



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 18

TITLE: Approving With Conditions Applications for Public Development (Application Numbers 1983-9616.003, 1984-0606.004, 1984-0606.005 & 1991-1108.010)

Commissioner Avey moves and Commissioner Eden 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 applications for Public Development be approved with conditions:

1983-9616.003

Applicant: Pemberton Township
Municipality: Pemberton Township
Management Area: Pinelands Regional Growth Area
Date of Report: July 22, 2015
Proposed Development: Demolition of a 2,386 square foot commercial office building, 50 years old or older;

1984-0606.004

Applicant: Pemberton Township
Municipality: Pemberton Township
Management Area: Pinelands Regional Growth Area
Date of Report: July 22, 2015
Proposed Development: Demolition of a single family dwelling, 50 years old or older;

1984-0606.005

Applicant: Pemberton Township
Municipality: Pemberton Township
Management Area: Pinelands Regional Growth Area
Date of Report: July 22, 2015
Proposed Development: Demolition of a 3,599 square foot commercial building, 50 years old or older; and

1991-1108.010

Applicant: Pemberton Township Board of Education
Municipality: Pemberton Township
Management Area: Pinelands Regional Growth Area
Date of Report: July 14, 2015
Proposed Development: Construction of a 145 square foot building addition to the Harker-Wylie School.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1983-9616.003, 1984-0606.004, 1984-0606.005 & 1991-1108.010 for public development are hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

	AYE	NAY	NP	ABS		AYE	NAY	NP	ABS		AYE	NAY	NP	ABS
Ashmun	X				Earlen	X				Prickett			X	
Avery	X				Galletta	X				Quinn			X	
Barr	X				Jannarone	X				Rohan Green			X	
Brown	X				Lloyd	X				Witt	X			
DiBello	X				McGlinchey	X				Lohbauer	X			

Adopted at a meeting of the Pinelands Commission
Nancy Wittenberg
 Nancy Wittenberg
 Executive Director

Date: *August 14, 2015*
Mark S. Lohbauer
 Mark S. Lohbauer
 Chairman



State of New Jersey
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Chris Christie
Governor

Kim Guadagno
Lt. Governor

General Information: Info@npjines.state.nj.us
Application Specific Information: AppInfo@npjines.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

July 22, 2015

David Benedetti, Zoning Officer
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Re: Application # 1983-9616.003
Block 553, Lot 37
Pemberton Township

Dear Mr. Benedetti:

The Commission staff has completed its review of this application for demolition of a 2,386 square foot commercial office building, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 14, 2015 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

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





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General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

July 22, 2015

David Benedetti, Zoning Officer
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Application No.: 1983-9616.003

Location: Block 553, Lot 37
Pemberton Township

This application proposes demolition of a 2,386 square foot commercial office building, 50 years old or older, located on the above referenced 0.26 acre parcel in Pemberton Township. The Township has obtained the permission of the property owner to demolish the privately owned building.

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 demolition of a commercial office building is permitted in the Pinelands Area.

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

Based on a review of information available to the Commission staff, it was determined that a cultural resource survey was not required for the proposed demolition.

PUBLIC COMMENT

The CMP defines the proposed demolition as "minor" development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission's website on June 9, 2015. The Commission's public comment period closed on July 10, 2015. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
2. This application is for the proposed demolition only. Any other future development of the above-referenced parcel shall be governed by Pemberton Township's certified land use ordinance and the Pinelands Comprehensive Management Plan (CMP).
3. Prior to any demolition, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

General Information: Info@npjines.state.nj.us
Application Specific Information: AppInfo@npjines.state.nj.us

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of the Executive Director's determination and must include the following information:

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

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



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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

July 22, 2015

David Benedetti, Zoning Officer
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Re: Application # 1984-0606.004
Block 553, Lot 28
Pemberton Township

Dear Mr. Benedetti:

The Commission staff has completed its review of this application for demolition of a single family dwelling, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 14, 2015 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

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





Chris Christie
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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

July 22, 2015

David Benedetti, Zoning Officer
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Application No.: 1984-0606.004

Location: Block 553, Lot 28
Pemberton Township

This application proposes demolition of a single family dwelling, 50 years old or older, located on the above referenced 0.16 acre parcel in Pemberton Township. The Township has obtained the permission of the property owner to demolish the privately owned dwelling.

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 demolition of a single family dwelling is permitted in the Pinelands Area.

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

Based on a review of information available to the Commission staff, it was determined that a cultural resource survey was not required for the proposed demolition.

