes

	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			

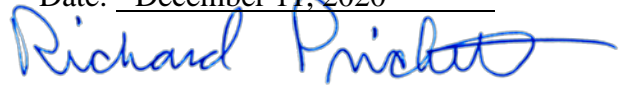
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission



Nancy Wittenberg
Executive Director

Date: December 11, 2020



Richard Prickett
Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20- 41

TITLE: To Adopt the Pinelands Commission's Fiscal Year 2021 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund, Katie Trust Fund and the Pinelands Conservation Fund

Commissioner Avery moves and Commissioner Lohbauer
seconds the motion that:

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

WHEREAS, the State of New Jersey has appropriated \$3,099,000 to support the Commission's operations during Fiscal Year 2021; and

WHEREAS, the Department of the Treasury informed the Commission that \$687,000 of budgeted health benefits and pension costs will be covered through the State's interdepartmental accounts in FY 2021; and

WHEREAS, the Commission anticipates that additional funding sources of \$1,172,070 will be available to further support the Commission's operations; and

WHEREAS, the FY 2021 Operating Budget anticipates a \$957,004 draw from the Commission's unreserved, undesignated fund balance; and

WHEREAS, the Commission is adopting an Operating Budget for FY 2021 totaling \$5,915,074; and

WHEREAS, the remaining unreserved, undesignated fund balance amount is sufficient to cover unforeseen or emergency expenditures in the near future; and

WHEREAS, the Kirkwood Cohansey Aquifer Assessment Study Fund budget for FY 2021 recommends expenditures of \$31,624, which will be drawn from the Fund Balance for this project; and

WHEREAS, the Katie Trust Fund Garden Budget for FY 2021 recommends expenditures of \$15,000, which will be drawn from the Fund Balance for the Garden project; and

WHEREAS, a financial plan for the Pinelands Conservation Fund (PCF), which designated four programs (Land Acquisition, Conservation Planning and Research, Community Planning and Design and Education and Outreach) within the Fund, was approved by the Commission in April 2005, and revised in August 2009, and revised again in August 2014; and

WHEREAS, during FY 2021, the budget for the Land Acquisition program totals \$24,696; and

WHEREAS, the FY 2021 budget for the Conservation Planning and Research program totals \$480,452; and

WHEREAS, the FY 2021 budget for the Community Planning and Design program totals \$211,148; and

WHEREAS, the FY 2021 budget for the Education and Outreach program totals \$114,320; and

WHEREAS, the total budget for the Pinelands Conservation Fund during FY 2021 totals \$830,616 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 adopts the attached Fiscal Year 2021 Budgets for the Operating Fund totaling \$5,915,074; the Kirkwood Cohansey Aquifer Assessment Study Fund totaling \$31,624; the Katie Trust Fund Garden Budget totaling \$15,000 and the Pinelands Conservation Fund totaling \$830,616.

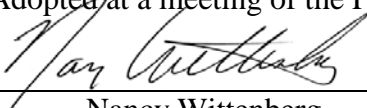
Record of Commission Votes

	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			

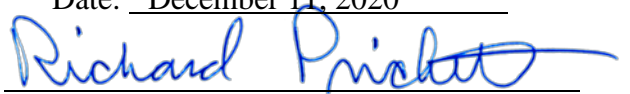
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 11, 2020



Nancy Wittenberg
Executive Director



Richard Prickett
Chairman

**PINELANDS COMMISSION
OPERATING BUDGET REVENUES
GENERAL FUND
FISCAL YEAR 2021**

Revenue Source	FY2018 Audited	FY2019 Unaudited	FY2020 Unaudited	FY2021 Anticipated	Notes
State Appropriation	2,649,000	2,799,000	2,949,000	3,099,000	1
State Supplemental Funding (Fringe Benefits)	687,000	687,000	687,000	687,000	2
Miscellaneous Income	600	200	40	0	
Interest Income	5,000	25,000	50,000	4,000	3
CCMUA Hydrologic Monitoring	8,000	10,330	0	0	
NPS - Long Term Environmental Monitoring	329,750	313,271	192,000	144,000	4
NPS - Long Term Economic Monitoring	328,750	326,058	191,000	156,000	4
Drexel - DWRP	0	322,003	0	0	
EPA - Micro	0	140,379	100,000	125,000	
EPA - Kingsnake	0	0	0	160,000	
Stockton College MOA	20,000	20,000	0	0	
Wetlands Permitting	2,000	10,000	4,000	1,000	5
Pinelands Application Fees	340,000	430,000	690,000	380,000	6
Utility Companies ROW Program	59,200	59,200	0	0	
TOTAL REVENUE	4,429,300	5,142,441	4,863,040	4,756,000	
Microfilm Reserve Anticipated	3,650	3,650	3,650	3,650	7
Computer Reserve Anticipated	18,420	18,420	18,420	18,420	8
Fenwick Manor Painting Reserve Anticipated	100,000	120,000	120,000	120,000	9
Administrative Assessment (Pnlds. Conserv. Fund)	80,000	60,000	60,000	60,000	10
Undesignated Fund Balance Anticipated	394,468	570,563	849,964	957,004	11
TOTAL OTHER INCREASES	596,538	772,633	1,052,034	1,159,074	
TOTAL REVENUE AND OTHER INCREASES	5,025,838	5,915,074	5,915,074	5,915,074	

**PINELANDS COMMISSION
OPERATING BUDGET EXPENDITURES
GENERAL FUND
FISCAL YEAR 2021**

Expenditure Account	FY2018 Audited	FY2019 Unaudited	FY2020 Unaudited	FY2021 Anticipated	Notes
PERSONNEL					
Salaries & Wages	2,691,781	3,031,731	3,094,758	3,050,972	12
Fringe Benefits	1,594,542	1,808,212	1,822,822	1,904,593	13, 34
TOTAL PERSONNEL	4,286,323	4,839,943	4,917,580	4,955,565	
SUPPLIES					
Printing & Office Supplies	18,080	31,860	28,705	35,275	14
Vehicular Supplies	6,250	5,750	7,525	6,900	15
Household Supplies	8,450	8,900	9,300	10,800	16
Fuel & Utilities	42,350	42,350	43,000	42,500	17
Other Supplies	5,930	16,599	14,503	33,309	18
TOTAL SUPPLIES	81,060	105,459	103,033	128,784	
SERVICES					
Travel	14,900	11,500	6,350	4,445	19
Telephone	30,305	36,325	36,800	40,500	20
Postage	6,650	7,150	6,150	3,650	21
Insurance	51,900	58,200	61,225	55,136	22, 34
Information Processing	77,471	77,410	77,325	85,082	23
Household Services	2,250	2,400	2,600	2,600	24
Professional Services	278,715	630,582	541,333	485,652	25, 34
Other Services	28,640	31,526	30,558	24,901	26
TOTAL SERVICES	490,831	855,093	762,341	701,966	
MAINTENANCE & RENT					
Maintenance - Buildings & Grounds	92,000	42,500	46,500	47,000	27
Maintenance - Equipment	17,700	27,050	21,250	21,850	28
Maintenance - Vehicular	5,750	5,750	5,720	6,720	29
Rent - Other	6,950	6,750	8,050	8,050	30
TOTAL MAINTENANCE & RENT	122,400	82,050	81,520	83,620	
IMPROVEMENTS & ACQUISITIONS					
Acquisitions - Equipment	4,619	10,528	28,600	20,730	31
Acquisitions - Information Processing Equipment	40,605	22,000	22,000	24,408	32
TOTAL IMPROVEMENTS & ACQUISITIONS	45,224	32,528	50,600	45,138	
TOTAL EXPENDITURES	5,025,838	5,915,074	5,915,074	5,915,074	33

