



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



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

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

NEW JERSEY PINELANDS COMMISSION MEETING AGENDA
Friday, May 10, 2024 - 9:30 a.m.

This meeting will be held in-person and virtually.

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

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

<https://www.youtube.com/watch?v=YLOARs-LqKs>

To Provide Public Comment, Please Dial: 1-929-205-6099 Meeting ID: 871 5600 4196

1. Call to Order

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

2. Adoption of Minutes

- April 12, 2024

3. Committee Chairs' and Executive Director's Reports

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

A. Permitting Matters

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

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

- Application No. 2024-0026.001 - Medford Township Utility Department
Demolition of an existing potable water well house, 50 years old or older, and the construction of a 373 square foot replacement potable water well house
Medford Township

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

- Application No. 1981-1833.084 - Stockton University
Installation of an irrigation well
Galloway Township
- Application No. 1981-1833.085 - Stockton University
Installation of a water well for vehicle maintenance
Galloway Township

B. Planning Matters

- Municipal Master Plans and Ordinances
 - Issuing an Order to Certify Manchester Township Ordinance 24-02, Adopting the Redevelopment Plan for Block 62, Lots 30 and 31.01
- Other Resolutions
 - None
- CMP Amendments
 - None

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

A. Public Development Projects

- Application No. 1984-0036.017 – Stafford Township
Demolition of a potable water structure, 50 years old or older, and the construction of a temporary communication tower and a permanent communication tower
Stafford Township
- Application No. 1990-0445.028 – New Jersey Department of Transportation
Realignment of the County Route 530 and State Route 70 intersection
Pemberton Township
- Application No. 1990-0450.008 – New Jersey Turnpike Authority
Construction of a State Police barracks and helicopter pad at the Celia Cruz Service Area

Lacey Township

B. Waiver of Strict Compliance

- None

6. Master Plans and Ordinances Not Requiring Commission Action

- Pemberton Township Ordinance 41-2023
- Waterford Township Ordinance 2022-13

7. General Public Comment

8. 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.)*

9. Adjournment

Upcoming Meetings	
<p>Fri., May 31, 2024</p> <p>Fri., June 14, 2024</p>	<p>Policy & Implementation Committee Meeting (9:30 a.m.)</p> <p>Pinelands Commission Meeting (9:30 a.m.)</p>

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 at Info@pinelands.nj.gov.

PINELANDS COMMISSION MEETING

MINUTES
April 12, 2024

All participants were either in-person or present via Zoom conference and the meeting was livestreamed through YouTube: <https://www.youtube.com/watch?v=ORdQrC7-tzk>

Commissioners Participating in the Meeting

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

Commissioners Absent

Dan Christy, Theresa Lettman and Jonathan Meade.

Call to Order

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

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

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

The Commission pledged allegiance to the Flag.

Minutes

Chair Matos presented the minutes from the Commission's March 8, 2024 meeting. Commissioner Pikolycky moved the adoption of the minutes. Commissioner Lohbauer seconded the motion.

The minutes from the March 8, 2024 Commission meeting were adopted by a vote of 10 to 0.

Chair Matos presented the closed session minutes from the Commission's March 8, 2024 meeting. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Pikolycky seconded the motion. There were not enough votes to approve the closed session minutes because of the abstentions of Commissioner Holroyd, Commission Irick and Commissioner Mauriello.

Committee Reports

Commissioner Avery provided a summary of the March 26, 2024 Personnel and Budget Committee meeting:

Staff reviewed the check register and electronic disbursements and provided an update on application fee revenue to date. The Committee reviewed and approved the list of fixed assets for deletion. Lastly, staff provided an update on employee actions and current recruitment efforts.

Executive Director's Report

ED Grogan provided information on the following matters:

- The Fiscal Year 2022 Audit has begun. Three staff members from the State Auditor's office are located in the Carriage House and are expected to be here until December.
- Staff from the Division of Property Management and Construction conducted a site visit of Fenwick Manor to begin the next steps in the rehabilitation of the structure, which is to create a scope of work and prepare a Request for Proposal (RFP).
- In mid-March, the Governor signed Affordable Housing legislation into law, and it sets up a new process for municipalities to determine and implement their affordable housing obligations. The staff is already working with the Department of Community Affairs (DCA) regarding vacant land determinations and will continue to serve as a resource and provide data and GIS mapping.

Commissioner Mauriello asked if there was a designated staff member who will be working with DCA.

ED Grogan said Brad Lanute has been and will continue to work with DCA on affordable housing matters. She added that Commission staff meets quarterly with Fair Share Housing Center.

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

- On February 28th, staff met with the Department of Agriculture to discuss how the Comprehensive Management Plan (CMP) relates to the Right to Farm Act. He said the meeting was positive. He noted that the Pinelands Protection Act states that it supersedes all other state laws. He said most activities related to the Right to Farm Act are permitted by the CMP.
- On April 8th, staff attended an Atlantic County Board of Agriculture meeting to provide information related to agricultural employee housing. A number of years ago, farms in Hammonton, Mullica and Hamilton converted barns into agricultural employee housing. Most agricultural activities are exempt from Commission review and the barns did not require application to the Commission. The conversion of the barns into housing raised issues with DCA building codes and also with the New Jersey Department of Environmental Protection (NJDEP) requirements related to septic systems and wells. The conversion of a barn into agricultural employee housing does require an application to the Commission. The meeting provided an opportunity to explain the Commission's rules, answer questions and facilitate the review and resolution of issues related to agricultural employee housing.
- A pre-application meeting was held with the Nature Conservancy regarding the removal of a dam. Staff advised that the CMP wetlands standards would not permit the removal of a dam unless it was a public safety matter. Staff also advised that a Memorandum of Agreement (MOA) with a public agency would likely be required if a public safety matter was not evident.
- Staff received a pre-application meeting request for a proposal to mine sand that will be used for a cranberry agriculture operation on a non-contiguous parcel. Staff advised that an application is required because the mining and agricultural operation are not on the same parcel.

Lastly, Director Horner said a letter has been provided to Commissioners (see attached) regarding the demolition of the Tabernacle Township Town Hall. He said Tabernacle Township has requested emergency authorization to demolish its Town Hall. The Commission requested documentation from a structural engineer, and two reports were received on April 11, 2024. He said the CMP includes a provision for situations such as these that allows the Executive Director, after consultation with the Chair, to authorize a remedy when a public safety issue exists. The applicant would file an application after the emergency is addressed.

Director Horner said ED Grogan will be speaking with Chair Matos about this situation after the meeting.

Commissioner Lohbauer asked how the cultural resources will be addressed at the Tabernacle Township Town Hall.

Director Horner said the Commission's Cultural Resource planner will be recording the historic significance of the structure with photographs and sketches.

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

- The 2nd annual preservation summit was held on April 4th. It was a well-attended event with representatives from 11 organizations, including non-profit organizations and county government. Green Acres staff provided an overview of changes to its acquisition funding structure. Commission staff provided an update on its stewardship efforts and Pinelands Conservation Fund (PCF) ranking criteria for the next round of grants, which will launch next month.
- Staff submitted a pre-proposal for a \$5.5 million grant to the America the Beautiful Challenge. The grant proposes habitat restoration on state lands and a planning component that would include local non-profit and county partners. Applicants will be notified in June if they have been selected to submit full proposals.

Lastly, Director Berg reviewed the agendas for the Climate Committee meeting on April 17th and the Policy and Implementation Committee meeting scheduled for April 26th.

Commissioner Avery said it takes at least one month for counties to submit a grant application. He hoped that enough notice would be provided for the new PCF round.

Director Berg said in order to allow sufficient time for proposals, the duration to submit a PCF application was expanded to a four month period.

Stacey Roth, Chief, Legal and Legislative Affairs, provided information on the following:

- In April 2019, the Commission authorized a First Amendment to the February 26, 2004 MOA between the Commission and the South Jersey Transportation Authority (SJTA). As part of that amendment, SJTA was required to develop a Grassland Conservation and Management Area (GCMA). A property in Hamilton Township, Atlantic County was acquired, construction of the GCMA was completed and the Deed of Conservation was filed. SJTA will be entering into a maintenance agreement with Atlantic County, which will continue to maintain the property.
- The State Ethics Commission has sent emails regarding the 2024 Financial Disclosure Statement filing requirements. The deadline to file is May 15, 2024.

Brad Lanute, Chief Planner provided the following updates:

- On March 28th, staff distributed model ordinances to Pinelands municipalities. The model ordinances implement the Kirkwood-Cohansey rules (Water Management) that were adopted in December of last year as well as the NJDEP stormwater management rule amendments that were adopted in July of last year. The CMP incorporates by cross-reference certain NJDEP stormwater regulations, some of which were revised as part of those July amendments. Municipalities have been informed that they must adopt the stormwater amendments by July 18th and the Kirkwood-Cohansey rule amendments by

December 4th. However, staff have encouraged municipalities to adopt both at the same time.

- The State Office of Planning Advocacy continues to work on a draft preliminary state plan. Earlier this month, a revised version of the draft was once again shared with state agencies for comment. Commission staff will be reviewing the draft and providing any necessary comment in the coming weeks. It is anticipated that the draft preliminary Plan will be on the State Planning Commission's May 1st agenda.

Paul Leakan, Communications Officer, said the 35th annual Pinelands Short Course was a great success, with approximately 96% of event survey respondents rating the event as either excellent or good. Staff is planning the Summer Short Course, which is scheduled for June 28th at Kramer Hall in Hammonton. He added that the upcoming Pinelands training session has 36 registrants. The session has been specifically designed for zoning officers, construction code officials and other municipal staff members who are involved in the land development application process in the Pinelands. He said the training will be held in mid-May at Kramer Hall in Hammonton.

Public Development Projects and Other Permit Matters

Chair Matos introduced a resolution for the installation of 266 linear feet of sidewalks and 898 linear feet of guiderails within the Route 54 right-of-way in Hammonton.

Commissioner Irick made a motion Approving With Conditions an Application for Public Development (Application Number 2023-0196.001) (See Resolution # PC4-24-07).
Commissioner Holroyd seconded the motion.

Director Horner said the Department of Transportation (DOT) is proposing to install sidewalk improvements at 13 different intersections within the Route 54 right-of-way. He said guardrails are now known as guiderails, and they will also be installed.

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

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

Public comment was not provided.

Ordinances Not Requiring Commission Action

Commission staff reviewed two items last month that were found to raise no substantial issue.

Lakehurst Borough's 2024 Master Plan Reexamination Report; and

Ocean Township Ordinance 2023-18, which permitted Class 5 Retail Cannabis uses in an existing Redevelopment Area located outside the Pinelands Area, but within a Regional Growth Area of the Pinelands National Reserve.

Presentation: Proposed Memorandum of Agreement (MOA) with Evesham Township (Black Run Preserve Accessible Trails)

ED Grogan said the CMP authorizes the Commission to enter into an MOA with another public agency for the following two reasons: to streamline a permitting process or to permit a deviation from one or more standards of the CMP. She said the MOA process consists of 13 steps, including a public hearing and final vote by the Commission. The MOA must also include offset measures.

She said today's presentation by Evesham Township is similar to the MOA the Commission entered into with Pemberton Township in January of this year for trail accessibility at Pemberton Lake. She provided a quick update of that MOA and another similar MOA proposed by Stafford Township, for trail accessibility at Forecastle Park. She added that today Evesham Township will provide the details of its proposal at the Black Run Preserve, and it includes resolving some existing violations at the site. She said after the presentation, staff will be seeking the Commission's authorization to work with Evesham Township on the specifics of the trail accessibility project and to draft an MOA (see attached presentation slides).

Kevin Rijs, Evesham Township's Community Development Director, introduced himself along with Sean Holland from the Pinelands Preservation Alliance, Rich Kerr, Superintendent of Sports Turf and Open Space for Evesham Township, and Tim Staszewski, Township Engineer.

Mr. Rijs said the Black Run Preserve is approximately 700 acres and is largely comprised of wetlands and wetland buffers. The preserve is located in the Rural Development Area. He said the proposed project improvements to the trails and parking areas stem from two grants:

- NJDEP Stewardship grant; and
- Trails grants received by the Pinelands Preservation Alliance for which Evesham provided a letter of support.

He outlined the trail enhancements as part of the MOA proposal (see attached presentation slides).

1) Western Section: Change in existing trail material surface from earthen to crushed gravel 4,640 linear feet at a width of five feet, the proposed disturbance is 23,200 square feet, or 0.53 acres. The proposed trail improvements would make the existing trail firm, stable and flat from side to side so it is more accessible to individuals with mobility issues.

2) Western Section: Installation of one pedestrian Americans with Disabilities Act (ADA)-compliant bridge to reconnect two existing trails (that are proposed to include ADA upgrades).

3) To permit existing park amenities to remain, including boardwalks, kiosk signage at parking area, park signage, and benches. To allow additional newly proposed park amenities, including park signage and benches as appropriate.

4) To permit five existing parking areas to remain and to include changes in surface material to allow the installation of ADA-compliant parking spaces.

5) To permit the existing trail shown in red (southern section) to remain.

Mr. Rijs said the Commission sent Evesham Township a letter in September of 2023 regarding the creation of hiking trails and parking areas without application. The township is committed to resolving the issues raised in that letter and has the financial resources set aside to address them. He said for an offset measure there is an existing eight-acre area that contains former Municipal Utilities Authority (MUA) basins that could use rehabilitation. He said more formal details of the offset will be discussed if the Commission consents to moving forward with the MOA. He displayed maps of the preserve to show where the proposed improvements will take place.

Mr. Holland said he has been out to Black Run Preserve a few times and the installation of boardwalk and crushed stone will improve the experience for those with mobility challenges. He said thousands of people in Burlington and Camden Counties have ambulatory disabilities and will be able to use the ADA-compliant trails with friends and family.

Commissioner Wallner said he had been a volunteer with the Friends of Black Run Preserve for a number of years and is familiar with the layout of the park. He said he supports an MOA to address the existing infrastructure but has concerns about the proposed ADA trail.

He said the gold trail improvements are fine up until what is known as Lydia Schaefer Bog. He said as the gold trails veers north it becomes wet, and existing planks are submerged in water. He said in 2023 there was a fire in the area, and there is significant damage to the trail from a tractor plow that was used to keep the fire from spreading. He noted that the plow path extends to a berm from a former cranberry bog about 150 feet in length. He said the berm is approximately six-feet high with trees that are eroding and beaver activity has been observed.

