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THE PINELANDS COMMISSION
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MEMORANDUM

To: CMP Policy & Implementation Committee

From: Susan R. Grogan 
Chief Planner

Date: August 14, 2019

Subject: August 23, 2019 Committee meeting

Enclosed please find the agenda for the Committee's upcoming meeting on August 23, 2019. We have also enclosed the following:

- The minutes from the Committee's July 26, 2019 meeting;
- A draft resolution and report on the July 2019 Pinelands Infrastructure Trust Fund Master Plan amendment, as well as a copy of the amendment itself; and
- A July 10, 2019 letter from Atlantic County outlining the County's need to amend its 1998 Memorandum of Agreement with the Commission related to proposed development of the Atlantic County Park at Lake Lenape. A copy of the 1998 Memorandum of Agreement is also included.

/CS15

cc: All Commissioners (agenda only)



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CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey

August 23, 2019

9:30 a.m.

Agenda

1. Call to Order
2. Pledge Allegiance to the Flag
3. Adoption of minutes from the July 26, 2019 CMP Policy & Implementation Committee meeting
4. Pinelands Infrastructure Trust Fund
 - Review of July 2019 Master Plan amendment for project selection and funding levels
 - Recommendation for adoption
5. Garden State Parkway Interchange 44 Secondary Impacts Agreement
 - Summary of 2013 agreement
 - Acquisition update by Atlantic County
6. Discussion of an amended Memorandum of Agreement between the Pinelands Commission and Atlantic County related to proposed development of the Atlantic County Park at Lake Lenape
 - Summary of 1998 MOA
 - Proposed Amendments
7. Public Comment

CMP POLICY & IMPLEMENTATION COMMITTEE MEETING

**Richard J. Sullivan Center
Terrence D. Moore Room
15 C Springfield Road
New Lisbon, New Jersey
July 26, 2019, 2019- 9:30 a.m.**

MINUTES

MEMBERS IN ATTENDANCE: Chairman Richard Prickett, Sean Earlen, Jerome H. Irick, Ed Lloyd, and Mark Lohbauer (via conference call and then in person)

MEMBERS ABSENT: Candace Ashmun and Jordan Howell

STAFF PRESENT: Nancy Wittenberg, Larry L. Liggett, Susan R. Grogan, Paul Leakan, and Betsy Piner. Also in attendance was Craig Ambrose with the Governor's Authorities Unit.

1. Call to Order

Chairman Prickett called the meeting of the Comprehensive Management Plan (CMP) Policy and Implementation (P&I) Committee to order at 9:40 a.m.

2. Pledge Allegiance to the Flag

All present pledged allegiance to the Flag.

3. Adoption of minutes from the June 28, 2019 CMP Policy & Implementation Committee Meeting

Commissioner Earlen moved the adoption of the June 28, 2019 meeting minutes. Commissioner Irick seconded the motion. The minutes were adopted, with all Committee members voting in the affirmative.

4. Executive Director's Report

Monroe Township's 2018 Housing Element and Fair Share Plan and Ordinances O:14-2019, O:16-2019 and O:17-2019, amending Chapter 175 (Land Management) of the Township's Code with respect to affordable housing and adopting revised Redevelopment Plans for the Acme Shopping Center and Williamstown Square Redevelopment Areas

Ms. Grogan said it has been a long process to bring these documents submitted by Monroe Township to the Committee. She said the Township had been working on an affordable housing plan and implementing ordinances as well as its settlement agreement with the Fair Share Housing Center for quite some time. In the interim, there had been an intervener in litigation and

settlements with other parties as well as the Fair Share Housing Center. She said, unfortunately, the Pinelands Commission staff was not made aware of any of these issues until somewhat late in the process. Whereas typically municipalities provide staff with draft copies of their settlement agreements well in advance in order to identify potential issues, this was not the case with Monroe Township. Staff found that the Township had made some significant changes affecting the Pinelands portion of the Township. She said staff identified issues and the Township has been very cooperative in making changes to resolve the problems. But, she said, it has taken a long time and has required her nearly monthly involvement in case management conferences with the judge to make sure that she (the judge) understood Pinelands requirements and that everything remains on track.

In response to a question from Chairman Prickett if the Township were protected from a builders remedy lawsuit during this period, Ms. Grogan said yes, it had been. She said the judge had extended that protection and once the Commission certifies these documents, the judge will schedule a meeting quickly to finalize their approval. She said the judge recognized that the Township has been working in good faith and all parties have been in agreement.

In response to a comment from Commissioner Lloyd, Ms. Grogan agreed that this level of involvement by the Commission is unusual. She said her participation has been by telephone and it has been ongoing for probably a year, which was probably a good thing in resolving any concerns. She said she felt it was important that the Committee be aware of this long, involved process.

Ms. Grogan said Monroe Township had adopted its 2018 Housing Element and Fair Share Plan to implement their settlement agreement. She said the Township has a fairly significant affordable housing obligation and the Plan indicates a rehabilitation obligation of 158 units, a prior round obligation of 439 units, a current round obligation of 400 units and a future round need of zero, the latter being perhaps because they have done a number of affordable housing projects already. She said a significant portion of Monroe is in the Pinelands Area and, unlike many other Pinelands municipalities, the Township has chosen to concentrate its affordable units within the Pinelands Area, in the Regional Growth Area (RGA). She said it was important that staff make sure that requirements such as density and accommodation of Pinelands Development Credits be met.

Ms. Grogan said the Township has established affordable housing set aside requirements that range from 11.11% to 20% depending upon the type of housing and zoning district. She said the Township is also implementing its housing plan through the establishment of two redevelopment areas along the either side of the Black Horse Pike (Route 322). Ordinance O:16-2019 adopts the Acme Shopping Center Redevelopment Plan, 4th Amendment and Ordinance O:17-2019 adopts the Williamstown Square Redevelopment Plan, Amendment #1A.

Mr. Leakan projected Exhibit #2 from the Executive Director's report on the SmartBoard, from which Ms. Grogan identified the Acme Shopping Center Redevelopment Area on the south side of the Black Horse Pike, containing some 51 acres, 30 of which are developed. On this site, the Township has identified the types of mixed uses it wishes to encourage while accommodating, at a minimum, 250 new residential units. She also identified the Williamstown Square Redevelopment Area on the north side of the Black Horse Pike, a 75-acre nearly vacant tract. She said a previous plan had designated this as an entirely non-residential district while this updated version calls for mixed use with at least 60,000 square feet of non-residential floor area (offices, retail, services, etc.) and a minimum of 350 residential units. The redevelopment plans require that 15% of all units be set aside as affordable units if they are provided as rentals and increases to 20% if they are provided as for sale-units. Ms. Grogan said both redevelopment areas require a 30% PDC obligation for all units, excluding the required affordable housing units.

Ms. Grogan said another component of Monroe's housing plan relates to mobile home parks in the RGA. She said currently the Commission has an application pending for the expansion of a mobile home park. Previously the Township had a 25% PDC requirement for all housing units in that zoning district. Initially, Monroe eliminated the PDC requirement for mobile home parks entirely so staff worked with the Township to facilitate mobile home park development while accommodating the PDC program. As a result, the PDC obligation is now reduced from 25% to 10% , again with the exemption of affordable units; typically this type of housing is built at a density of 7.5-8 units/acre. She said a developer is not required to build the required affordable units on-site; rather, affordable mobile homes must be rehabilitated or constructed in a different mobile home park within the Township's Regional Growth Area. She said overall, the Township and the developers seem pleased with the results, and staff is recommending approval.

Chairman Prickett asked how staff determines the number of PDCs opportunities being provided. Ms. Grogan said staff multiplies the number of units per acre times the number of vacant acres in each zoning district and applies the appropriate percentage according to the PDC obligation. The PDC estimates provided in the Executive Director's report are based on the theoretical maximum number of PDCs required, not detailed site plans.

Ms. Grogan said the traditional approach for PDC use is to provide a base density then add an optional bonus density with the use of PDCs. Since Monroe wants to allow higher densities and exempt affordable units, the mandatory use of PDCs is a means of accommodating what the municipality wants while protecting the PDC program.

In response to Commissioner Irick's question how an increased density would help the environment since it will impact water issues, Ms. Grogan said it would reduce sprawl. She said all these projects are on public sewer and water and the Township has been proactive in terms of planning. She said Monroe has applied for transportation funding through the Pinelands Infrastructure Trust Fund (PITF) program.

In response to Commissioner Lloyd's question if these projects would require clustering, Ms. Grogan said yes, in a manner, because there are no single family detached homes in these redevelopment plans; all are apartments or townhouses.

In response to Commissioner Lloyd's question about the number of mobile home units that have been built, Ms. Grogan said the Commission records how many have been approved but some of them have ten year old approvals with no development yet.

In response to Commissioner Lloyd's question regarding build-out, Ms. Grogan said one can calculate the potential number of units. Mr. Liggett said that based on 2004 vacant land numbers, those calculations were made for all the Pinelands municipalities as part of the Kirkwood/Cohansey (K/C) study. He said Monroe has had a water monitoring program and was forced to buy NJ American water to meet its needs. He added that purchasing additional water will be a political choice.

In response to Chairman Prickett's question regarding water conservation ordinances, Ms. Grogan noted that the Redevelopment Plans encourage the use of green infrastructure, water conservation, Leadership in Energy and Environmental Design (LEED) certification and other measures that are sensitive to the environment. She said staff will be interested in seeing how those measures are accommodated. Ms. Grogan said that if the Commission adopts new regulations for the K/C, water conservation measures will be one of the goals.

In response to Commissioner Irick's question if the large number of units with the associated lawns and landscaping will impact the drawdown of the K/C aquifer, Ms. Grogan said both Redevelopment Areas and the mobile home parks are not places one is likely to see large traditional lawns and landscaped areas. If built as the Redevelopment Plans envision, there will not be a lot of vegetation to be maintained.

Commissioner Lloyd moved the recommendation to the Commission of certification of Monroe Township's 2018 Housing Element and Fair Share Plan and Ordinances O:14-2019, O:16-2019 and O:17-2019. Commissioner Earlen seconded the motion and all voted in favor.

5. Update on solar energy facility rules and applications

Ms. Wittenberg said that at the recent meeting of the Land Use, Climate Impacts and Sustainability Committee, Committee members had discussed solar facilities in the Pinelands, and she felt a discussion at this Committee would be helpful. She said later in the meeting, Ms. Annika Colston, with whom staff has been meeting on various projects, would be providing information.

Ms. Grogan made a presentation on Solar Energy Facilities in the Pinelands (*Attachment A to these minutes and also posted on the Commission's website at:*

[https://www.nj.gov/pinelands/home/presentations/7-26-2019%20solar%20presentation%20\[Read-Only\].pdf](https://www.nj.gov/pinelands/home/presentations/7-26-2019%20solar%20presentation%20[Read-Only].pdf).

Ms. Grogan noted the opening slide was an aerial of the solar panels at the Stafford landfill. She said prior to 2012 solar facilities were allowed in Pinelands Towns, (PT), RGA and perhaps also in Pinelands Villages (PV) and the Rural Development Area (RDA). She reviewed the 2012 CMP amendments related to solar facilities noting that the goals at that time were to speed the development of *accessory* solar facilities through expanded application exemptions and elimination of application fees, and to expand opportunities for larger solar facilities as a *principal* use.