**PINELANDS COMMISSION
OPERATING BUDGET
FISCAL YEAR 2021 NOTES
December 11, 2020**

1. The Governor's budget includes a FY 2021 State Appropriation to the Commission in the amount of \$3,099,000.00.

2. State Supplemental Funding (Fringe Benefits) totaling \$687,000 helps to offset the Commission's health and pension costs. Since FY 2004, the Department of the Treasury has agreed to help the Commission finance its escalating health benefits premiums through an Interdepartmental Account. Beginning in FY 2009, the amount of assistance was calculated using projected health and pension costs not funded through other sources. Using this calculation, the Commission requested \$838,218 in FY 2012, \$837,927 in FY 2013, \$844,809 in FY 2014 and \$840,455 in FY 2015 but was only approved to receive \$687,000. In FY 2016, only \$687,000 was received and this amount was consistent for FY 2017 through FY 2021.

3. Interest Income is earned in the Commissions checking account and the cash management fund designated for general use. Interest income for the Kirkwood Cohansey Aquifer Study and the Pinelands Conservation Fund is reflected in the budgets for those programs. Interest rates have fluctuated in recent years and have greatly affected interest income over several years. FY 2021 will see a drastic decrease from the last few years due to the Federal Bank Reserve cutting interest rates on March 15, 2020 due to the Covid-19 pandemic. The FED has imposed emergency interest rates.

4. The Commission is entering its 26th year of the Environmental and Economic Long Term Monitoring programs. This anticipated revenue from the National Park Service is based upon that program's projected expenses during the fiscal year and unspent funds from prior years, which are reimbursed in full.

5. The anticipated revenue from the NJDEP Wetlands Permitting program that the Commission helps to administer reflects the estimated permit fees to be received and is authorized through language in the Appropriations Act.

6. Application Fees of \$380,000 are anticipated to be received during FY 2021. This important component of the Commission's Operating Budget fluctuates tremendously from month to month. This funding source will be closely monitored throughout the fiscal year.

7. The \$3,650 anticipated revenue from the Microfilm Reserve equals the amount being recommended in the expenditure accounts for items relating to permanent record storage, including microfilming and document imaging. The remaining balance in the Microfilm Reserve account will be held in reserve to sustain the future costs of the long term records management project.

8. The FY 2021 anticipated revenue from the Computer Reserve estimated at \$18,420 for Replacement Computers and Replacement Printers.

9. The Fenwick Manor Painting Reserve has been established to earmark funds for the future painting of Fenwick Manor. Funds will be added annually until the project is complete. The current total consists of \$40,000 from FY 2015; \$40,000 from FY 2016; \$20,000 from FY 2017 and \$20,000 from FY 2018. The Project will be moving forward during FY 2021.

10. In April 2005, the Commission adopted a financial plan for the Pinelands Conservation Fund. Included in the plan is an annual assessment of \$20,000 from each of the three programs (see Pinelands Conservation Fund budget note #3). This \$60,000 administrative assessment will finance costs associated with cash management activities, accounting services, procurement services and centralized support services.

11. The projected amount needed from the Undesignated Fund Balance to balance the FY2021 budget deficit is \$957,004.

12. The Commission's authorized staffing level is 66 full time equivalent positions (FTEs). Since FY 2007, unfilled vacancies have steadily increased to a total of 23 unfilled full time equivalent positions, or more than 35% of the authorized staffing level. The FY 2021 salaries and wages budgets (Operating, Kirkwood Cohansey Study and Pinelands Conservation Fund) finance only 40 of the 66 authorized full time equivalent positions.

13. The fringe benefits budget includes expenditures for the employer's share of Social Security (\$200,000), Medicare (\$55,000), disability insurance (\$2,000), flexible savings accounts (\$1,500) and miscellaneous administrative charges (\$1,000). The employer liability of pension related funds is estimated at \$502,099. The Commission's escalating health benefit premiums for active and retired employees are estimated at \$1,310,000 with a \$160,000 reduction for coinsurance payments from staff members. Also included is \$16,000 for dental insurance premiums and \$900 for participation in the Employee Advisory Service. Lastly, \$215,892 of the total fringe benefits budget is projected to be funded by the Kirkwood Cohansey Study (\$9,964) and the Pinelands Conservation Fund (\$205,928) as shown in those budgets.

Upon Commission approval of the FY 2021 Operating Budget, the Executive Director will be authorized to pay the employer share of Social Security and Medicare at an amount not to exceed the budgeted funding of \$255,000.

14. The printing and office supplies budget includes expenditures for printing; office, computer, mailing, copying, and meeting supplies; office and computer equipment with an item cost of less than \$1,000; reference materials; scientific report printing/publication; and service awards. Grant-related expenses account for \$14,175 of this budget.

15. The majority of the vehicular supplies budget covers gasoline for Commission vehicles. Other costs budgeted in this account include replacement tires, supplies used for routine vehicular maintenance and other miscellaneous supplies such as keys, mats, scrapers and first aid kits. In FY

2010, the Commission's fleet was reduced from seven to five vehicles. However, high gasoline prices have offset some of the savings of a smaller fleet.

16. The household supplies budget provides for the purchase of materials to perform minor buildings and grounds maintenance, cleaning supplies, household paper products, basic kitchen supplies, household equipment costing less than \$2,000 and other operating supplies.

17. The fuel and utilities budget covers expenditures for heating fuel, electricity, water and sewer. During the latter part of FY 2016, the Commission was accepted into the State's cooperative purchasing for electricity and heating fuel.

18. The other supplies budget covers expenditures for supplies and equipment (less than \$1,000) supporting map-making, scientific research, fieldwork, and photographic needs. Grant related expenditures are a significant portion (over 97 %) of this account, totaling \$32,359 for FY 2021.