Mr. Staszewski said the intent is to reclaim the berm access to install the bridge.

Commissioner Wallner said there is a portion of the gold trail on the other side of Tomlinson Mill Road that is very steep and will require switchbacks. He proposed an alternative to use instead. He said off of the gold trails is the black trail and it would require much less improvements.

Mr. Staszewski said a solution is necessary for that area where it is steep.

Mr. Rijs added that there is still a lot of work that needs to be done for the proposal.

Commissioner Wallner added that the Friends of the Black Run Preserve have been managing the west side of the park as the most pristine, and adding a bridge will provide more access to the area and that's why he is suggesting alternate ADA routes.

Commissioner Rittler Sanchez asked who owns the MUA basins and what were they originally used for.

Mr. Rijs said the township owns the entire preserve, including the basins. He said the basins were part of an MOA between the township, the Pinelands Commission and the MUA for testing of spray irrigation and are no longer in use.

Commissioner Irick said he supports providing more access to public land; however, he asked how the Township plans to manage the issue of all-terrain vehicles and dirt bikes from entering the preserve.

Mr. Rijs said the Township has dealt with the issue of off-road vehicles at the park in the past. He said new park signage will help, and the development of a new map will also improve the situation.

Mr. Kerr said there are posts and chains at the preserve to block unauthorized vehicles, along with signs. He said his department and the Emergency Medical Services (EMS) have small 4-wheel drive vehicles to address any emergencies within the site. He said the Township has an MOA with the Friends of the Black Run Preserve, which assists with general maintenance of the park.

ED Grogan reviewed the draft MOA schedule (see last slide of presentation). She said this will be a complex agreement, noting that the size of the preserve is substantial and the finer details need to be worked out. She said that once staff has completed the Stafford Township MOA, they will have more availability to work with Evesham. Additional time has been built into the schedule to address wetlands permitting and stormwater issues.

Commissioner Wallner said he supports the MOA as long as staff completes a thorough evaluation of the alternatives.

Commissioner Rittler Sanches raised concerns about the grant funding that the Township has secured and the Commission's MOA schedule.

ED Grogan said unfortunately the Commission does not have a mechanism to work any faster on the development of the MOA. She said that Pemberton Township also had a grant for its trail project but was able to obtain a grant extension.

Commissioner Irick made a motion for staff to work with Evesham Township on an MOA for trail improvements and accessibility at the Black Run Preserve. Commissioner Pikolycky seconded the motion.

Commissioner Lohbauer said he hopes that the schedule will allow time for the consideration of alternatives.

Chair Matos thanked Evesham Township, the Friends of the Black Run Preserve and Commission staff and she looks forward to working on the development of the MOA.

All were in favor.

General Public Comment

Dr. Amy Golden, who is a volunteer with the Friends of the Black Run Preserve, said she supports the creation of ADA trails at the preserve but she believes there are better alternatives than what the township is proposing. She provided labeled photos that correspond to her attached, written comments.

Ila Vassallo of Marlton, NJ, said she supports the development of ADA trails at the Black Run Preserve but shares the concerns of Commissioner Wallner and Dr. Amy Golden (written submitted comments are attached).

Harry Harper of Browns Mills, NJ, said he is pleased to see snake studies being undertaken at the Pole Bridge residential project site in Pemberton. He raised concerns about the results being skewed because the studies were funded by the developer. He said the Commission needs to ensure that proper oversight occurs during threatened and endangered species studies.

Emile DiVito of the New Jersey Conservation Foundation and Pinelands Preservation Alliance provided an update on the dumping matter on Magnolia Road in Pemberton Township. He said he saw photos of the debris that has been dumped on the property and it consists of asphalt and construction rubble. He said the property is forested wetlands and the size of the dumping area is half a football field. He said the soil needs to be tested. He said NJDEP's notice of violation mentions an after-the-fact permit. He said there are chunks of asphalt in Stop the Jade Run.

Russell Juleg of the New Jersey Conservation Foundation and Partnerships for New Jersey Plant Conservation expressed the need for the Commission to update its threatened and endangered plant list (written comments attached).

Tracey Doron of Evesham, NJ, said she is strongly opposed to installing an ADA trail in the western portion of the Black Run Preserve. She said she purchased her property because it is isolated. She said her home is the last house on a no outlet road and she said there has been an increase in traffic on the road due to the popularity of the preserve. She has experienced loitering and trespass issues on her property. She said the current trail is approximately two-feet wide and would require significant modification to expand the trail to be ADA compliant. She noted there is a special flower that grows in the leaf litter that will be destroyed during the construction. She said the central or southern portion of the preserve are better areas to install an ADA trail and additional parking area.

Commissioner Mauriello said the NJDEP requires soil sampling as part of post excavation of a clean-ups to ensure that there is no contamination to soil and groundwater.

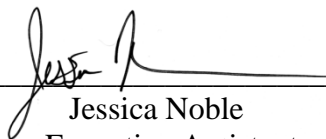
Mr. DeVito added that the dump trucks failed to comply with transport rules, noting that there was no paperwork for any of the loads of fill and concrete that were dumped at the Magnolia Road site.

Director Horner said that staff are monitoring the Magnolia Road violation and have requested information from the applicant. He said staff will do everything necessary to protect the Pinelands.

Adjournment

Commissioner Irick moved to adjourn the meeting. Commissioner Lohbauer seconded the motion. The Commission agreed to adjourn at 11:15 a.m.

Certified as true and correct:



Jessica Noble
Executive Assistant

Date: April 22, 2024



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-24-07

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 2023-0196.001)

Commissioner Irick moves and Commissioner Holroyd 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:

2023-0196.001

Applicant:	New Jersey Department of Transportation
Municipality:	Hammonton
Management Area:	Pinelands Town Management Area
	Date of Report: March 19, 2024
Proposed Development:	Installation of 266 linear feet of sidewalks and 898 linear feet of guiderails within the Route 54 right-of-way.

WHEREAS, no request for a hearing before the Office of Administrative Law regarding 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 2023-0196.001 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

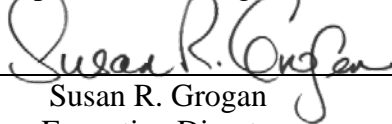
Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: April 12, 2024



 Susan R. Grogan
 Executive Director



 Laura E. Matos
 Chair



State of New Jersey

THE PINELANDS COMMISSION

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LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

March 19, 2024

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

Re: Application # 2023-0196.001
Route 54
Town of Hammonton

Dear Mr. Bird:

The Commission staff has completed its review of this application for the installation of 266 linear feet of sidewalks and 898 linear feet of guiderails within the Route 54 right-of-way. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its April 12, 2024 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

c: Secretary, Town of Hammonton Planning Board (via email)
Town of Hammonton Construction Code Official (via email)
Town of Hammonton Environmental Commission (via email)
Atlantic County Department of Regional Planning and Development (via email)



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PUBLIC DEVELOPMENT APPLICATION REPORT

March 19, 2024

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

Application No.: 2023-0196.001
Route 54
Town of Hammonton

This application proposes the installation of 266 linear feet of sidewalks and 898 linear feet of guiderails within the Route 54 right-of-way in the Town of Hammonton.

The applicant proposes sidewalk improvements at thirteen intersections within the Route 54 right-of-way between Route 30 and Second Road. Sidewalks are currently either missing or substandard at these thirteen intersections. This application also proposes the installation of new guiderail and the extension of guiderails in the vicinity of the Route 54 and Atlantic City Expressway intersection to improve motorist safety.

STANDARDS

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

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

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

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

The proposed guiderails will be located within 300 feet of wetlands. The CMP prohibits most development in wetlands and requires up to a 300 foot buffer to wetlands.

The CMP permits the installation of linear improvements such as guiderails in the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The

applicant has demonstrated there is no feasible alternative to the proposed guardrails that does not involve development in the required buffer to wetlands that will result in a less significant adverse impact to wetlands. In addition, the proposed guardrails will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands. The guardrails proposed within the required buffer to wetlands are necessary to improve motorist safety. The applicant has demonstrated that the need for the proposed guardrails overrides the importance of protecting the required buffer to wetlands.

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

The proposed development will be located within maintained grass road shoulders. The proposed soil disturbance is limited to that which is necessary to accommodate the development.

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

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on February 8, 2024. The Commission’s public comment period closed on March 8, 2024. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 26 sheets, prepared by McCormick Taylor, all sheets dated October 5, 2023.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sediment from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

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



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on April 8, 2024 and include the following information:

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

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



State of New Jersey

THE PINELANDS COMMISSION

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

April 8, 2024

William Burns, Esq. (via email)
Tabernacle Township Municipal Attorney
c/o Hartman Duff
3500 Quakerbridge Road, Suite 202
Hamilton NJ 08619

Re: Application # 1981-1383.008
Block 903, Lot 33
Tabernacle Township

Dear Mr. Burns:

We have reviewed information submitted to our office on April 4, 2024 and April 5, 2024 proposing the demolition of the Tabernacle Township Municipal Building. Included in the submitted information was the following three documents:

An April 4, 2024 email from the Township Construction Official to the Commission identifying the need to take emergency action to demolish the municipal building in accordance with a specific provision of the New Jersey Uniform Construction Code (N.J.A.C. 5:23-2.32). The cited provision addresses building demolition to eliminate an immediate danger to human life.

A March 22, 2024 letter to Tabernacle Mayor Mark Hartman from Thomas Leisse, PE, the Township Engineer of Pennoni Associates indicating that the “building is an imminent danger to public health and safety.”

A “Building Fall Plan” indicating that if the building collapsed, it could fall within the adjacent County Rt. 532 right-of-way.

Available information indicates that the municipal building was constructed in the 1870’s. The proposed demolition of a building 50 years old or older requires completion of an application to the Pinelands Commission.

Your April 5, 2024 email requests authorization from the Commission to demolish the municipal building in accordance with an emergency provision contained in the Commission’s regulations (N.J.A.C. 7:50-4.5). This provision authorizes the Commission’s Executive Director, after consultation with the Chairperson of the Commission, to take whatever action is minimally necessary to remedy a danger to public safety. Such authorization would allow for the demolition of the municipal building prior to the completion of an application with the Commission.

Based upon our staff's discussion with Township representatives on April 5, 2024, it is our understanding that the soonest building demolition could begin is Monday, April 15, 2024.

Included in the submitted information is an October 13, 2021 letter from Michael A. Beach and Associates, a consulting structural engineering firm. This letter provides a structural evaluation of the municipal building. Although this letter identifies significant structural deficiencies, the 2021 letter does not address the potential for the building to collapse.

So that the Commission can make an immediate and informed decision on this request, please provide one of the following:

A letter from Michael A. Beach, PE or another qualified New Jersey licensed engineer with structural building expertise confirming the municipal building constitutes an imminent danger to public safety; or

Information to our office confirming Mr. Leisse's structural building qualifications and expertise.

If you have any questions, please contact me.

Sincerely,

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

Charles M. Horner, P.P.

Director of Regulatory Programs

- c: Samuel Moore, III, Mayor (via email)
- Thomas K. Boyd, Construction Official (via email)



Memoranda of Agreement Accessible Trails

April 12, 2024

Memoranda of Agreement

The CMP authorizes the Commission to enter into MOAs with public entities for two purposes:

- To establish streamlined permitting procedures
- To authorize deviations from CMP standards, provided measures are included to ensure equivalent protection of Pinelands resources

13 step process involving Committee/Commission review and public hearing

Pemberton Township MOA

Development: filling, grading and surfacing of Pemberton Lake Trail for accessibility purposes

Deviation: development in wetlands and required wetlands buffers

Offsets: revegetation; rain garden; accessible parking spaces; wooden rail and post barriers

Status: MOA approved 1/12/2024. Awaiting wetlands GP, DEP Right of Entry and raingarden plans.

Stafford Township MOA

Development: surfacing of existing trails and installation of a footbridge and parking area at Forecastle Park for accessibility purposes

Deviation: development in required wetlands buffers

Proposed offset: revegetation/tree planting

Status: updated stormwater plan under review; draft MOA will be presented to the P&I Committee in June

Evesham Township MOA

- Development: surfacing of existing trails and installation of a bridge for accessibility purposes; resolution of violations involving existing parking areas and trails in the Black Run Preserve
- Deviation: development in wetlands and required wetlands buffers
- Proposed offset: restoration of former MUA basins
- Status: P&I presentation 2/23/24; Commission presentation 4/12/24



Suggested Evesham MOA Schedule

April 2024: Commission authorization for staff to proceed with development of an MOA

October 2024: P&I Committee reviews draft MOA

November 2024: Public hearing held

January 2025: P&I Committee reviews staff report and recommendation

February 2025: Commission action on MOA



Township of Evesham

"Respecting Diversity, Preserving Dignity"

Mayor Jaclyn Veasy - Councilwoman Heather Cooper - Councilwoman Ginamarie Espinoza - Councilman Eddie Freeman, III - Councilwoman Patricia Hansen

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Pinelands Commission Meeting

9:30 a.m Friday, April 12, 2024

Following the 2/23/24 CMP Policy and Implementation Committee Meeting

1. Township of Evesham request for a potential Memorandum of Agreement (MOA) with the Pinelands Commission for the Municipal Park known as the Black Run Preserve (BRP).
2. BRP Municipal Park: 700+ acre Municipal Park located in the southern section of the Township. The entire park is within the Rural Development Area of the Pinelands Land Capability Map. Wetlands and associated Buffers cover a large portion of the park.

The park is comprised of 3 sections.

Western Section

Central Section

Southern Section



Township of Evesham "Respecting Diversity, Preserving Dignity"

Mayor Jaclyn Veasy - Councilwoman Heather Cooper - Councilwoman Ginamarie Espinoza - Councilman Eddie Freeman, III - Councilwoman Patricia Hansen

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3. This MOA request includes permitting approval of the following:
 - 1) Western Section: Change in existing trail material surface from earthen to crushed gravel (as was approved for Pemberton Lakes Trail). 4,640 linear feet @ a width of 5 feet, the proposed disturbance is 23,200 square feet, or 0.53 acres. The proposed trail improvements would make the existing trail firm, stable and flat from side to side so it is more accessible to individuals with mobility issues.
 - 2) Western Section: Installation of one pedestrian ADA compliant bridge to reconnect two existing trails (that are proposed to be include ADA upgrades).
 - 3) To permit existing park amenities to remain including board walks, kiosk signage at parking area, park signage, and benches. To allow additional newly proposed park amenities including park signage and benches as appropriate.
 - 4) To permit 5 existing parking areas to remain and to include changes in surface material to allow the installation of ADA compliant parking spaces.
 - 5) To permit the existing trail shown in red (southern section) to remain.