Ms. Grogan said the Commission cannot report on the number of accessory solar facilities in the Pinelands Area because this type of solar facility typically does not require an application to the Commission. Rather, the applicant goes directly to the municipality.

Ms. Grogan said the 2012 amendments added solar new standards for all management areas related to visual impacts, clearing, rights-of-way and decommissioning, while prohibiting off-site infrastructure in the Preservation Area District (PAD), Special Agricultural Production Area (SAPA), and Forest Area, (FA). In the PAD, SAPA and FA, she said, the amendments limit the location of solar facilities as a principal use to closed landfills, hazardous waste sites and resource extraction sites, with a PDC obligation of 0.25 PDCs per acre.

In response to Commissioner Prickett's question as to how to enforce the removal of solar facilities that are no longer in use, Ms. Grogan said there is a similar requirement for cell towers. She added that such monitoring is difficult.

Ms. Grogan said the 2012 amendments allow solar facilities as a principal use in the APA, with a limit of 20% of the parcel to a maximum of ten acres and they must be sited to avoid prime farmland and lands with high ecological value. She said in the RDA, solar facilities as a principal use may be developed on any previously disturbed portion of a parcel, with additional clearing permitted, and they must not exceed 30% of the parcel. The same siting protections for soils apply as for facilities in the APA.

Ms. Grogan said in 2018, the solar rules were updated to reduce the fees, no longer basing them on construction costs, rather a base fee of \$1,500 plus \$500 per acre. She said many Pinelands municipalities permit accessory solar (and wind) facilities but few permit solar as a principal use. Ms. Grogan's presentation further described the type and location of various solar projects and noted that the Commission is seeing an increase in activity, primarily at old landfills.

Ms. Annika Colson, with AC Power, LLC, made a presentation on the New Jersey Community Solar Pilot Program (*Attachment B to these minutes*). She noted that this three-year pilot program is part of Governor Murphy's efforts for New Jersey to achieve 50% renewable energy by 2030. She said Illinois, Minnesota and Massachusetts have similar programs that allow

purchasers of solar energy by non-traditional customers (renters and low-and moderate-income individuals who do not have the opportunity to put solar facilities on their own roofs). She said in year one, the program anticipates the generation of 75 MW of power, divided proportionally among the utility service areas, which, for the Pinelands, is primarily Atlantic City Electric Co. She said the maximum project size will generate five MW of power, which requires roughly 25 acres.

In response to Commissioner Earlen's question as to why there is a maximum project size, Ms. Colston it is to keep the pilot program manageable. She said the program was approved before it was designed, but it will allow for modifications in future years. She said New Jersey needs to evaluate its solar incentive structure and modify the Solar Renewable Energy Credit (SREC) program to keep projects economically attractive.

Commissioner Lohbauer disconnected from the phone call and arrived at the meeting at 10:40 a.m.

Ms. Colson described the project evaluation system that distinguishes this program from those of other states, with priorities placed on low/moderate income subscribers, guaranteed savings and flexible contracts, project siting, level of community engagement, etc. She also showed the color maps identifying the location of acceptable/unacceptable siting areas and the very tight program timeline requiring that approved projects receive all approvals and commence building within six months, with projects online within 12 months of award. She said currently her company has a number of projects in the Pinelands Area.

Commissioner Earlen said there is no way one could meet that permitting process deadline and that he thought those timing obligations would need to be amended.

In response to Commissioner Prickett's question as to who benefits from the program, Ms. Colston said the utility providers will use the power to meet their obligations to provide energy. She said there would be a direct purchase agreement with the end user for these community systems, whereas the landfill projects sell their energy directly to the grid as they have no "neighbors."

In response to Ms. Grogan's question if BPU will try to spread the projects geographically, Ms. Colston said she was unsure but the deadline for submitting applications is September 9, 2019.

In response to Commissioner Earlen's question as to what she saw as hurdles from the Commission, Ms. Colston said managing the timing of the projects. Also she said, there are issues related to cutting trees and a push to relax the rules to allow these projects to proceed. She said there are also concerns related to the need for utilities to upgrade their systems to accommodate increased capacity and issues related to how to verify that customers are indeed low-to-moderate income, as described in Slide 5.

Also, in response to Commissioner Earlen's question if she had overlaid the Pinelands Land Capability Map over her maps, she said, no, but that would be a good idea.

Ms. Wittenberg said the Commission knows that there are limitations and may want to discuss changing the CMP to promote more solar facilities in the Pinelands. She said it will be important to identify those places in advance where such facilities can be built.

Commissioner Lloyd noted that constructing solar facilities on top of existing warehouses is being proposed in North Jersey. He asked whether staff could estimate the square footage of such roof tops in the Pinelands Area. Ms. Grogan said it might be interesting to look at a couple of municipalities for that information; however, the number of warehouses in the Pinelands Area is quite small.

In response to Commissioner Earlen's question about denying clear-cutting for solar projects that would have otherwise been approved for development, Ms. Wittenberg said that staff hears that concern frequently. She said applicants were puzzled that land can be cleared to build a house but not to install solar facilities.

Chairman Prickett said maybe a portion of a lot could be cleared for solar and the remainder deed restricted.

Commissioner Irick said he thought solar was a good trade-off for homes.

Commissioner Lloyd said solar is a better at dealing with carbon emissions than trees, but trees have other values.

Commissioner Earlen suggested that a list of solar topics be developed for the next meeting.

6. Public Comment

Mr. Rich Bizub, with the Pinelands Preservation Alliance (PPA), distributed documents related to soil and groundwater contamination in the vicinity of Joint Base McGuire-Dix-Lakehurst caused by perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), chemicals released from firefighting foam (*see Attachment C to these minutes*). He said these chemicals are a threat to human health and the environment, and currently there is no funding to conduct a Remedial Investigation that leads to the eventual cleanup of contaminated soil and water. He said this could be an issue for the Commission's Science Office to research.

Commissioner Lloyd said six companies are the primary generators of these chemicals and will fund the cleanup. He said perhaps this could be a source of funding for a Science Office project.

In response to Chairman Prickett's question as to how these compounds can be removed, Mr. Bizub said activated carbon will remove them from water, but it is much more difficult to treat

soil because it needs to be removed from the site. He said human health issues have been associated with these chemicals at very low levels, even down to parts per trillion.

Mr. Jay Mounier, a resident of Franklin Township, referenced the discussion of solar projects and how the proliferation of many small solar systems could make a large contribution to power needs. He said one needed to consider how to handle the destabilization of the grid caused by intermittent power sources due to day and night fluctuations. He said such entities as PJM (*a regional transmission organization*) and the Board of Public Utilities are involved in keeping the power supply stable and available but they may put a cap on the amount of solar power that can be generated in the Pinelands. He said wind is not an issue in the Pinelands. He advised the Commission to proceed with caution when discussing renewable energy sources.

Commissioners Lohbauer and Prickett commented on the success of the Short Course and thanked Mr. Leakan for his efforts.

There being no other items of interest, the meeting adjourned at 11:48 a.m. (moved by Commissioner Lohbauer and seconded by Commissioner Earlen).

Certified as true and correct:



Betsy Piner,
Principal Planning Assistant

Date: August 8, 2019



Solar Energy Facility Regulations

- Pre-2012 CMP
- 2012 CMP Amendments
- 2018 CMP Amendments



Above: Solar panel carports were installed above the parking lots at Stockton University in Galloway Township.

2012 CMP Amendments

Primary goals:

- Speed development of **accessory** solar facilities through expanded application exemptions and elimination of application fees
- Expand opportunities for development of large solar facilities as a **principal** use, recognizing the continued need to preserve ecological and agricultural resources

2012 CMP Amendments Solar as an Accessory Use

Added new exemption for solar facilities located on existing structures or impervious surfaces



Above: Solar panels in Pemberton Township.

2012 CMP Amendments Solar as a Principal Use

New standards added for all management areas:

- Prohibit off-site infrastructure in the PAD, SAPA and FA
- Locate and screen facilities so as to minimize visual impacts from scenic corridors, roads, houses, campgrounds, etc.
- Limit clearing to the minimum necessary
- Limit new rights-of-way to 20 feet in width
- Decommission (remove) facilities within one year if no longer used

2012 CMP Amendments PAD, SAPA and Forest Area

- Solar facilities as a **principal use** are limited to:
 - Closed landfills
 - Hazardous waste sites
 - Resource extraction sites
- Solar facilities must be located on:
 - previously disturbed lands where restoration has not occurred and is not required by the CMP
 - Undisturbed lands where disturbance is required for landfill closure or site remediation
- PDC requirements apply (one right per 4 acres)

2012 CMP Amendments Agricultural Production Area

- Solar facilities as a **principal use** are limited to 20% of a parcel (10 acre maximum)
- Facilities must be sited to avoid prime farmland and lands with high ecological values

2012 CMP Amendments Rural Development Area

- Solar facilities as a **principal use** may be developed on any previously disturbed portions of a parcel
- Additional clearing is permitted, not to exceed 30% of a parcel
- Facilities must be sited to avoid prime farmland and lands with high ecological values

2018 CMP Amendments

- Significant reduction in application fees for solar energy facilities
 - Old: % of construction costs
 - 3 acre solar facility = \$10,000
 - New: \$1,500 plus \$500 per acre
 - 3 acre solar facility = \$3,000

Municipal Ordinance Activity

- The CMP does not require that municipalities permit solar energy facilities
- Many municipalities have elected to permit **accessory** solar (and wind) facilities
- Few municipalities have chosen to permit solar facilities as a **principal use** in the Pinelands Area:
 - Pemberton
 - Shamong
 - Southampton
 - Waterford
 - Egg Harbor Township (in process)

Application Activity: Accessory Solar Facilities

- Exempt
 - Accessory to agriculture
 - Accessory to a single-family dwelling
 - Located on existing structure or impervious surface



Application Activity: Accessory Solar Facilities

- Ground-mounted accessory facilities (2-7 acres)
 - Atlantic Cape Community College
 - Stockton University
 - Hammonton and BBMUA WWTPs
 - CHOP
 - Renault Winery
 - AC Airport
 - WaWa
 - Schools, churches, resource extraction sites, farms

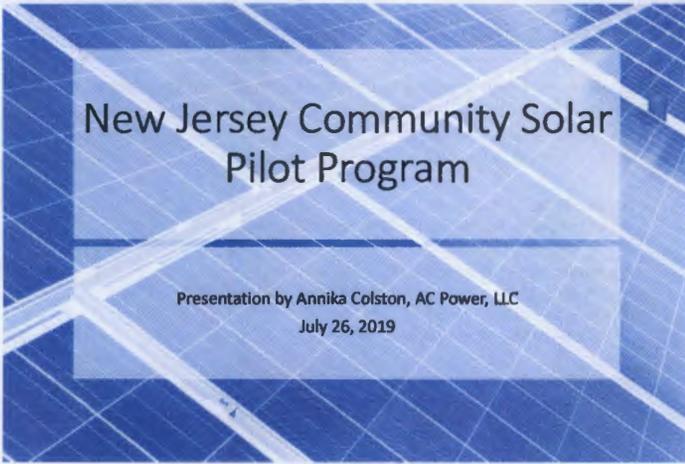
**Application Activity:
Principal Solar Facilities**