19. The travel budget covers reimbursements to the staff for business mileage on their personal vehicles, tolls and parking, and meal allowances. The majority of the travel budget is used to reimburse Commissioners for business mileage and tolls.

20. The telephone budget includes basic service, toll charges, the service cost of a data circuit, conference calls, and cellular phone service and toll charges.

21. The postage budget finances general postage fees, parcel delivery charges and post office box rental charges. Over the last several years, this account has decreased as more correspondence is sent electronically including public outreach.

22. The insurance budget covers estimated premiums for automobiles, general liability, fire, theft, workers compensation, volunteers and the umbrella liability policy. Through the years, the Commission has realized premium savings by participating in the States Tort Claims Fund and by including the Commission's buildings under the States property insurance.

Upon Commission approval of the FY 2021 Operating Budget, the Executive Director will be authorized to pay the State's insurance broker an amount not to exceed the budgeted funding of \$55,136.00 to cover the Commission's insurance premiums.

23. The FY 2021 budget for information processing includes \$67,432 for software maintenance agreements and data purchases, \$6,000 for payroll processing, \$2,700 for database administration services and \$1,000 for online legal services and \$1,000 for hardware maintenance. Over \$6,950 of this budget is reimbursable through grants or special revenue.

24. The household services budget covers trash removal, alarm (security and fire) monitoring, and exterminating services.

25. The professional services account covers expenditures for legal fees, technical and consulting services, and other miscellaneous services. Estimated costs include \$75,000 for legal fees associated with DAG services, \$175,000 for labor counsel. Grant related technical services totaling \$209,152 are budgeted.
26. Expenditures in the other services budget include annual subscriptions (\$2,050), required memberships (\$3,845), and meeting expenses (\$2,500); advertising (\$2,950), research related fees (\$1,356), training (\$11,000), and banking fees (\$1,200).
27. The maintenance buildings and grounds budget for FY 2021 includes Repairs to the Barn Roof, Gutter replacement/repairs and Handicap Parking paver replacement. The remaining amount is available for minor maintenance services (plumbing, electrical, HVAC, Tree Trimming, etc.). There is funding to sponsor an Electrical Vehicle charging station.
28. The maintenance - equipment budget provides for the inspection, maintenance and repair of certain building systems and other equipment.
29. The maintenance vehicular budget finances routine maintenance, vehicular fees, and repairs, including any needed body work not performed by the Commission's Maintenance Technician.
30. Since FY 2011, several changes in the rent other budgets have occurred. In FY2011 a smaller postage machine was rented saving thousands in acquisition, rental and maintenance expenses. The FY 2021 budget includes \$500 for the postage meter, \$7,200 for the lease of (2) black and white copiers, \$100 for excess copy charges, and \$250 for the safe deposit box.
31. The acquisitions - equipment budget contains \$18,730 for scientific equipment supporting grant related projects and \$2,000 for unanticipated telephone system expenses.
32. The acquisitions - information processing equipment budget includes the replacement computers and replacement Printers anticipated to be installed in FY 2021.
33. The total estimated Operating Budget expenditures for FY 2021 equal \$5,915,074. During the fiscal year, certain unforeseen and/or emergency expenditures may become necessary. The Personnel and Budget Committee has discussed this issue and recommends that the Executive Director be authorized to exceed the budget of an expenditure category (personnel, supplies, services, maintenance/rent, improvements/acquisitions) by no more than 10% provided that funds are available in other expenditure categories to ensure that the total Operating Budget is not exceeded and provided further that the combined salary budgets for the Operating Fund, Kirkwood-Cohansey Study and the Pinelands Conservation Fund do not exceed \$3,510,318.
34. Several expenditure account budgets include funding for various services and benefits that are reimbursed to the State of New Jersey and are over the Executive Director's authorized contracting limit of \$44,000. These consist of employee health benefits; the employer liability assessed by the Division of Pensions and the Commission's attorney (DAG) fees.

Upon Commission approval of the FY 2021 Operating Budget, the Executive Director will be authorized to pay the State of New Jersey for the aforementioned items in an amount not to exceed the budgeted funding.

**PINELANDS COMMISSION
KIRKWOOD COHANSEY AQUIFER ASSESSMENT STUDY
FISCAL YEAR 2021 BUDGET**

	FY2018 Audited	FY2019 Unaudited	FY2020 Unaudited	FY2020 Anticipated	Notes
REVENUE PROJECTIONS					
Interest Income	1,000	1,000	2,000	38	1
Total Revenue	1,000	1,000	2,000	38	
K/C Study Fund Balance Anticipated	162,792	114,270	68,000	31,586	2
Total Revenue/Reserve Anticipated	163,792	115,270	70,000	31,624	

Expenditure Account	FY2018 Audited	FY2019 Unaudited	FY2020 Unaudited	FY2020 Anticipated	Notes
PERSONNEL					
Salaries & Wages	32,100	26,000	26,000	21,200	3
Fringe Benefits	16,692	13,260	13,000	9,964	4
TOTAL PERSONNEL	48,792	39,260	39,000	31,164	
SUPPLIES					
Printing & Office Supplies	500	500	-	-	
Vehicular Supplies	-	-	-	-	
TOTAL SUPPLIES	500	500	-	-	
SERVICES					
Travel	50	50	-	-	
Training	-	5,000	-	-	
Information Processing	450	460	-	460	
Professional Services	114,000	70,000	31,000	-	
Other Services	-	-	-	-	
TOTAL SERVICES	114,500	75,510	31,000	460	
Total Expenditures	163,792	115,270	70,000	31,624	

**PINELANDS COMMISSION
KIRKWOOD COHANSEY AQUIFER ASSESSMENT FUND
FISCAL YEAR 2021 BUDGET NOTES
December 11, 2020**

1. The funds provided from the Water Supply Fund to prepare the Kirkwood Cohansey Aquifer Assessment and Report are kept in a separate cash account. The interest income estimated at \$38 stays within the program and is available to help fund the project. This amount is a drastic decrease from the last few years due to the Federal Bank Reserve cutting interest rates on March 15, 2020 due to the Covid-19 pandemic. The FED has imposed emergency interest rates.
2. It is likely that any remaining Fund Balance existing at the end of the fiscal year will be used to support the Commission's development of water supply policies and/or regulations. FY 2021 is anticipated as the final year of this accounts current funding.
3. The FY 2021 salaries and wages budget finances salary expenses of employees who spend time working on this project and are estimated at \$31,164.
4. The fringe benefits budget represents the chargeable benefits calculated using the OMB issued "Employee Benefit" reimbursement rates for FY 2020. (Rates for FY20 have been made available in Circular Letter 20-12-OMB). The Rates for FY 2021 have not been published at this time.