Township of Evesham

"Respecting Diversity, Preserving Dignity"

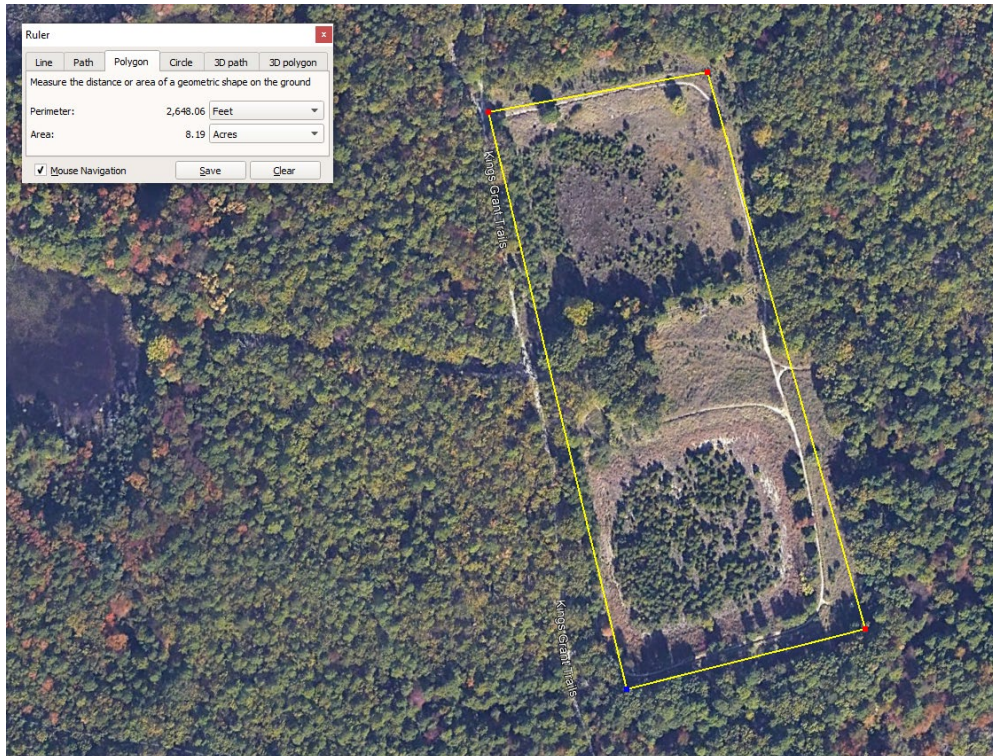
Mayor Jaclyn Veasy - Councilwoman Heather Cooper - Councilwoman Ginamarie Espinoza - Councilman Eddie Freeman, III - Councilwoman Patricia Hansen

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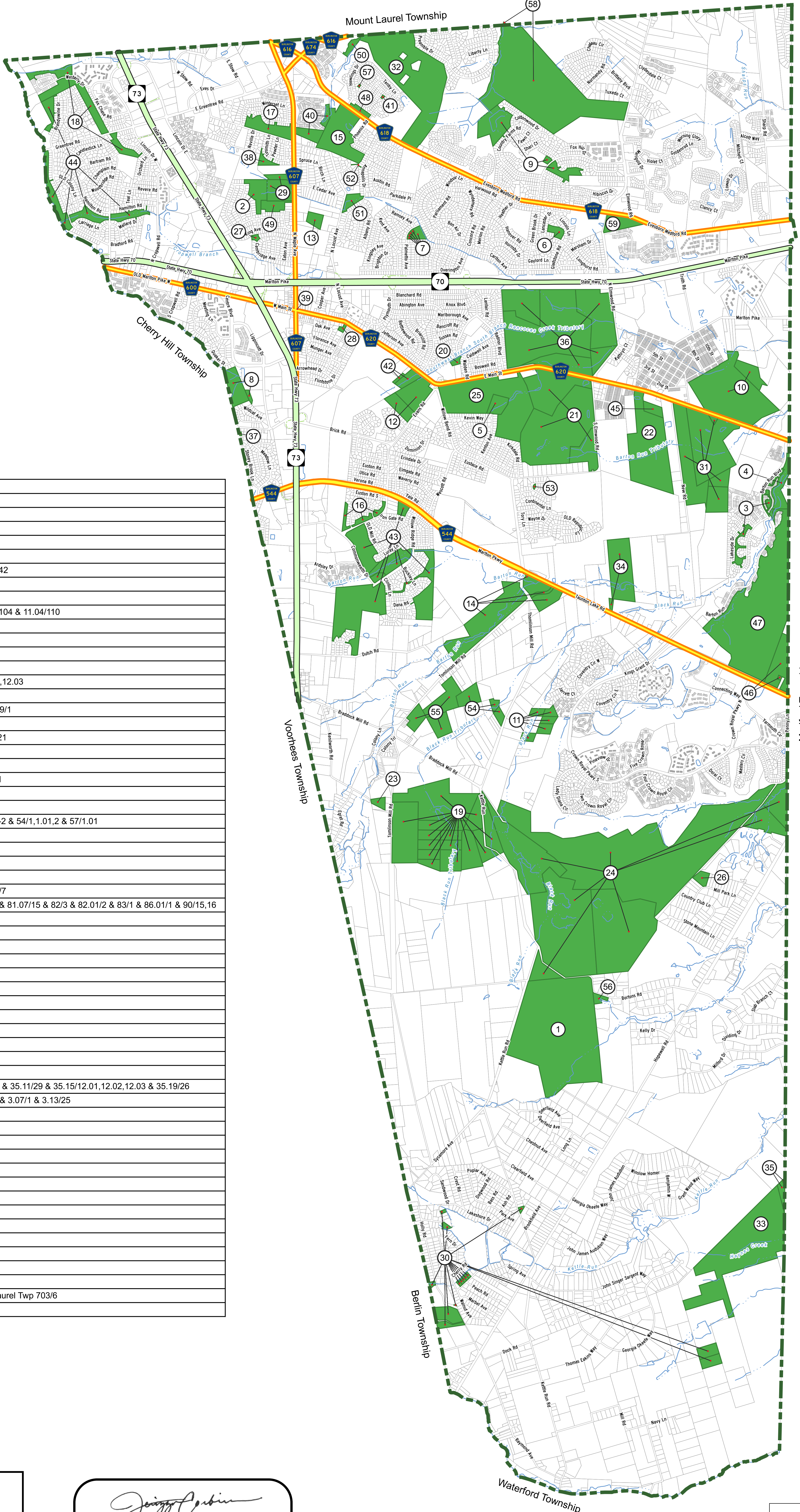
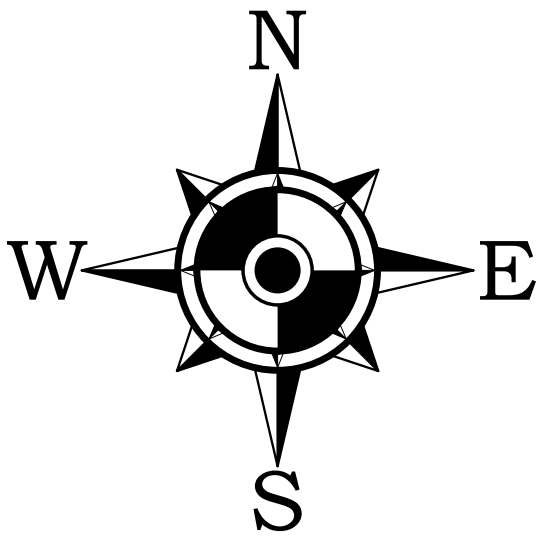
4. Partners involved in this effort to address permitting within the BRP:

- Evesham Township
- Friends of Black Run Preserve
- Pinelands Preservation Alliance

5. Offset Approximate Work Area = 8+ Acres. Restoration of former MUA basins.



General Notes & Data Sources:
 This Geographic Information System (GIS) Recreation and Open Space Inventory (ROSI) Map is for demonstration purposes only, any use of this product with respect to accuracy and precision shall be the sole responsibility of the end user.
 The areas shown on this ROSI map are referenced, in part, from ground surveys, aerial surveys and recorded plans, and documents, and are to be used for approximate location purposes only.
 Water bodies: NJDEP NHD Dataset, 2002.
 NJDOT Roads: NJGN, 2017.
 Additional cadastral GIS mapping data, such as, waterways, roadways, etc. was obtained from the New Jersey Geographic Information Network (NJGIN), the New Jersey Department of Transportation (NJDOT), the New Jersey Department of Environmental Protection (NJDEP), the New Jersey Office of Information Technology (NJGIT), and the New Jersey Office of GIS (NJOGIS). The data was obtained and provided by the various New Jersey Departments at the New Jersey Geographic Information Network (NJGIN) <https://njgis-newjersey.opendata.arcgis.com>. This secondary product has not been verified by (NJGIN/NJGIT/NJOGIS/NJDOT/NJDEP) and is not state-authorized.
 All positions are based on the following:
 • NAD 83 (horizontal datum)
 • New Jersey State Plane Coordinate System
 • English units (feet)
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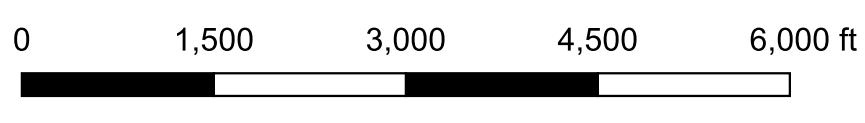


Map Key	Park Name	Block/Lot
1	Aerohaven	57/1
2	Baker Tract	20.15/6
3	Barton Run	44.17/1 & 44.19/57
4	Barton Run Lake	44.23/2,04
6	Heathrow Park	13.23/33
7	Cambridge Park	13.06/22,23,24,25,42
5	Brush Hollow	29/2
8	Carrefour	24.24/2,02,101
9	Country Farms	11.01/174 & 11.02/104 & 11.04/110
10	Croft Farm	31/8,07,9
11	Density Transfer	41/19,20,21,23,26
12	Downs Tract	26/10-11
13	Eisenhower Park	10/3,06
14	Evans Tract	40/2 & 41/12,12.01,12.03
15	Evesboro Downs	9/9,02
16	Glen Eayre	33.07/28,29 & 33.09/1
17	Greenlane Farms	7.04/41
18	Greentree Village	1.08/34,76 & 3.30/21
19	Hamilton Georgetown Road	47/2 & 48/4-16
20	Heritage	28.16/10
21	Indian Springs	29/3,3.01 & 29.12/1
22	Johnston Tract	30/2
23	Kenilworth	49/5
24	Kings Grant II	47/1 & 52/1 & 53/1-2 & 54/1,1.01,2 & 57/1.01
25	Koppenhaver Tract	29/1
26	Little Mill	54.04/22
27	London Square Park	20.11/25
28	Kain Memorial Park	4.11/5
29	Marlgreen Tract	6.17/11.01 & 20.15/7
30	Marlon Lakes	81.04/18-22,56,60 & 81.07/15 & 82/3 & 82.01/2 & 83/1 & 86.01/1 & 90/15,16
31	Memorial Park	44/5-8,11.01
32	Musulin	11/1
33	Pachoango	90/11
34	Project Heal Camp	38/6,16,01
35	Rancocas Watershed	90/9,9.01
36	Savich Tract	28.20/6-10
37	Tara	34.07/7
38	The Maples	6.15/1
39	Town Clock	4.05/17.05
40	Vineyards	9.01/124,190
41	Westbury Chase Park	8.06/18
42	Wiley Tract	26/8-9
43	Willow Ridge	35.03/4 & 35.09/31 & 35.11/29 & 35.15/12,01,12.02,12.03 & 35.19/26
44	Woodstream	1.01/2 & 3.01/1,44 & 3.07/1 & 3.13/25
45	Morrison Parcel	30/2,04
46	Barton Road	44.31/2-3
47	Vacant Land	44.26/110
48	Open Space	8.07/26
49	Open Space	20.07/1
50	Church Rd Farm	8.18/5
51	Park	13.64/13
52	Open Space	13.64/53
53	Vacant Land	38.02/1
54	Density Transfer	42/16,18,23
55	Density Transfer	46/1,3,4
56	Open Space	57/3,04
57	Tot Lot	8.02/30
58	Park (Formerly Beagle Club)	11.52/2 & Mount Laurel Twp 703/6
59	Open Space	18/3



Recreational and Open Space
Evesham Township
 Burlington County New Jersey
 September 17th, 2021 Scale 1:1500
REMINGTON & VERNICK ENGINEERS
 2059 SPRINGDALE ROAD, CHERRY HILL, NJ 08003
 (856) 795-9595, FAX (856) 795-1882, RVE.COM
 Certificate of Authorization: 24 CA 2800390
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Jenizza Corbin
 DATE: 12/15/2022
JENIZZA CORBIN, PP
 NJ PROFESSIONAL PLANNER NO. 33LI00681200