Municipality	Management Area	MW	Acres	Location
Egg Harbor	RGA	4.64	13.2	Landfill
Evesham	RDA	6.50	22	Landfill
Galloway	APA	1.0	6	Farm
Hamilton and Egg Harbor	RGA	3.9	14.1	LNG facility/ compressor station
Jackson	RDA	4.0	13.7	Landfill

**Application Activity:
Principal Use**

Municipality	Management Area	MW	Acres	Location
Manchester	Military	13.0	56	Joint Base
Pemberton	Military	20.0	50	Landfill at Joint Base
Shamong	FA/RDA	3.0	30	Landfill
Stafford	RGA	6.0	30	Landfill
Winslow	RDA	2.25	7	Landfill





Program Goals and Design

- Part of Gov. Murphy's platform to achieve 50% renewable energy by 2030
- Provides a means of solar access to non-traditional customers, including renters and Low- and Moderate-Income individuals
- Unique project evaluation system allows it to prioritize certain types of development, and sets it apart from other states

Program at a Glance	
Total Years	3
Year 1 Capacity	75 MW, divided proportionally by utility service area
Maximum Project Size	5 MW
Credits	Retail rate
Priorities: Subscribers	LMI projects (30 pts); residential (10 pts)
Priorities: Product Offering	Guaranteed savings; flexible contracts (15 pts)
Priorities: Siting	Landfill, brownfield, rooftop, historic fill, and parking (20 pts); land enhancement (5 bonus pts)
Priorities: Community	Community engagement (10 pts); local workers (10 pts); limited subscriber geography (5 pts)
Application Deadline	September 9, 2019

Application Tools

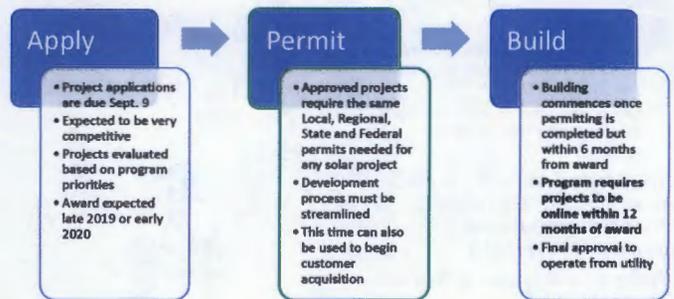
- NJ Community Solar PV Siting Tool - <https://www.nj.gov/dep/aces/solar-siting.html>



- EDC Interconnection Capacity - ACE - <https://www.atlanticcityelectric.com/MyAccount/MyService/Pages/Hosting-Capacity-Map.aspx>



Program Timeline



Potential Challenges

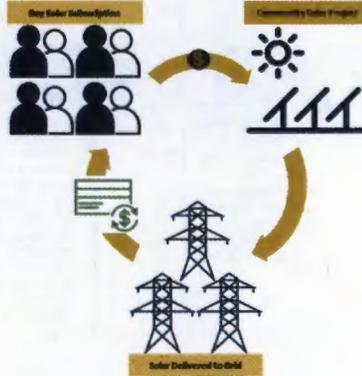
- **Permitting**
 - Upon approval in the program, each project must be permitted, constructed, and operable within 12 months. Errors in applications to the Pinelands Commission, NJDEP, or Townships can result in months of delay in the development process. Communication of requirements of each application is vital to getting a project online on time.
 - Townships require a Certificate of Filing to be issued by the Pinelands Commission prior to scheduling a project for Planning or Zoning Board review. Often Planning and Zoning Boards only meet once or twice a month, resulting in further delays.
- **Interconnection**
 - Applications are required to include an indication of available capacity, but this may not reflect capacity changes due to substation upgrades or competition from other projects in the program
 - No proposed framework for utilities to expedite the interconnection process for approved projects within the required 12 month timeframe
- **Low- and Moderate-Income Subscriber Verification and Recruitment**
 - It is still unclear how LMI status will be verified, but many common practices, including requiring tax returns or pay stubs can create significant barriers to participation
 - Many LMI communities have been taken advantage of by predatory retail energy suppliers, and it will be a challenge to convince these communities that community solar is different and to build their trust in the program
- **Competition and Raising Expectations**
 - Pilot program limits participation so unlikely all applications will be approved
 - Completing an application is time consuming and requires outreach to the community in order to get their "buy-in". There is a risk that a project will raise expectations only to have the project not approved.

AC Power's Pinelands Projects

- AC Power is currently working to develop 4 Community Solar projects within the Pinelands, with several more possible for 2020
 - **Aero Haven Solar – Evesham, NJ**
 - 6.5 MW project on closed landfill owned by Owens Corning
 - **Pettinos Solar – Winslow, NJ**
 - 1.6 MW project on closed landfill owned by Owens Corning
 - **Egg Harbor Solar – Egg Harbor, NJ**
 - 2.5 MW project on closed landfill owned by Robert T. Winstinger, INC.
 - Located in a NJ Opportunity Zone
 - Potential for expansion of project up to 10 MW
 - **Haas Tabernacle Solar – Tabernacle, NJ**
 - 3.0 MW project on former sand and gravel quarry

Summary

- The Community Solar Program offers benefits to consumers and developers:
 - Consumers receive clean energy and a guaranteed discount on their electric bill
 - Developers receive retail rate credit for the energy their projects generate
- The standard permitting process is not affected, so all projects must be technically and environmentally sound
- There are still challenges that will need to be solved





Pinelands Preservation Alliance

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Website: www.pinelandsalliance.org

Joint Base McGuire-Dix-Lakehurst

Groundwater Contamination

The Joint Base McGuire-Dix-Lakehurst (JBMDL) is located in Burlington and Ocean Counties and spans approximately 20 square miles. The base is located almost entirely in the Pinelands National Reserve. Perfluorooctanoic Acid (PFOA) and perfluorooctanesulfonic acid (PFOS) have received much attention in the area lately because they have been found in drinking water on the base and in private wells outside the base. PFOA and PFOS are a subset of perfluoroalkyl and polyfluorinated substances (PFAS) that have been found to pose serious health threats to humans. The source of these two compounds is primarily from the use of aqueous film-forming foam for training exercises and to extinguish actual fires.

Drinking Water Contamination

JBMDL supports over 42,000 people who live or work at or near the base. Two wells within the base drinking water system were found to have combined levels of PFOA and PFOS of 215 parts per trillion (ppt), which exceeds the federal Environmental Protection Agency (EPA) health advisory of 70 ppt. Near the base approximately 190 individual wells have been tested with five wells exceeding the EPA health advisory. These wells required that treatment systems be installed to meet the 70 ppt health advisory. Recently, the EPA health advisory has come into question as not being protective of human health. The New Jersey Drinking Water Quality Institute (DWQI) has recommended that the New Jersey Department of Environmental Protection (Department) propose and adopt a maximum contaminant level (MCL) of 14 ppt for PFOA in drinking water.^{1,2} In addition, the DWQI has recommended an MCL of 13 ppt for PFOS.^{3,4} The Department is currently in a rulemaking process to adopt groundwater quality standards for PFOA and PFOS, and the recommendations by the DWQI. It is unclear how many of the 190 offsite drinking water wells are below the EPA health advisory, but exceed the proposed health based water quality standards for PFOA and PFOS.

Extensive Groundwater Contamination

In southern New Jersey, the shallow Kirkwood-Cohansey aquifer provides over ninety (90) percent of water as baseflow to streams, rivers and associated wetlands. The shallow aquifer and surface waters of this part of the State are therefore, inextricably interconnected. Protecting this aquifer system from PFOA and PFOS, and remediating the aquifer once these organic compounds have been detected is vital to protecting human health and maintaining the integrity of the environment.

¹ *Maximum Contaminant Level Recommendation for Perfluorooctanoic Acid in Drinking Water, Basis and Background*, New Jersey Drinking Water Quality Institute, March 15, 2017

² *Health-Based Maximum Contaminant Level Support Document: Perfluorooctanoic Acid (PFOA)*, New Jersey Drinking Water Quality Institute, February 15, 2017

³ *Maximum Contaminant Level Recommendation for Perfluorooctane Sulfonate in Drinking Water: Basis and Background*, New Jersey Drinking Water Quality Institute, June 8, 2018

⁴ *Health-Based Maximum Contaminant Level Support Document: Perfluorooctane Sulfonate (PFOS)*, New Jersey Drinking Water Quality Institute, June 5, 2018

In an effort to determine the extent of PFOA/PFOS contamination, JBMDL conducted a basewide sampling effort in 2016 focusing on 21 areas of concern. Approximately 160 groundwater samples were collected from the shallow aquifer. Of these samples, 140 exceeded proposed groundwater quality standards for either PFOA or PFOS.⁵ Concentrations as high as 23,000 ppt for PFOA and 260,000 ppt for PFOS were documented. Based on the results of this sampling, it is clear that groundwater contamination on the base is widespread.

Extensive Surface Water Contamination

The problem of PFOA and PFOS contamination is not just restricted to groundwater on and immediately adjacent to the base. The Department in 2018 performed a statewide assessment of PFAS compounds at 11 waterways.⁶ Surface water, sediment, and fish tissue samples were collected at sites along these waterways. Of the waterways sampled, the highest concentrations of PFAS compounds were found in surface water and sediment associated with water bodies near the Joint Base.

The assessment also confirmed that PFOA and PFOS contamination is present in waters that drain to the west into the Delaware River Watershed and to the east into the Barnegat Bay Watershed. The contamination from JBMDL is therefore massive and is degrading lakes and streams in the Pinelands National Reserve.

Fish Contamination

Of the waterways sampled in the Departments statewide assessment of PFAS, the highest concentrations of PFAS compounds were found in fish associated with water bodies near the Joint Base. As a result, the Department issued specific fish advisories for water bodies near the base. The problem was of such a concern that the Department issued fish advisory's of "Do Not Eat" or "Eat Only One" fish per year for waters of the Pinelands adjacent to the base.

No Plans for Soil or Groundwater Cleanup

As previously stated, during fire training exercises aqueous film-forming foam would be used to extinguish fires. As a result of decades of fire fighting foam usage, PFOA and PFOS has seeped into the soil. These soils continue to act as the source of PFOA and PFOS contamination to the ground water since no soil cleanup has been conducted to date, and no soil clean up is planned.

