



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-14- 31

TITLE: Approving With Conditions Applications for Public Development (Application Numbers 1983-5837.056, 1995-1659.004 & 2013-0011.001)

Commissioner Galletta moves and Commissioner Jackson seconds the motion that:

App. No. 1983-5837.056 Applicant: SOUTH JERSEY TRANSPORTATION AUTHORITY

Municipality: Egg Harbor Township
Management Area: Military and Federal Installation Area
Proposed Development: Realignment of 50 linear feet of an existing internal access road at the Atlantic City International Airport (Date of Report: August 21, 2014)

App. No. 1995-1659.004 Applicant: BUENA VISTA TOWNSHIP

Municipality: Buena Vista Township
Management Area: Forest Area
Proposed Development: Construction of a 2,304 square foot playground (Date of Report: August 21, 2014)

App. No. 2013-0011.001 Applicant: NEW JERSEY DEPARTMENT OF TRANSPORTATION

Municipality: Winslow Township
Management Area: Agricultural Production Area, Rural Development Area and Pinelands Town
Proposed Development: Reconstruction of the Blue Anchor Dam and widening of US Route 30 across the Blue Anchor Dam structure (Date of Report: August 21, 2014)

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

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 Findings of Fact and Conclusion of the Executive Director for each of the proposed developments; 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; 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.

NOW, THEREFORE BE IT RESOLVED that the following applications for public development are hereby approved subject to the conditions recommended by the Executive Director.

App. No. 1983-5837.056 Applicant: SOUTH JERSEY TRANSPORTATION AUTHORITY

Municipality: Egg Harbor Township
Management Area: Military and Federal Installation Area
Proposed Development: Realignment of 50 linear feet of an existing internal access road at the Atlantic City International Airport (Date of Report: August 21, 2014)

App. No. 1995-1659.004 Applicant: BUENA VISTA TOWNSHIP

Municipality: Buena Vista Township
 Management Area: Forest Area
 Proposed Development: Construction of a 2,304 square foot playground (Date of Report: August 21, 2014)

App. No. 2013-0011.001 Applicant: NEW JERSEY DEPARTMENT OF TRANSPORTATION

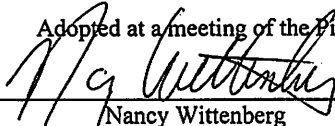
Municipality: Winslow Township
 Management Area: Agricultural Production Area, Rural Development Area and Pinelands Town
 Proposed Development: Reconstruction of the Blue Anchor Dam and widening of US Route 30 across the Blue Anchor Dam structure (Date of Report: August 21, 2014)

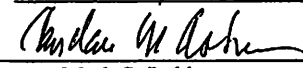
Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission

Date: 9/12/2014


 Nancy Wittenberg
 Executive Director


 Mark S. Lohbauer
 Acting Chairman



State of New Jersey
 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

August 21, 2014

Jeffrey Sabla
 South Jersey Transportation Authority
 PO Box 351
 Hammonton NJ 08037


Re: Application # 1983-5837.056
 FAA Tech Center
 Block 101, Lot 9
 Tilton Road
 Egg Harbor Township

Dear Applicant:

The Commission staff has completed its review of this application for the realignment of 50 linear feet of an existing internal access road. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 11, 2014 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, Egg Harbor Township Planning Board (via email)
- Egg Harbor Township Construction Code Official (via email)
- Egg Harbor Township Environmental Commission (via email)
- Atlantic County Department of Regional Planning and Development (via email)
- Amy S. Greene





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Chris Christie
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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

August 21, 2014

Jeffrey Sabla
 South Jersey Transportation Authority
 PO Box 351
 Hammonton NJ 08037

Application No.: 1983-5837.056

Location: Atlantic City International Airport
 Block 101, Lot 9
 Egg Harbor Township

This application proposes the realignment of 50 linear feet of an existing internal access road on the above referenced 2381.05 acre lot in Egg Harbor Township.

The existing internal access road is paved and 12 feet wide. It is proposed to realign the internal access road approximately 40 feet to the north to accommodate the installation of a new security fence. The existing road pavement will be removed and the area will be revegetated with native Pinelands grasses. The applicant also proposes to install 7,614 linear feet of security fencing. The proposed fencing will result in less than 1,500 square feet of clearing. Installation of fencing, provided that no more than 1,500 square feet of land is to be cleared, does not require application to the Pinelands Commission (N.J.A.C. 7:50-4.1(a)13).

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(a))

The project is located in a Military and Federal Installation Area. The proposed development is a permitted land use in a Military and Federal Installation Area.

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 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. To stabilize disturbed areas, 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 July 8, 2014. The Commission’s public comment period closed on August 8, 2014. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of five sheets, prepared by Urban Engineers, Inc., all sheets dated May 16, 2014.
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

State of New Jersey

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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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Mark S. Lohbauer
 Chairman

Nancy Wittenberg
 Executive Director

August 21, 2014

Chuck Chiarello, Mayor
 Buena Vista Township
 890 Harding Highway
 Buena, NJ 08310


Re: Application # 1995-1659.004
 Michael Debbi Park
 Block 5102, Lots 12-14
 Buena Vista Township

Dear Mayor Chiarello:

The Commission staff has completed its review of this application for the construction of a 2,304 square foot playground at Michael Debbi Park, an existing municipal park. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 11, 2014 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, Buena Vista Township Planning Board (via email)
- Buena Vista Township Construction Code Official (via email)
- Atlantic County Department of Regional Planning and Development (via email)
- David Scheidegg, P.E.





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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

August 21, 2014

Chuck Chiarello, Mayor
Buena Vista Township
890 Harding Highway
Buena, NJ 08310

Application No.: 1995-1659.004

Location: Michael Debbi Park
Block 5102, Lots 12-14
Buena Vista Township

This application proposes the construction of a 2,304 square foot playground on the above referenced 37.95 acre parcel in Buena Vista Township. There is an existing municipal park on the parcel.

The applicant previously removed typical playground equipment from the concerned 2,304 square foot area based upon safety concerns. The applicant proposes to install four new play structures in the 2,304 square foot area.

An application for an 820 linear foot woodchip walking trail at the Michael Debbi Park was approved by the Commission on September 13, 2002 (App. No. 1995-1659.002). The applicant located a portion of the approved walking trail at a location other than that approved by the Commission. The applicant also completed certain other development, including the paving of a 36,000 square foot parking lot, installation of sidewalks and placement of four small storage sheds at the park without application to, or approval by, the Commission. That development constitutes a violation of the application and approval requirements of the Buena Vista Township land use ordinance and the Pinelands Comprehensive Management Plan (CMP).

The applicant has initiated an application with the Commission to address both the development undertaken without application to, and approval by, the Commission and the relocation of the portion of the walking trail to its Commission approved location. By letter dated July 14, 2014, the applicant indicated that the remaining information necessary to complete the application to address the violations would be submitted to the Commission by August 15, 2014. In accordance with the provisions of the CMP (N.J.A.C. 7:50-4.2 (c) 1.ii.), the applicant has agreed to in writing to complete the application for the concerned development and, therefore, eliminate the violation by December 15, 2014. This time period is acceptable to the Executive Director.

STANDARDS

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

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

The proposed development is located in a Pinelands Forest Area. The CMP (N.J.A.C. 7:50-5.2(b)) permits the fifty percent expansion of a nonconforming use in a Forest Area provided the area of the expansion does not exceed fifty percent of the area of the use or the capacity of the use, whichever is applicable, existing on January 14, 1981. The park existed prior to January 14, 1981. The proposed development constitutes less than a fifty percent expansion of the area of the use existing on January 14, 1981.

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

There are wetlands located within 300 feet of the proposed development. There is existing development, including buildings, located closer to the wetlands than the proposed playground.