**PINELANDS COMMISSION
KATIE TRUST FUND
FISCAL YEAR 2021 BUDGET**

Revenue	FY 2018 Audited	FY 2019 Unaudited	FY 2020 Unaudited	FY 2021 Anticipated	Notes
Katie Trust Fund Balance Anticipated	20,638	15,000	15,000	15,000	1
Total Reserve Anticipated	20,638	15,000	15,000	15,000	

Expenditure Account	FY 2018 Audited	FY 2019 Unaudited	FY 2020 Unaudited	FY 2021 Anticipated	Notes
Ground Supplies					
Plants & Fencing	9,638	4,000	4,000	4,000	2
Total Supplies	9,638	4,000	4,000	4,000	
Services					
Professional Services	10,000	10,000	10,000	10,000	3
Total Services	10,000	10,000	10,000	10,000	
Improvements & Acquisitions					
Acquisitions - Furniture	1,000	1,000	1,000	1,000	4
Total Improvements & Acquisitions	1,000	1,000	1,000	1,000	
Total Expenditures	20,638	15,000	15,000	15,000	

**PINELANDS COMMISSION
KATIE TRUST FUND
FISCAL YEAR 2021 BUDGET NOTES
December 11, 2020**

1. This is the anticipated Fund Balance needed to complete the Garden Project.
2. The Ground Supplies budget of \$4,000.00 represents the estimated cost of the plants is \$3,000.00 and Split Rail fencing added between the Garden and Springfield Road to create a perimeter. The estimated cost for the fence is \$1,000.00.
3. The Professional Services budget of \$10,000 represents the New Path in Concrete, Exposed Aggregate or Flagstone.
4. The Acquisitions – Furniture budget is for 2 Memorial Benches that will be purchased.

**PINELANDS COMMISSION
PINELANDS CONSERVATION FUND
FISCAL YEAR 2021 BUDGET**

Revenue Source	FY2018 Audited	FY2019 Unaudited	FY2020 Unaudited	FY2021 Anticipated	Notes
Interest Income - Land Acquisition	5,000	6,000	15,000	1,640	1
Interest Income - Conservation Planning & Research	15,000	25,000	47,255	3,200	1
Interest Income - Community Planning & Design	5,000	10,000	34,000	1,600	1
Interest Income - Education & Outreach	5,000	8,000	22,000	620	1
SJTA - MOA	0	0	500,000	500,000	2
Total Revenue	30,000	49,000	618,255	507,060	
Cancellation of Prior Year Encumbrances	0	0	0	0	
Reserves for Pinelands Conservation Activities	1,252,675	814,397	0	323,556	
Total Revenue/Other Sources Anticipated	1,282,675	863,397	618,255	830,616	

Expenditure Account	FY2018 Audited	FY2019 Unaudited	FY2020 Unaudited	FY2021 Anticipated	Notes
<u>Land Acquisition</u>					
Salaries & Wages	12,000	5,000	5,750	16,800	
Fringe Benefits	6,240	2,550	2,875	7,896	
Information Processing	225	0	0	0	
Land Acquisition	500,000	276,457	0	0	
Administrative Assessment	20,000	0	0	0	3
Total Land Acquisition Expenditures	538,465	284,007	8,625	24,696	4

Conservation Planning and Research

Salaries & Wages	231,000	157,000	207,133	232,346	
Fringe Benefits	120,120	80,070	103,566	109,203	
Printing & Office Supplies	250	0	0	0	
Other Supplies			17,872	15,125	
Travel	4,175	1,702	2,227	3,100	
Information Processing	6,628	5,538	728	1,410	
Technical Services	54,353	70,000		5,300	
Professional Services				90,868	
Other Services	2,100	300	200	100	
Acquisitions - Equipment				3,000	
Administrative Assessment	20,000	20,000	20,000	20,000	3
Total Conservation Planning/Research Expenditures	438,626	334,610	351,726	480,452	5

Community Planning and Design

Salaries & Wages	65,000	62,000	85,000	129,000	
Fringe Benefits	33,800	31,620	42,500	60,630	
Printing & Office Supplies	125	385	500	100	
Travel	25	154	54	0	
Postage	200	250	500	500	
Information Processing	923	500	500	618	
Other Services	21,200	200	550	300	
Administrative Assessment	20,000	20,000	20,000	20,000	3
Total Community Planning/Design Expenditures	141,273	115,109	149,604	211,148	6

Education and Outreach

Salaries & Wages	48,500	45,000	55,000	60,000	
Fringe Benefits	25,220	22,950	27,500	28,200	
Printing & Office Supplies	650	500	500	0	
Travel	0	0	0	100	
Other Supplies	1,450	900	500	1,320	
Other Services	84,891	40,321	4,800	4,700	
Administrative Assessment	20,000	20,000	20,000	20,000	3
Total Education and Outreach	180,711	129,671	108,300	114,320	7

Total Expenditures

12

1,299,075	863,397	618,255	830,616
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**PINELANDS COMMISSION
PINELANDS CONSERVATION FUND
FISCAL YEAR 2021 BUDGET NOTES
December 11, 2020**

1. The funds provided from Atlantic City Electric (formerly Conectiv) and other related revenue sources are kept in four separate cash accounts, one for each program of the Fund. The FY 2021 estimated interest income totals \$7,060 and is comprised of interest income from the four cash accounts. All interest income stays within the particular program and is available to help fund the various projects. This amount is a drastic decrease from the last few years due to the Federal Bank Reserve cutting interest rates on March 15, 2020 due to the Covid-19 pandemic. The FED has imposed emergency interest rates.
2. This revenue results from the SJTA MOA amendment executed in April of 2019, under which SJTA is required to contribute a total of \$3,000,000 for land acquisition in the Pinelands Area. The Pinelands Commission will receive six annual payments of \$500,000.00.
3. The financial plan that designated the three original programs within the Fund (Land Acquisition, Conservation Planning & Research and Community Planning & Design) was approved by the Commission in April 2005 and includes a \$20,000 annual assessment from each program to cover administrative expenses as described in Operating Budget note # 10. The Commission amended the PCF policies in 2014 to include a fourth program, Education & Outreach, from which a \$20,000 annual administrative assessment is also drawn. FY 2021 will continue to see the removal of the annual assessment from the Land Acquisition program.
4. The Land Acquisition program budget for FY 2021 totals \$24,696. Personnel costs (salaries/wages and fringe benefits) are estimated at \$24,696 in support of the Commission's permanent land protection initiatives. In FY2021, these initiatives include preparation for a new round of land acquisition.
5. The Conservation Planning and Research program budget for FY 2021 totals \$480,452. Personnel costs (salaries/wages and fringe benefits) are estimated at \$341,549 to support the following initiatives and special projects: implementation of the rapid landfill assessment, implementation of the alternate septic system pilot program and adoption and implementation of water supply and water conservation standards for the Kirkwood/Cohansey aquifer. In addition to Planning projects, the Science Office is conducting Corn Snake and King Snake (partnered with EPA and Herpetological Associates) research. Miscellaneous expenses (supplies, training, travel and legal advertisements) supporting the program total \$15,125. Professional Services for both Snake Studies total \$90,868.. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