Action Needed

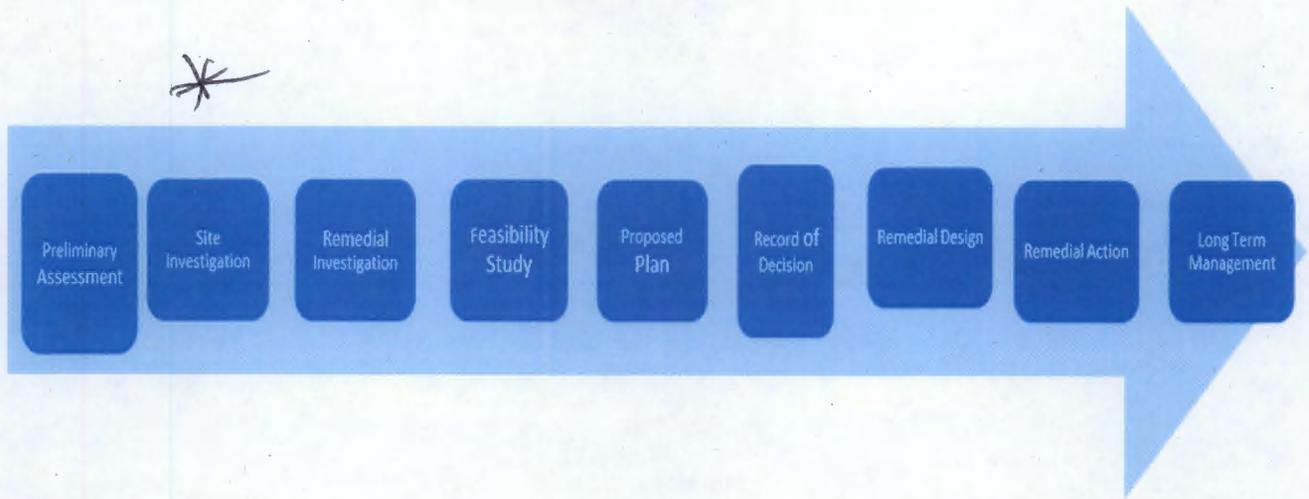
The recently completed Site Inspection report is only the second step in an eight step process to actually cleaning up contaminated soils. These soils will continue to contaminate groundwater, drinking water, and fish until they are removed. Currently there is *No* funding available to conduct a Remedial Investigation (RI). The RI is a detailed investigation of PFOA/PFOS sites and is the next step in the process leading to eventual cleanup of soil and groundwater at the Joint Base. What is needed now is additional funding to conduct the RI, or the reallocation of dedicated funds within the base environmental restoration program to perform the RI.

⁵ *Final Site Inspections Report of Fire Fighting Foam Usage at Joint Base McGuire-Dix-Lakehurst Burlington and Ocean Counties, New Jersey*, U.S. Army Corps of Engineers, January 2019

⁶ *Investigation of Levels of Perfluorinated Compounds in New Jersey Fish, Surface Water, and Sediment*, New Jersey Department of Environmental Protection, June 18, 2018 (updated April 9, 2019)

Joint Base McGuire-Dix-Lakehurst

Environmental Cleanup Process



Investigation of Levels of Perfluorinated Compounds in New Jersey Fish, Surface Water, and Sediment

New Jersey Department of Environmental Protection
Division of Science, Research, and Environmental Health

SR15-010

June 18, 2018

Updated April 9, 2019

Lead Investigators: Sandra M. Goodrow, Ph.D., Bruce Ruppel, Lee Lippincott, Ph.D., Gloria B. Post, Ph.D., D.A.B.T.



Executive Summary

Per- and polyfluorinated substances (PFAS) are used in the manufacture of useful products that impart stain resistance, water resistance, heat resistance and other desirable properties. PFAS are also used in various Aqueous Film Forming Foams (AFFF) that are used in fire-fighting. These substances are in wide use today, found at industrial sites that use or manufacture them and at military bases, airports and other areas known for fire-fighting activities. A subset of PFAS, perfluorinated compounds (PFCs), have fully fluorinated carbon chains as their backbone, and their extremely strong carbon-fluorine bonds makes them very resistant to degradation. When released to the environment, PFCs persist indefinitely and can travel distances from their source in surface water, groundwater, or in the atmosphere. PFAS are considered “emerging contaminants” because additional information on their presence and toxicity to ecosystems and humans continues to become available.

The Division of Science, Research and Environmental Health (DSREH) performed an initial assessment of 13 PFAS, all of which are perfluorinated compounds (PFCs), at 11 waterways across the state. Fourteen surface water and sediment samples and 94 fish tissue samples were collected at sites along these waterways. The sites were selected based on their proximity to potential sources of PFAS and their likelihood of being used for recreational and fishing purposes. The sampling sites are located within Passaic, Middlesex, Ocean, Burlington, Gloucester, and Salem Counties.

All surface water samples contained detectable levels of at least four PFAS. The lowest total PFAS in surface water was in the Cohansy River, with Horicon Lake and Echo Lake having the second and third lowest total PFAS, respectively. **The highest total level of PFAS was found in Little Pine Lake, near the Joint Base McGuire-Dix-Lakehurst, with Mirror Lake and Pine Lake ranking the second and third highest, respectively.** Consistent with the known characteristics of preferential partitioning of longer chain PFCs to sediment and shorter chain PFCs to the water column, the PFAS detected in surface water were those with a carbon chain length of nine carbons or less.

Ten of the 14 sites where sediment samples were collected had detectable levels of at least one, and up to eight, PFAS. **Little Pine Lake had the highest total PFAS concentration (30.93 ng/g) in the sediment, with the majority being perfluorooctane sulfonate (PFOS), the eight-carbon chain sulfonate.** Echo Lake (West Milford in Passaic County), often used as a New Jersey “background” site, had no detectable levels of PFAS in the sediment. All detectable PFAS in the sediment were compounds with six or more carbons (i.e. PFHxS and longer carbon chain length).

One to three individual fish from two to four species (three each of three species at most sites) were collected and analyzed at each site. The average detectable concentrations (non-detects were not included in the averaging of the tissue concentrations) of the individual PFAS showed that all species at all sites were impacted by one or more PFAS compounds. These contaminants are “proteinophilic” (e.g. bind to muscle tissue in the fillets) and do not bioaccumulate in the fatty tissue like other persistent organic pollutants frequently found in fish (e.g. PCBs, dioxins). **In general, the sites with identified sources and detectable levels of PFAS in surface water and**

sediment had higher levels of PFAS in the fish tissue, with the samples from Pine Lake and Little Pine Lake having the highest detected concentrations.

This report includes preliminary fish consumption advisories for three PFAS – PFNA, PFOA and PFOS - based on current New Jersey Reference Doses established for each of these compounds. While these preliminary advisories provide the reader with an early indication of potential outcomes, it is emphasized that the advisories have not been finalized as of this writing and should only be viewed as potential benchmarks for evaluating the data. Based on the preliminary advisories, all of the 11 sites would have some level of fish consumption guidance ranging from “one meal per week” to “do not eat”.

Five sampling locations in Central New Jersey (Figure 2):

4. Metedeconk River 1 and 2 (the impoundment known as Forge Pond, and upstream Metedeconk River in Ocean County)
5. Pine Lake (impoundment on the Ridgeway tributary to the Toms River in eastern Manchester, Ocean County)
6. Horicon Lake (upstream of a tributary to Pine Lake, located south of eastern boundary of Joint Base McGuire-Dix-Lakehurst [JB MDL])
7. Little Pine Lake (impoundment upstream of Mirror Lake on a tributary to the Rancocas Creek, just south of the western boundary of the JB MDL)
8. Mirror Lake (an impoundment of a tributary to the Rancocas, slightly southeast of the western boundary of the JB MDL)

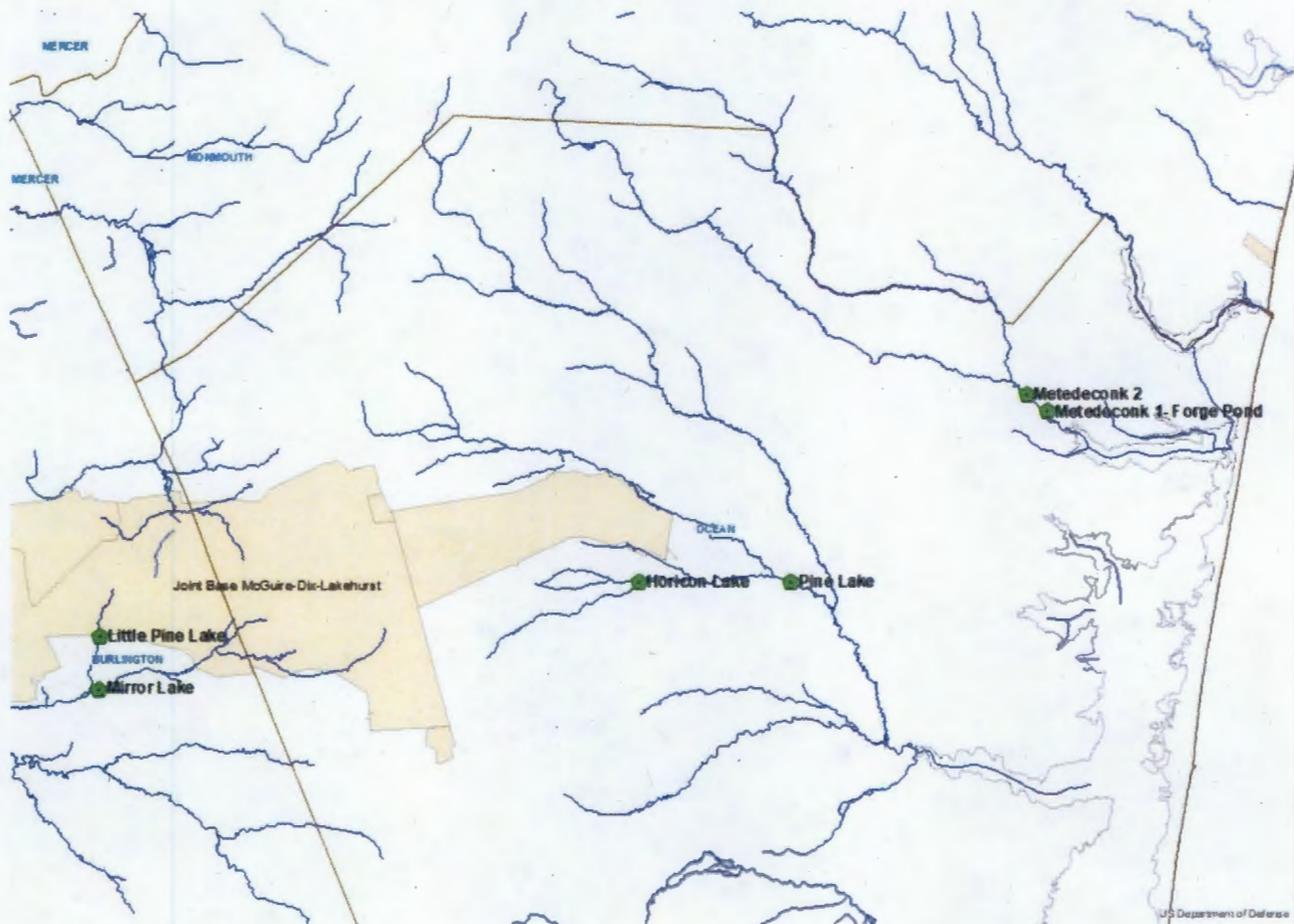


Figure 2: Five Sampling Sites in Central New Jersey



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19-_____

TITLE: To Adopt an Amendment to the Pinelands Infrastructure Master Plan to Set a Project Priority List and Recommend Funding Levels for Each Project