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

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

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant does not propose any 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 July 16, 2014. The Commission’s public comment period closed on August 8, 2014. 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 Schaeffer Nassar Scheidegg Consulting Engineers, LLC, dated December 14, 2010 and revised to June 30, 2014.
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
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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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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

August 21, 2014

Edward Pennell, P.E.
New Jersey Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

Re: Application # 2013-0011.001
U.S. Route 30
Block 6601, Lots 19, 19.01, 19.05,
20, 21, 41, 41.02 & 42
Block 6706, Lots 1, 1.04 - 1.06 & 2
Winslow Township

Dear Mr. Pennell:

The Commission staff has completed its review of this application for the reconstruction of the Blue Anchor Dam and widening of U.S. Route 30 across the Blue Anchor dam structure. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 11, 2014 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
4/21/13 Public Comment letter



c: Secretary, Winslow Township Planning Board (via email)
Winslow Township Construction Code Official (via email)
Winslow Township Environmental Commission (via email)
Secretary, Camden County Planning Board (via email)
Amber Cheney, NJDOT
Marie Ruberton



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

Mark S. Lohbauer
 Chairman

Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

August 21, 2014

Edward Pennell, P.E.
 New Jersey Department of Transportation
 1035 Parkway Avenue
 Trenton, NJ 08625

Application No.: 2013-0011.001

Location: U.S. Route 30
 Block 6601, Lots 19, 19.01, 19.05,
 20, 21, 41, 41.02 & 42
 Block 6706, Lots 1, 1.04 - 1.06 & 2
 Winslow Township

The proposed reconstruction of the Blue Anchor Dam and widening of U.S. Route 30 across the Blue Anchor dam structure will be located within the U.S. Route 30 right-of-way and on the above referenced non-contiguous 101.97 acre parcels in Winslow Township.

The proposed development will result in the existing dam meeting current New Jersey Department of Environmental Protection Dam Safety Regulations. The proposed development includes the reconstruction of the dam spillway, replacement of the existing undersized discharge culvert through the dam and improvements to U.S. Route 30 as a result of the dam project. The U.S. Route 30 improvements will include the widening of the roadway pavement from a maximum of 54 feet to 64 feet for 1,517 linear feet.

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. 7:50-5.24(b)9., 5.26(b)10. & 5.27(a))

The proposed development will be located partially in an Agricultural Production Area (29.05 acres), a Rural Development Area (65.24 acres) and the Pinelands Village of Elm (7.68 acres). The proposed development (public service infrastructure) is a permitted land use in these three management areas.

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

There are wetlands located immediately adjacent to the proposed development. The proposed development will result in the disturbance of approximately 0.31 acres of wetlands. The wetlands protection standards of the CMP (N.J.A.C. 7:50-6.13) permit the proposed dam reconstruction (linear improvement) in wetlands and the required buffers to wetlands provided certain conditions are met. One of those conditions is that the need for the proposed development overrides the importance of protecting the wetlands. Another condition is that there is no feasible alternative to the proposed development. The applicant has demonstrated that the proposed development meets these requirements and therefore, the proposed dam reconstruction is permitted in wetlands and 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 open water, developed areas and wooded and grassed areas. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

The applicant completed a threatened and endangered plant species habitat assessment for the proposed development. In addition, the applicant performed a survey for Swamp pink. The results of the assessment and the survey determined that the project area does not contain any local population of Swamp pink or suitable habitat for any CMP designated threatened or endangered plant species.

Based upon the proposed limits of disturbance, the location of the existing development and a review of available information, the Commission staff determined that a survey for the presence of CMP designated threatened or endangered animal species was not required.

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 the stormwater management standards, the applicant proposes to construct a stormwater infiltration basin.

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

A cultural resource survey was submitted for this application. The survey identified and delineated one resource eligible for Pinelands designation, a concrete advertising bottle for Renault Winery. The advertising bottle is within the project area, but will not be affected by the proposed development.

PUBLIC COMMENT

This applicant has provided the requisite public notices. Newspaper public notice was completed on February 10, 2014. Notice to required land owners within 200 feet of the above referenced parcels was completed on May 16, 2014. The application was designated as complete on the Commission's website on July 29, 2014. The Commission's public comment period closed on August 8, 2014. The Pinelands Commission has received one public comment (attached) regarding the application.

Public Comment One: The commenter indicated that there are three lakes adjacent to the proposed development and inquired about whether the proposed development would eliminate the vegetation that grows in the "center lake."

Staff Response to Comment One: No development is proposed to occur within the "center lake." The application before the Commission does not propose vegetation removal from any of the three lakes. Tax record information available to the Commission staff indicates that the New Jersey Department of Transportation (NJDOT) is the owner of the "center lake." By copy of this letter, we are advising NJDOT of the commenter's concern. The commenter may wish to discuss this matter with NJDOT.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 101 sheets, prepared by Taylor-Wiseman & Taylor and dated as follows:
 - Sheet 1 – July 2014
 - Sheets 2, 3, 5-20, 22-44, 49-64, 81-101 – June 19, 2014
 - Sheet 4, 21 – May 8, 2014
 - Sheets 45-48 – May 28, 2014
 - Sheets 65-80 – undated
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Prior to the construction of any portion of the proposed development which will result in a disturbance of any wetland area, a Freshwater Wetlands Permit shall be obtained pursuant to the New Jersey Freshwater Wetlands Protection Act.
6. Silt fencing, hay bales or other appropriate measures shall be installed prior to 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.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

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APP# 2013-0011.001
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4/21/14
MAY - 5 2014

Ms. Marie Ruberton

ASGECI Project # 3337

Re: Your correspondence of 2/3/14

Of The 3 Bodies of water
here all joined together
(Blue Anchor Brook) - I live
on the center body of water -
which is covered in spring + summer
+ fall with green vegetation.

my question is - will your project
make the center portion clean
again - like the lakes on either
side?

Why isn't the center
lake clean as the others?

Thank you for your help

Sincerely

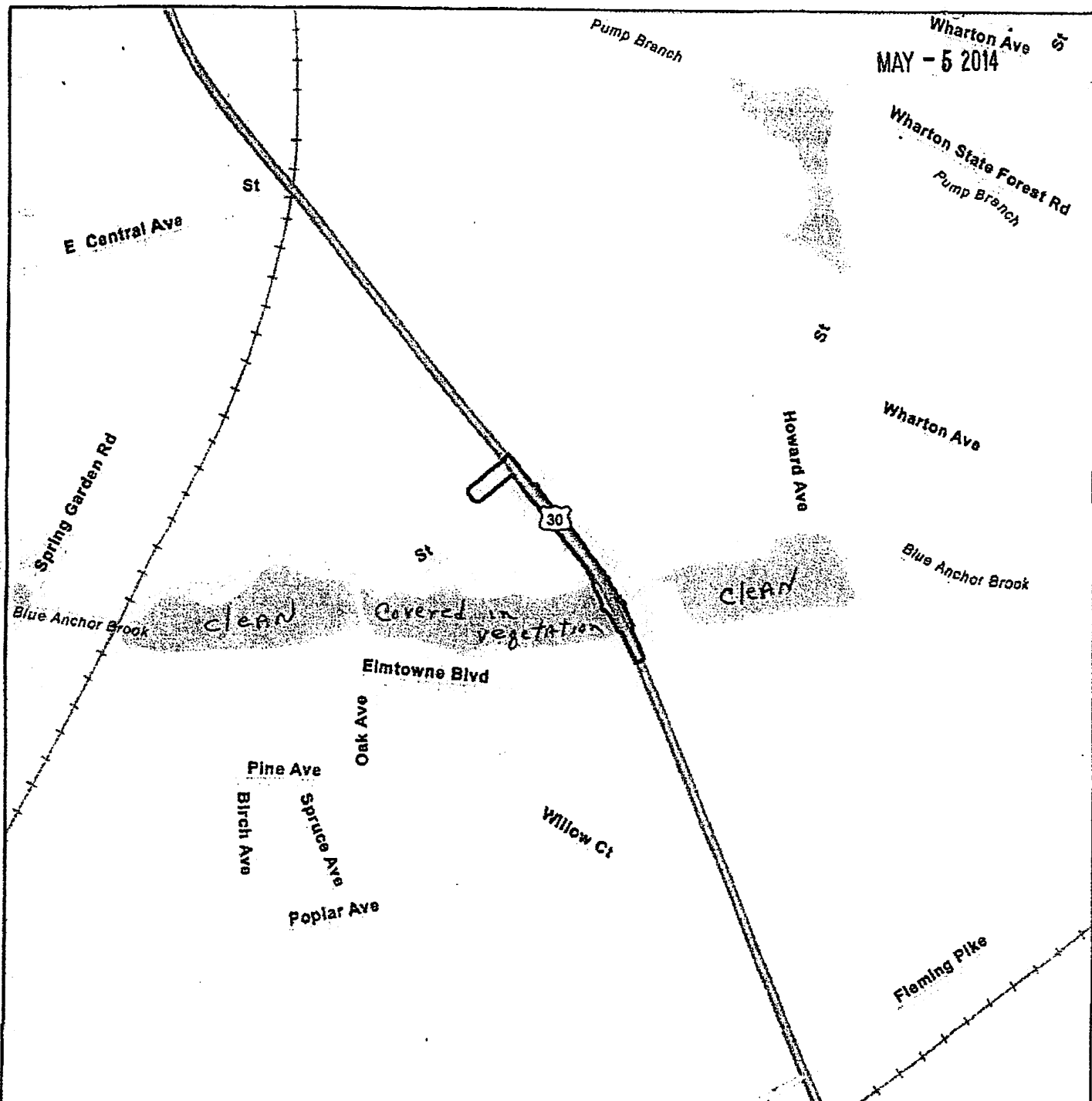
Marie Ruberton



Ms Marie Ruberton
176 Elmtowne Blvd
Hammonton NJ 08037

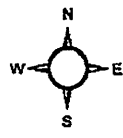


Wharton Ave
MAY - 5 2014



Legend

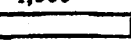
 Project Area



Road Map

Route 30 and Blue Anchor Dam
Winslow Township
Camden County
New Jersey

ASGECI Project #3337

1,000
 Feet

AMY S. GREENE
ENVIRONMENTAL
CONSULTANTS

Sources:
ESRI Street Map North America, published by ESRI, Redlands, California, 2010.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-14- 32