PUBLIC COMMENT

The CMP defines the proposed demolition as "minor" development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission's website on June 10, 2015. The Commission's public comment period closed on July 10, 2015. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
2. The reconstruction of the single family dwelling, within five years of its demolition, does not require an application to the Pinelands Commission.
3. This application is for the proposed demolition of the dwelling only. Any future development of the parcel, other than the reconstruction of the single family dwelling within five years of its demolition, shall be governed by Pemberton Township's certified land use ordinance and the CMP.
4. Prior to any demolition, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



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Chairman

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PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of the Executive Director's determination and must include the following information:

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

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



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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

July 22, 2015

David Benedetti, Zoning Officer
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Re: Application # 1984-0606.005
Block 553, Lot 51
Pemberton Township

Dear Mr. Benedetti:

The Commission staff has completed its review of this application for demolition of a 3,599 square foot commercial building, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 14, 2015 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

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





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 Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
 Chairman
 Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

July 22, 2015

David Benedetti, Zoning Officer
 Pemberton Township
 500 Pemberton Browns Mills Road
 Pemberton, NJ 08068

Application No.: 1984-0606.005
 Location: Block 553, Lot 51
 Pemberton Township

This application proposes demolition of a 3,599 square foot commercial building, 50 years old or older, located on the above referenced 0.15 acre parcel in Pemberton Township. The Township has obtained the permission of the property owner to demolish the privately owned building.

STANDARDS

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

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

The parcel is located in a Pinelands Regional Growth Area. The demolition of a commercial building is permitted in the Pinelands Area.

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

Based on a review of information available to the Commission staff, it was determined that a cultural resource survey was not required for the proposed demolition.

PUBLIC COMMENT

The CMP defines the proposed demolition as "minor" development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission's website on June 10, 2015. The Commission's public comment period closed on July 10, 2015. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
2. This application is for the proposed demolition only. Any other future development of the above-referenced parcel shall be governed by Pemberton Township's certified land use ordinance and the Pinelands Comprehensive Management Plan (CMP).
3. Prior to any demolition, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



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Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of the Executive Director's determination and must include the following information:

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

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



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 Application Specific Information: AppInfo@njpinelands.state.nj.us

Mark S. Lohbauer
 Chairman

Nancy Wittenberg
 Executive Director

July 14, 2015

Pat Austin
 Pemberton Township Board of Education
 One Egbert Street
 Pemberton, NJ 08068

Re: Application # 1991-1108.010
 Block 773, Lot 3
 Pemberton Township

Dear Ms. Austin:

The Commission staff has completed its review of this application for construction of a 145 square foot building addition to the Harker-Wylie School. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 14, 2015 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

- c: Secretary, Pemberton Township Planning Board (via email)
- Pemberton Township Construction Code Official (via email)
- Pemberton Township Environmental Commission (via email)
- Secretary, Burlington County Planning Board (via email)
- Angelo P. Butera





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Application Specific Information: ApplInfo@njpines.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

July 14, 2015

Pat Austin
Pemberton Township Board of Education
One Egbert Street
Pemberton, NJ 08068

Application No.: 1991-1108.010

Location: Block 773, Lot 3
Pemberton Township

This application proposes construction of a 145 square foot building addition to the Harker-Wylie School located on the above referenced 31.07 acre parcel in Pemberton Township.

STANDARDS

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

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

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

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

The proposed development will be located over existing impervious surfaces and within a maintained grassed area. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. Based upon the size and location of the proposed development, this application does not propose revegetation.

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 June 16, 2015. The Commission's public comment period closed on July 10, 2015. 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 one sheet, prepared by Regan Young England Butera and dated April 28, 2015.
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.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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Mark S. Lohbauer
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Nancy Wittenberg
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

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2. the application number;
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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. PC4-15- 19

TITLE: Approving With Conditions an Application for Public Development (Application Number 1991-1149.063)

Commissioner Galletta moves and Commissioner Earlen 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:

1991-1149.063

Applicant: Dix Solar, LLC on behalf of Joint Base McGuire-Dix-Lakehurst

Municipality: Pemberton Township

Management Area: Pinelands Military/Federal Installation Area

Date of Report: July 27, 2015

Proposed Development: Construction of a 50 acre solar facility at Joint Base McGuire-Dix-Lakehurst (JBMDL) on the above referenced 1,885 acre lot.

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 1991-1149.063 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS			
Ashmun	X			Earlen	X			Prickett	X		
Avery	X			Galletta	X			Quinn			X
Barr	X			Jannarone	X			Rohan Green			X
Brown	X			Lloyd	X			Witt	X		
DiBello	X			McGlinchey	X			Lohbauer	X		

Adopted at a meeting of the Pinelands Commission
Nancy Wittenberg
Nancy Wittenberg
Executive Director

Date: August 14, 2015
Mark S. Lohbauer
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Chairman



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Mark S. Lohbauer
 Chairman
 Nancy Wittenberg
 Executive Director

July 27, 2015

Bradford T. Nordholm
 Dix Solar, LLC
 20 Park Plaza, Suite 320
 Boston, MA 02116

Re: Application # 1991-1149.063
 Block 942, Lot 1
 Pemberton Township

Dear Mr. Nordholm:

The Commission staff has completed its review of this application for construction of a 50 acre solar facility at Joint Base McGuire-Dix-Lakehurst (JBMDL) on the above referenced 1,885 acre lot in Pemberton Township. The proposed solar facility will be located on an existing 126 acre closed landfill. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 14, 2015 meeting.