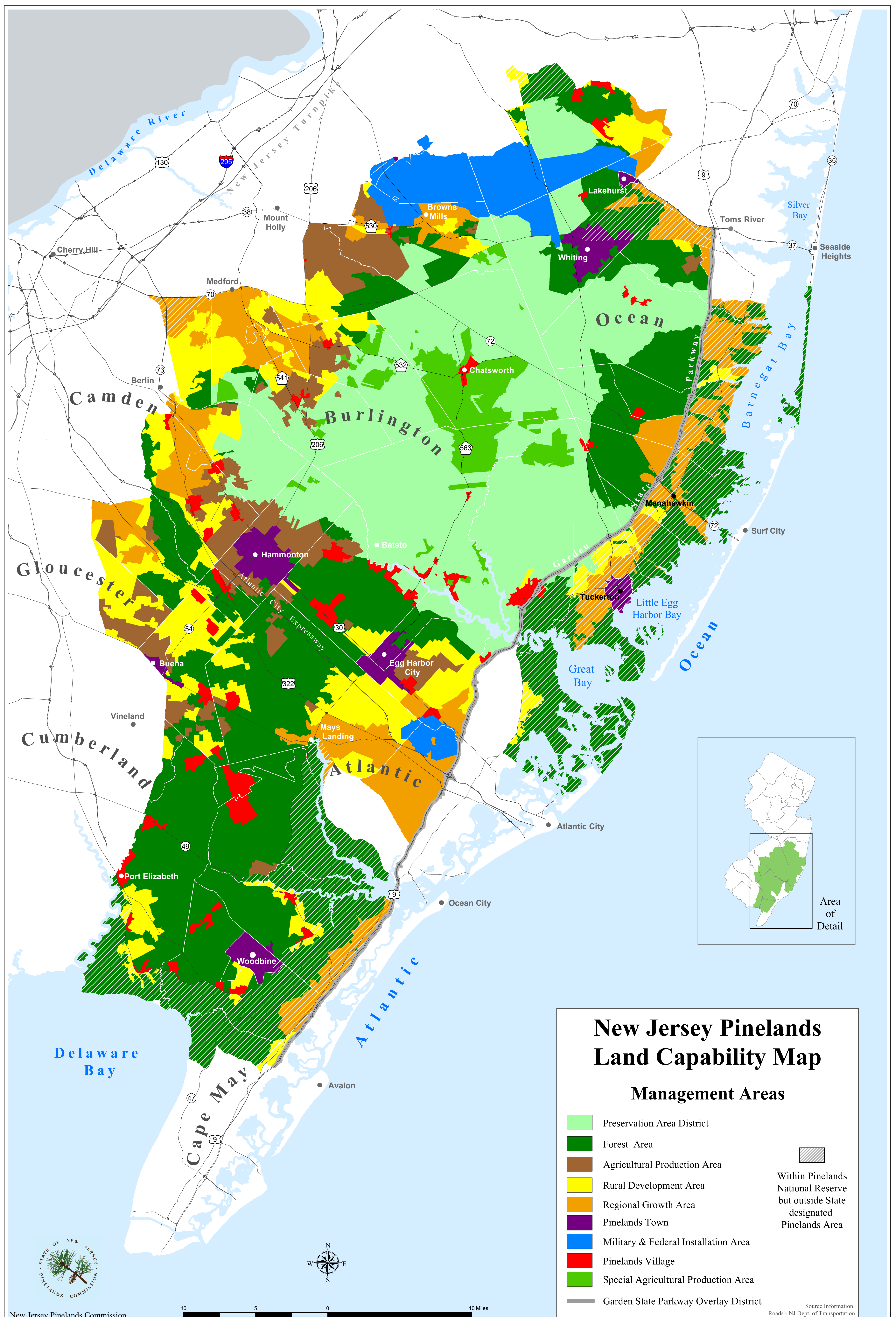


Legend

- Open Space/Park (Green fill)
- Parcel (Thin grey outline)
- Stream (Blue line)
- Waterbody (Blue area)
- Municipal Boundary (Dashed green line)
- State Highway (Thick orange line)
- County Road (Thin orange line)
- Ramp (Dashed orange line)

REVISIONS

NO.	DESCRIPTION	DATE	BY	CHK
1	Added Former Beagle Club & 387 Evesboro-Medford Road	Dec 7 th , 2022	ES	KZ
2				
3				
4				

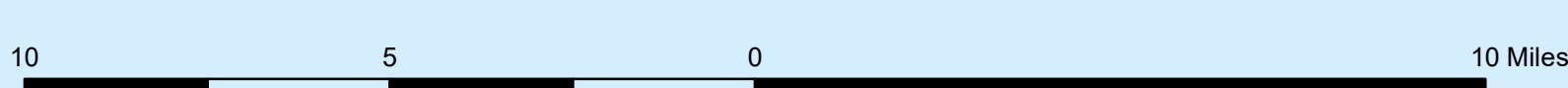


New Jersey Pinelands Land Capability Map

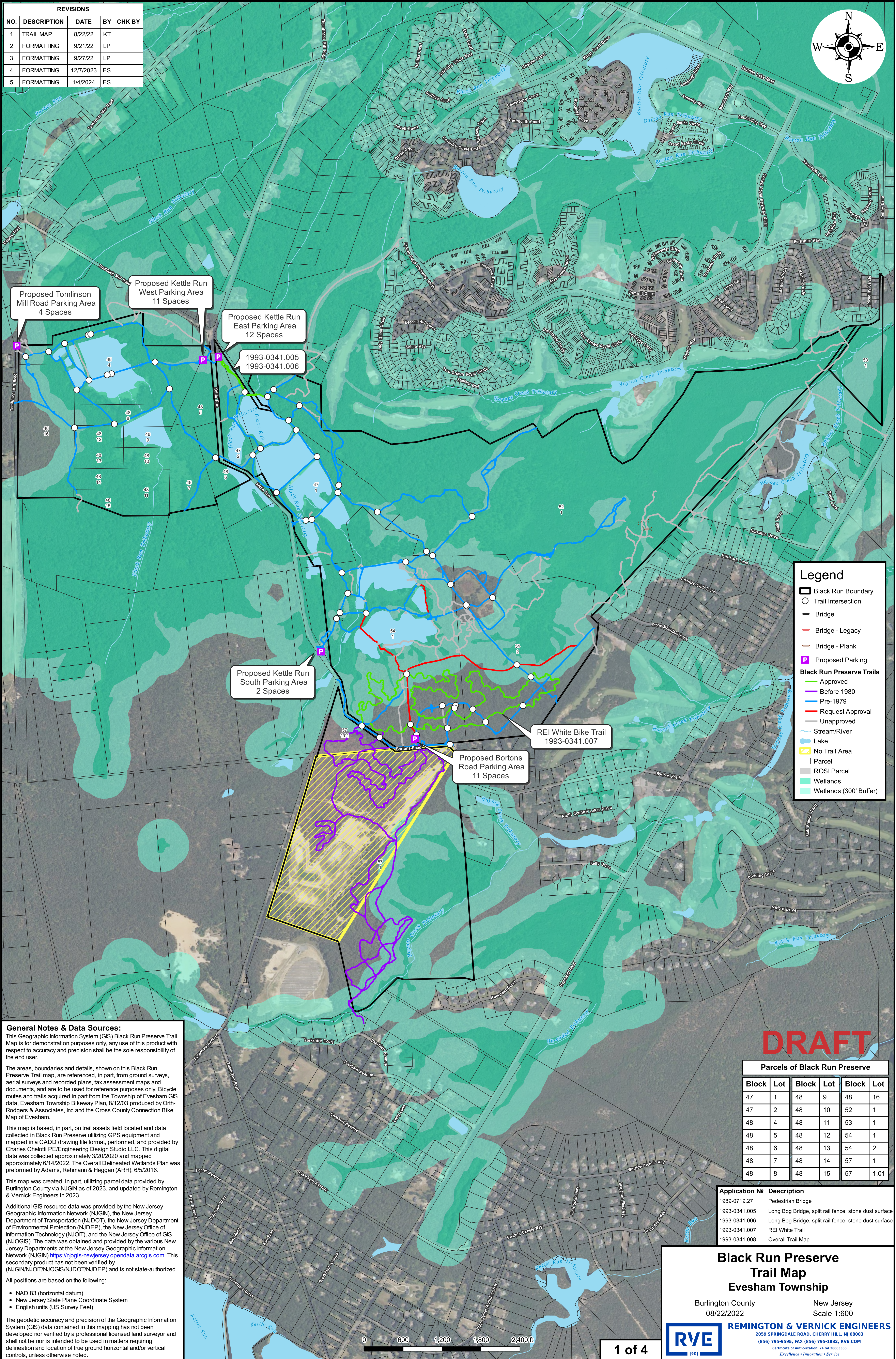
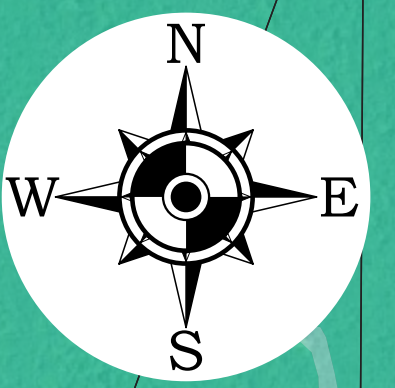
Management Areas

- Preservation Area District
- Forest Area
- Agricultural Production Area
- Rural Development Area
- Regional Growth Area
- Pinelands Town
- Military & Federal Installation Area
- Pinelands Village
- Special Agricultural Production Area
- Garden State Parkway Overlay District
- Within Pinelands National Reserve but outside State designated Pinelands Area

Source Information:
Roads - NJ Dept. of Transportation



REVISIONS				
NO.	DESCRIPTION	DATE	BY	CHK BY
1	TRAIL MAP	8/22/22	KT	
2	FORMATTING	9/21/22	LP	
3	FORMATTING	9/27/22	LP	
4	FORMATTING	12/7/2023	ES	
5	FORMATTING	1/4/2024	ES	



Proposed Tomlinson Mill Road Parking Area
4 Spaces

Proposed Kettle Run West Parking Area
11 Spaces

Proposed Kettle Run East Parking Area
12 Spaces

1993-0341.005
1993-0341.006

Proposed Kettle Run South Parking Area
2 Spaces

Proposed Bortons Road Parking Area
11 Spaces

REI White Bike Trail
1993-0341.007

Legend	
	Black Run Boundary
	Trail Intersection
	Bridge
	Bridge - Legacy
	Bridge - Plank
	Proposed Parking
Black Run Preserve Trails	
	Approved
	Before 1980
	Pre-1979
	Request Approval
	Unapproved
	Stream/River
	Lake
	No Trail Area
	Parcel
	ROSI Parcel
	Wetlands
	Wetlands (300' Buffer)

General Notes & Data Sources:
This Geographic Information System (GIS) Black Run Preserve Trail Map is for demonstration purposes only, any use of this product with respect to accuracy and precision shall be the sole responsibility of the end user.

The areas, boundaries and details, shown on this Black Run Preserve Trail map, are referenced, in part, from ground surveys, aerial surveys and recorded plans, tax assessment maps and documents, and are to be used for reference purposes only. Bicycle routes and trails acquired in part from the Township of Evesham GIS data, Evesham Township Bikeway Plan, 8/12/03 produced by Orth-Rodgers & Associates, Inc and the Cross County Connection Bike Map of Evesham.

This map is based, in part, on trail assets field located and data collected in Black Run Preserve utilizing GPS equipment and mapped in a CADD drawing file format, performed, and provided by Charles Chelotti PE/Engineering Design Studio LLC. This digital data was collected approximately 3/20/2020 and mapped approximately 6/14/2022. The Overall Delineated Wetlands Plan was performed by Adams, Rehmann & Heggan (ARH), 6/5/2016.

This map was created, in part, utilizing parcel data provided by Burlington County via NJGN as of 2023, and updated by Remington & Vernick Engineers in 2023.

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DRAFT

Parcels of Black Run Preserve					
Block	Lot	Block	Lot	Block	Lot
47	1	48	9	48	16
47	2	48	10	52	1
48	4	48	11	53	1
48	5	48	12	54	1
48	6	48	13	54	2
48	7	48	14	57	1
48	8	48	15	57	1.01

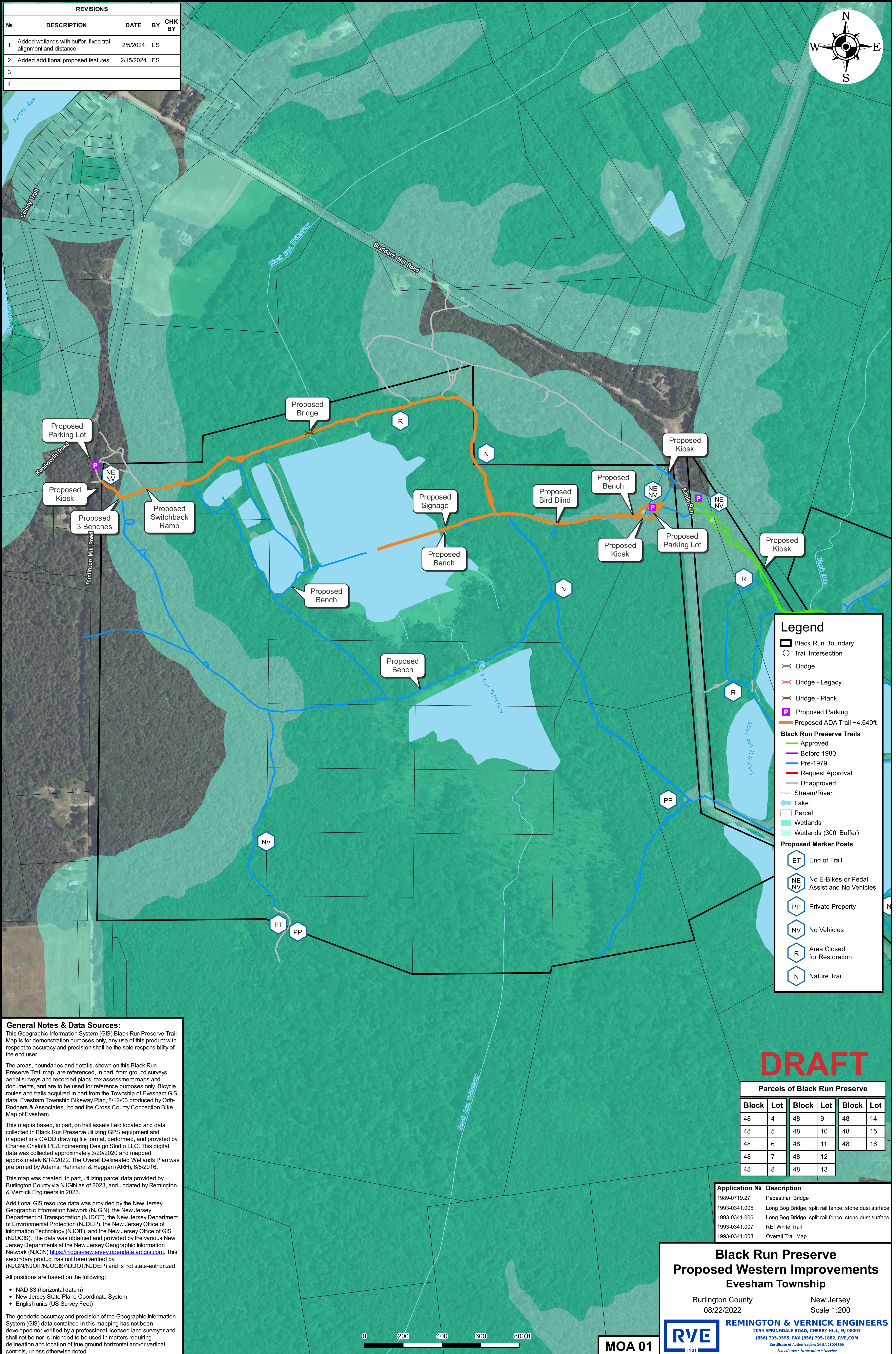
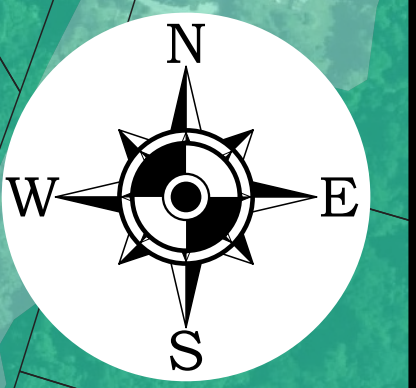
Application No	Description
1989-0719.27	Pedestrian Bridge
1993-0341.005	Long Bog Bridge, split rail fence, stone dust surface
1993-0341.006	Long Bog Bridge, split rail fence, stone dust surface
1993-0341.007	REI White Trail
1993-0341.008	Overall Trail Map