TITLE: Approving With Conditions an Application for a Public Development and Certificate of Appropriateness (Application Number 1997-0257.005)

Commissioner Jackson moves and Commissioner Prickett seconds the motion that:

App. No. 1997-0257.005 Applicant: NEW JERSEY TURNPIKE AUTHORITY

Municipality: Egg Harbor Township
Management Area: Parkway Overlay District underlain by a Regional Growth Area
Proposed Development: Improvements to Existing Garden State Parkway Interchanges 36, 37 & 38 (Date of Amended Report: September 3, 2014)

WHEREAS, the Pinelands Commission has reviewed the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following application for Public Development and a Certificate of Appropriateness be approved with conditions:

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

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

WHEREAS, the Pinelands Commission hereby determines that the proposed Public Development and Certificate of Appropriateness conforms to both the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 and the standards for approving a Certificate of Appropriateness set forth in N.J.A.C. 7:50-6.156 if the conditions recommended by the Executive Director are imposed.

NOW, THEREFORE BE IT RESOLVED that the following application for Public Development and Certificate of Appropriateness is hereby approved subject to the conditions recommended by the Executive Director:

App. No. 1997-0257.005 Applicant: NEW JERSEY TURNPIKE AUTHORITY

Municipality: Egg Harbor Township
Management Area: Parkway Overlay District underlain by a Regional Growth Area
Proposed Development: Improvements to Existing Garden State Parkway Interchanges 36, 37 & 38 ((Date of Amended Report: September 3, 2014)

Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission

Date: 9/12/2014

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Mark S. Lohbauer
Mark S. Lohbauer
AETRAS Chairman



State of New Jersey
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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

September 3, 2014

Robert J. Fischer, P.E.
 New Jersey Turnpike Authority
 P.O. Box 5042
 Woodbridge, NJ 07095-5042

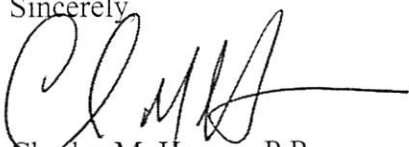
Re: Application # 1997-0257.005
 Garden State Parkway Interchanges 36, 37 & 38
 Egg Harbor Township

Dear Mr. Fischer:

The Commission staff has completed its review of this application for the improvements to the three above referenced existing interchanges on the Garden State Parkway. Enclosed is a copy of an Amended Public Development Application Report, dated September 3, 2014. The Amended Report also includes a Certificate of Appropriateness to address cultural resources. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 11, 2014 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, Egg Harbor Township Planning Board (via email)
 Egg Harbor Township Construction Code Official (via email)
 Egg Harbor Township Environmental Commission (via email)
 Atlantic County Department of Regional Planning and Development (via email)
 Michael McDonnell





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Chris Christie
 Governor

Kim Guadagno
 Lt. Governor

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

Mark S. Lohbauer
 Chairman

Nancy Wittenberg
 Executive Director

**AMENDED PUBLIC DEVELOPMENT
 APPLICATION REPORT AND CERTIFICATE OF APPROPRIATENESS**

(Page 1, revise 4th para. continuing onto page 2)

September 3, 2014

Robert J. Fischer, P.E.
 New Jersey Turnpike Authority
 P.O. Box 5042
 Woodbridge, NJ 07095-5042

Application No.: 1997-0257.005

Location: Garden State Parkway Interchanges 36, 37 & 38
 Egg Harbor Township

This application is for improvements to existing Garden State Parkway Interchanges 36, 37 and 38 in Egg Harbor Township. Existing interchanges 36 and 38 are full interchanges. Existing interchange 37 is a partial interchange.

The three interchanges are located along an approximately 3,300 linear foot section of the Garden State Parkway, between the Atlantic City Expressway and Tilton Road. The three existing Garden State Parkway interchanges provide for access/egress to the Atlantic City Expressway, Washington Avenue and Tilton Road. The proposed improvements include three reconfigured ramps. One of the ramps includes an approximately 2,000 linear foot southbound auxiliary lane between Interchange 36 and 38 to accommodate the proposed exit ramp from the eastbound Atlantic City Expressway. This application only proposes improvements to and replacement of existing access/egress. The proposed interchange improvements are intended to address traffic congestion and safety issues.

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. 7:50-5.35)

The proposed development is located in the CMP designated Parkway Overlay District and underlain by a Pineland Regional Growth Management Area. The Parkway Overlay District permits the improvement of existing interchanges provided the improvements do not induce changes in the location, pattern or intensity of land use which would be inconsistent with the Pinelands land use program. To determine

whether the proposed interchange improvements would induce changes in the location, pattern or intensity of land use that would be inconsistent with the Pinelands land use program, the Commission staff examined the areas within a 1.5 mile radius of each of the three existing interchanges. All land in the Pinelands Area within a 1.5 mile radius of each of the three existing interchanges is located in a Pinelands Regional Growth Area or a Federal and Military Installation Area. Therefore, it is not anticipated that the proposed interchange improvements will induce changes in the location, pattern or intensity of land use which would be inconsistent with the Pinelands land use program. The proposed improvement of the three existing interchanges is a permitted land use in the Parkway Overlay District.

Wetlands (N.J.A.C. 7:50-6.6 & 6.13)

There are wetlands located within the project area. The CMP prohibits most development in wetlands. This application proposes to disturb 0.80 acres of wetlands for the proposed interchange improvements. The CMP allows road improvements (linear development) in wetlands provided the applicant demonstrates that certain conditions are met.

The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in wetlands or that will result in a less significant adverse impact to wetlands. The proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetlands. The applicant has indicated that the proposed interchange improvements will eliminate congestion and traffic safety issues. The applicant has demonstrated that the need for the interchange improvements overrides the importance of protecting the wetlands.

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

The proposed development will be located within maintained grassed, paved and forested areas. The proposed development will disturb approximately 4.7 acres of forested lands. 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. To stabilize disturbed areas, the applicant proposes to utilize grass species which meet that recommendation.

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

Threatened and endangered plant and animal species surveys were previously prepared for the Garden State Parkway Widening Project (App. No. 1997-0257.001). Those surveys included the areas subject of this application. No populations of threatened or endangered plant species and no habitat critical to the survival of any threatened or endangered animal species or populations of any threatened or endangered plant species were located within the project area.

Stormwater Management (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 the stormwater management standards, the applicant will be constructing seven stormwater infiltration basins. The stormwater basins range in size from 0.15 acres to 0.87 acres.

Cultural Resource Standards (N.J.A.C. 7:50-6.151-6.158)

A cultural resource survey was submitted for the application. The survey determined that the proposed development would adversely affect features that contribute to the Garden State Parkway Historic District. This historic district was previously determined to be eligible for the National Register of Historic Places by the New Jersey Historic Preservation Office (SHPO). Based upon the SHPO's determination of eligibility, the Commission previously concluded that the Garden State Parkway is historically significant and is therefore eligible for Pinelands Designation in accordance with the provisions of the CMP (N.J.A.C. 7:50-6.154).

The CMP (N.J.A.C. 7:50-6.156), requires that a certificate of appropriateness be issued by the Commission that identifies the required treatment of the historically significant resource from among three alternatives:

- preservation of the resource in place, if possible;
- preservation of the resource at another location, if preservation in place is not possible; or
- recordation.