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

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

Sincerely

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

- Enc: Appeal Procedure
 c: Secretary, Pemberton Township Planning Board (via email)
 Pemberton Township Construction Code Official (via email)
 Pemberton Township Environmental Commission (via email)
 Secretary, Burlington County Planning Board (via email)
 Jamie Fordyce
 Michael J. Gross, Esq.





State of New Jersey
 THE PINELANDS COMMISSION
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 (609) 894-7300
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Chris Christie
 Governor
 Kim Guadagno
 Lt. Governor

General Information: Info@njpines.state.nj.us
 Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
 Chairman
 Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

July 27, 2015

Bradford T. Nordholm
 Dix Solar, LLC
 20 Park Plaza, Suite 320
 Boston, MA 02116

Application No.: 1991-1149.063

Location: Block 942, Lot 1
 Pemberton Township

This application proposes construction of a 50 acre solar facility at Joint Base McGuire-Dix-Lakehurst (JBMDL) on the above referenced 1,885 acre lot in Pemberton Township. The proposed solar facility will be located on an existing approximately 126 acre closed landfill on the Fort Dix portion of JBMDL. The application also proposes to install 4,040 linear feet of electrical utility line and 18 utility poles to interconnect the proposed solar facility to an existing electric utility line located on Juliustown Road. That existing electrical utility line provides service to the Fort Dix portion of JBMDL.

On September 9, 1994, the Commission acted on a Report on an Application for a Waiver of Strict Compliance and Public Development (Report) proposing an impermeable cap on an approximately 50 acre portion of the 126 acre landfill. The Waiver of Strict Compliance was from the wetlands protection standards of the Pinelands Comprehensive Management Plan (CMP). By acting on the Report, dated September 1, 1994, the Commission determined that the proposed capping was consistent with all other standards of the CMP (App. No.1991-0820.001). One of the conditions of the September 1, 1994 Report required the applicant, the Department of the Army, to submit documentation to the Pinelands Commission that 0.50 Pinelands Development Credits (PDCs) were acquired by September 9, 1995. To date, that condition has not been met.

Approximately 48 acres of the proposed 50 acre solar facility will be located on the impermeable cap. The remaining approximately two acres of the proposed solar facility will be located on the portion of the landfill that the above referenced Report indicates was closed prior to 1970.

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. 7:50-5.29)

The lot is located in a Military and Federal Installation Area. The CMP permits any proposed use associated with the function of a Federal Installation in a Military and Federal Installation Area. Where feasible, the CMP requires that development associated with a proposed use shall be located in a portion of the Military and Federal Installation Area located within the Pinelands Protection Area. In addition, the CMP provides that the proposed use shall not require any development, including public service infrastructure, in the Preservation Area District or in a Forest Area.

The proposed solar facility will generate approximately 20 million kilowatt hours of electricity per year. The annual electricity consumption at Fort Dix is over 60 million kilowatt hours per year. The proposed solar facility will be associated with the function of Fort Dix. The proposed development is located in that portion of the JBMDL located in the Pinelands Protection Area. The proposed solar facility will not require any development in the Preservation Area District or in a Forest Area.

Wetlands Standards (N.J.A.C. 7:50-6.13 & 6.14)

There are wetlands located on the above referenced lot. The existing landfill is located immediately adjacent to those wetlands. The proposed solar facility will be located on the landfill.

The CMP requires up to a 300 foot buffer to wetlands for proposed development. Of the 18 proposed electric utility poles, four poles will be located in the required buffer to wetlands. Electric utility poles (linear improvements) are a permitted use in the required buffer to wetlands provided an applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative to the location of the proposed utility poles that does not involve development in a required buffer to wetlands or that will result in a less significant adverse impact to the required buffer to wetlands. In addition, the proposed utility poles 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 applicant has demonstrated that the need to interconnect the proposed solar facility to the existing electric utility line located on Juliustown Road 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 an existing grassed area. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

The applicant completed a threatened and endangered animal species habitat assessment for the proposed development. That assessment determined that suitable habitat for Grasshopper sparrow, a threatened species, was present in the area subject of the proposed development. The applicant subsequently performed a threatened species survey for Grasshopper sparrow. No Grasshopper sparrows were found and it was determined that critical habitat necessary for the survival of a local population of Grasshopper sparrow was not present.