Black Run Preserve Trail Map
Evesham Township
Burlington County New Jersey
08/22/2022 Scale 1:600



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REVISIONS				
No	DESCRIPTION	DATE	BY	CHK BY
1	Added wetlands with buffer, fixed trail alignment and distance	2/5/2024	ES	
2	Added additional proposed features	2/15/2024	ES	
3				
4				



Legend

- Black Run Boundary
- Trail Intersection
- Bridge
- Bridge - Legacy
- Bridge - Plank
- Proposed Parking
- Proposed ADA Trail ~4,640ft
- Black Run Preserve Trails**
 - Approved
 - Before 1980
 - Pre-1979
 - Request Approval
 - Unapproved
- Stream/River
- Lake
- Parcel
- Wetlands
- Wetlands (300' Buffer)
- Proposed Marker Posts**
 - ET End of Trail
 - NE NV No E-Bikes or Pedal Assist and No Vehicles
 - PP Private Property
 - NV No Vehicles
 - R Area Closed for Restoration
 - N Nature Trail

General Notes & Data Sources:
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DRAFT

Parcels of Black Run Preserve

Block	Lot	Block	Lot	Block	Lot
48	4	48	9	48	14
48	5	48	10	48	15
48	6	48	11	48	16
48	7	48	12		
48	8	48	13		

Application # Description

1989-0719.27	Pedestrian Bridge
1993-0341.005	Long Bog Bridge, split rail fence, stone dust surface
1993-0341.006	Long Bog Bridge, split rail fence, stone dust surface
1993-0341.007	REI White Trail
1993-0341.008	Overall Trail Map

**Black Run Preserve
 Proposed Western Improvements
 Evesham Township**

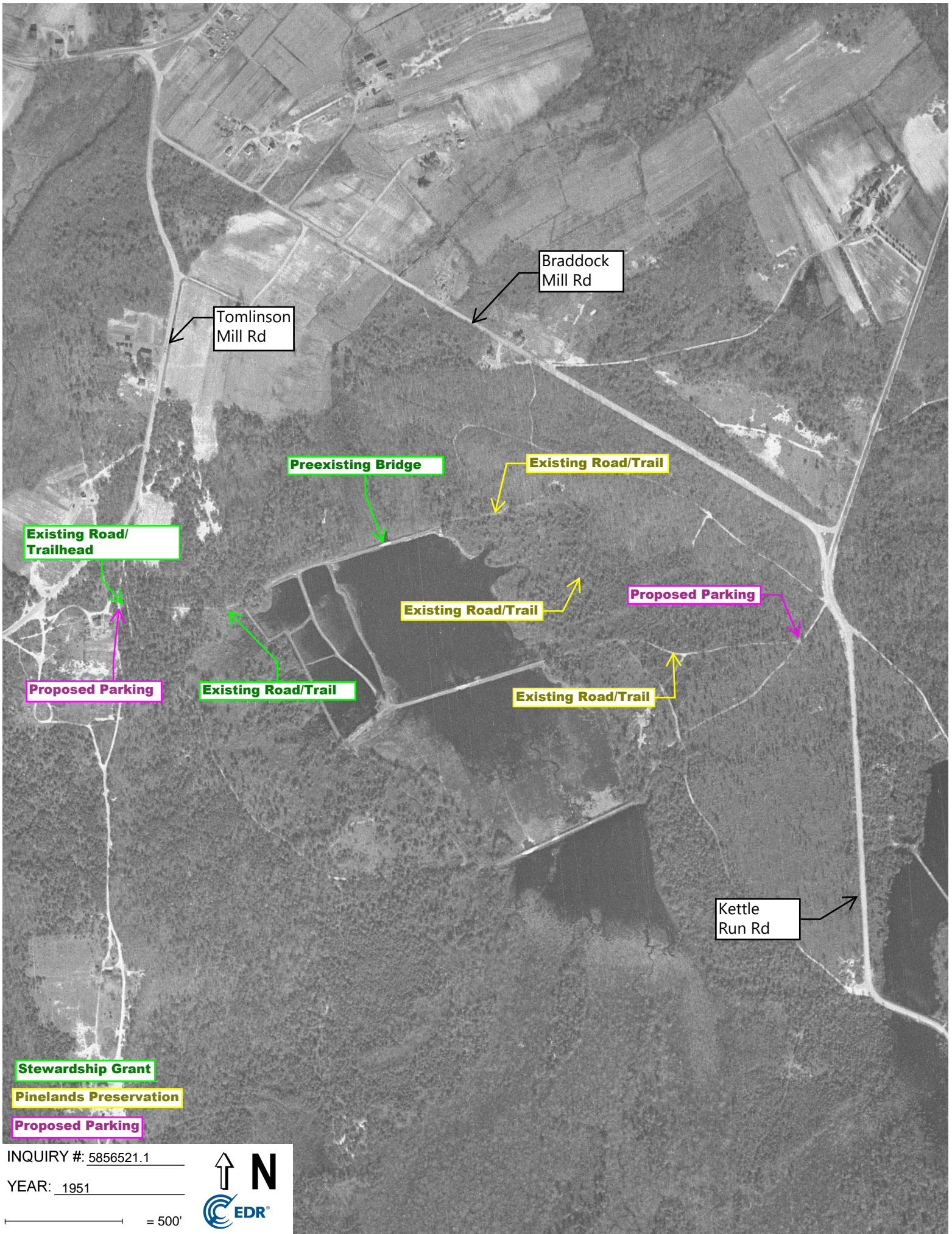
Burlington County New Jersey
 08/22/2022 Scale 1:200

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MOA 01





Braddock Mill Rd

Tomlinson Mill Rd

Preexisting Bridge

Existing Road/Trail

Existing Road/Trailhead

Existing Road/Trail

Proposed Parking

Proposed Parking

Existing Road/Trail

Existing Road/Trail

Kettle Run Rd

Stewardship Grant

Pinelands Preservation

Proposed Parking

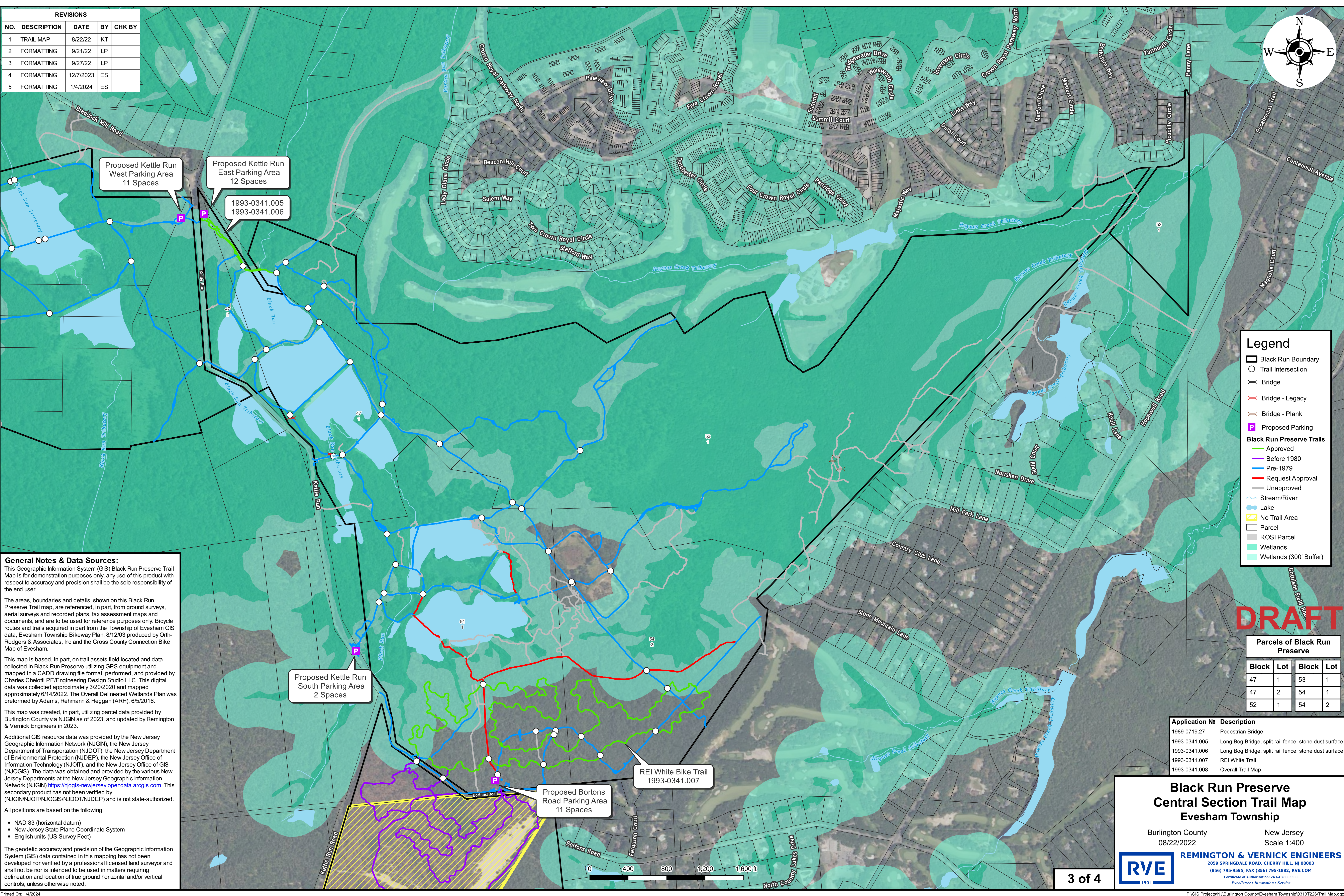
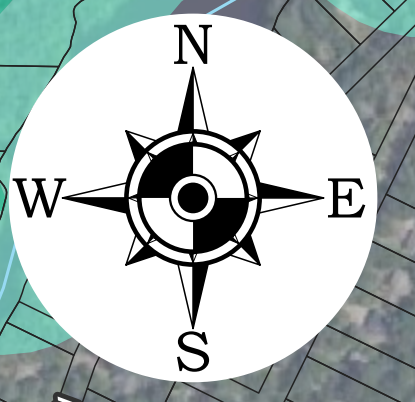
INQUIRY #: 5856521.1

YEAR: 1951

— = 500'



REVISIONS				
NO.	DESCRIPTION	DATE	BY	CHK BY
1	TRAIL MAP	8/22/22	KT	
2	FORMATTING	9/21/22	LP	
3	FORMATTING	9/27/22	LP	
4	FORMATTING	12/7/2023	ES	
5	FORMATTING	1/4/2024	ES	



General Notes & Data Sources:
 This Geographic Information System (GIS) Black Run Preserve Trail Map is for demonstration purposes only, any use of this product with respect to accuracy and precision shall be the sole responsibility of the end user.

The areas, boundaries and details, shown on this Black Run Preserve Trail map, are referenced, in part, from ground surveys, aerial surveys and recorded plans, tax assessment maps and documents, and are to be used for reference purposes only. Bicycle routes and trails acquired in part from the Township of Evesham GIS data, Evesham Township Bikeway Plan, 8/12/03 produced by Orth-Rodgers & Associates, Inc and the Cross County Connection Bike Map of Evesham.

This map is based, in part, on trail assets field located and data collected in Black Run Preserve utilizing GPS equipment and mapped in a CADD drawing file format, performed, and provided by Charles Chelotti PE/Engineering Design Studio LLC. This digital data was collected approximately 3/20/2020 and mapped approximately 6/14/2022. The Overall Delineated Wetlands Plan was performed by Adams, Rehmann & Heggan (ARH), 6/5/2016.

This map was created, in part, utilizing parcel data provided by Burlington County via NJGIN as of 2023, and updated by Remington & Vernick Engineers in 2023.

Additional GIS resource data was provided by the New Jersey Geographic Information Network (NJGIN), the New Jersey Department of Transportation (NJDOT), the New Jersey Department of Environmental Protection (NJDEP), the New Jersey Office of Information Technology (NJGIT), and the New Jersey Office of GIS (NJOGIS). The data was obtained and provided by the various New Jersey Departments at the New Jersey Geographic Information Network (NJGIN) <https://njgis-newjersey.opendata.arcgis.com>. This secondary product has not been verified by (NJGIN/NJGIT/NJOGIS/NJDOT/NJDEP) and is not state-authorized.

All positions are based on the following:
 • NAD 83 (horizontal datum)
 • New Jersey State Plane Coordinate System
 • English units (US Survey Feet)

The geodetic accuracy and precision of the Geographic Information System (GIS) data contained in this mapping has not been developed nor verified by a professional licensed land surveyor and shall not be nor is intended to be used in matters requiring delineation and location of true ground horizontal and/or vertical controls, unless otherwise noted.