6. The Community Planning and Design program budget for FY 2021 totals \$211,148. Personnel costs (salaries/wages and fringe benefits) are estimated at \$189,630 to support the following initiatives and special projects: review and proposal of amendments to the Forest and Rural Development Area clustering rules, proposal of CMP amendments related to the Pinelands Development Credit program , preparation of updated PDC supply and demand estimates, administrative responsibilities supporting the Pinelands Development Credit Bank and administration of the Pinelands Infrastructure Trust Fund. Miscellaneous expenses (software, postage, printing, supplies, meeting expenses and legal advertisements) supporting the program equal \$1,518. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

7. The Education and Outreach program budget for FY 2021 totals \$114,320. Personnel costs (salaries/wages and fringe benefits) are estimated at \$88,200 to support the Pinelands Short Course and other Outreach programs. Also included is \$4,700 for supplies related to the Exhibit Center. Miscellaneous expenses (supplies and mileage) supporting the program equal \$1,420. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

Pinelands Commission Fiscal Year 2021

Budgets

December 11, 2020

BUDGETS

- Operating Fund - \$5,915,074
- Kirkwood-Cohansey Aquifer Assessment Study Fund - \$31,624
- Katie Trust Fund - \$15,000
- Pinelands Conservation Fund - \$830,616

Operating Fund Revenue

	FY18 Audited	FY19 Unaudited	FY20 Unaudited	FY21 Anticipated
State Appropriation	\$2,649,000	\$2,799,000	\$2,949,000	\$3,099,000
State Supplemental Funding	\$687,000	\$687,000	\$687,000	\$687,000
Application Fees	\$340,000	\$430,000	\$690,000	\$380,000
Grants/Special Purpose	\$745,700	\$1,191,241	\$483,000	\$585,000
Other	\$7,600	\$35,200	\$54,040	\$5,000
Fund Balance/Reserves	\$596,538	\$772,633	\$1,052,034*	\$1,159,074*
TOTAL	\$5,025,838	\$5,915,074	\$5,915,074	\$5,915,074

* Includes:

- \$957,004 from the Undesignated Fund Balance
- \$142,070 Reserves – Computer, Facilities & Microfilm
- \$60,000 PCF Administrative Assessment

Operating Fund Expenditures

	FY18 Audited	FY19 Unaudited	FY20 Unaudited	FY21 Anticipated
Salary and Wages	\$2,691,781	\$3,031,731	\$3,094,758	\$3,050,972
Fringe Benefits	\$1,594,542	\$1,808,212	\$1,822,822	\$1,904,593
Supplies	\$81,060	\$105,459	\$103,033	\$128,784
Professional Services	\$278,715	\$630,582	\$541,333	\$485,652
Other Services	\$212,116	\$224,512	\$221,008	\$216,315
Maintenance and Rent	\$122,400	\$82,050	\$81,520	\$83,620
Improvements and Acquisitions	\$45,224	\$32,528	\$50,600	\$45,138
Total Expenditures	\$5,025,838	\$5,915,074	\$5,915,074	\$5,915,074

Kirkwood-Cohansey Expenditures

	FY18 Audited	FY19 Unaudited	FY20 Unaudited	FY21 Anticipated
Salary and Wages	\$32,100	\$26,000	\$26,000	\$21,200
Fringe Benefits	\$16,692	\$13,260	\$13,000	\$9,964
Professional Services	\$114,000	\$70,000	\$31,000	\$0
Other	\$1000	\$6,010	\$0.00	\$460
Total Expenditures	\$163,792	\$115,270	\$70,000	\$31,624
Fund Balance	\$162,792	\$114,270	\$68,000	\$31,586

Katie Fund Expenditures

	FY18 Audited	FY19 Unaudited	FY20 Unaudited	FY21 Anticipated
Ground Supplies	\$9,638	\$4,000	\$4,000	\$4,000
Professional Services	\$10,000	\$10,000	\$10,000	\$10,000
Acquisitions – Furniture	\$1,000	\$1,000	\$1,000	\$1,000
Total Expenditures	\$20,638	\$15,000	\$15,000	\$15,000
Fund Balance	\$20,638	\$15,000	\$15,000	\$15,000

Pinelands Conservation Fund Expenditures

	FY18 Audited	FY19 Unaudited	FY20 Unaudited	FY21 Anticipated
Land Acquisition				
•Personnel	\$18,240	\$ 7,550	\$ 8,625	\$ 24,696
•Professional Services	0	0	0	0
•Land Acquisition	500,000	276,457	0	0
•Other Expenditures	<u>20,225</u>	0	0	<u>0</u>
Total	\$538,465	\$284,007	\$8,625	\$24,696
Conservation Planning /Research				
•Personnel	\$351,120	\$237,070	\$310,699	\$341,549
•Professional Services	0	70,000	0	90,868
•Other Expenditures	<u>87,506</u>	<u>27,540</u>	<u>41,027</u>	<u>48,035</u>
Total	\$438,626	\$334,610	\$351,726	\$480,452
Community Planning /Design				
•Personnel	\$98,800	\$93,620	\$127,500	\$189,630
•Professional Services	0	0	0	0
•Aid to Municipalities	0	0	0	0
•Other Expenditures	<u>42,473</u>	<u>21,489</u>	<u>22,104</u>	<u>21,518</u>
Total	\$141,273	\$115,109	\$149,604	\$211,148
Education and Outreach				
•Personnel	\$73,720	\$67,950	\$82,500	\$88,200
•Other Expenditures	<u>106,991</u>	<u>61,721</u>	<u>25,800</u>	<u>26,120</u>
Total	\$180,711	\$129,671	\$108,300	\$114,320
Total PCF Expenditures	\$1,299,075	\$863,397	\$618,255	\$830,616

Staffing Levels

	Authorized	FY2018	FY2019	FY2020	FY2021
Executive	7.5	5.5	6	7	5
Planning	12	8	8	8	6
MIS & GIS	6	6	6	5	5
Regulatory Programs	20.5	10.5	11	11	10
Science	9	4	5	5	5
Business Services	9	5	5	6	6
Public Programs	2	2	2	2	2
Total	66	41	43	44	39*