The Commission staff has determined that preservation in place is the appropriate treatment for this historically significant resource. The CMP (N.J.A.C. 7:50-6.156(c)3.i.) requires that the proposed treatment conform to the conditions specified in the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. These conditions have been satisfied in a prior development application that authorized widening of the Garden State Parkway between Interchanges 30 and 80. Consequently, a Certificate of Appropriateness is hereby issued requiring preservation of the historically significant resources in place in accordance with the CMP (N.J.A.C. 7:50-6.156(c)).

PUBLIC COMMENT

This applicant has provided the requisite public notice. Newspaper public notice was completed on November 8, 2013. The application was designated as complete on the Commission's website on July 28, 2014. The Commission's public comment period closed on August 8, 2014. 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 42 sheets, prepared by Stantec Consulting Services Inc. and dated as follows:
 - Sheets 1-22, 24, 27 & 29-32 - March 2014
 - Sheets 23, 25, 26, 28 & 34 - June 2014; revised to June 24, 2014
 - Sheets 33, 35, 36 & 38 - March 2014; revised to April 11, 2014
 - Sheet 37 - July 2014; revised to August 15, 2014
 - Sheets 39-42 - April 2009
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.

4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Prior to the construction of any portion of the proposed development which will result in the disturbance of any wetland area, a Freshwater Wetland Permit shall be obtained pursuant to the New Jersey Freshwater Wetlands Protection Act.
6. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey
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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

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. PC4-14- 33

TITLE: Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1988-1096.001)

Commissioner Earlen moves and Commissioner Breen seconds the motion that:

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

App. No. 1988-1096.001 Applicant: MARK SCHNEIDER

Municipality: Pemberton Township
Management Area: Regional Growth
Proposed Development: Single Family Dwelling (Date of Report: August 21, 2014)

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

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

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

NOW, THEREFORE BE IT RESOLVED that the following application for a Waiver of Strict Compliance is hereby approved subject to the conditions recommended by the Executive Director:

App. No. 1988-1096.001 Applicant: MARK SCHNEIDER

Municipality: Pemberton Township
Management Area: Regional Growth
Proposed Development: Single Family Dwelling (Date of Report: August 21, 2014)

Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission

Date: 9/12/2014

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Mark S. Lohbauer
Mark S. Lohbauer
Acting Chairman



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Chris Christie
 Governor

Kim Guadagno
 Lt. Governor

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

Mark S. Lohbauer
 Chairman

Nancy Wittenberg
 Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

August 21, 2014

Mark Schneider
 Schneider Real Estate Agency
 2 Market Street
 Browns Mills, NJ 08015

Re: Application # 1988-1096.001
 Block 78, Lot 21
 Pemberton Township

Dear Mr. Schneider:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 11, 2014 meeting.

FINDINGS OF FACT

This application is for the development of a single family dwelling served by public sanitary sewer on the above referenced 20,177 square foot parcel in Pemberton Township. The parcel is located in a Pinelands Regional Growth Area and in Pemberton Township's R-80 zoning district. In this zoning district, Pemberton Township's certified land use ordinance establishes a minimum lot size of 8,000 square feet for a single family dwelling that is served by public sanitary sewer.

An application for a Waiver of Strict Compliance (Waiver) for the development of a single family dwelling served by public sanitary sewer on original Block 78, Lots 21-29 was approved by the Pinelands Commission on March 10, 2000 (App. No. 1988-1096.001). A development application for the proposed dwelling was subsequently completed with the Commission and a Certificate of Filing was issued on February 21, 2001. However, all necessary construction permits were not received for the proposed development. Therefore, pursuant to the CMP (N.J.A.C. 7:50-4.70(c)), the Waiver expired on March 10, 2005, five years after Commission approval.

A second application for a Waiver for the development of a dwelling on original Block 78, Lots 21-29 was approved by the Pinelands Commission on January 11, 2008. However, all necessary construction permits were not received for the proposed development. Therefore, pursuant to the CMP (N.J.A.C. 7:50-4.70(c)), the Waiver expired on January 11, 2013, five years after Commission approval.



Subsequent to Commission approval of the 2008 Waiver, the Pemberton Township tax map was revised to indicate that Block 78, Lots 21-29 have been consolidated into one parcel, known as Block 78, Lot 21.

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

There are wetlands as defined in the CMP (N.J.A.C. 7:50-6.5(a)) on and within 300 feet of the parcel which continue onto adjacent lands. Any development of the parcel would be located within 300 feet of these wetlands. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetlands. As there will be a significant adverse impact on freshwater wetlands located within 300 feet of the proposed development, the applicant is requesting a Waiver from the buffer to wetlands requirements contained in the CMP (N.J.A.C. 7:50-6.14).

The CMP (N.J.A.C. 7:50-4.65(b)6.) requires that for an applicant to qualify for a Waiver to develop a single family dwelling in a Pinelands Regional Growth Area, it must be demonstrated that no development, including clearing and land disturbance, will be located on wetlands. The applicant has demonstrated that no development, including clearing and land disturbance, will be located on wetlands.

The parcel subject of this Waiver application includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the entire contiguous parcel. The development of a single family dwelling on the parcel will not require any lot area or residential density variances pursuant to Pemberton Township's certified land use ordinance. A single family dwelling can be developed on the parcel without violating any of the criteria contained in N.J.A.C. 7:50-4.65(b) if the conditions recommended below are imposed.

Only if the parcel is developed in accordance with the conditions recommended below will the adverse impacts on wetlands be minimized.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on February 27, 2014. Newspaper public notice was completed on March 20, 2014. The application was designated as complete on the Commission's website on July 9, 2014. The Commission's public comment period closed on August 8, 2014. No public comments regarding this application were submitted to the Pinelands Commission.

CONCLUSION

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

N.J.A.C. 7:50-4.63(a) sets forth 5 conditions which must be met for an applicant to qualify for an extraordinary hardship pursuant to that subsection.

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain specified development. One of the specified categories of development is as follows:

- iv. A single family dwelling on a parcel within a Regional Growth Area, Pinelands Town or Pinelands Village which will be served by a centralized waste water treatment system.

This application is only for a Waiver from the wetlands buffer requirements. The applicant is seeking to develop a single family dwelling served by a centralized wastewater treatment system on a parcel within a Pinelands Regional Growth Area. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1.iv.

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

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

The fourth condition is that all necessary municipal lot area and residential density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Pemberton Township's master plan and land use ordinances have been certified by the Pinelands Commission. The certified land use ordinances do not require a municipal lot area or residential density variance. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

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

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

The CMP (N.J.A.C. 7:50-4.62(d)1.iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the applicant is obtaining a Waiver from the buffer to wetlands requirements contained in N.J.A.C. 7:50-6.14, a condition is included to require the applicant to purchase the requisite 0.25 Pinelands Development Credits.

With the conditions recommended below, the applicant meets the requirements contained in N.J.A.C. - 7:50-4.62(d).

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

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan prepared by Everland, Shourds & Associates, Inc., dated September 28, 1999 and last revised February 7, 2001.
2. The proposed dwelling shall be served by public sanitary sewer.
3. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.
4. No development, including clearing and land disturbance, shall extend beyond the "proposed wetlands buffer" as depicted on the above referenced plan.
5. Prior to construction, silt fencing, hay bales or other appropriate measures shall be installed to preclude sedimentation from entering freshwater wetlands. The proposed sedimentation barrier shall be maintained in place until all development has been completed and the area has been stabilized.
6. Sufficient dry wells or a comparable alternative shall be installed to contain all stormwater runoff from the house.
7. The driveway shall be constructed of crushed stone or other permeable material.
8. Access to the parcel shall be from Dogwood Street.
9. Prior to the Commission issuance of a letter advising that any municipal or county permit or approval may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 Pinelands Development Credits have been acquired and submitted to the Pinelands Development Credit Bank for redemption.
10. This Waiver shall expire September 11, 2019 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after September 11, 2019 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
11. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to Commission issuance of a letter advising that any submitted municipal or county permit or approval may take effect. The deed shall specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance approved by the Pinelands Commission on September 11, 2014 for App. No. 1988-1096.001. The deed shall also indicate that the conditions previously required by Commission approval of a Waiver on March 10, 2000 and a Waiver approved on January 11, 2008, both Waivers now expired, are superseded by the conditions required by the September 11, 2014 Waiver approval. The deed shall also indicate that the conditions are enforceable by the Pinelands Commission, the Burlington County Health Department, Pemberton Township and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver of Strict Compliance from the requirements of N.J.A.C. 7:50-6.14.

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

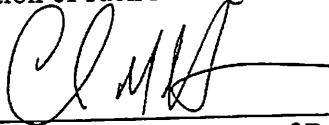
APPEAL

The 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.