Legend

- Black Run Boundary
- Trail Intersection
- Bridge
- Bridge - Legacy
- Bridge - Plank
- Proposed Parking
- Black Run Preserve Trails**
 - Approved
 - Before 1980
 - Pre-1979
 - Request Approval
 - Unapproved
- Stream/River
- Lake
- No Trail Area
- Parcel
- ROSI Parcel
- Wetlands
- Wetlands (300' Buffer)

DRAFT

Parcels of Black Run Preserve

Block	Lot	Block	Lot
47	1	53	1
47	2	54	1
52	1	54	2

Application No	Description
1989-0719.27	Pedestrian Bridge
1993-0341.005	Long Bog Bridge, split rail fence, stone dust surface
1993-0341.006	Long Bog Bridge, split rail fence, stone dust surface
1993-0341.007	REI White Trail
1993-0341.008	Overall Trail Map

Black Run Preserve Central Section Trail Map Evesham Township

Burlington County New Jersey
 08/22/2022 Scale 1:400

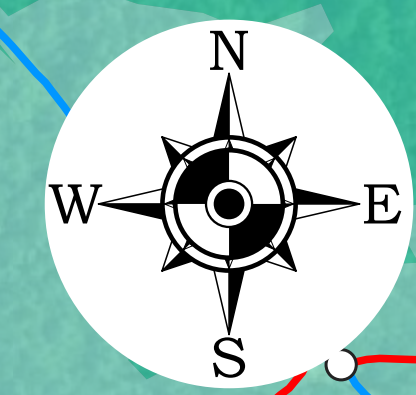
REMINGTON & VERNICK ENGINEERS
 2059 SPRINGDALE ROAD, CHERRY HILL, NJ 08003
 (856) 795-9595, FAX (856) 795-1882, RVE.COM
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3 of 4



REVISIONS				
NO.	DESCRIPTION	DATE	BY	CHK BY
1	TRAIL MAP	8/22/22	KT	
2	FORMATTING	9/21/22	LP	
3	FORMATTING	9/27/22	LP	
4	FORMATTING	12/7/2023	ES	
5	FORMATTING	1/4/2024	ES	



Proposed Kettle Run South Parking Area
2 Spaces

Proposed Bortons Road Parking Area
11 Spaces

REI White Bike Trail
1993-0341.007

Legend	
	Black Run Boundary
	Trail Intersection
	Bridge
	Bridge - Legacy
	Bridge - Plank
	Proposed Parking
Black Run Preserve Trails	
	Approved
	Before 1980
	Pre-1979
	Request Approval
	Unapproved
	Stream/River
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	No Trail Area
	Parcel
	ROSI Parcel
	Wetlands
	Wetlands (300' Buffer)

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DRAFT

Parcels of Black Run Preserve			
Block	Lot	Block	Lot
57	1	57	1.01

Application No	Description
1989-0719.27	Pedestrian Bridge
1993-0341.005	Long Bog Bridge, split rail fence, stone dust surface
1993-0341.006	Long Bog Bridge, split rail fence, stone dust surface
1993-0341.007	REI White Trail
1993-0341.008	Overall Trail Map

Black Run Preserve Southern Section (Aerohaven) Trail Map
Evesham Township

Burlington County New Jersey
08/22/2022 Scale 1:200



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The importance of this project

1. Create an inclusive low-impact recreation site for the community.
2. Promote community health and wellness.
3. Provide a safe space for gathering and activity for everyone.
4. Encourage low-impact activity for all members of the community.
5. Provide inclusive access to conserved wild areas with great scenic views.
7. Help all residents connect with Evesham's natural places.
8. Improve overall value of the preserve for the community.

Scouting the Site



Why do the work: Health, Recreation, Education, Community Connection



Examples of Similar Work: State Park Level



Wharton State Forest, Batsto Village –
Red Trail



Atsion Recreation Area – Red/Blue
Trail

My name is Dr. Amy Golden. I love the Black Run Preserve because of its unique beauty and its magical healing powers. A simple walk around the old cranberry bogs can bring serenity and peace to the visitor.

I whole heartedly support the proposal to build ADA trails so that all can enjoy the magic of Black Run Preserve. However, I too am concerned about damaging the very sensitive wetlands by placing a 5 foot wide trail and an 8 foot wide bridge through the pristine west side of Black Run Preserve.

Please look at my handout.

The first three pages are photographs taken of the proposed route of the ADA trail. These are images of the west side of the trail, off of Kettlerun Road. One of my main concerns is that the proposed trail would extend down a narrow berm along the lower Schafer bog to what we call the infinity pool. See Picture 1. There are deep holes in this narrow dike and water on the left side is up to the level of the berm.

The Ada trail would also lead down a narrow nature trail , which ends in a flooded area, depicted in photo #2. The flooding makes the trail impassable. There are bladderwarts in the water there. This is where the proposed 8 foot wide bridge would span the water to connect to the Tomlinson Mill Rd side of Black Run Preserve. There is also evidence of a new beaver dam in this area. The berm where the ADA trail would be placed is very narrow, which you can see on the left side of the picture and would need widening in order to accommodate wheelchairs.

Please see Photo #3, labeled fire break narrowing path. This leads back to Lower Schafer bog. The trail is flooded in areas and very narrow. The fire trough was placed by firefighters during last year's fires, and trees would need to be cut down to establish a 5 foot wide trail

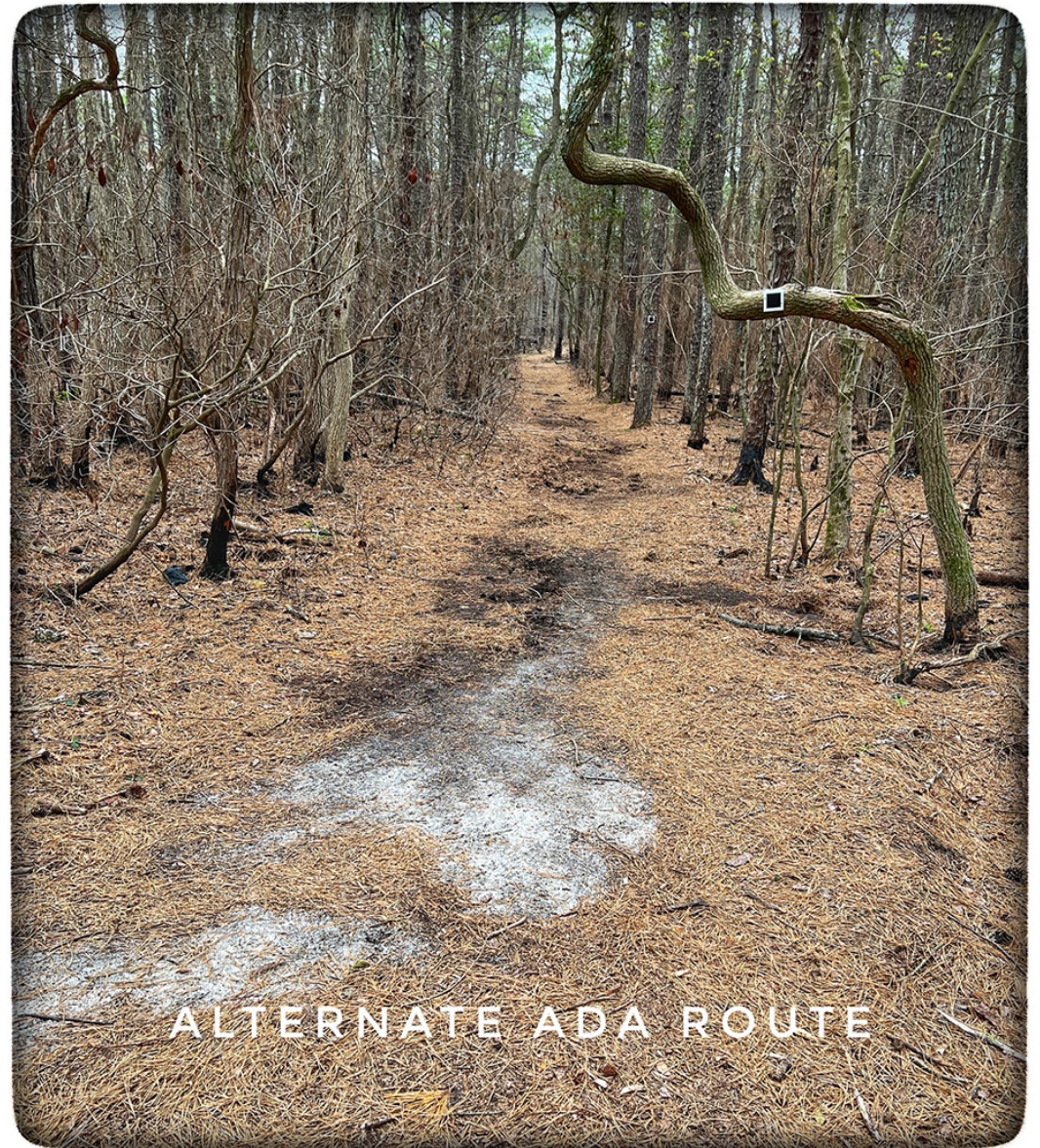
Now please turn to the Alternate ADA route which heads through an established dry, wide, sandy trail. Please turn to the next picture, labeled wider, dry alternate path. The last photo shows that this path leads to a dry wide area with a beautiful view of upper Schafer Bog.

The Alternate ADA route leads the visitor through higher dry soil and sand, protects the wetlands from traffic and would require less infrastructure to establish. I hope you will consider this alternate ADA route.

Thank you.



FIRE BREAK NARROWING PATH



ALTERNATE ADA ROUTE



NARROW BERM TO LOWER SCHAFFER BOG



VIEW OF UPPER SCHAFFER BOG



NATURE TRAIL TO PROPOSED BRIDGE AREA



WIDER, DRY ALTERNATE PATH

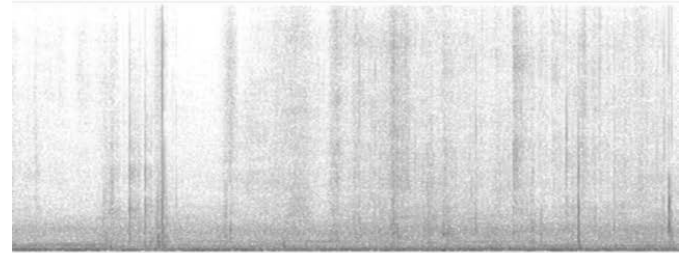


10:46









5G

10:45

11 Apr - Marlton, NJ



BEST MATCHES

-  American Goldfinch
-  Canada Goose
-  Brown-headed Cowbird
-  Swamp Sparrow
-  Northern Cardinal
-  Yellow-rumped Warbler
-  Pine Warbler
-  Ruby-crowned Kinglet

Cancel



07:10.46

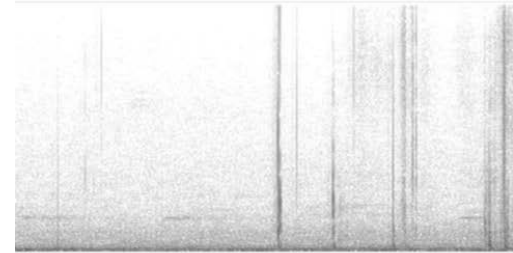
Identify

Explore









Life List

Settings

11 Apr - Marlton, NJ



BEST MATCHES

-  Tufted Titmouse
-  Carolina Wren
-  Cedar Waxwing
-  Blue-gray Gnatcatcher
-  Red-winged Blackbird
-  Carolina Chickadee
-  American Goldfinch
-  Canada Goose

Cancel



07

Identify

Explore

Life List

Ila Vassallo
Marlton, NJ

Hi, my name is Ila Vassallo. I am a resident of Marlton, and I frequent and enjoy the Black Run Preserve.

I support Evesham Township in its initiative to provide an ADA trail in the Black Run Preserve. I also applaud organizations like the PPA, who through their education and outreach, have shifted mind sets to consider and include disability access at the onset of trail planning and implementation.

I served with Doug Wallner for several years on the Evesham Environmental Commission, and I trust Commissioner Wallner's judgment, accept his expertise on environmental issues based on his experience and career, and I agree and support the statements that he made here today regarding the proposed ADA trail in the BRP.

I also served on my township's planning board for several years and one aspect of the new Planning Board member training that has always stuck with me is that there is no substitute for visiting the site.

To that end, I visited the site in the Black Run Preserve for the proposed ADA trail and is the reason that I share and support Commissioner Wallner's comments and questions. And after listening to Dr. Golden, I share and support her statements as well.

Some additional questions and comments:

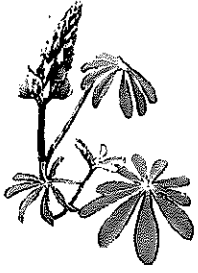
From Mr. Rij's presentation, in reference to the 1951 aerial map, it refers to sections of the trail as "Stewardship Grant." Are these the areas of the BRP for which grant monies will be utilized?

How much is the township's grant for this work? What funding, if any, is the non-profit Friends of the Black Run Preserve providing?

Evesham's presentation today specified a required "offset." How was that "offset" determined?

And, finally, now that I have a better understanding of the MOA process, does what Evesham Township propose today go into the MOA, and, if so, does adopting the MOA preclude changes to, for example, the location of proposed ADA trail?

Thank you



Partnerships for New Jersey

Plant Conservation

Scientists, Advocates, Educators and Citizens

Working Towards Protection of New Jersey's Rare Flora

Testimony to the Pinelands Commission, April 12, 2024, concerning the CMP list of protected plant species.

Following up on the issue of the Pinelands Commission's list of protected plant species:

The Comprehensive Management Plan states, "No development shall be carried out by any person unless it is designed to avoid irreversible adverse impacts on the survival of any local populations of those plants designated by the Department of Environmental Protection as endangered plant species pursuant to N.J.A.C 7:5C-5.1 as well as the following plants, which are hereby found and declared to be threatened or endangered plants of the Pinelands:"

What follows is the original list of 54 species that were determined to be either threatened or endangered at the time of the adoption of the CMP. The clear intention of the CMP is to protect both endangered and threatened species, and this is logical, because endangered species are generally those considered to be near extinction in the state, and threatened species are generally those considered to be at a lesser level of imperilment, but close to becoming endangered.

Once a rare species reaches the stage of imperilment considered "endangered," it may actually be too late for corrective measures. So it makes sense to protect threatened species with the goal of ensuring their situation doesn't deteriorate to the point of becoming endangered.

Our problem, however, is that the state of New Jersey hasn't yet adopted any legislation that confers the official status of "Threatened" to any plant species. That puts the Pinelands Commission into a position similar to the position it was in when it created the CMP. At that time, there wasn't even a state statute to establish an official "Endangered" status. So the Commission did what was logical at the time; it availed itself of the best expert advice it could get and "found and declared" a list of "threatened or endangered plants of the Pinelands."