* FY2021 staffing level: 39 full time

Salary and Wages Expenditures

Current Staff (39 FTEs; 22 unfunded FTEs)

39 Full time employees	\$3,509,318
Estimated Overtime	1,000
	<u>\$3,510,318</u>

Operating Fund Budget	\$3,050,972
Kirkwood Cohansey Study Budget	21,200
Pinelands Conservation Fund Budget	
Land Acquisition	16,800
Conservation Planning & Research	232,346
Community Planning & Design	129,000
Education & Outreach	60,000
	<u>\$3,510,318</u>

FY2021 Initiatives

Offices	Initiative	Budget
Planning	Rules: <ul style="list-style-type: none"> • Stormwater • Climate: Solar, Electric vehicle Infrastructure • Process • Kirkwood Cohansey/Water Supply • Clustering 	Operating PCF PCF
	Byway: <ul style="list-style-type: none"> • 2021 Calendar Theme • National Designation • Annual Byway Meeting 	
	PC Acquisition: <ul style="list-style-type: none"> • New Round 	PCF
	Brotherton Reservation: <ul style="list-style-type: none"> • Completion of Field Work • Public Outreach 	

FY2021 Initiatives

Offices	Initiative	Budget
Regulatory Programs	On line applications: fees, digital plans, new software/hardware (with IS support)	Operating
	NJDEP Coordination Issues <ul style="list-style-type: none"> • Forestry • CAFRA 	Operating
	Updating T&E Data Sharing Agreement with NJDEP, ENSP (with IS)	
Science	Long-term snake population monitoring	EPA Grant
	Fire impacts on reptiles	
Business Services	Covid	Operating
	Paint Fenwick (with Cultural Resources support)	Operating
	FY19 and FY20 Audit	Operating
	Barn Roof Repair	Operating
Communication	40 th Anniversary of the CMP	Operating
	Continue Pinelands Webinars	Operating



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21-_____

TITLE: Approving With Conditions an Application for **Public Development** (Application Number 1982-3514.004)

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:

1982-3514.004

Applicant:	Pemberton Township
Municipality:	Pemberton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	December 18, 2020
Proposed Development:	Construction of recreational improvements at the Township's existing West End Park.

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 1982-3514.004 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				
Higginbotham					Lloyd					Rohan Green				
Howell					Lohbauer					Prickett				

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

December 18, 2020

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

Re: Application # 1982-3514.004
Block 827.01, Lots 7.03 & 7.04
Block 827.03, Lot 1
Block 1111, Lot 5.01
Block 1112, Lot 1
Block 1113, Lot 1
Block 1114, Lot 1
Block 1115, Lot 1
Pemberton Township

Dear Mayor Patriarca:

The Commission staff has completed its review of this application for construction of recreational improvements at the Township's existing West End 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 January 8, 2021 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure
7/6/18 public comment

- 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)
- Bob Fanucci (via email)



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

December 18, 2020

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

Application No.: 1982-3514.004
Block 827.01, Lots 7.03 & 7.04
Block 827.03, Lot 1
Block 1111, Lot 5.01
Block 1112, Lot 1
Block 1113, Lot 1
Block 1114, Lot 1
Block 1115, Lot 1
Pemberton Township

This application proposes construction of recreational improvements at the Township's existing West End Park located on the above referenced 41.14 acre parcel in Pemberton Township.

The proposed improvements include the construction of four multipurpose athletic fields, a 440 square foot concession building, a 600 square foot gazebo, a 26 space paved parking lot, a 41 space expansion of an existing paved parking lot, 7,480 linear feet of six to ten foot wide paved walking paths and 1,510 linear feet of eight and ten foot wide elevated wooden walkways.

STANDARDS

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

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

The proposed 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. 7:50-6.13 & 6.6)

There are wetlands located on the above referenced parcel.

This application proposes the development of approximately 1,510 linear feet of elevated wooden walkway over wetlands. The concerned wetlands are a fallow farm field. The application also proposes to develop approximately 277 linear feet of paved walking paths utilized as approaches to the elevated wooden walkway in the required buffer to wetlands.

The CMP permits the proposed elevated wooden walkway and paved walking paths (linear improvements) in wetlands and the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. To reduce proposed impacts to wetlands, the applicant has proposed to elevate the 1,510 linear feet of wooden walkway by installing support pilings. The support pilings for the proposed wooden walkway will disturb a total of 1,110 square feet of wetlands. All practical measures are being taken to mitigate the impact on the wetlands and the required buffer to wetlands. The proposed development will not result in substantial impairment of the resources of the Pinelands. The applicant has represented that the proposed walkways are necessary to provide safe walking conditions for pedestrians utilizing the recreational area. 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. The applicant has demonstrated that the need for the proposed elevated wooden walkway and paved walking paths overrides the importance of protecting the wetlands.

Based upon the location of existing development on the parcel, the fact that the majority of the wetlands on the parcel are a fallow farm field and the condition of the remaining wetlands, the application proposes a 50 foot wetlands buffer for the remainder of the proposed recreational improvements. The applicant has demonstrated that a 50 foot buffer to wetlands for the remainder of the proposed recreational improvements will not result in a significant adverse impact on the wetlands.

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

The proposed development will occur within maintained grassed and wooded areas. The proposed vegetation 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 plant grasses suitable for an athletic field. The Commission staff has not required applicants to meet this CMP grass guideline for athletic fields. The applicant proposes to utilize a seed mixture which meets the recommendation for the remaining portions of the proposed development.

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 nine stormwater infiltration basins.

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

A cultural resource survey was prepared for the above referenced parcel. The cultural resource survey determined that no significant cultural resources exist 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 11, 2018 and December 4, 2020. Newspaper public notice was completed on June 15, 2018 and December 4, 2020. The application was designated as complete on the Commission's website on December 1, 2020. The Commission's public comment period closed on December 11, 2020. The Commission received one public written comment (enclosed) on July 6, 2018 regarding this application.

Comment: The commenter inquired as to whether there was a site plan available to be reviewed.

Staff Response: The staff responded by letter dated July 26, 2018 informing the commenter that the site plan was available for review at the Commission's office and provided information on how to schedule a file review. The commenter did not request to review the site plan. The commenter is copied on this Public Development Application Report containing the Executive Director's findings.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 11 sheets, prepared by Adams, Rehmann & Heggan Associates, Inc., all sheets dated May 2018 and revised to October 9, 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. Except for the approximately 277 linear feet of proposed paved walkways in the required buffer to wetlands and the approximately 1,510 linear feet of elevated wooden walkway in wetlands, all other proposed development shall be located at least 50 feet from wetlands.
6. Prior to the construction of any portion of the proposed development which will result in the disturbance of any wetland area, a Freshwater Wetland Permit shall be obtained pursuant to the New Jersey Freshwater Wetlands Protection Act.
7. 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.