Recommended for Approval by: _____


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

- 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)
Executive Director, PDC Bank



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-14- 31

TITLE: To Adopt the Pinelands Commission's Fiscal Year 2015 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund and the Pinelands Conservation Fund

Commissioner Lloyd moves and Commissioner Jannone seconds the motion that:

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

WHEREAS, the State of New Jersey has appropriated \$2,469,000 to support the Commission's operations during Fiscal Year 2015; and

WHEREAS, the Department of the Treasury informed the Commission that \$687,000 of budgeted health benefits and pension costs will be covered through the State's interdepartmental accounts in FY2015; and

WHEREAS, the Commission anticipates that additional funding sources of \$1,159,532 will be available to further support the Commission's operations; and

WHEREAS, the FY 2015 Operating Budget anticipates a \$366,482 draw from the Commission's unreserved, undesignated fund balance; and

WHEREAS, the Commission is adopting an Operating Budget for FY2015 totaling \$4,315,532; and

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

WHEREAS, the Kirkwood Cohansey Aquifer Assessment Study Fund budget for FY2015 recommends expenditures of \$239,750 which will be drawn from the Fund Balance for this project; and

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

WHEREAS, during FY2015, the budget for the Land Acquisition program totals \$911,414; and

WHEREAS, the FY2015 budget for the Conservation Planning and Research program totals \$427,119; and

WHEREAS, the FY2015 budget for the Community Planning and Design program totals \$214,410; and

WHEREAS, the FY2015 budget for the Education and Outreach program totals \$81,230; and

WHEREAS, the total budget for the Pinelands Conservation Fund during FY2015 totals \$1,634,173; and

WHEREAS, the Personnel and Budget Committee has reviewed and recommends Commission approval of the Operating Budget, the Kirkwood Cohansey Aquifer Assessment Study Fund Budget and the Pinelands Conservation Fund Budget, all dated August 26, 2014 and attached hereto; and

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

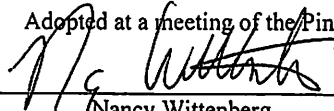
NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission hereby adopts the attached Fiscal Year 2015 Budgets for the Operating Fund totaling \$4,315,532; the Kirkwood Cohansey Aquifer Assessment Study Fund totaling \$239,750; and the Pinelands Conservation Fund totaling \$1,634,173.


Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission

Date: 9/12/2014


 Nancy Wittenberg
 Executive Director


 Mark S. Lohbauer
 Chairman

PINELANDS COMMISSION
KIRKWOOD COHANSEY AQUIFER ASSESSMENT FUND
FISCAL YEAR 2015 BUDGET NOTES
August 25, 2014

1. The funds provided from the Water Supply Fund to prepare the Kirkwood Cohansey Aquifer Assessment and Report are kept in a separate cash account. The interest income estimated at \$150 stays within the program and is available to help fund the project. This amount is lower than in past years because of the decline in interest rates and a lower cash balance as the program nears completion. The cumulative interest earnings are accounted for as Fund Balance.
2. Early in FY 2012, the balance of funds provided from the Water Supply Fund in the Reserve (Deferred Revenue) account was exhausted.
3. In FY2015, it is projected that approximately \$239,750 will need to be drawn from the Fund Balance. In FY2015 it is anticipated that an additional \$239,600 will be needed from the Fund Balance to fund the staff's preparation and the printing of the final report. It is likely that any remaining Fund Balance existing at the end of the fiscal year will be used to support the Commission's development of water supply policies and/or regulations.
4. The FY2015 salaries and wages budget finances salary expenses of employees who spend time working on this project and are estimated at \$25,000.
5. The fringe benefits budget represents the chargeable benefits calculated using the OMB issued "Employee Benefit" reimbursement rates for FY2015.
6. The printing and office supplies budget of \$1,500 represents the estimated cost to print and publish the final report.
7. The professional services budget of \$200,000 represents the continued work of USGS needed in preparation of the final report.

**PINELANDS COMMISSION
KIRKWOOD COHANSEY AQUIFER ASSESSMENT STUDY
FISCAL YEAR 2015 BUDGET**

	FY2011 Audited	FY2012 Audited	FY2013 Unaudited	FY2014 Unaudited	FY2015 Anticipated	Notes
REVENUE PROJECTIONS						
State Approp.- Kirkwood Cohansey Aquifer Study	-	-	-	-	-	
Interest Income	2,735	332	350	181	150	1
Total Revenue	2,735	332	350	181	150	
Reserve for K/C Study Anticipated	669,473	11,272	-	-	-	2
K/C Study Fund Balance Anticipated	-	394,340	117,650	74,850	239,600	3
Total Revenue/Reserve Anticipated	672,208	405,944	118,000	75,031	239,750	

Expenditure Account	FY2011 Audited	FY2012 Audited	FY2013 Unaudited	FY2014 Unaudited	FY2015 Anticipated	Notes
PERSONNEL						
Salaries & Wages	125,596	82,610	80,000	27,454	25,000	4
Fringe Benefits	44,147	31,351	29,600	13,947	12,750	5
TOTAL PERSONNEL	169,743	113,961	109,600	41,401	37,750	
SUPPLIES						
Printing & Office Supplies	3,999	-	8,000	-	1,500	6
Vehicular Supplies	-	-	-	-	-	
TOTAL SUPPLIES	3,999	-	8,000	-	1,500	
SERVICES						
Travel	71	115	100	48	50	
Telephone	-	-	-	-	-	
Information Processing	360	888	300	450	450	
Professional Services	496,962	290,980	-	-	200,000	7
Other Services	1,073	-	-	-	-	
TOTAL SERVICES	498,466	291,983	400	498	200,500	
MAINTENANCE & RENT						
Maintenance - Equipment	-	-	-	-	-	
Maintenance - Vehicular	-	-	-	-	-	
Rent - Other	-	-	-	-	-	
TOTAL MAINTENANCE & RENT	-	-	-	-	-	
IMPROVEMENTS & ACQUISITIONS						
Acquisitions - Vehicles	-	-	-	-	-	
Acquisitions - Equipment	-	-	-	-	-	
Acquisitions - Information Processing Equip	-	-	-	-	-	
TOTAL IMPROVEMENTS & ACQUISITIONS	-	-	-	-	-	
Total Expenditures	672,208	405,944	118,000	41,899	239,750	

**PINELANDS COMMISSION
PINELANDS CONSERVATION FUND
FISCAL YEAR 2015 BUDGET NOTES
August 21, 2014**

1. In November 2011, the Commission accepted a multi-year grant from the U.S. Environmental Protection Agency to conduct a study titled “Assessing the Ecological Integrity of Intermittent Ponds and Their Vulnerability to Land-use Impacts”. Revenue is based upon grant-related expenditures and is reimbursed at the 75% level.
2. In November 2012, the Commission accepted a multi-year grant from the U.S. Environmental Protection Agency to conduct a study titled “Comparing the Functional Equivalency of Natural and Created Wetlands”. Revenue is based upon grant-related expenditures and is reimbursed at the 75% level.
3. The funds provided from Atlantic City Electric (formerly Conectiv) and other related revenue sources are kept in four separate cash accounts, one for each program of the Fund. The FY2015 estimated interest income totals \$5,500 and is comprised of interest income from the four cash accounts. All interest income stays within the particular program and is available to help fund the various projects.
4. The difference between the revenues and expenditures for the year, estimated at \$1,461,673, is financed from the Reserves for Pinelands Conservation Activities. Each of the four programs (Land Acquisition, Conservation Planning and Research, Community Planning and Design and Education and Outreach) has its own reserve account. During FY2010, the reserve accounts for the CMCMA landfill expansion and Hammonton wastewater projects were closed upon completion. By resolution in 2009, the revenue realized from the CMCMA landfill expansion project was transferred into the reserve accounts for the three programs in existence at that time.
5. The financial plan that designated the three original programs within the Fund (Land Acquisition, Conservation Planning and Research, and Community Planning and Design) was approved by the Commission in April 2005 and includes a \$20,000 assessment from each of the programs to cover administrative expenses as described in Operating Budget note #16. Amendments to the financial plan were adopted by the Commission in 2014 to provide for a fourth program (Education and Outreach), for which there is also a \$20,000 assessment.
6. The Land Acquisition program budget for FY2015 totals \$911,414. Personnel costs (salaries/wages and fringe benefits) are estimated at \$68,000 in support of land acquisition and permanent land protection initiatives, including maintenance of the permanent land protection database and design of an easement monitoring program. Land acquisitions could total up to \$797,598. Also budgeted is \$25,000 for NJDEP to assist with administration of the Limited Practical Use program. Software

maintenance supporting the land acquisition program is anticipated to be \$816. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