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

The applicant has demonstrated that the proposed development is consistent with the CMP stormwater management standards. To meet these standards, the application proposes to utilize an existing stormwater infiltration basin that was constructed to manage stormwater runoff from the impervious landfill cap. The existing infiltration basin has sufficient capacity to accommodate stormwater runoff from the proposed development.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on May 18, 2015. The application was designated as complete on the Commission's website on June 30, 2015. The Commission's public comment period closed on July 10, 2015. 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 following plans:
 - "Proposed Solar Development Plan", prepared by ACT Engineers, dated June 12, 2015 and revised to July 14, 2015:
 - "Soil Erosion and Sediment Control Plan", consisting of two sheets, prepared by ACT Engineers, and dated as follows:
 - Sheet 1 - dated June 12, 2015; revised to July 15, 2015
 - Sheet 2 - dated June 12, 2015; revised to July 14, 2015
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
6. By December 31, 2015, the Department of the Army shall submit documentation to the Pinelands Commission that the 0.50 Pinelands Development Credits required by the September 1, 1994 Report on an Application for a Waiver of Strict Compliance and Public Development have been acquired and submitted to the Pinelands Development Credit Bank for redemption.

7. In accordance with the CMP (N.J.A.C. 7:50-5.36 (a)4), the proposed solar energy facility shall be removed and the site restored within 12 months of termination of its use.

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.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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Application Specific Information: AppInfo@njpines.state.nj.us



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of the Executive Director's determination and must 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. PC4-15- 20

TITLE: Issuing an Order to Certify Galloway Township Ordinance 1909-2015, Adopting a Redevelopment Plan for a Portion of the White Horse Pike Corridor Phase II – Pomona Road Redevelopment Area

Commissioner Avery moves and Commissioner Frank seconds the motion that:

WHEREAS, on March 6, 1987, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of the Township of Galloway; and

WHEREAS, Resolution #PC4-87-19 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-87-19 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 May 12, 2015, Galloway Township adopted Ordinance 1909-2015, approving a redevelopment plan for a portion of the White Horse Pike Corridor Phase II – Pomona Road Redevelopment Area, now referred to as the Pomona Road Heritage Village Redevelopment District; and

WHEREAS, the Pinelands Commission received a certified, adopted copy of Ordinance 1909-2015 on May 29, 2015; and

WHEREAS, by letter dated June 18, 2015, the Executive Director notified the Township that Ordinance 1909-2015 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony concerning the Township's application for certification of Ordinance 1909-2015 was duly advertised, noticed and held on July 15, 2015 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Ordinance 1909-2015 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 the issuance of an order to certify that Galloway Township Ordinance 1909-2015, adopting a redevelopment plan for that portion of the White Horse Pike Corridor Phase II – Pomona Road Redevelopment Area known as the Pomona Road Heritage Village Redevelopment District, is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and recommended that Ordinance 1909-2015 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 1909-2015 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

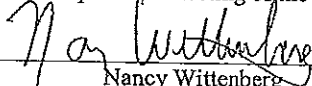
1. An Order is hereby issued to certify that Galloway Township Ordinance 1909-2015, adopting a redevelopment plan for that portion of the White Horse Pike Corridor Phase II – Pomona Road Redevelopment Area known as the Pomona Road Heritage Village Redevelopment District, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to the 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.

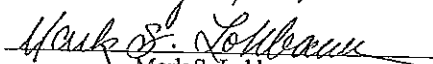
Record of Commission Votes

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS						
Ashmun		X			Earlen	X				Prickett		X		
Avery	X				Galletta	X				Quinn			X	
Barr	X				Jannarone	X				Rohan Green			X	
Brown	X				Lloyd	X			X	Witt	X			
DiBello	X				McGlinchey	X				Lohbauer	X			

Adopted at a meeting of the Pinelands Commission

Date: August 14, 2015


 Nancy Wittenberg
 Executive Director


 Mark S. Lohbauer
 Chairman



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THE PINELANDS COMMISSION
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Chris Christie
Governor

Kim Guadagno
Lt. Governor

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

**REPORT ON GALLOWAY TOWNSHIP ORDINANCE 1909-2015, ADOPTING A
REDEVELOPMENT PLAN FOR THAT PORTION OF THE WHITE HORSE PIKE
CORRIDOR -- POMONA ROAD REDEVELOPMENT AREA KNOWN AS THE
POMONA ROAD HERITAGE VILLAGE REDEVELOPMENT DISTRICT**

July 31, 2015

Galloway Township
300 E. Jimmie Leeds Road
Galloway, NJ 08205

FINDINGS OF FACT

I. Background

The Township of Galloway is located in the southeastern portion of the Pinelands Area, in Atlantic County. Pinelands municipalities that abut Galloway Township include Port Republic City and Egg Harbor City, and the Townships of Hamilton, Egg Harbor, and Mullica in Atlantic County, as well as Washington and Bass River Townships in Burlington County.