Public Comment

|
From: Bob Fanucci <bfanucci@comcast.net>

Sent: Friday, July 06, 2018 7:38 AM

To: ApplInfo, PC

Subject: Pinelands Application # 1982-3514.004 West End Park Expansion

Hello. Where can I find out more about this? Is there a site plan available? Thank you.



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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made 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 January 5, 2021 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21-_____

TITLE: Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1989-0219.001)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

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

1989-0219.001

Applicant: Steven R. King
Municipality: Shamong Township
Management Area: Pinelands Regional Growth Area
Date of Report: December 18, 2020
Proposed Development: Single family dwelling.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1989-0219.001 for a Waiver of Strict Compliance is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



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 Governor
 SHEILA Y. OLIVER
 Lt. Governor

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

RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

December 18, 2020

Steven R. King (via email)
 4 Cowpath Road
 Medford, NJ 08055

Re: Application # 1989-0219.001
 Block 20.01, Lot 1.13 (Former Block 20.01, Lots 1.06 & 1.07)
 Shamong Township

Dear Mr. King:

The Commission staff has completed its review of the above referenced application for a Waiver of Strict Compliance (“Waiver”) proposing the development of one single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission’s Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 8, 2021 meeting.

FINDINGS OF FACT

This application is for the development of one single family dwelling, serviced by an onsite septic system, on the above referenced 0.99 acre parcel in Shamong Township. The parcel is located in a Pinelands Regional Growth Area and in Shamong Township’s RGA-R zoning district. In this zoning district, Shamong Township’s certified land use ordinance establishes a minimum lot size of 2.1 acres to develop a single family dwelling that is serviced by an alternate design onsite septic system.

A Waiver for the development of a single family dwelling on the parcel was approved by the Pinelands Commission on February 9, 2007. The Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.70(c)) specifies that a Waiver expires five years after the date of Commission approval unless all necessary construction permits have been issued within the five year period, the authorized work is commenced within 12 months after issuance of the construction permits and no such permit becomes invalid after the five year period. No information was provided to the Commission staff demonstrating that a construction permit was issued by February 9, 2012, the date that the approved Waiver expired, or if any such construction permit was issued before the expiration date, that permit remained valid.

Based upon the expiration of the Waiver on February 9, 2012, the applicant has completed this second application for a Waiver for the parcel.

The parcel has been site inspected by a member of the Commission's staff. In addition, the appropriate resource capability maps and data available to the staff have been reviewed.

The CMP (N.J.A.C. 7:50-6.84(a)4iv) requires that a septic system be located in an area where the depth to the seasonal high water table is at least five feet below the natural ground surface. The Burlington County Soils Survey indicates that there are Jade Run and Buddtown soils on this parcel. These soils may have a seasonal high water table of less than five feet below the natural ground surface. One soil boring was performed by the applicant's consultant for the Waiver application. That soil boring confirmed a seasonal high water table of less than five feet below the natural ground surface at the location of the boring. The applicant has submitted no information to demonstrate that the septic system could be located in an area on the parcel where the seasonal high water table is at least five feet below the natural ground surface. Since available information indicates the seasonal high water table on the parcel is less than five feet below the natural ground surface, the applicant is requesting a Waiver from the seasonal high water table requirement contained in N.J.A.C. 7:50-6.84(a)4iv.

The CMP (N.J.A.C. 7:50-6.14) requires that the development proposed in this application maintain a 300 foot buffer to wetlands unless the applicant demonstrates that a lesser buffer to wetlands will not result in a significant adverse impact on wetlands. A portion of the parcel is wetlands as defined in N.J.A.C. 7:50-6.5(a)2. The wetlands continue onto adjacent lands. Any development of the parcel would be located within 300 feet of these wetlands. The applicant has submitted no information to demonstrate that the proposed development will not cause a significant adverse impact on the wetlands. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetlands. As there will be a significant adverse impact on wetlands located within 300 feet of the proposed development, the applicant is requesting a Waiver from the buffer to wetlands standard contained in N.J.A.C. 7:50-6.14.

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The applicant has demonstrated that a proposed septic system could be located in an area on the parcel where the seasonal high water table at least two feet below the natural ground surface. The proposed single family dwelling will be the sole principal use of the entire contiguous parcel. The development of a single family dwelling on the parcel required a municipal lot area or density variance pursuant to the Shamong Township land use ordinance. After public meetings held on April 11, 2006 and May 9, 2006, the Shamong Township Zoning Board of Adjustment adopted a Resolution (undated) denying an application (Petition No. 26-02) for the required variance. On October 24, 2006, the variance was granted by order of the Burlington County Superior Court of New Jersey, Law Division. The Court Order contains no expiration date.

If the conditions recommended below are imposed, a single family dwelling can be developed on the parcel without violating any of the substantial impairment and consistency criteria contained in the CMP (N.J.A.C. 7:50-4.65).

PUBLIC COMMENT

The applicant provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on October 7, 2020. Newspaper public notice was completed on October 20, 2020. The application was designated as complete on the Commission's website on November 25, 2020. The Commission's public comment period closed on December 11, 2020. The Commission did not receive public comment regarding this application.

CONCLUSION

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

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

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain specified development. One of the specified types of development is a single family dwelling on a parcel within a Pinelands Regional Growth Area, Pinelands Town or Pinelands Village which is at least 20,000 square feet, excluding road rights of way, in size and is not served by a centralized waste water treatment system. This application is for a Waiver from the minimum depth to seasonal high water table standard and the required buffer to wetlands standard contained in N.J.A.C. 7:50-6. The applicant is proposing to develop a single family dwelling serviced by an alternate design onsite wastewater treatment system on a 0.99 acre (43,124 square foot) parcel. The parcel contains more than 20,000 square feet, excluding road rights of way, and is located in a Pinelands Regional Growth Area. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1v.

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

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

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. The Shamong Township certified land use ordinances required a lot area or density variance. After public meetings held on April 11, 2006 and May 9, 2006, the Shamong Township Zoning Board of Adjustment adopted a Resolution (undated) denying an application (Petition No. 26-02) for the required variance. On October 24, 2006, the variance was granted by order of the Burlington County Superior Court of New Jersey, Law Division. The Court Order contains no expiration date. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

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

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

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

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

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

The CMP (N.J.A.C. 7:50-4.62(d)1iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits (PDCs) whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the applicant is obtaining a Waiver from the minimum depth to seasonal high water table standard (N.J.A.C. 7:50-6.84(a)5vi) and the required buffer to wetlands standard (N.J.A.C. 7:50-6.14), a condition is included to require the applicant to purchase the requisite 0.25 PDCs.