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, P.L. 1985, Chapter 302 (the Pinelands Infrastructure Trust Bond Act) authorized creation of a debt of the State of New Jersey by issuance of bonds in the sum of \$30,000,000 for the purpose of providing grants and loans to local units of government in the Pinelands Area for infrastructure capital projects necessary to accommodate development in the Regional Growth Areas; and

WHEREAS, P.L. 1985, Chapter 302 required that the Pinelands Commission adopt an infrastructure master plan to be used in evaluating projects to be financed, to specify funding structure in terms of grants and loans to be awarded, and to recommend the level of funding for selected projects; and

WHEREAS, the Department of Environmental Protection adopts regulations regarding grant and loan procedures and regulations for allowable costs of water and wastewater projects in N.J.A.C. 7:22 – 6 and 7 to implement the awards specified in the adopted Pinelands Infrastructure Master Plan; and

WHEREAS, the Transportation Bank administers grants and loans for allowable costs of transportation projects to implement the award specified in the Pinelands Infrastructure Master Plan; and

WHEREAS, on January 16, 1987, the Pinelands Commission adopted the original Pinelands Infrastructure Master Plan by Resolution PC4-87-03; and

WHEREAS, since that time, the Pinelands Commission adopted a number of amendments to the Pinelands Infrastructure Master Plan, most recently on February 8, 2019 through Resolution PC4-19-09; and

WHEREAS, the most recent amendment updated the types of projects that may be considered for funding, established revised ranking criteria and set forth the funding structure for projects included on the priority project list; and

WHEREAS, repayment of loans issued under the Pinelands Infrastructure Master Plan and earlier amendments has resulted in the availability of approximately \$15,890,000 in the Pinelands Infrastructure Fund; and

WHEREAS, the Pinelands Commission has conducted outreach among Pinelands municipalities and utility authorities to gauge the needs for infrastructure to support the demands of the Regional Growth Area; and

WHEREAS, on March 12, 2019, the Pinelands Commission issued a request for project proposals and distributed the proposal to all Pinelands counties, municipalities and utility authorities with Pinelands Regional Growth Area service areas; and

WHEREAS, ten proposals for funding were received totaling \$26,837,420 in funding requests; and

WHEREAS, the total funding requests exceeded the available resources in the PITF; and

WHEREAS, Commission staff evaluated the project proposals, ranked the projects against the criteria of the most recent amendment to the Pinelands Infrastructure Master Plan and prepared a project priority list with recommended funding amounts; and

WHEREAS, five projects have been selected for the project priority list, including the Pemberton Township –Burlington County Institutions water supply improvements, the Manchester Township & Jackson Municipal Utilities Authority sewer and water main extensions, the Monroe Township Williamstown Square transportation improvements, the Egg Harbor Township Tremont South sewer main extensions, and the Winslow Township sewer and water main extensions; and

WHEREAS, the Executive Director has found that the project priority list appropriately ranks the proposed projects and supports the objectives of the Pinelands Infrastructure Bond Act; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending adoption of the July 2019 Pinelands Infrastructure Master Plan amendment setting the new project priority list and funding awards; and

WHEREAS, the Commission’s CMP Policy and Implementation Committee has reviewed the Executive Director’s report and has recommended that the July 2019 Infrastructure Master Plan project priority list amendment be adopted; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning the amendment and has reviewed the Executive Director’s report; and

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

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

NOW, THEREFORE BE IT RESOLVED that

1. An Order is hereby issued to amend the Pinelands Infrastructure Master Plan by revising the project priority list in accordance with the July 2019 amendment.
2. The Executive Director shall forward the project priority list to the New Jersey Infrastructure Bank for administration of loan and grant awards.
3. The Executive Director shall notify agencies sponsoring the projects on the adopted PITF priority list.

BE IT FURTHER RESOLVED that

4. The PITF funds allocated to wastewater projects in accordance with the July 2019 amendment may be used by the New Jersey Water Bank as matching funds to federal funds awarded for wastewater projects.

Record of Commission Votes

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

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



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

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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

REPORT ON THE JULY 2019 PINELANDS INFRASTRUCTURE TRUST MASTER PLAN AMENDMENT TO SELECT PROJECTS AND RECOMMEND FUNDING LEVELS

The 1985 Pinelands Infrastructure Trust (PITF) Bond Act created an initial source of funding with the goal of defraying the costs of infrastructure in Pinelands Regional Growth Areas while simultaneously offering land value equity to property owners in the Preservation Area, Agricultural Production Area and Special Agricultural Production Area through the use of Pinelands Development Credits (PDC). The PITF Act directed the Pinelands Commission to prepare a Master Plan to evaluate and identify infrastructure projects and to include a funding structure through which the State would administer grants and/or loans for projects that are identified in the Master Plan. The Act allows funding for a wide array of infrastructure projects to support development in the Regional Growth Area. Infrastructure projects may include wastewater (including stormwater and green infrastructure), water supply, or transportation, as long as it serves new development in the Regional Growth Area with the potential to generate demand for PDCs.

In February 2019, the Pinelands Commission adopted an amendment to the Pinelands Infrastructure Master Plan updating the types of projects that would be considered and setting ranking criteria for evaluating the projects. The amendment also established the proportions of funding that would be allocated as grants or loans and required a portion of funding to be matched by the local agency. Following adoption of that amendment, the Commission issued a request for project proposals for potential funding through the PITF.

Ten proposals were received and evaluated against the amended ranking criteria. The total estimated project costs for all ten projects exceeded the funding available through PITF. Thus the projects were ranked according to the criteria of the PITF Infrastructure Master Plan and five projects were prioritized for funding. The five projects and the recommended funding for each project are the subject of the proposed amendment to the PITF Infrastructure Master Plan. The projects include

1. Pemberton Township water supply system improvements
2. Manchester Township/Jackson MUA sewer and water main extensions
3. Monroe Township Williamstown Square transportation improvements
4. Egg Harbor Township sewer main extensions
5. Winslow Township sewer and water extensions

Options for PITF Amendment Adoption and Possible Delays

Subsequent to the Request for Proposals being issued for this round of PITF, the New Jersey Department of Environmental Protection (NJDEP) informed the Commission staff that planned amendments to the Water Bank administrative rules will not occur prior to the next round of

appropriations in January 2020. The projects involving water supply proposed for PITF funding are impacted by the lack of progress in amending the administrative rules at NJAC 7:22. Water supply projects may be included in the PITF priority project list, but will not be eligible to apply for funding appropriation through the Water Bank because the administrative code limits eligibility to only wastewater projects.

The NJDEP further indicated that the Commission could apply for a waiver of the rules at NJAC 7:22. If a rule waiver was granted, then all projects could be processed by the Infrastructure Bank (via the Water Bank and the Transportation Bank sections.) A final determination from NJDEP on their ability to waive the rules limiting PITF funding to wastewater projects has not been made. Unless or until the NJDEP grants a rule waiver or amends the Pinelands sections of the administrative code, the proposed water supply projects cannot receive funding appropriation.

Transportation projects, where loans and grants are administered by the Transportation Bank, are not impacted by the NJDEP rule administrative problem. However, the Transportation Bank only forwards one round of projects per year for legislative appropriation. (The Water Bank forwards several rounds of projects each year.) Delays in adopting the PITF Master Plan amendment could result in the transportation project missing the appropriations deadline for January 2020.

The Commission has several options for proceeding with the proposed amendment to the PITF. The first option is for the Commission to adopt the PITF Master Plan amendment as proposed. It would prioritize five projects with recommended funding levels, including water supply projects, wastewater projects and a transportation project. Project sponsoring agencies for the wastewater projects and the transportation project could then apply to the Water Bank and the Transportation Bank, as appropriate for the type of infrastructure. The water supply projects would remain on the priority list and could apply for funding through the Water Bank when the administrative code is amended. The timeline for amending the administrative code is uncertain.

A second option is to delay the PITF amendment until NJDEP makes a determination on whether to allow a rule waiver. If the waiver is granted, then the Commission could adopt the PITF amendment as is and all projects may proceed to apply for grants and loans with the Infrastructure Bank. If the waiver is not granted, then the Commission may proceed with the third option. It is not clear with this option whether the timing of the PITF amendment and Infrastructure Bank applications would allow the projects to proceed to appropriations in the January 2020 round or whether they would be delayed to a future round. Transportation projects that are not included in the January legislative appropriation will not be included in an appropriations bill until 2021.

The third option would be to re-issue a new Request for Proposals and re-evaluate project proposals submitted previously. The new Request for Proposals would eliminate projects involving water supply. Proposals would be limited to transportation projects and wastewater projects, including sanitary sewer, stormwater, and green infrastructure projects. It is unlikely that pursuing this option will allow projects to proceed to legislative appropriations in the January 2020 round. As noted in option two, transportation projects may be delayed by a year if not included in the January 2020 appropriations bill.

In accordance with the January 2019 PITF Master Plan amendment which expanded funding to the wider array of public infrastructure projects identified by the Pinelands Infrastructure Act, staff recommends adoption of the noticed list of projects and funding levels. The three water supply projects on the priority list will not be eligible for appropriations until amendment of NJAC 7:22 or until NJDEP grants a rule waiver. However, those projects will remain on the PITF priority project list and will

remain eligible to apply for PITF funding through the Water Bank when the administrative code is amended. Applicants may withdraw from the process for any reason, including funding delays.

Pending Commission adoption of the July 2019 amendment, Commission staff anticipates notifying priority project agencies of their eligibility for PITF funding and providing the Project List and Award amendment to the New Jersey Infrastructure Bank. The Infrastructure Bank will administer grants and loans for the eligible projects. The administration process involves the Infrastructure Bank identifying the projects for legislative appropriations which is planned to occur in January 2020. The project agencies must then apply to the Infrastructure Bank to obtain the allocated funding.

PITF funding awards do not constitute development approval by the Pinelands Commission. All project agencies will be notified that it remains necessary to obtain all permits and approvals required by law to proceed, including the Commission's approvals of public development applications and/or review of any associated municipal or county approvals.

PUBLIC HEARING

A public hearing to receive testimony concerning the PITF Master Plan amendment project list and funding allocation was duly advertised, noticed, and held on July 31, 2019 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 A.M. Ms. Susan Grogan conducted the hearing. One member of the public attended. No testimony was given.

Written comments on the PITF Master Plan amendment were accepted through August 7, 2019. No written comments were received.

CONCLUSION

Based on the background and comments described above, the Executive Director has concluded that the July 2019 PITF Master Plan amendment will support the objectives of the PITF Act. Accordingly, the Executive Director recommends that the Commission adopt the Amendment as proposed.

Attachments (2)
gab

PINELANDS INFRASTRUCTURE TRUST MASTER PLAN AMENDMENT
PROJECT SELECTION AND FUNDING LEVELS
PC-19-__

Background

The Pinelands Infrastructure Trust Fund (PITF) was created through the Pinelands Bond Act of 1985. Originally, sale of bonds authorized by P.L. 1985, Chapter 302 raised \$30,000,000 for the purpose of providing grants and loans to local units of government for infrastructure projects necessary to accommodate development in Regional Growth Areas of the Pinelands. The Pinelands Commission then prepared and adopted the Pinelands Infrastructure Master Plan and an Infrastructure Financing Plan.