On March 6, 1987, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Galloway Township.

On May 12, 2015, Galloway Township adopted Ordinance 1909-2015, approving a redevelopment plan for a portion of the White Horse Pike Corridor Phase II – Pomona Road Redevelopment Area, now referred to as the Pomona Road Heritage Village Redevelopment (PRHV) District. The new PRHV District is located in the Pinelands Village of Pomona. The Pinelands Commission received a certified, adopted copy of Ordinance 1909-2015 on May 29, 2015.

By letter dated June 18, 2015, the Executive Director notified the Township that Ordinance 1909-2015 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 1909-2015, adopting a redevelopment plan for the Pomona Road Heritage Village Redevelopment District in Galloway Township, introduced on April 28, 2015 and adopted on May 12, 2015.

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. 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 Land Use Ordinance Relating to Development Standards**

Ordinance 1909-2015 adopts a Redevelopment Plan for a portion of the White Horse Pike Corridor, Phase II – Pomona Road Redevelopment Area in Galloway Township. The new Redevelopment Area, known as the Pomona Road Heritage Village Redevelopment (PRHV) District, encompasses eight lots (Block 526, Lots 4-11) and approximately six vacant acres. Permitted uses in the PRHV District are limited to mixed use development, consisting of affordable age-restricted multi-family housing and community commercial/office uses in the same building. Maximum residential density is 23.1 units per acre, and a minimum of 10,000 square feet of commercial/office space is required. A maximum height of 50 feet (four stories) is permitted. According to Ordinance 1909-2015, any development that occurs within the PRHV District must comply with all other municipal application requirements and development regulations, as well as the Pinelands Comprehensive Management Plan.

As depicted on the map attached as Exhibit #1, the new PRHV District is located at the intersection of Pomona Road and the White Horse Pike, within the Pinelands Village of Pomona. It is situated within the Township's HC-2 (Highway Commercial) Zone and is bounded by the White Horse Pike to the north and Atlantic Avenue (and the Atlantic City Rail Line) to the south. Another small redevelopment area (the PR-1 Pomona District) is located immediately across the White Horse Pike. Permitted uses in the PR-1 Pomona District are limited to convenience stores with fueling service dispensing facilities, while in the HC-2 District, a wide variety of nonresidential uses is permitted, including restaurants, hotels, shopping centers, offices, car dealerships, gas stations, grocery stores and funeral homes. As noted above, commercial uses will continue to be permitted in the PRHV District but must be developed as part of a mixed use building, with commercial development on the first floor and apartments above. By allowing this mixed use development to occur at the intersection of the White Horse Pike and Pomona Road, the Township hopes to attract additional commercial development to the area, thereby revitalizing the White Horse Pike corridor. The anticipated development of 100 apartment units

in the new PRHV District will also satisfy a portion of the Township's affordable housing obligation.

The Comprehensive Management Plan (N.J.A.C. 7:50-5.27(a)) authorizes any use within a Pinelands Village, provided public service infrastructure is available and the character and magnitude of the use is compatible with existing structures and uses in the Village. In terms of public service infrastructure, the mixed use development permitted in the new PRHV District will be served by sewer. Pomona is one of the few Pinelands Villages with existing sewer service. In terms of compatibility with other structures and uses, the anticipated mixed use building will contain both commercial and residential uses, fully consistent with existing land uses in Pomona. The Village currently contains a significant amount of single-family residential development on small (0.30 acre) lots, along with a mixture of residential, commercial and institutional uses fronting on the White Horse Pike. Existing and proposed uses in the immediate vicinity of the new redevelopment area include a new WaWa with a gas station, several older commercial buildings, a handful of single family dwellings and a large church with a convent and school playground. A maximum site coverage of 65% is permitted in the PRHV District, which is generally consistent with the 70% impervious coverage permitted in the surrounding HC-2 District and entirely appropriate within a sewered Pinelands Village. Based on the street elevations contained in the redevelopment plan (see Exhibits #2 and 3), the anticipated mixed use building will not be incompatible with existing uses in Pomona.