7. The Conservation Planning and Research program budget for FY2015 totals \$427,119. Personnel costs (salaries/wages and fringe benefits) are estimated at \$321,630 to support the following initiatives and special projects: implementation of the rapid landfill assessment, tracking and implementation of the approved Hammonton wastewater management/water supply policy, continued implementation of the alternate septic system pilot program / septic system management (including exploration of options for retrofitting existing Cromaglass systems), the roadside plants management project, management of threatened and endangered species data, planning associated with the Black Run – Kettle Run rule, and the two EPA research projects on intermittent ponds and natural / created wetlands. Also included in this year's budget is \$61,600 for technical services from the USGS associated with the natural/created wetlands study and miscellaneous expenses (software, mileage, reference books, training, and scientific supplies and equipment) supporting the conservation planning and research program equal \$23,889. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

8. The Community Planning and Design program budget for FY2015 totals \$214,410. Personnel costs (salaries/wages and fringe benefits) are estimated at \$167,610 to support the following initiatives and special projects: implementation of the clustering rules, the Pinelands Development Credit and density rules, administrative responsibilities supporting the Pinelands Development Credit Bank, the Pinelands Development Credit supply and demand study, completion of the work called for pursuant to the Commission's MOU with the CMCMUA and Woodbine related to landfill leachate and the creation of a new lot status layer for the geographic information system. Aid to Municipalities to help offset advertising costs to publish the septic ordinances is included for 35 towns at \$750 for a total of \$26,250. Miscellaneous expenses (software, postage, printing, meeting expenses and legal advertisements) supporting the program equal \$550. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

9. The Education and Outreach program budget for FY2015 totals \$81,230. Personnel costs (salaries/wages and fringe benefits) are estimated at \$34,730 to support the following initiatives and special projects: redesign of the Commission's website, including interactive mapping, and development and issuance of a Request for Proposals (RFP) for the installation and fabrication of exhibits in the Richard J. Sullivan Center. Also included is \$12,500 for the New Jersey Office of Information Technology for designing the new website, adding new features (such as form-based e-mails) and migrating the existing information to the new site. Another \$12,500 for the New Jersey Office of Information Technology is included for the production of new Interactive Maps, complete with zoning, wetlands and block/lot look-up features. Miscellaneous expenses (printing and other services) supporting the program equal \$1,500. Rounding out the budget is the \$20,000 administrative assessment mentioned above.

**PINELANDS COMMISSION
PINELANDS CONSERVATION FUND
FISCAL YEAR 2015 BUDGET**

Revenue Source	FY2011 Audited	FY2012 Audited	FY2013 Unaudited	FY2014 Unaudited	FY2015 Anticipated	Notes
Stafford Township (Existing Landfills Assessment)	0	152,900	0		0	
EPA Grant - Intermittent Ponds	0	28,791	61,500	84,386	84,000	1
EPA Grant - Natural and Created Wetlands	0	0	30,000	83,390	83,000	2
Septic Technologies Study - Pilot Program	0	0	0		0	
Interest Income - Land Acquisition	13,164	2,262	1,000	770	700	3
Interest Income - Conservation Planning & Research	10,637	2,335	2,500	2,756	2,700	3
Interest Income - Community Planning & Design	9,060	1,949	1,700	2,169	2,100	3
Total Revenue	32,861	188,237	96,700	173,471	172,500	
Cancellation of Prior Year Encumbrances	0	108,396	0	14,299	0	
Reserves for Pinelands Conservation Activities	1,035,765	1,521,395	4,275,700	2,224,753	1,461,673	4
Total Revenue/Other Sources Anticipated	1,068,626	1,818,028	4,372,400	2,412,523	1,634,173	

Expenditure Account	FY2011 Audited	FY2012 Audited	FY2013 Unaudited	FY2014 Unaudited	FY2015 Anticipated	Notes
Land Acquisition						
Salaries & Wages	31,467	77,700	36,000	31,422	45,000	
Fringe Benefits	11,061	29,487	13,300	15,947	23,000	
Information Processing	650	434	1,010	931	816	
Professional Services	73,752	31,057	121,500	32,243	25,000	
Land Acquisition	675,792	1,137,155	3,717,000	544,138	797,598	
Administrative Assessment	20,000	20,000	20,000	20,000	20,000	5
Total Land Acquisition Expenditures	812,722	1,295,833	3,908,810	644,680	911,414	6

Conservation Planning and Research

Salaries & Wages	60,414	120,760	167,900	231,371	213,000	
Fringe Benefits	21,235	45,828	61,900	117,334	108,630	
Printing & Office Supplies	0	273	200	855	300	
Household Supplies (clothing)	0	0	300	837	730	
Other Supplies	0	47	600	4,259	4,259	
Travel	132	302	1,350	3,292	350	
Information Processing	1,770	2,112	1,900	4,969	16,000	
Technical Services	0	0	0	61,600	61,600	
Professional Services	0	160,000	20,000	0		
Other Services	0	0	1,500	180	2,250	
Acquisitions - Equipment	0	0	7,500			
Acquisitions - Information Processing Equipment	0	5,425	6,000			
Administrative Assessment	20,000	20,000	20,000	20,000	20,000	5
Total Conservation Planning/Research Expenditures	103,551	354,747	289,150	444,696	427,119	7

Community Planning and Design

Salaries & Wages	97,438	105,626	110,000	72,634	111,000	
Fringe Benefits	34,250	40,084	40,700	36,862	56,610	
Printing & Office Supplies	0	244	0	29	50	
Other Supplies	0	10	0			
Travel	73	295	370	188	100	
Postage	0	157	250		250	
Information Processing	360	506	1,020	1,751		
Other Services	232	526	2,100	509	150	
State Aid and Grants	0	0	0	0	26,250	
Administrative Assessment	20,000	20,000	20,000	20,000	20,000	5
Total Community Planning/Design Expenditures	152,353	167,448	174,440	131,973	214,410	8

Education and Outreach

Salaries & Wages	0	0	0	0	23,000	
Fringe Benefits	0	0	0	0	11,730	
Printing & Office Supplies	0	0	0	0	1,000	
Information Processing	0	0	0	0	25,000	
Other Services	0	0	0	0	500	
Administrative Assessment	0	0	0	0	20,000	
Total Education and Outreach	0	0	0	0	81,230	9

Total Expenditures

1,068,626	1,818,028	4,372,400	1,221,349	1,634,173
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**PINELANDS COMMISSION
OPERATING BUDGET
FISCAL YEAR 2015 NOTES
August 21, 2014**

1. The Governor's budget includes a FY2015 State Appropriation to the Commission in the amount of \$2,469,000. This amount is equal to the FY2014 State Appropriation.
2. Although the FY2015 does not include an amount for Supplemental Funding (Salary Program), if the ongoing contract negotiations with the Union result in any salary increases a specific request will be made to OMB to fund such increases.
3. State Supplemental Funding (Fringe Benefits) totaling \$687,000 helps to offset the Commission's health and pension costs. Since FY2004, the Department of the Treasury has agreed to help the Commission finance its escalating health benefits premiums through an Interdepartmental Account. Beginning in FY2009, the amount of assistance was calculated using projected health and pension costs not funded through other sources. Using this calculation, the Commission requested \$888,740 in FY2011, \$838,218 in FY2012, \$837,927 in FY2013 and \$844,809 in FY 2014 but was only approved to receive \$687,000.
4. Interest Income is earned in the Commission's checking account and the cash management fund designated for general use. Interest income for the Kirkwood Cohansey Aquifer Study and the Pinelands Conservation Fund is reflected in the budgets for those programs. Interest rates have sharply declined over recent years and lower cash balances resulting from reduced appropriations have greatly affected interest income over the several years and will continue to do so in FY2015.
5. Monitoring for the Monroe Township MUA and the Camden County MUA hydrologic projects will continue into FY2015. Anticipated revenue is calculated using the amount to be paid to the USGS for this monitoring.
6. In March 2008, the Commission accepted a grant from the U.S. Environmental Protection Agency to conduct a study titled "The Effectiveness of Upland Buffer Zones in Mitigating the Impact of Suburbanization on the Integrity of Wetland Communities". Revenue is based upon grant-related expenditures and is reimbursed at the 75% level.
7. The Commission is entering its 21th year of the Environmental and Economic Long Term Monitoring programs. This anticipated revenue from the National Park Service is based upon that program's projected expenses during the fiscal year, which are reimbursed in full.
8. The Commission staff has been working with Stockton College to develop an alternative permitting process MOA pursuant to N.J.A.C. 7:50-4.52(c)1. Should the Commission ultimately approve such MOA, Stockton College would be obligated to reimburse the Commission for staff costs associated with the development of the MOA and review of any development projects under

the MOA. During the past two fiscal years, the staff costs associated with the development of the MOA are approximately \$20,000.