Loans repaid from previous funding rounds, along with the sale of additional bonds, has replenished the PITF. Currently, approximately \$15,890,000 is available for projects approved through the PITF process. Amendment of the Master Plan is necessary to identify and recommend infrastructure projects for funding.

A Pinelands Infrastructure Trust Fund (PITF) Master Plan amendment was adopted by the Pinelands Commission in February 2019. The amendment updated the criteria for ranking proposed infrastructure projects and identified the funding structure as a balance of 50% loans, 40% grant and a minimum of 10% local matching funds. Subsequently, the Commission directed that a request for project proposals should be issued.

A request for proposals was issued on March 12, 2019 and distributed to all Pinelands counties, municipalities, and utility authorities with Pinelands Regional Growth service areas. Ten project proposals were received in response to the request for proposals. Projects ranged from water distribution lines and wastewater collection lines, to transportation improvements and underground storage tank removal. The total cost of all projects submitted was \$34,060,215, far exceeding the amount of money currently available through the PITF. All projects are described below, with funding recommendations in a subsequent section.

Loans and grants are administered by the Infrastructure Bank pursuant to N.J.A.C. 7:22 – 6 and 7 relative to the PITF. Subchapter 6 sets forth the grant and loan procedures. Subchapter 7 defines allowable costs for the projects. The procedures and allowable costs are not the subject of this PITF Master Plan Amendment.

Objectives

The resources available for use in the PITF are approximately \$15,890,000. That amount includes existing funds and \$6,750,000 in bond issues. The funding must be appropriated through legislation. Appropriations refer to the Pinelands Infrastructure Master Plan priority list. This Pinelands Infrastructure Master Plan amendment supports the appropriations of PITF through achievement of the following objectives:

- To establish an updated priority list of infrastructure projects for funding through the Pinelands Infrastructure Bond Act
- To select and rank proposed infrastructure projects against criteria established through the Pinelands Infrastructure Master Plan Amendment completed February 2019
- To adopt the priority list into the Pinelands Infrastructure Master Plan
- To forward the priority list to NJDEP for legislative appropriations and administration of grants and loans

Project Descriptions and Rankings

All project proposals were evaluated against the ranking criteria of the Pinelands Infrastructure Master Plan amendment adopted in February 2019. The ten projects are briefly described, below, and are listed in order of their ranking.

1. Pemberton Township – Burlington County Institutions Water System Improvements

This project would install improvements to an existing water supply system. The proposal is to rehabilitate distribution and storage facilities that form the sole source of public water supply for a portion of the Township’s Regional Growth Area recently designated for redevelopment. The project was evaluated based on two redevelopment plans certified by the Commission on June 14, 2019. Projected demand for 85 full PDCs (340 rights) is based upon a maximum of 1,430 dwelling units in the Rowan College at Burlington County Redevelopment Area and an additional 80 dwelling units in the Former Burlington County Minimum Security and Work Release Center Redevelopment Area. The large number of dwelling units, large mandatory PDC use, residential density, and a lower cost per dwelling unit all contributed to the highest rank for this project.

2. Manchester Township and Jackson Municipal Utilities Authority – Water and Sewer Main Extensions

The project would serve Regional Growth Areas in Manchester Township and Jackson Township. Sewer main would be extended approximately 2 miles along Ridgeway Road and South Hope Chapel Road from a connection in Manchester Township (service by Ocean County Utility Authority). Additionally, water mains would be extended from Jackson Township connection into Manchester Township resulting in interconnection of the municipal water systems. Water system interconnection is expected to reduce usage of an existing Cohansey aquifer public supply well. A portion of the area to be served by the sewer and water extensions is subject of a Pinelands development application with a recent Certificate of Filing (App. No. 1983-5386.002.) Based upon municipal zoning, the project would support potential use of 85.5 PDCs (342 rights) and allow for a total of 1,369 dwelling units (789 in Manchester Township and 580 in Jackson Township.) The large number of dwelling units, mandatory PDC use, residential density, higher local matching funds, and environmental benefit of reduced demand on the Kirkwood-Cohansey aquifer all contributed to the high ranking of this project.

3. Monroe Township – Williamstown Square Transportation Improvements

This project supports a redevelopment area in the Regional Growth Area with road intersection signalization, road widening, and controlled access for a mixed-use development. The project is planned to serve 350 dwelling units and generate mandatory use of 21 PDCs (84 rights). Design is intended to accommodate multiple modes of transportation including auto, bicycle and foot traffic. The redevelopment plan calls for achieving a “Sustainable Neighborhood” through encouragement of LEED silver certification. Also, the development is intended to maximize green space through green roofs, green walls, architectural design, rain gardens and woodlands. The number of dwelling units, mandatory PDC use, moderate cost per dwelling unit (in PITF funding) and green design elements contributed to the ranking of this project. The ranking is based upon the Commission’s anticipated certification of a revised version of the Williamstown Square Redevelopment Plan, adopted by the Township in May 2019. Eligibility for funding may not be met without Pinelands certification of the redevelopment plan.

4. Galloway Township – Pinehurst Sewer Extension

The project proposes to extend 26,000 linear feet of sanitary sewer main to connect with the Atlantic County Utilities Authority system in the Pinehurst section of Galloway Township. The project would allow the development of approximately 938 dwelling units and the use of 41.25 PDCs (165 rights) if the Planned Unit Residential (PURD) standards of the municipal ordinance are applied. The number of dwelling units, a lower cost per dwelling unit (in PITF funding), and residential density raised the ranking of this project. Optional, rather than mandatory, use of PDCs also affected the ranking. Ranking of this project presumed that future development would occur at the permitted PURD density. That density could not be achieved absent public sanitary sewers.

5. Winslow Township – Water and Sewer Main Extensions

This project would design and construct 4,275 linear feet of water main and 4,095 linear feet of sewer main to support a recently designated redevelopment area in the Regional Growth Area. The parcel to be served by the sewer and water extensions is subject of a Pinelands development application with a recent Certificate of Filing (App. No. 2008-0014.002.) Based upon municipal zoning, the parcel to be served has potential for 145 dwelling units and mandatory use of 9.25 PDCs (37 rights). Mandatory PDC use and larger local match funding contribute to the ranking of this project.

6. Monroe Township – Black Horse Pike Water and Sewer Main Extensions

The project would extend water and sewer to a mix of commercially zoned and residentially zoned sections of the Township adjacent to the Black Horse Pike. Approximately 13,000 LF of sewer force main, 8,960 LF of sewer main, and 15,315 LF of water main would be installed to serve commercial development and an estimated 421 dwelling units. Based upon the municipal zoning, there is potential for mandatory use of 21.25 PDCs (85 rights). Although the area to be

served is in a Regional Growth Area, the majority is zoned for commercial development. Ranking of this project reflects mandatory PDC use and residential density, where applicable, but also predominance of commercial development to be served.

7. Egg Harbor Township – Tremont South Sewer Extension

The proposal includes approximately 13,100 LF of sewer main extensions to serve a residentially zoned area where PDC use is optional. The project is estimated to generate 150 dwelling units and potential demand for 12.5 PDCs (50 rights). The lower level of service along with optional PDC use, low residential density, and minimum local match affected the ranking of this project.

8. Atlantic County Utilities Authority – Underground Storage Tank Replacement

This project would remove underground fuel tanks located at five existing pump stations and replace them with above ground storage tanks and containment structures. The five pumping stations serve existing wastewater collection systems in Hamilton Township and Egg Harbor Township. There is no specific development proposed or associated with this maintenance project, although such projects may be necessary to support future development in the sewer service areas of the Atlantic County Utilities Authority. The lack of specific information about potential residential units, PDC use, and other factors related to bonus criteria led to a lower rank for this project.

9. Atlantic County Utilities Authority – Pump Station Upgrades

The project proposes structural, mechanical and electrical upgrades to extend the operation of five pump existing wastewater pump stations. The five pumping stations serve existing wastewater collection systems in Hamilton Township and Egg Harbor Township. There is no specific development proposed or associated with this maintenance project, although such projects may be necessary to support future development in the sewer service areas of the Atlantic County Utilities Authority. The lack of specific information about potential residential units, PDC use, and other factors related to bonus criteria led to a lower rank for this project.

10. Evesham Municipal Utilities Authority

The project would construct an elevated water storage tank to serve existing customers along Hopewell and Kettle Run Roads in Evesham Township located in a Pinelands Rural Development management area, along with an unspecified Regional Growth Area. The application noted that no PDCs will be used for any development served by the proposed water tank. As the service area is in a Rural Development Area and no Regional Growth Area is proposed to be served and no PDC demand is generated by the project, it is ineligible for funding through the PITF.

Project Priority List and Recommended Funding

Given available funding and the rankings described above, five projects are recommended for PITF funding. The table below summarizes the recommended funding levels. Final funding levels will be determined by the New Jersey Infrastructure Bank through administration of NJAC 7:22 – 6 and 7.

Priority Number	Applicant	Project	Total Project Cost	PITF grant	PITF loan	PITF Sum
1	Pemberton	BCI Water system improvement	\$2,929,000	\$1,171,600	\$1,464,500	\$2,636,100
2	Manchester Twp/ Jackson MUA	Water & Sewer	\$7,192,035	\$2,745,011	\$2,745,011	\$5,490,022
3	Monroe	Williamstown Square Transportation	\$3,962,000	\$1,426,320	\$1,782,900	\$3,209,220
4	Galloway	Pinehurst sewer extension	\$3,493,440	\$1,397,376	\$1,746,720	\$3,144,096
5	Winslow	Water & Sewer	\$1,728,940	\$705,281	\$705,281	\$1,410,562
Totals			\$19,305,415	\$7,445,588	\$8,444,412	\$15,890,000



Dennis Levinson
County Executive

Atlantic County Administration

July 10, 2019

JDR-03119

Gerald Del Rosso
County Administrator

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Springfield Road
New Lisbon, New Jersey 08064

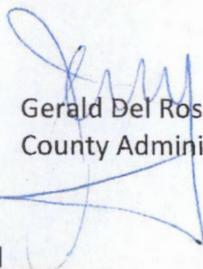
Re: Lake Lenape Park Floating Dock Project

Dear Ms. Wittenberg:

On behalf of Atlantic County government I am looking forward to meeting with you to discuss the County's need to replace floating docks at the Lake Lenape West Boat House. The current floating dock was designed and installed some 20 years ago based on a plan prepared by Adams, Rehmann & Heggan. The existing dock must be replaced to address safety and operational issues that have become obvious based on actual usage patterns, which include unanticipated conflicts between pedestrians, boaters and vehicles using Lake Lenape's boat ramp.

This meeting is being requested to explore the degree to which a March, 1998 Memorandum of Agreement concerning Lake Lenape West between the County and the Commission will have to be supplemented or corrected to reflect the proposed configuration of the floating docks. Atlantic County Parks staff have informally consulted the Commission's staff, which led to discussions that the 1998 MOU will need to be addressed. County staff have reviewed the Commission's 13 steps concerning public MOU's and have prepared a brief summary of the issues, which is attached for your review prior to our meeting. This is an important safety and operational improvement for the County and the public and residents who use these facilities. Thank you in advance for your attention to this matter.