There may be a variety of remedies for the current problem, but one thing is certain: the knowledge, expertise, and data available to ascertain levels of imperilment of plants have monumentally increased over the last several decades. The Commission is in a far better position today than it was in 1980 to find and declare what ought to be the "threatened or endangered plants of the Pinelands."



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-24-_____

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

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:

2024-0026.001

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

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

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

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

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

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

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Executive Director

Laura E. Matos
Chair



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

April 18, 2024

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

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

Dear Mr. Fowler:

The Commission staff has completed its review of this application for the demolition of an existing potable water well house, 50 years old or older, and the construction of a 373 square foot replacement potable water well house. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its May 10, 2024 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Medford Township Planning Board (via email)
Medford Township Construction Code Official (via email)
Medford Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Chris Noll, PE, CME, PP (via email)



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PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 18, 2024

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

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

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

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

STANDARDS

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

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

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

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

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

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

The proposed development will be located over existing concrete, stone and grassed areas. The proposed soil disturbance is limited to that which is necessary to accommodate the development.

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

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

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

PUBLIC COMMENT

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

CONDITIONS

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

CONCLUSION

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



State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on May 6, 2024 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-24-_____

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

Commissioner _____ moves and Commissioner _____
seconds the motion that:

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

1981-1833.084

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

1981-1833.085

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Executive Director

Laura E. Matos
Chair



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

April 19, 2024

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

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

Dear Mr. Fritsch:

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

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

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

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

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

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

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

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

Sincerely,

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

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

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



State of New Jersey

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PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 19, 2024

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

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

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

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

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

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

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

STANDARDS

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

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

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

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

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

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

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

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

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

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

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

PUBLIC COMMENT

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

CONDITIONS

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

CONCLUSION

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



State of New Jersey

THE PINELANDS COMMISSION

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www.nj.gov/pinelands



PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on May 7, 2024 and include the following information:

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

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



State of New Jersey

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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

April 19, 2024

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

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

Dear Mr. West:

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

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

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

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

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

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

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

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

Sincerely,

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

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

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



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Application Specific Information: AppInfo@pinelands.nj.gov

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 19, 2024

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

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

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

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

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

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

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

application can be acted upon by the Commission.

STANDARDS

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

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

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

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

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

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

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

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

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

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

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

PUBLIC COMMENT

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

CONDITIONS

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

CONCLUSION

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



State of New Jersey

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TAHESHA L. WAY
Lt. Governor

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

LAURA E. MATOS
Chair

SUSAN R. GROGAN
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on May 7, 2024 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-24-_____

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

Commissioner _____ moves and Commissioner _____
seconds the motion that:

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

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

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

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

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

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

WHEREAS, a public hearing to receive testimony on Ordinance 24-02 was duly advertised, noticed and remotely held on April 3, 2024, at 9:30 a.m. with live broadcast on the Pinelands Commission's public YouTube channel and opportunity for the public to call-in during the live broadcast; and

WHEREAS, the Executive Director has found that Ordinance 24-02 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

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

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 24-02 and has reviewed the Executive Director's report; and

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

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

NOW, THEREFORE BE IT RESOLVED that

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

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Susan R. Grogan
Executive Director

Laura E. Matos
Chair



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 THE PINELANDS COMMISSION
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PHILIP D. MURPHY
 Governor
 TAHESHA L. WAY
 Lt. Governor

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

LAURA E. MATOS
 Chair
 SUSAN R. GROGAN
 Executive Director

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

April 29, 2024

Township of Manchester
 1 Colonial Drive
 Manchester, NJ 08759

Findings of Fact

I. Background

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

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

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

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

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

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

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

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

II. Master Plans and Land Use Ordinances

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

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

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

1. Natural Resource Inventory

Not applicable.

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

Redevelopment Plan for Block 62, Lots 30 and 31.01

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

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

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

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

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

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

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

The Pinelands Environmental Development District and the Toms River Corridor Plan

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

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

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

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

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

Residential Zoning Capacity and the Use of Pinelands Development Credits

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

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

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

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

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

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

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

This standard for certification is met.

4. Requirement for Municipal Review and Action on All Development

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

This standard for certification is met.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

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

This standard for certification is met.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

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

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

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

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

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

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

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

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

This standard for certification is met.

10. General Conformance Requirements

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

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

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

13. Procedure to Resolve Intermunicipal Conflicts

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

Public Hearing

A public hearing to receive testimony concerning Manchester Township's application for certification of Ordinance 24-02 was duly advertised, noticed and held on April 3, 2024 at 9:30 a.m. Mr. Lanute conducted the hearing, which was held remotely and broadcasted live on the Pinelands Commission's public YouTube channel. The public was provided the opportunity to call-in during the public hearing to provide testimony. Oral testimony was provided by the following individuals:

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

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

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

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

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

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

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

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

Executive Director’s Response

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

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

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

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

Conclusion

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

SRG/DBL/KLE/CMT
Attachments

Manchester Township Ordinance 24-02

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

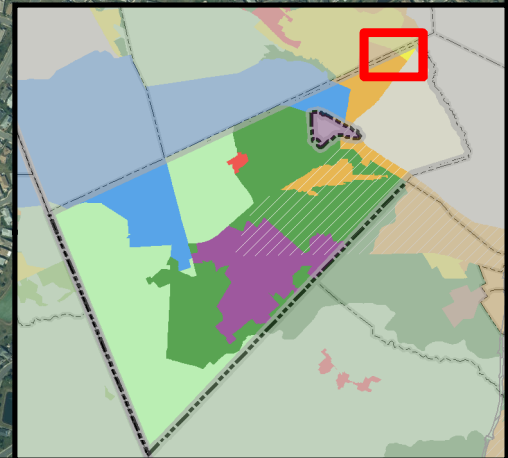
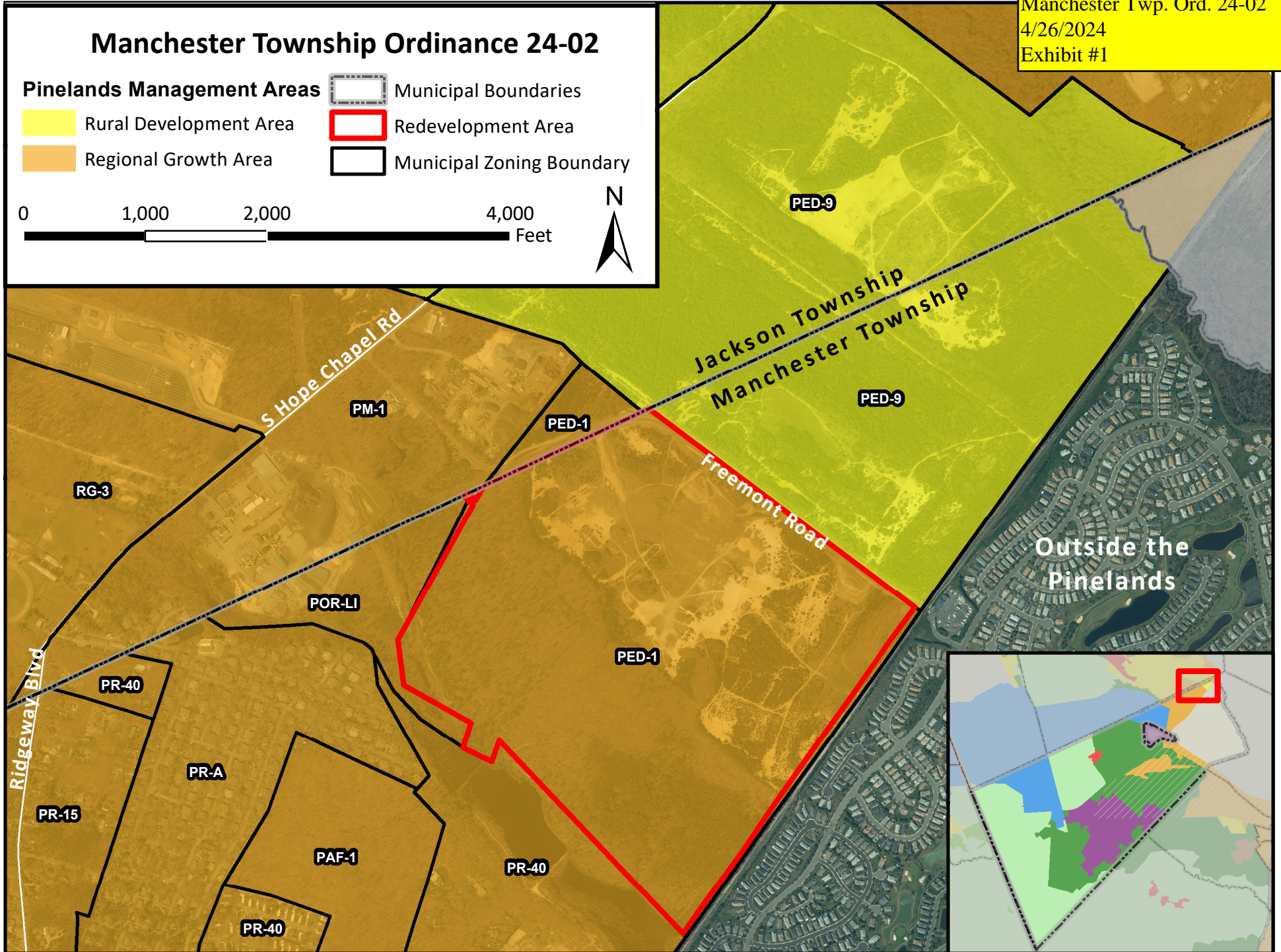
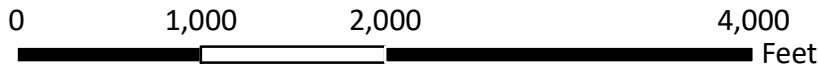
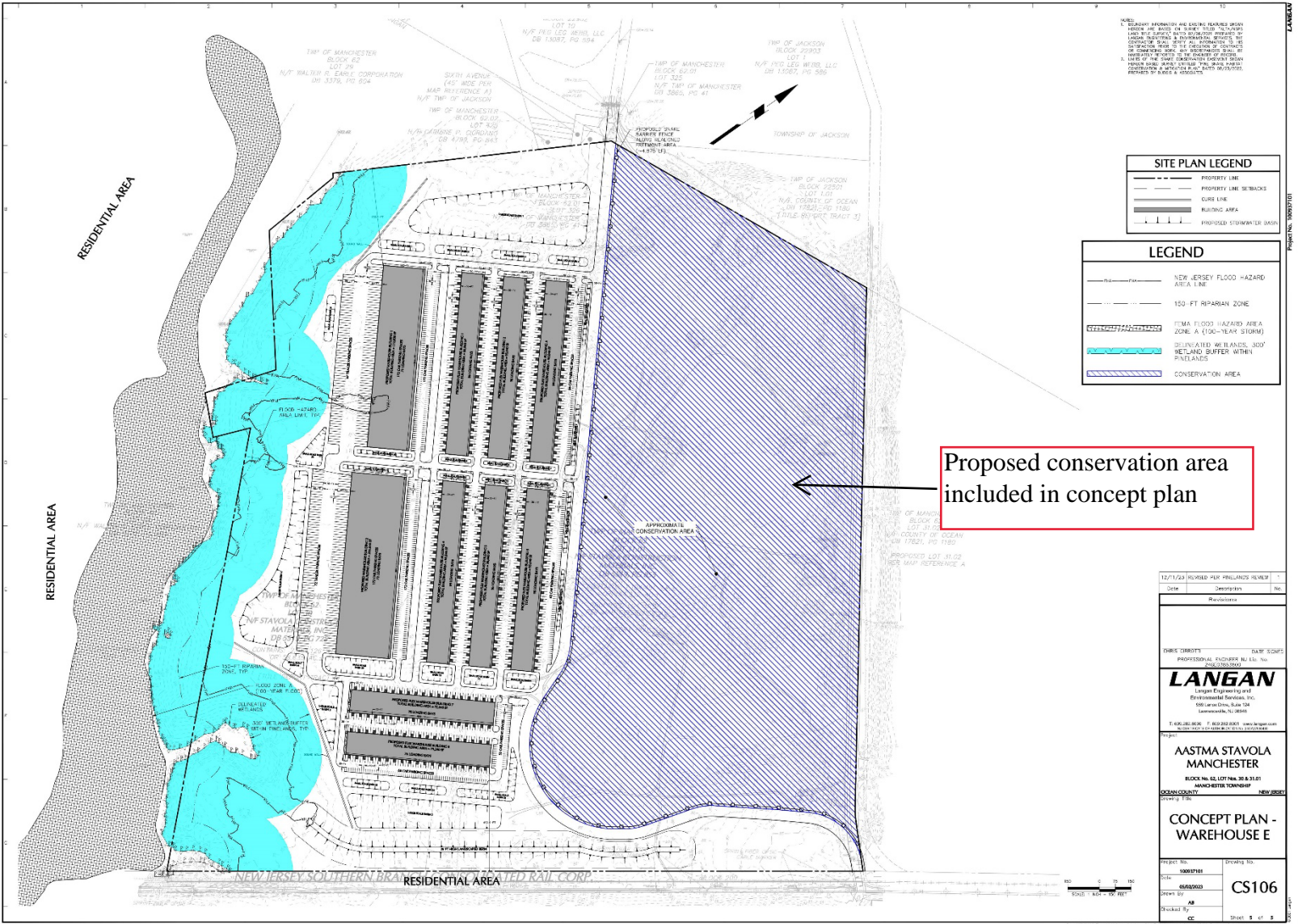


Figure 6 – Illustrative Concept Plan



Code	Description	Rev
Revisions		
TITLE SHEET'S PROFESSIONAL ENGINEER No. E.C. No. 2501202001 LANGAN Langan Engineering and Environmental Services, Inc. 595 Little Ferry, Suite 200 Little Ferry, NJ 07643		
PROJECT NO. 17-00000001 AASTMA STAVOLA MANCHESTER BLOCK No. 62, LOTS No. 30 & 31.01 MANCHESTER TOWNSHIP		
CONCEPT PLAN - WAREHOUSE E		
PROJECT NO.	DATE	SCALE
17-00000001	04/20/24	AS SHOWN
PROJECT NO.	DATE	SCALE
17-00000001	04/20/24	AS SHOWN
PROJECT NO.	DATE	SCALE
17-00000001	04/20/24	AS SHOWN