The Comprehensive Management Plan (N.J.A.C. 7:50-5.16(a)) also requires that municipal zoning plans for Pinelands Villages do not provide for "an additional increment of development which is greater than the number of non-accessory structures that currently exist in the village." More commonly referred to as the "doubling rule," this standard is intended to ensure that when the minimum lot size requirements in a Pinelands Village are applied to the vacant developable land in that Village, the potential amount of new development does not exceed that which existed in 1979. Typically, the calculation is done based on residential development potential. In the case of Pomona Village, an estimated 325 residential units existed in 1979. Future residential development potential, based on the 12,000 square foot minimum lot size permitted in the VR (Village Residential) District, is estimated to be 55 new units. Thus, even with the additional potential for 100 apartments units in the redevelopment area, the number of new units permitted in Pomona will continue to be consistent with N.J.A.C. 7:50-5.16(a).

The only remaining issue with Ordinance 1909-2015 relates to the permitted height in the new PRHV District. According to the redevelopment plan, a maximum height of 50 feet is permitted for mixed use buildings in the PRHV District. The Comprehensive Management Plan (N.J.A.C. 7:50-5.4) generally limits building height to 35 feet in all Pinelands management areas other than Regional Growth Areas and Pinelands Towns. The PRHV District is located in a Pinelands Village, where the 35-foot height limitation applies.

Pinelands municipalities have the ability to refine the various standards and provisions of the Comprehensive Management Plan and tailor them to local conditions, provided Comprehensive Management Plan goals and objectives continue to be achieved. In this case, Galloway Township has chosen to define a small (six-acre) area within Pomona Village where one mixed use building exceeding the normal 35-foot height limitation will be permitted. The area in question is located on a major highway corridor (the White Horse Pike), at the intersection with Pomona Road. The extra 15 feet in height is permitted under the newly-adopted redevelopment plan in order to allow for the development of commercial and residential uses in the same

building, at a density sufficient to produce 100 affordable age-restricted apartments. The impact on surrounding uses is negligible due to the small size of the redevelopment area and the nature of surrounding uses (a new WaWa and gas station, church and scattering of older commercial and residential uses). Additionally, it should be noted that Pomona Village is unique in that it is bordered to the east and west along the White Horse Pike by commercially-zoned Regional Growth Areas, where the Comprehensive Management Plan imposes no height limitation. Ordinance 1909-2015 allows for one four-story mixed use building, at a key intersection along a sewer high way corridor in Pomona Village. This is an appropriate exercise of municipal flexibility and one that is consistent with the objectives of the Comprehensive Management Plan.

Ordinance 1909-2015 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

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Not applicable.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Galloway Township Ordinance 1909-2015, adopting a redevelopment plan for the Pomona Road Heritage Village Redevelopment District, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. This standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Galloway Township Ordinance 1909-2015, adopting a redevelopment plan for the Pomona Road Heritage Village Redevelopment District, 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 plan adopted by Ordinance 1909-2015 does not affect lands that are adjacent to any other municipalities. Therefore, intermunicipal conflicts are not anticipated and this standard for certification is met.

PUBLIC HEARING

A public hearing to receive testimony concerning Galloway Township's application for certification of Ordinance 1909-2015 was duly advertised, noticed and held on July 15, 2015 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which no testimony was received.

Written comments on Ordinance 1909-2015 were accepted through July 17, 2015 and were received from the following individuals:

July 16, 2015 letter from Theresa Lettman, Director of Monitoring Programs, Pinelands Preservation Alliance (see Exhibit #4)

July 16, 2015 email from Georgina Shanley, Citizens United for Renewable Energy (see Exhibit #5)

July 16, 2015 email from Ann Kelly (see Exhibit #6)

July 17, 2015 letter from Mark Demitroff (see Exhibit #7)

EXECUTIVE DIRECTOR'S RESPONSE

Three of the commenters (Exhibits #4, 5 and 6) state that the Commission should not approve Ordinance 1909-2015 because it would allow a building height of 50 feet in a Pinelands Village, thereby permitting a density that is far greater than that planned or envisioned for Pinelands Villages by the CMP. Based on the analysis provided in section 2 of this report, the Executive Director disagrees. Ordinance 1909-2015 provides an opportunity for the development of one four-story, mixed use building on a small parcel in the middle of Pomona Village, at the intersection of two major roads (the White Horse Pike and Pomona Road). Allowing for a height of 50 feet merely provides the opportunity for the entire project (100 affordable apartments and 10,000 square feet of commercial space) to be contained within one building. Were a maximum height of 35 feet to be maintained, multiple apartment buildings would be necessary and the ability to combine residential and commercial uses in the same structure would likely be lost. The mixed use development permitted by Ordinance 1909-2015 is wholly appropriate for a sewerred village such as Pomona. It will not be incompatible with existing or future development in Pomona or, for that matter, the surrounding management areas in Galloway Township. In addition, the redevelopment plan adopted by Ordinance 1909-2015 provides the potential for just 100 new units in Pomona, which is fully consistent with the standards for designation of Pinelands Villages in N.J.A.C. 7:50-5.16. Had Ordinance 1909-2015 provided for high-density residential development throughout the entire village, the Executive Director's conclusion would be far different. Likewise, if high-density mixed use development were proposed in other Pinelands Villages, where public service infrastructure does not exist and/or the predominant land use pattern consists of single-family homes on one-to-five acre lots, such a proposal would likely be inconsistent with the Comprehensive Management Plan.