Sincerely


Gerald Del Rosso,
County Administrator

Cc. James F. Ferguson, County Counsel
Anthony Pagano, Assistant County Counsel
Gregory Brookins, Dept. Head, Public Works
Eric Husta, Director, County Park System



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Lake Lenape Floating Dock Corrective Action Plan
NJ Pinelands Commission / County MOU

Lake Lenape Park is subject to an MOU between the County and the Pinelands Commission which was executed in March 1998 pursuant to N.J.A.C. 7:50 - 4.52 (c), to facilitate development of the Western Lake Shore, including the boat house, docks, boat ramps and an extension of sewer service instead of a septic system for park's bathroom facilities. This memo provides information to address the requirements outlined by the Commission concerning memorandum of agreements with local government agencies, in support of an amendment to the 1998 MOU to allow the County to proceed with a corrective action plan for the floating docks at Lake Lenape.

1. Location Map:

Please see the attached excerpt of the Lake Lenape West Plan, marked up to show the proposed docks

2. Park Property Map:

As noted in the MOU, the dock location is a fraction of the entire Lake Lenape Park, which will not be affected in any way by the corrective work. A current GIS Map of the entire park will be provided for better reference.

3. Project Need

The current improvements at the Western Lakeshore are based on plans prepared by Adams, Rehmann & Heggan, initially dated July 29, 1991 last revised October 10, 1997 entitled "Western Lake Shore Development Area - Lake Lenape". The plans were based on hypothetical park use and needs, as the site had not been actively used for many years prior to County ownership. While public park use has been an important general feature of Lake Lenape for more than a century, prior to County ownership the Western Lake Shore tract had been under consideration for a condominium project commonly referred to as the "Resorts" plan. With County ownership of the entire Lenape tract, its future as preserved open space and public park has been permanently secured.

The boat house, ramp, bathroom and other park improvements have been constructed in accordance with the March 1998 MOU and have successfully supported public use and access to the designated public access areas. However, actual use of these facilities has demonstrated the need for changing the floating dock configuration. The current configuration was based on the ARH plan which is part of the MOU. MOU Section 2 described the dock as follows:

"120 feet, L shaped dock varying width 6-8 feet adjacent to the first aid restroom boat house building"

Per the plans, the dock is also in close proximity to the boat ramp and access road leading to the ramp. County personnel have witnessed numerous incidents where pedestrians, especially youths engaged in rowing activities, have come into conflict with boat trailers backing in and out of the boat ramp. Park patrons using the dock for fishing conflict with boaters entering and exiting along the dock. The 1998

dock configuration fails to safely accommodate long rowing boats that are used by students and the public at large. The current configuration is a risk to park patrons and to safely moving crew boats in and out of the lake.

To address these concerns, and further, due to the age of the existing floating docks, the County proposes a corrective action plan to replace and reconfigure the docks as follows:

- remove 120' of existing "L" shaped dock and replace with two separate docks
- The first dock adjacent to the existing ramp will be smaller than the original dock at 50' long and 6' wide used primarily for powered vessels and kayaks.
- The second dock will function independent of the ramp and at 140' long and 13' wide, will be used primarily to launch rowing sculls of varying lengths up to approximately 60'.

4. Project Partners:

The improvements will be designed, installed and maintained by the County, with work performed by a qualified private contractor retained in accordance with the Local Public Contracts Law.

Prior to commencement of work, plans will be presented to the NJ Green Acres Program, under the rules governing Green Acres Open Space property. In addition, it is expected that a public hearing will be held regarding project funding.

5. Consultation:

As noted above the County must consult with the NJ Green Acres program. In addition, the County has and will continue to consult with public school officials, as this project will benefit student users. The County has and also will continue to consult with its Parks and Environment Advisory Board, the Board of Chosen Freeholders, the Atlantic County Rowing Association (a non-profit organization that operates rowing activities on the lake), fishermen and other lake boaters, and the public at large.

6. Financing:

The total estimated cost is approximately \$120,000 and will be funded by the County, through the County Open Space Trust Fund.

7. Design work:

Design work is extremely minimal – there will be no new bulkhead or other lake side construction. The old floating dock will be removed. No permanent attachments will be made to the lake bottom as the new floating docks will be anchored by tethered weights and aluminum gangways.

8. Land use and development standards:

The County believes that the corrective work will not trigger any new deviations from land use or development standards that are contemplated by the MOU. Any deviation is already addressed by the MOU.

9. Measures to be taken to reduce nonconformity

See above. In addition, the County is willing to activate the plans to remove a proposed dock at a location referred to locally as "Danger Beach". Although approved in the MOU, operational concerns with the current dock configuration outweigh the value of the additional dock at the Danger Beach site.

10. Other CMP development standards for which insufficient information:

None are known to apply to this project.

11. Project alternatives

Any other location would result in a significant deviation from the MOU and from the CMP standards that it was designed to address. It is critical to keep these improvements in the general vicinity of the boat house, as broadly envisioned by the MOU.

A "do nothing" alternative is considered unacceptable, due to the potential risk of injury to persons and damage to property based on the current observations and reports or conflicts.

12. Equivalent or better level of protection of the Pinelands than would be achieved if the CMP's standards were strictly followed.

The County believes that a better level of protection of the Pinelands is provided by the MOU and that an amendment or supplement to allow the corrective dock work has no meaningful impact on the protections provided by the MOU.

LAKE LENAPE



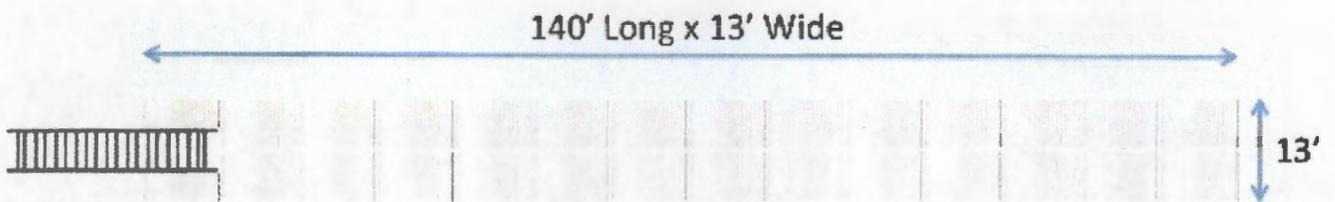
**DOCK PROPOSAL
LAKE LENAPE PARK WEST
ATLANTIC COUNTY, NJ**



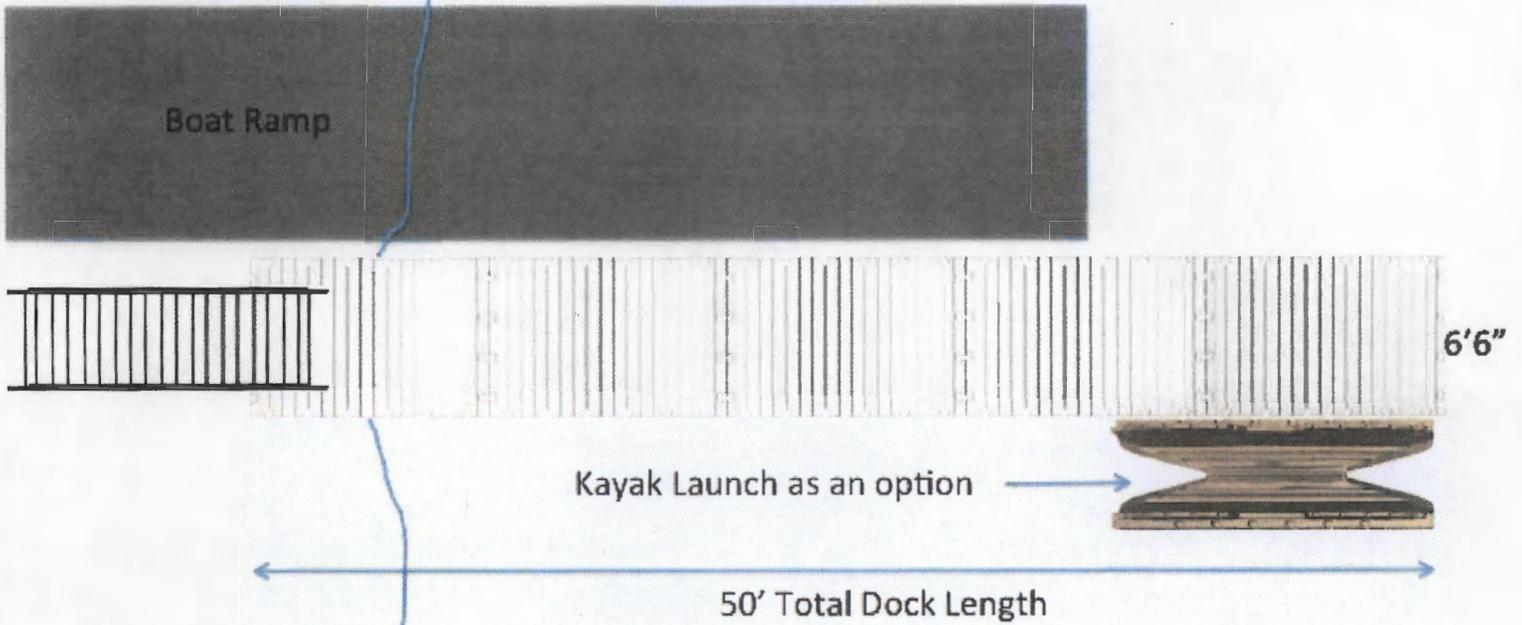
1 in = 250 feet

The map is for general information only and is not intended to be used as a legal document. The accuracy and precision of the map are not guaranteed. The Township of Lake Lenape, New Jersey, is not responsible for any errors or omissions on this map. The Township of Lake Lenape, New Jersey, is not responsible for any damages or liabilities arising from the use of this map. The Township of Lake Lenape, New Jersey, is not responsible for any claims or lawsuits arising from the use of this map. The Township of Lake Lenape, New Jersey, is not responsible for any claims or lawsuits arising from the use of this map.

Rowing Dock Atlantic County



**Gangway is 25'x5' All Aluminum Double Rail with Ground mount and Transition Plates
Anchoring will be by Dead Weight systems**



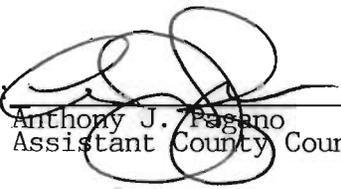
www.ezdockusa.com

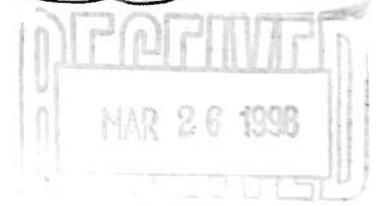
Les Frie
EZ Docks South

609-432-7878



Prepared by:


Anthony J. Pagano
Assistant County Counsel



**MEMORANDUM OF AGREEMENT
BETWEEN
THE NEW JERSEY PINELANDS COMMISSION
AND
THE COUNTY OF ATLANTIC**

I. PURPOSE

This Memorandum of Agreement (MOA) between the County of Atlantic (hereinafter "County") and the New Jersey Pinelands Commission (hereinafter "Commission") is intended to facilitate the review of projects undertaken by the County in the "Atlantic County Park at Lake Lenape" located in the Township of Hamilton. The agreement is also intended to address the proposed development of the Atlantic County Park at Lake Lenape.