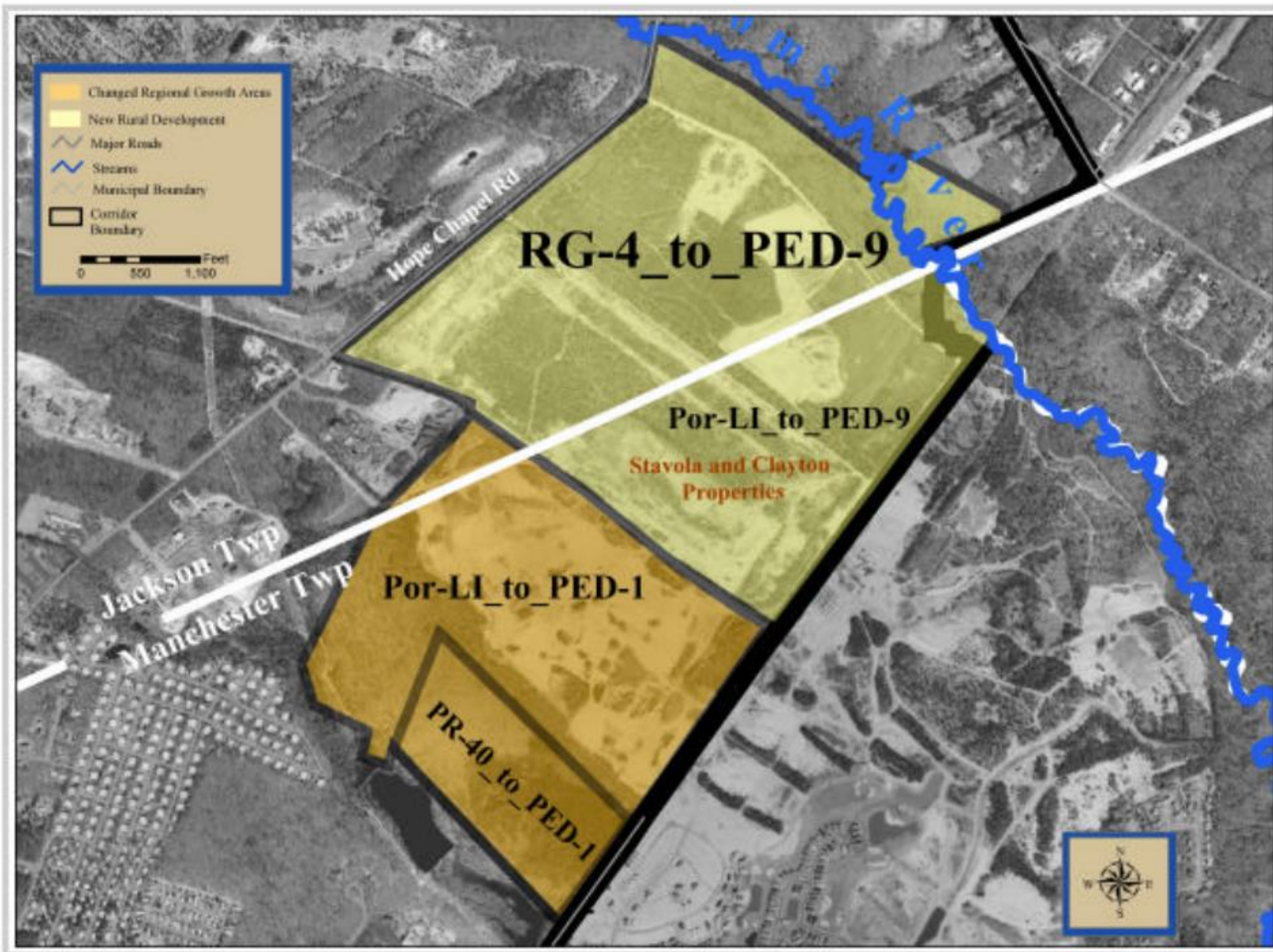


Figure 12. Proposed Changes Associated with the Planned Environmental Development (PED) Zone.

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

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

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

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

According to the 2023 CMP (7:50-5.13 (e.) page 111), "Regional Growth Areas are areas of existing growth or lands immediately adjacent thereto which are capable of accommodating regional growth influences while protecting the essential character and environment of the Pinelands, provided that the environmental objectives of Subchapter 6 are implemented through municipal master plans and land use ordinances."

COMMENTS

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

ALTERNATIVE REVIEW OF SITE & ROAD LOCATION

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

STORMWATER MANAGEMENT PLAN

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

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

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

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

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

NATURAL RESOURCES PROTECTION

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

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

CONCLUSION

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

Presented by Karen Argenti, Commissioner Vice Chair

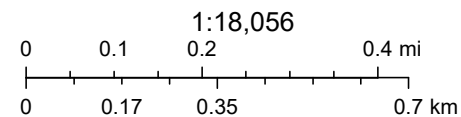
Attached NJ GeoWeb map
 Hearing Notice
 May 1, 2023 Letter from NJ Pinelands to applicant (referred to in their proposal)
 MEC Comments to PB on November 6, 2023– 5 pp with attachments – no answer
 MEC Letter to NJ Pinelands on the T&E – not answered
 Emil DeVito’s Comments read into the record of the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

NJ-GeoWeb Manchester B62 L30 & 31.01



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

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



Map data © OpenStreetMap contributors, CC-BY-SA



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

State of New Jersey
THE PINELANDS COMMISSION
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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

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

May 1, 2023

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

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


Dear Mr. Gross:

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

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

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

If you have any questions, please contact me.

Sincerely,

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

Project Description

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

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

Landscape Project Data

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

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

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

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

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

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

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

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

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

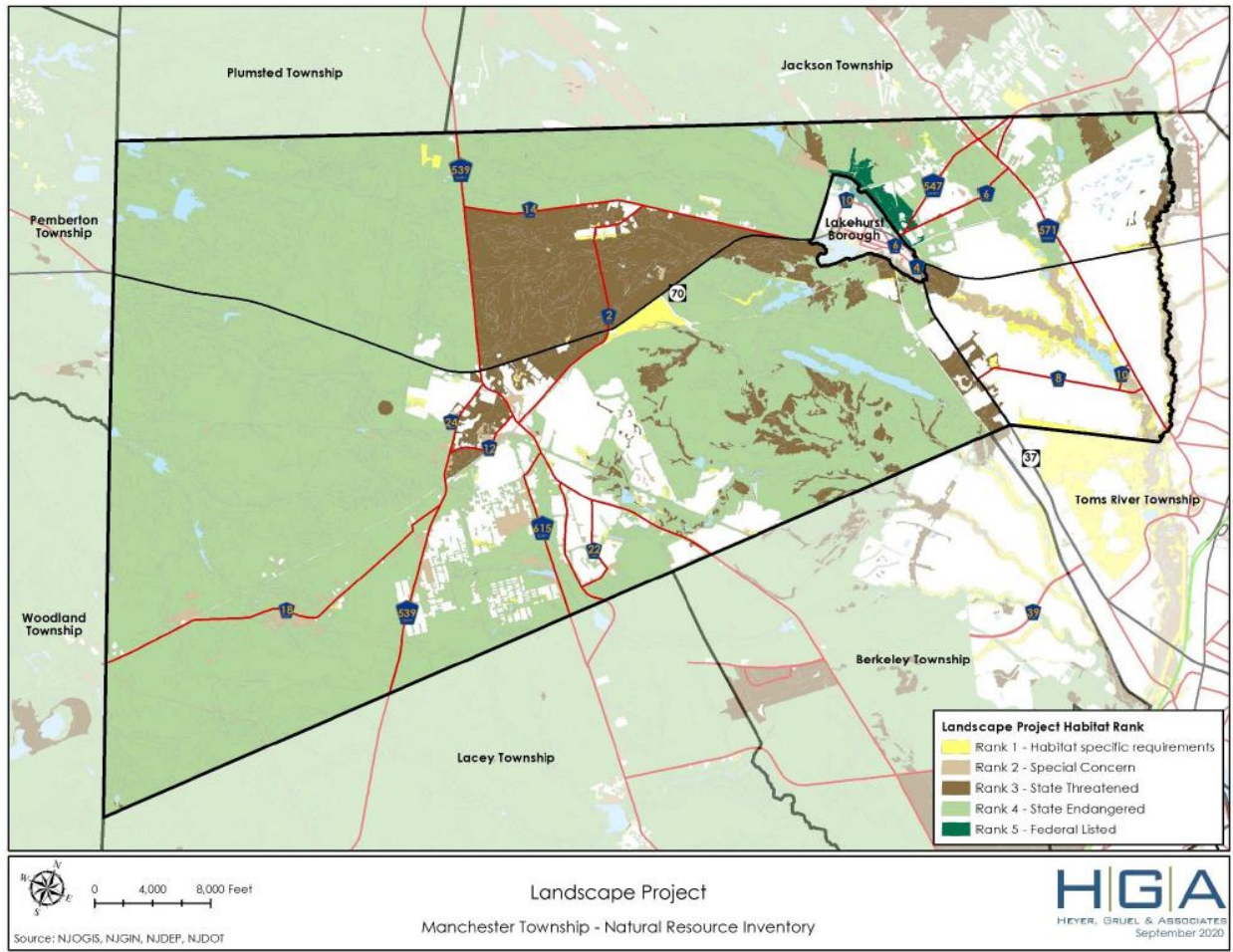
Rank 4 is assigned to species-specific habitat patches with one or more occurrences of State endangered species. State endangered species are species included on the list of endangered species at N.J.A.C. 7:25-4.13 and any species or subspecies of wildlife appearing on any Federal endangered species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

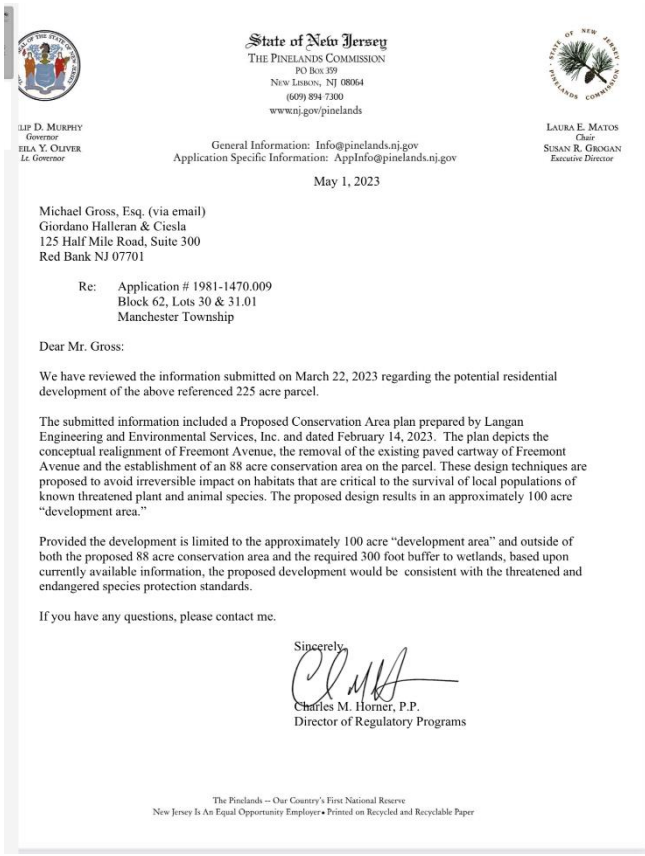
Manchester has approximately 36,047.3 acres of Rank 4 habitat. The following species have been located:

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

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

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





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

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



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

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

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

Manchester Environmental Commission Letterhead

December 5, 2023

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

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

Dear Executive Director Grogan,

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

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

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

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

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

Sincerely Yours,

Gabrielle Fox

Gabrielle Fox, Chair

Karen Argenti

Karen Argenti, Vice Chair

c. Bethany Williams

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

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

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

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

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

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

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

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

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

3. The Wetland LOI was just submitted to neighbors.

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

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

12/18/23

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

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

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

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

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

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

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

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

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

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

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

NOTICE

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

Teri Giercyk, RMC/CMC
Municipal Clerk

PUBLIC NOTICE

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

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

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

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

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

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

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

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

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

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



PINELANDS
PRESERVATION
ALLIANCE

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

ppa@pinelandsalliance.org
www.pinelandsalliance.org

March 25, 2024

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

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

Dear Acting Commissioner Suárez,

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

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

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

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

Sincerely,

Heidi Yeh, Ph.D.
Pinelands Preservation Alliance

Emile DeVito, Ph.D.
New Jersey Conservation Foundation

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

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

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

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

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

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





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



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

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

LAURA E. MATOS
 Chair
 SUSAN R. GROGAN
 Executive Director

MEMORANDUM

To: Members of the Pinelands Commission

From: Katie Elliott *KE*
 Planning Specialist

Date: April 29, 2024

Subject: No Substantial Issue Findings

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

Pemberton Township Ordinance 41-2023 – rescinds the Amended Lakehurst Road Redevelopment Plan, which was previously adopted by Ordinance 11-2022 and certified by the Commission on September 9, 2022. The associated redevelopment area was approximately 718 acres and contained both the Pinelands Forest Area and Pinelands Regional Growth Area. The redevelopment plan superseded the Township’s underlying zoning. As a result of Ordinance 41-2023, this area will revert to the Township’s previously certified underlying zoning, which was composed of various zoning districts including: Very Low Density Single-Family Residential (R-17); Infill Residential District with Planned Community Conditional Use (R-A); Infill Single-Family Residential (R-I); Neighborhood Commercial Pinelands (NCP); General Commercial/Light Industrial (GCLI); and Very High Density Single-Family Residential (R-96).

Waterford Township Ordinance 2022-13 – establishes regulations applicable to Medical Marijuana Alternative Treatment Centers (ATCs). The ordinance defines ATCs as being synonymous with a medical marijuana dispensary. Vertical ATCs may also include medical marijuana cultivation and/or manufacturing. The ordinance establishes ATCs and Vertical ATCs as a conditional use in the Planned Highway Business (PHB) District. The ordinance limits the number of permitted ATCs in the Township to two. The ordinance also provides distance requirements from Drug Free School Zones and certain zoning districts and existing uses as well as various design and performance standards. The PHB District is located within a Pinelands Regional Growth Area.