One commenter (Exhibit #6) also states that Ordinance 1909-2015 should not be approved because it will destroy the integrity of the Pinelands by encouraging "unmitigated growth" and allowing endangered species and plants to be crowded out. On the contrary, Ordinance 1909-2015 provides for one mixed-use building on a small parcel within the existing boundaries of a sewerred Pinelands Village. The ordinance does not allow for, nor does it in any way encourage, growth or sprawl outside the designated Pinelands Village area. In addition, any development that is proposed within the new redevelopment area will be required to meet Comprehensive Management Plan standards for protection of threatened and endangered plants and animals.

The fourth commenter (Exhibit #7) does not raise specific issues with Ordinance 1909-2015 or the Pinelands Village of Pomona but focuses instead on general concerns with the lack of oversight on redevelopment in the Pinelands Area. In response, the Executive Director offers the following information:

- The Commission is required to review and approve all land use ordinances adopted by Pinelands Area municipalities. These ordinances include those that, like Galloway Township Ordinance 1909-2015, adopt redevelopment plans governing lands in the Pinelands Area. The review process for such redevelopment ordinances is the same as that for any ordinance that enacts a zoning change in the Pinelands Area. The standards against which redevelopment ordinances must be reviewed are the same as those for all land use ordinances. All municipal zoning boundaries, permitted uses and development standards, whether established in the land use chapter of a municipal code or in an adopted redevelopment plan, must be consistent with the Comprehensive Management Plan. Without Commission approval, such ordinances and redevelopment plans are not considered to be effective in the Pinelands Area. The Executive

Director has reviewed Ordinance 1909-2015, found it to be consistent with the Comprehensive Management Plan, and is recommending its certification by the Commission on that basis.

- Applications for development in the Pinelands Area must be submitted to the Commission for review. The fact that a proposed project may qualify as redevelopment or be located in a redevelopment area does not affect the review process. All development applications are reviewed by the Commission for consistency with the minimum environmental standards set forth in the Comprehensive Management Plan.
- The Commission has the authority to review municipal ordinances and public and private development applications only in terms of their consistency with the Comprehensive Management Plan. The Commission does not have the authority to determine whether an ordinance is consistent with the Municipal Land Use Law, nor can the Commission determine whether a Pinelands municipality correctly followed the New Jersey Local Redevelopment and Housing Law in designating an area to be in need of redevelopment.
- Upon determining that an area is in need of redevelopment, municipalities in New Jersey are required to submit such determinations to the Department of Community Affairs. Galloway Township did so in 2010 after adoption of Resolution 300-2010, which found the entire White Horse Pike Corridor Phase II – Pomona Road area to be in need of redevelopment. The Department of Community Affairs responded to Galloway Township's submission by letter dated January 14, 2011 (see Exhibit #8). In that letter, the Department states that the parcels within the designated area are located in a Pinelands Village "where redevelopment is encouraged."

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 1909-2015 complies with 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 1909-2015 of Galloway Township.

SRG/CGA
Attachments



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 21

TITLE: Determining the Eligibility of a Parcel of Land for Acquisition by the Department of Environmental Protection Pursuant to the Limited Practical Use Program

Commissioner Prickett moves and Commissioner Ashmun seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Findings of Fact, Conclusion and recommendation of the Executive Director that the following parcel is eligible for acquisition under the Limited Practical Use program:

2010-0150.001 Dominic S. Constantine, Block 2101, Lot 6, Medford Township, 0.57 ac.; Pinelands Regional Growth Area (GD-Growth District); waiver application denied July 10, 2015.

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

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for this parcel; and

WHEREAS, the Pinelands Commission hereby determines that the parcel conforms to the criteria set forth in N.J.A.C. 7:50-9.2 and 9.3 for eligibility for acquisition under the Limited Practical Use program; and

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

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission approves the acquisition of the following parcel and authorizes the Executive Director to transmit the name of this property owner to the Department of Environmental Protection for acquisition, provided that the landowner freely agrees to sell his parcel:

2010-0150.001 Dominic S. Constantine, Block 2101, Lot 6, Medford Township, 0.57 ac.; Pinelands Regional Growth Area (GD-Growth District); waiver application denied July 10, 2015.