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

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

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan prepared by Ott & Warren Land Engineering dated July 23, 2004 and last revised June 6, 2005.
2. All development, including clearing and land disturbance, shall be located as shown on the above referenced plan, with one exception. Prior to Commission issuance of a letter advising that any municipal or county approval or permit may take effect, the plan must be revised to relocate the proposed driveway and its associated clearing/land disturbance further to the west to maximize the buffer to wetlands adjacent to Tuckerton Road.
3. Sufficient drywells or comparable alternative shall be installed to contain all stormwater runoff from the house. Prior to Commission issuance of a letter advising that any municipal or county approval or permit may take effect, the plan must propose such drywells or a comparable alternative.

4. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands.
5. The driveway shall be constructed of crushed stone or other permeable material. Prior to Commission issuance of a letter advising that any municipal or county approval or permit may take effect, the plan must propose a crushed stone or permeable driveway.
6. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 PDCs have been acquired and submitted to the PDC Bank for redemption.
7. The proposed dwelling must utilize an alternate design onsite wastewater treatment system authorized by the CMP for use on 1.0 acre parcels and approved for use by the Pinelands Commission and the New Jersey Department of Environmental Protection.
8. The septic system shall be located in an area where the seasonal high water table is at least two feet below the natural ground surface. Sufficient fill shall be placed in the area of the septic system to meet the requirements of Chapter 9A.
9. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.
10. This Waiver shall expire January 8, 2026 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after January 8, 2026 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
11. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to Commission issuance of a letter advising that any submitted municipal or county permit or approval may take effect. The deed shall specify that the conditions are being imposed pursuant to a December 18, 2020 Pinelands Commission Report on an Application for a Waiver of Strict Compliance (“Waiver Report”) for Application # 1989-0219.001. The deed shall indicate that the conditions previously required by the January 22, 2007 Waiver Report for Application # 1989-0219.001 approved by the Pinelands Commission on February 9, 2007 are superseded by the conditions required by the December 18, 2020 Waiver Report approved by the Pinelands Commission on January 8, 2021. The deed shall also indicate that the conditions are enforceable by the Pinelands Commission, Shamong Township and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver from the requirements of N.J.A.C. 7:50-6.84(a)4iv, N.J.A.C.7:50-6.84(a)5vi and N.J.A.C. 7:50-6.14.

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

APPEAL

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

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

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

Recommended for Approval by: _____



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

- c: Secretary, Shamong Township Planning Board (via email)
 Shamong Township Construction Code Official (via email)
 Secretary, Burlington County Planning Board (via email)
 Burlington County Health Department (via email)



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

RICHARD PRICKETT
 Chairman
 NANCY WITTENBERG
 Executive Director

MEMORANDUM

To: Members of the Pinelands Commission

From: Brad Lanute *DBL*
 Planning Specialist

Date: December 29, 2020

Subject: No Substantial Issue Findings

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

Berkeley Township Ordinance 19-44-OAB - amends Chapter 4 (Police Regulations), Chapter 17 (Sidewalk and Curb Construction), and Chapter 35 (Land Development) of the Code of Berkeley Township in order to implement the recommendations of the Township’s 2019 Master Plan Reexamination Report. The ordinance amends various definitions applicable within the Pinelands Area. In both the Regional Growth Residential (RGR) Zone and the Rural Development Area (RDA) Zone, the ordinance repeals churches as a permitted use and establishes places of assembly as a conditional use. In the Agricultural Production (AP) Zone, the ordinance establishes farm wineries as a conditional use. In the Forest Area - Light Industrial (FA-LI) Zone, the ordinance establishes Medical Marijuana Alternative Treatment Centers, Alternative Treatment Centers, Behavioral Health Care Facilities, and Residential Medical Detoxification Centers as conditional uses. The RGR, RDA, AP, and FA-LI zones are all located in the Pinelands Area.

Berkeley Township Ordinance 20-37-OAB - amends Chapter 35 (Land Development) of the Code of Berkeley Township by revising the definition of “schools,” adopting revised conditional use standards for places of assembly and providing regulations for temporary outdoor sales. The ordinance also adopts revised standards for conditional uses permitted in Pinelands Area zoning districts in response to concerns raised by Commission staff with Ordinance 19-44-OAB. In the Agricultural Production (AP) Zone, the ordinance provides that farm wineries must meet the CMP standards for agricultural commercial establishments. In the Forest Area - Light Industrial (FA-LI) Zone, the ordinance provides that Medical Marijuana Alternative Treatment Centers, Alternative Treatment Centers, Behavioral Health Care Facilities, and Residential Medical Detoxification Centers must meet the CMP standards for institutional uses within a Pinelands Forest Area.

Southampton Township Ordinance 2020-08 - amends Chapter 12 (Land Development) and Chapter 19 (Pinelands Development) of the Code of Southampton Township. The ordinance repeals Ordinance 2019-06, which was previously submitted to the Commission for review, in its entirety. Ordinance 2020-08 also revises maximum lot clearing and impervious coverage standards for the Forest A, Forest B, Forest C, Agricultural Production, Rural Development, and Rural Community zoning districts, all of which are located in the Pinelands Area. The ordinance also amends Section 19-2.10 (Adoption of Zoning Map) to explicitly acknowledge the boundaries of the Municipal Complex Zone as those established by Ordinance 1989-2, which was previously certified by the Pinelands Commission.

Southampton Township Ordinance 2020-09 - amends Chapter 12 (Land Development) and Chapter 19 (Pinelands Development) of the Code of Southampton Township by revising the definitions for various restaurant types as well as adding restaurants as a permitted use and fast-food restaurants as a conditional use in the Highway Commercial (HC) District. The HC District is located in a Pinelands Rural Development Area.

Southampton Township Ordinance 2020-11 - amends Chapter 12 (Land Development) and Chapter 19 (Pinelands Development) of the Code of Southampton Township by revising the definition of “garage” and revising various standards related to garages that are applicable township-wide.

Wrightstown Borough Ordinance 2020-08 - amends the Borough of Wrightstown Redevelopment Plan, dated June 1, 1999. The purpose of the amendment is to facilitate the development of a new traditional neighborhood development on a 43-acre parcel in the existing redevelopment area. The 43-acre parcel is composed of 39 acres located in a Pinelands Town management area with the remainder outside of the Pinelands Area. The amendment establishes the Towne Center District, which permits up to 440 residential units, including single family units, townhomes, and apartments, as well as a maximum of 20,000 square feet of commercial uses, including a hotel and a mixed-used building with retail uses on the first floor and apartments above.