9. During FY2015, the Commission anticipates receiving \$2,000 as Vehicle Auction Proceeds for the surrender of a 2006 Ford Ranger.

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

11. Application Fees of \$253,000 are anticipated to be received during FY2015. This important component of the Commission's Operating Budget fluctuates tremendously from month to month. This funding source will be closely monitored throughout the fiscal year.

12. In October 2009, the Commission adopted the New Jersey Pinelands Electric Transmission Right-of-Way Maintenance Plan that authorizes the Utility Companies to maintain electric transmission rights-of-way without applying to the Commission. According to the Memorandum of Agreement, the companies pay an annual fee to cover the Commission's inspection and monitoring expenses.

13. In July 2006, the Commission approved a Memorandum of Agreement with Stafford Township and Ocean County Regarding Landfill Closure and Redevelopment of the Stafford Business Park. This MOA provides for the reimbursement of Commission costs associated with the creation and implementation of the agreement.

14. The \$13,650 anticipated revenue from the Microfilm Reserve equals the amount being recommended in the expenditure accounts for items relating to permanent record storage, including microfilming and document imaging. The remaining balance in the Microfilm Reserve account will be held in reserve to sustain the future costs of the long term records management project.

15. The FY2015 anticipated revenue from the Computer Reserve estimated at \$21,600 equals the amount being recommended for new Domain Controller server in the Acquisition – Information Processing Equipment account.

16. In April 2005, the Commission adopted a financial plan for the Pinelands Conservation Fund. Included in the plan is an annual assessment of \$20,000 from each of the four programs (see Pinelands Conservation Fund budget note #5). This \$80,000 administrative assessment will finance costs associated with cash management activities, accounting services, procurement services and centralized support services.

17. The projected amount needed from the Undesignated Fund Balance to balance the FY2015 budget deficit is \$341,482. Traditionally, the actual amount drawn from the fund balance at the fiscal year end is lower than anticipated. The amount in the Commission's fund balance is sufficient

to cover the \$341,482 while leaving enough money to fund unforeseen expenses, emergencies and a similar budget deficit in the next few years.

18. The Commission's authorized staffing level is 66 full time equivalent positions (FTEs). Since FY2007, unfilled vacancies have steadily increased to a total of 23 unfilled full time equivalent positions or more than 35% of the authorized staffing level.

The FY2015 salaries and wages budgets (Operating, Kirkwood Cohansey Study and Pinelands Conservation Fund) finance only 43.5 of the 66 authorized full time equivalent positions. The salaries and wages budget finances these positions at the current salaries and no increases have been budgeted at this time. A new agreement between the Commission and the Communications Workers of America, Local 1040 is expected to be negotiated in the near future. It is possible that the upcoming negotiations may have a budgetary impact, at which time revisions to the FY2015 operating budget will be presented to the Commission.

19. The fringe benefits budget includes expenditures for the employer's share of Social Security (\$178,116), Medicare (\$41,656), disability insurance (\$1,500), flexible savings accounts (\$1,135) and miscellaneous administrative charges (\$600). The employer liability of pension related funds is estimated at \$350,000. The Commission's escalating health benefit premiums for active and retired employees are estimated at \$1,109,801 with a \$137,000 reduction for coinsurance payments from staff members. Also included is \$6,300 for dental insurance premiums and \$675 for participation in the Employee Advisory Service. Lastly, \$214,000 of the total fringe benefits budget is projected to be funded by the Kirkwood Cohansey Study (\$35,500) and the Pinelands Conservation Fund (\$178,500) as shown in those budgets.

Upon Commission approval of the FY2015 Operating Budget, the Executive Director will be authorized to pay the employer share of Social Security and Medicare at an amount not to exceed the budgeted funding of \$219,772.

20. The printing and office supplies budget includes expenditures for printing; office, computer, mailing, copying, and meeting supplies; office and computer equipment with an item cost of less than \$1,000; reference materials; scientific report printing/publication; and service awards. Grant-related expenses account for \$4,150 of this budget. One time expenditures include \$2,800 for shelving for permanent records (funded from the Microfilm Reserve), \$5,880 for printing of the plan review report and \$700 for plastic file storage boxes.

21. The majority of the vehicular supplies budget is gasoline for Commission vehicles. Other costs budgeted in this account include replacement tires, supplies used for routine vehicular maintenance and other miscellaneous supplies such as keys, mats, scrapers and first aid kits. In FY2010, the Commission's fleet was reduced from seven to five vehicles and then in FY2013 from five to four vehicles. However, high gasoline prices have offset some of the savings of a smaller fleet.

22. The household supplies budget provides for the purchase of materials to perform minor buildings and grounds maintenance, cleaning supplies, household paper products, basic kitchen supplies, household equipment costing less than \$1,000 and other operating supplies.

23. The fuel and utilities budget covers expenditures for heating gas, electricity, water and sewer. During the latter part of FY2011, the Commission was accepted into the State's cooperative purchasing for electricity usage charges and has realized savings of approximately \$2,500 per year.

24. The other supplies budget covers expenditures for supplies and equipment (less than \$1,000) supporting map-making, scientific research, fieldwork, and photographic needs. Grant-related expenditures are a significant portion (over 78 %) of this account, totaling \$4,480 for FY2015.

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

26. The telephone budget includes basic service, toll charges, the service cost of a data circuit, conference calls, and cellular phone service and toll charges. The Commission has saved money by changing methods of placing conference calls.

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

28. The insurance budget covers estimated premiums for automobiles, general liability, fire, theft, workers' compensation, volunteers and the umbrella liability policy. Through the years, the Commission has realized premium savings by participating in the State's Tort Claims Fund and by including the Commission's buildings under the State's property insurance. In FY2011, the automobile insurance premium was lower because of two less vehicles. In the latter months of FY2013, another vehicle was eliminated and similar coverage was combined. These coverage changes have helped to offset rising premiums.

Upon Commission approval of the FY2015 Operating Budget, the Executive Director will be authorized to pay the State's insurance broker an amount not to exceed the budgeted funding of \$40,800.00 to cover the Commission's insurance premiums.

29. The FY2015 budget for information processing includes \$26,100 for software maintenance agreements, \$13,150 for software and data purchases, \$3,200 for payroll processing, \$2,000 for database administration services, \$1,000 for on-line legal services and \$4,000 for hardware maintenance. For FY2015, there is \$3,000 for potential maintenance charges payable to the State's Office of Technology for an upgraded time reporting system. Over \$10,000 of this budget is reimbursable through grants or special revenue.

30. The household services budget covers trash removal, alarm (security and fire) monitoring, and exterminating services. As a cost saving measure, trash removal services were changed to bi-weekly in FY2011.

31. The professional services account covers expenditures for legal fees, technical and consulting services, and other miscellaneous services. Estimated costs include \$50,000 for legal fees associated with DAG services, \$50,000 for labor counsel for continuing negotiations, \$500 for the Office of Administrative Law assessment fees. Grant related technical services totaling \$21,000 are budgeted. Also included is \$3,000 for accounting services and \$5,000 for temporary services.

In December 2012, the Commission approved Resolution No. PC4-12-43 that authorized the Executive Director to pay an amount not to exceed \$97,685.30 to McElroy, Deutsch, Mulvaney & Carpenter, LLP for labor attorney fees beginning in FY2012. The FY2014 budget includes an additional \$50,000 for these services for a total of \$147,685.30 through the end of FY2014.

Upon Commission approval of the FY2015 Operating Budget, the Executive Director will be authorized to pay McElroy, Deutsch, Mulvaney & Carpenter, LLP an amount not to exceed \$147,685.30 for labor attorney fees.

32. Expenditures in the other services budget include annual subscriptions (\$550), required memberships (\$1,200), meeting expenses (\$1,000), advertising (\$3,600), research related fees (\$450), training (\$7,500), banking fees (\$1,000) and charges to repair / replace highway and interpretive signs (\$2,200).