Record of Commission Votes

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS			
Ashmun	<input checked="" type="checkbox"/>			Earlen	<input checked="" type="checkbox"/>			Prickett	<input checked="" type="checkbox"/>		
Avery	<input checked="" type="checkbox"/>			Galletta	<input checked="" type="checkbox"/>			Quinn			<input checked="" type="checkbox"/>
Barr	<input checked="" type="checkbox"/>			Jannarone	<input checked="" type="checkbox"/>			Rohan Green			<input checked="" type="checkbox"/>
Brown	<input checked="" type="checkbox"/>			Lloyd	<input checked="" type="checkbox"/>			Witt	<input checked="" type="checkbox"/>		
DiBello	<input checked="" type="checkbox"/>			McGlinchey	<input checked="" type="checkbox"/>			Lohbauer	<input checked="" type="checkbox"/>		

Adopted at a meeting of the Pinelands Commission
Nancy Wittenberg
Nancy Wittenberg
Executive Director

Date: August 14, 2015
Mark S. Lohbauer
Mark S. Lohbauer
Chairman



State of New Jersey
THE PINELANDS COMMISSION
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(609) 894-7300
www.nj.gov/pinelands



Chris Christie
Governor
Kim Guadagno
Lt. Governor

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

Mark S. Lohbauer
Chairman
Nancy Wittenberg
Executive Director

**REPORT ON PROPERTY ELIGIBILITY FOR THE
PINELANDS LIMITED PRACTICAL USE PROGRAM**

July 22, 2015

Dominic S. and Anna F. Constantine
60 Neeta Trail
Medford Lakes, NJ 08055

Please Always Refer to
This Application Number
App. No. 2010-0150.001
Medford Township
Block 2101, Lot 6

Dear Mr. and Mrs. Constantine:

I am pleased to inform you that Pinelands Commission Executive Director, Nancy Wittenberg, is recommending the above referenced parcel for eligibility in the Limited Practical Use land acquisition program.

FINDINGS OF FACT

This application is for a determination of eligibility for the Pinelands Limited Practical Use Land Acquisition Program. The property is located in the Pinelands Regional Growth Area and contains 0.57 acres. An application for a Waiver of Strict Compliance by the applicant for this parcel was denied by the Pinelands Commission on July 10, 2015.

The subject parcel contains all contiguous land in common ownership on or after January 14, 1981. There are no principal structures located on the parcel. No resource extraction operation has been approved for this parcel. No development has been approved for this parcel. There are no Pinelands Development Credits allocated to the parcel. Based on the available information, the parcel cannot be developed consistent with the requirements of the Comprehensive Management Plan. The applicant owns less than 50 acres of land in the Pinelands as of July 17, 1995.

CONCLUSION

N.J.A.C.7:50-9.2 and 7:50-9.3 set forth the standards which must be met in order for a property to be determined eligible for the Limited Practical Use Program. The first condition is that the Pinelands Commission has either denied a Waiver of Strict Compliance for the parcel in question pursuant to N.J.A.C. 7:50-4, Part V or has approved a Waiver of Strict Compliance for the parcel and granted a transferable development right to other lands in accordance with N.J.A.C.7:50-4.66(b)3 and 5.30(a). As the applicant received a Waiver denial on July 10, 2015, the applicant meets the criteria contained in N.J.A.C. 7:50-9.2(a)1.

The second condition is that the parcel contains less than 50 acres. As the parcel contains 0.57 acres, the parcel meets the criteria contained in N.J.A.C. 7:50-9.2(a)2.

The third condition is that the standards contained in N.J.A.C. 7:50-9.3 relative to the ownership and the present and potential uses of the parcel in question have been met. The applicant has demonstrated that the parcel meets the standards contained in N.J.A.C. 7:50-9.3 so the parcel meets the criteria contained in N.J.A.C. 7:50-9.2(a)3.

The property is eligible for the Limited Practical Use acquisition program because all program eligibility criteria in N.J.A.C. 7:50-9.2 and N.J.A.C. 7:50-9.3 have been met. As a result it is recommended that the Pinelands Commission APPROVE the application and notify the Department of Environmental Protection that the subject parcel is eligible to be acquired under the provisions of N.J.A.C. 7:50-9.

APPEAL

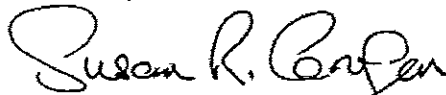
The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this Report and must include the following information:

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

If no appeal is received, the Pinelands Commission will act on this application at its meeting on August 14, 2015. At this meeting, the Commission may either approve the determination of the Executive Director or refer the application to the Office of Administrative Law for a hearing.

If you have any questions, please contact Betsy Piner of our staff.

Sincerely,



Susan R. Grogan, P.P., AICP
Chief Planner