33. The maintenance - buildings and grounds budget for FY2015 includes a major maintenance project estimated at an amount not to exceed \$40,000 to prepare and paint all or part of the exterior of the Fenwick Manor building. This project was originally budgeted for completion during FY2013 but the mailing of the Request for Proposal was delayed. \$5,000 is included for installation of an underground drainage system in front of the Commission's main building. The remaining \$5,000 is available for minor maintenance services (tree trimming, plumbing, electrical, HVAC, etc.).

34. The maintenance - equipment budget provides for the inspection, maintenance and repair of certain building systems and other equipment. Included is \$10,260 for the buildings' systems (fire equipment, elevator, security, and access), \$1000 for office equipment, \$500 for scientific equipment and \$500 for maintenance equipment.

35. The maintenance - vehicular budget finances routine maintenance, vehicular fees, and repairs, including any needed body work, not performed by the Commission's Maintenance Technician.

36. Since FY2011, several changes in the rent - other budget have occurred. In FY2011 a smaller postage machine was rented saving thousands in acquisition, rental and maintenance expenses. During FY2012, two of four copiers were eliminated. In FY2013, copier rental costs were reduced by more than \$2,500. The FY2015 budget including \$300 for the postage meter, \$2,450 for a black and white copier, \$100 for excess copy charges, \$200 for the safe deposit box and \$200 to rent a carpet cleaning machine. In the early part of the fiscal year, a copier is scheduled to be replaced. Staff has been discussing the merits of a copier that can also produce color copies in addition to black and white copies. The FY2015 budget includes the possible rental of a color copier estimated at \$4,550.

37. One item is budgeted in the improvements - buildings and grounds account. A supplemental air conditioning unit for the file server room estimated at \$8,000 is budgeted this year. It is critical that this technology equipment does not overheat. The new unit will be activated only if the temperature rises to a certain level.

38. The acquisitions - equipment budget contains \$4,400 for scientific equipment supporting the long term environmental monitoring program funded by the National Park Service.

39. The acquisitions - information processing equipment budget includes the replacement of five computers (\$11,000) and a Domain Controller Server (\$7,600).

40. The total estimated Operating Budget expenditures for FY2015 equal \$4,315,532. During the fiscal year, certain unforeseen and/or emergency expenditures may become necessary. The Personnel and Budget Committee has discussed this issue and recommends that the Executive Director be authorized to exceed the budget of an expenditure category (personnel, supplies, services, maintenance/rent, improvements/acquisitions) by no more than 10% provided that funds are available in other expenditure categories to ensure that the total Operating Budget is not exceeded and provided further that the combined salary budgets for the Operating Fund, Kirkwood-Cohansey Study and the Pinelands Conservation Fund do not exceed \$2,872,831.

41. Several expenditure account budgets include funding for various services and benefits which are reimbursed to the State of New Jersey and are over the Executive Director's authorized contracting limit of \$36,000. These consist of employee health benefits; the employer liability assessed by the Division of Pensions and the Commission's attorney (DAG) fees.

Upon Commission approval of the FY2015 Operating Budget, the Executive Director will be authorized to pay the State of New Jersey for the aforementioned items in an amount not to exceed the budgeted funding.

**PINELANDS COMMISSION
OPERATING BUDGET REVENUES
GENERAL FUND
FISCAL YEAR 2015**

Revenue Source	FY2012 Audited	FY2013 Unaudited	FY2014 Unaudited	FY2015 Anticipated	Notes
State Appropriation	2,319,000	2,469,000	2,469,000	2,469,000	1
State Supplemental Funding (Salary Program)	150,000	0	0	0	2
State Supplemental Funding (PDC Purchase Prog. Admin.)	793	1,094	836	0	
State Supplemental Funding (Fringe Benefits)	687,000	687,000	687,000 *	687,000	3
Miscellaneous Income	923	402	709	500	
Interest Income	1,158	1,903	1,716	1,500	4
Interest Income - Snake Study Escrow	5	4	4	0	
Interest Income - Fence Escrow	10	13	12	0	
Unspent Flexible Spending Account Contributions	0	203	0	0	
MTMUA Hydrologic Monitoring	3,840	3,990	4,150	16,500	5
CCMUA Hydrologic Monitoring	6,080	6,200	6,310	16,500	5
EPA Buffer Grant*	22,074	6,066	7,601	41,500	6
NPS - Long Term Environmental Monitoring	186,641	257,044	136,993	178,820	7
NPS - Long Term Economic Monitoring	57,299	109,617	109,482	105,280	7
NPS - Pinelands Information and Research Center Grant	24,639	0	0	0	
T-Mobile Cell Tower Review Escrow	26,790	0	0	0	
Stormwater Basin (Stafford Twp) Review Escrow	0	0	0	0	
Sanctuary Settlement	1,945	964	0	0	
PDC Bank - Services	0	0	0	0	
NJDEP - Efficiency Study	19,800	0	0	0	
Stockton College MOA	10,819	8,370	90	0	8
Vehicle Auction Proceeds	0	4,995	0	2,000	9
Wetlands Permitting	8,160	9,817	2,640	3,000	10
Pinelands Application Fees	505,923	489,092	253,042	253,000	11
Utility Companies ROW Program	59,200	59,200	44,400	59,200	12
Stafford Township MOA	488	165	0	0	13
TOTAL REVENUE	4,092,587	4,115,139	3,723,985	3,833,800	
Microfilm Reserve Anticipated	1,329	1,648	3,700	13,650	14
Degree Assistance Reserve Anticipated	4,134	0	0	0	
Computer Reserve Anticipated	28,744	73,665	14,300	21,600	15
Parcel Data Reserve Anticipated	1,875	0	0	0	
Administrative Assessment (PnlDs. Conserv. Fund)	60,000	60,000	60,000	80,000	16
Undesignated Fund Balance Anticipated	0	0	147,120	366,482	17
TOTAL OTHER INCREASES	96,082	135,313	225,120	481,732	
TOTAL REVENUE AND OTHER INCREASES	4,188,669	4,250,452	3,949,105	4,315,532	

*Correcting journal entries made upon internal audit of line item.

**PINELANDS COMMISSION
OPERATING BUDGET EXPENDITURES
GENERAL FUND
FISCAL YEAR 2015**

Expenditure Account	FY2012 Audited	FY2013 Unaudited	FY2014 Unaudited	FY2015 Anticipated	Notes
PERSONNEL					
Salaries & Wages	2,374,193	2,457,971	2,265,125	2,452,800	18
Fringe Benefits	1,211,603	1,190,051	1,082,390	1,353,650	19,41
TOTAL PERSONNEL	3,585,796	3,648,022	3,347,515	3,806,450	
SUPPLIES					
Printing & Office Supplies	9,412	43,606	18,090	26,982	20
Vehicular Supplies	6,142	5,773	7,023	6,000	21
Household Supplies	5,494	7,183	6,727	4,200	22
Fuel & Utilities	36,235	37,181	38,931	39,000	23
Other Supplies	3,697	5,162	2,972	5,500	24
TOTAL SUPPLIES	60,980	98,905	73,744	81,682	
SERVICES					
Travel	3,351	3,265	4,672	5,900	25
Telephone	24,568	23,935	22,800	21,400	26
Postage	7,277	5,856	5,851	6,400	27
Insurance	38,220	40,692	38,883	40,800	28,41
Information Processing	29,815	33,257	35,684	63,400	29
Household Services	2,164	2,204	1,827	2,000	30
Professional Services	132,236	62,764	88,595	129,500	31,41
Other Services	12,655	8,660	14,112	17,900	32
TOTAL SERVICES	250,286	180,633	212,425	287,300	
MAINTENANCE & RENT					
Maintenance - Buildings & Grounds	18,175	3,655	10,417	50,000	33
Maintenance - Equipment	4,432	5,159	4,304	17,000	34
Maintenance - Vehicular	2,463	4,004	5,715	3,350	35
Rent - Other	9,779	5,806	6,150	5,150	36
TOTAL MAINTENANCE & RENT	34,849	18,624	26,586	75,500	
IMPROVEMENTS & ACQUISITIONS					
Improvements - Buildings & Grounds	0	0	8,900	11,600	37
Acquisitions - Vehicles	0	0	26,477	27,000	
Acquisitions - Equipment	(80)	1,765	1,719	4,400	38
Acquisitions - Information Processing Equipment	34,125	56,838	17,955	21,600	39
TOTAL IMPROVEMENTS & ACQUISITIONS	34,045	58,603	55,051	64,600	
TOTAL EXPENDITURES	3,965,956	4,004,787	3,715,321	4,315,532	40