In accordance with N.J.A.C. 7:50-4.52(c)2, the Commission "may enter into intergovernmental memoranda of agreement with any agency of the Federal, State or local government which authorize such agency to carry out specified development activities that may not be fully consistent with the provisions of N.J.A.C. 7:50-5 and 6, provided such agency demonstrates and the Commission finds that variation from the standards of this Plan is accompanied by measures that will, at a minimum, afford an equivalent level of protection of the resources of the Pinelands than would be provided through strict application of the standards" of the Pinelands Comprehensive Management Plan (CMP). In accordance with N.J.A.C. 7:50-4.52(c)1, the Commission may also "enter into intergovernmental memoranda of agreement with any agency of the Federal, State or local government which authorize such agency to carry out specified development activities without securing individual development approval from the Commission provided the specified development activities are consistent with the provisions of N.J.A.C. 7:50-5 and 6."

II. AGREEMENTS

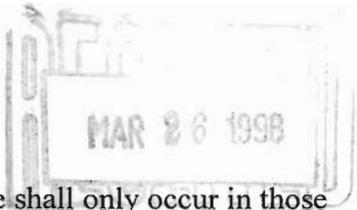
A. The County and the Commission agree that:

1. The Atlantic County Park at Lake Lenape consists of approximately 1,898 acres. It is located on Block 587, Lots 3,25,38 and 55 and Block 588, Lots 3 and 29.1 as shown upon the Official Tax Map of Hamilton Township. The property is illustrated on the site location map, titled "Western Lakeshore Development Area - Lake Lenape", prepared by Chris R. Rehmann, PE, LS dated July 29, 1991 and last revised October 10, 1997, annexed herewith as

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Exhibit A. It is also shown on the Survey and Topographical Map, prepared by Lewis Conley, PLS of Van Note-Harvey Associates, dated January 24, 1997 and consisting of eleven sheets and annexed herewith as Exhibit B.

2. The development of a portion of the park, specifically the Western Lakeshore Area referred to in II.C.1., is not fully consistent with the following provisions of the CMP:
 - a. N.J.A.C. 7:50-5.23(b)12 prohibiting centralized wastewater treatment and collection facilities in Forest Areas of the Pinelands unless a public health problem has been identified;
 - b. N.J.A.C. 7:50-6.14 prohibiting development within 300 feet of a wetland unless it has been demonstrated that the development will not result in a significant adverse impact on the wetland if it maintains a buffer of less than 300 feet.
 3. The development of the Western Lakeshore Area, listed in Section II.C.2.r. will be serviced by public sewers. The development will maintain at least a 50 foot buffer to Lake Lenape and those wetlands located in the Western Lakeshore Area identified as Wetlands A,C,D,E, F and G shown on Exhibit A. A 300 foot buffer will be maintained to Wetland B as shown on Exhibit A. The following linear improvements may occur within 300 feet of wetlands in accordance with N.J.A.C. 7:50-6.13: the installation of sewer and water lines, the paving of the existing cleared dirt road located along the west side of the Western Lakeshore Area, the installation of a six foot wide bituminous bikepath leading from Old Harding Highway to the proposed first aid/restroom/boathouse building and terraced beach area. The following water dependent uses may be constructed on and within 50 feet of Lake Lenape but not within 300 feet of Wetland B provided that the requirements of N.J.A.C. 7:50-6.12 are met: the terraced beach area, the docks, the boat ramps, and the piers for canoes, boats and fishing.
 4. The total development permitted under this agreement will be less than that if the Atlantic County Park at Lake Lenape is developed in accordance with a strict interpretation of the CMP if the County executes the deed restriction described in II.D. and the deed declaration described in II.C.2.r.iii. As a result of this, the Commission finds that an equivalent level of protection to the resources of the Pinelands will be provided by this agreement despite the variation from the CMP referred to in II.A.2.
- B. Except for the 50 foot buffer to wetlands authorized in II.A.3., the County agrees that all development conducted on lands within the Atlantic County Park at Lake Lenape shall adhere to the provisions of the Pinelands Comprehensive Management Plan.

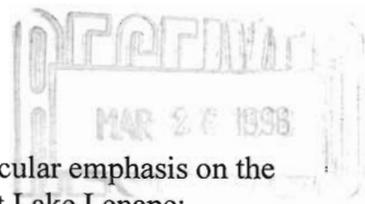


C. The County and the Commission agree that:

- 1. Development of the Atlantic County Park at Lake Lenape shall only occur in those areas that are listed below and that are shown on Exhibit A and Exhibit B:
 - a. The Western Lakeshore Area consisting of approximately 35 acres;
 - b. An existing group camping area consisting of approximately 29 acres;
 - c. An existing camping area and canoe launch area consisting of approximately 12 acres; and,
 - d. Existing and proposed trails.

Development in these areas shall be limited to the improvements identified on Exhibit A and Exhibit B.

- 2. Improvements to the Western Lakeshore Area shall be limited to the following:
 - a. A 90 feet by 250 feet terraced beach area;
 - b. A playground area adjacent to the terraced beach area;
 - c. A 4,000 square foot first aid/restroom/boathouse building;
 - d. Installation of a picnic area and gazebo in the vicinity of the first aid/restroom/boathouse building;
 - e. Installation of a six foot wide bituminous bikepath from Old Harding Highway to the first aid/restroom/boathouse building and terraced beach area;
 - f. A tot lot area in the vicinity of the terraced beach area;
 - g. A 40 space gravel parking area in the vicinity of the first aid/restroom/boathouse building and the terraced beach area surrounded by a paved driveway and a boat trailer gravel parking area;
 - h. A 40 feet by 20 feet partially submerged rippled concrete boat ramp and a 120 feet L-shaped dock varying in width from six (6) feet to eight (8) feet adjacent to the first aid/restroom/boathouse building;
 - i. Six (6) cabins;
 - j. Eleven (11) campsites;
 - k. A rest room/shower building which shall have an area of no greater than 800 square feet to serve the cabin and camping area;
 - l. A 30 space gravel parking lot in the vicinity of the rest room/shower house for the cabin and camping area;
 - m. A gazebo and dock in the vicinity of the six cabins and eleven campsites;
 - n. An "Interpretive Center" with an area no greater than 3500 square feet, and including the following elements:
 - i. the Interpretive Center shall be constructed and maintained primarily as an educational facility;
 - ii. the Interpretive Center shall be designed and operated to provide the general public with opportunities to study and appreciate the ecology



and the history of the Pinelands Area with particular emphasis on the region surrounding the Atlantic County Park at Lake Lenape;

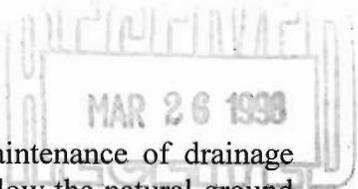
- iii. The goal of the Interpretive Center will be to educate visitors on the proper use of the Pinelands, to cultivate an appreciation of the Pinelands, and to foster a greater understanding of the need to protect the Pinelands;
 - iv. The Interpretive Center shall not be used as a general administrative office for the County Park system.
-
- o. A canoe and wood boat pier, adjacent to the Interpretive Center site;
 - p. A fishing dock adjacent to the Interpretive Center site;
 - q. Installation of a 24' wide bituminous park drive, along the existing cleared dirt road located along the west side of the Western Lakeshore Area, from Old Harding Highway and terminating at the interpretive center site;
 - r. Sanitary Sewer for the Interpretive Center, the first aid/restroom/boathouse building and the restroom/shower house associated with the six (6) cabins and eleven (11) campsites referred to in II.C.2. constructed and maintained in the following manner:
 - i. a four (4") inch force main or an eight (8") inch gravity sewer system shall be connected with an existing sewer main located on County Route 606, also known as Old Harding Highway as indicated by Exhibit A.
 - ii. the sanitary sewer line shall be dedicated only for the use and benefit of the Interpretive Center, the first aid/restroom/boathouse building and the rest room/shower building for the six (6) cabins and eleven (11) campsites;
 - iii. within 180 days of the effective date of this agreement, the County shall provide documentation demonstrating that a declaration has been filed with the Atlantic County Clerk restricting the sewer line and Interpretive Center to the limited and specific purposes set forth in this agreement.
-
- D. Within 180 days of the effective date of this agreement, the County shall provide documentation demonstrating that a deed restriction has been placed on those portions of the Park not listed in II.C. 1., which consist of approximately 1822 acres, thereby permanently preserving them in their present, natural state. The deed restriction shall state that this area shall not be the subject of further development activities except as may be necessary to preserve or protect the health and safety of the general public, such as fire break construction.
-
- E. The Commission and the County agree that the following activities which are normally associated with routine maintenance of property or forested areas shall not require the review or approval of the Commission provided they do not require a

statewide general permit authorization or individual freshwater wetlands permit authorization under the Freshwater Wetlands Protection Act or any other permit required by the New Jersey Department of Environmental Protection for development in wetlands;

1. the regular mowing of lawn or grassed areas, or the reseeding of such areas in a manner which is consistent with the requirements of the Pinelands Comprehensive Management Plan;
2. the planting or replanting of flowers for decorative purposes in existing cleared areas within the Western Lakeshore Area;
3. selective trimmings and removal of dead or diseased limbs or trees as necessary to protect the health and safety of the public or to minimize potential fire hazards;
4. activities which are normally associated with the maintenance of structures illustrated on Exhibit A. Such activities may include re-roofing, siding, gutter installation or replacements, tent platform replacements, and installation of doors, windows;
5. fire hazard mitigation activities undertaken by the State or by the County in concert with the State;
6. the installation of split rail fencing provided no more than 1,500 square feet of land is to be cleared;
7. installation of directional and information signage or lighting for safety or security reasons;
8. use of temporary sanitary facilities for special park events provided;
 - a. the facilities are removed within thirty (30) days;
 - b. the facilities are located within designated developed areas of the Park; and
 - c. the facilities are self-contained units, designed to prevent accidental spillage or leakage.

F. The Commission and the County agree that:

1. The following activities will not require the filing of a formal application for the approval of the Commission provided they do not require a statewide general permit authorization or individual freshwater wetlands permit authorization under the Freshwater Wetlands Protection Act or any other permit required by the New Jersey Department of Environmental Protection for development in wetlands;
 - a. the resurfacing or maintenance of the roads, trails pathways, parking areas and other areas designed for automotive or pedestrian movement shown on Exhibit A and Exhibit B, provided there is no increase in the area of existing impervious surface, there will be no additional clearing and there will be no change in the surface



- composition;
 - b. Activities normally associated with the maintenance of drainage ditches as defined as a linear excavation below the natural ground surface that is designed and maintained to convey storm water runoff.
 - c. The replacement or substantial repair, in-type and in-kind, of storm water drainage improvements, bulkheads, docks, landing areas or beach areas, provided that:
 - i. the area of disturbance associated with the project will not exceed 2000 square feet;
 - ii. the type of materials, appearance and means of construction are the same as the structure which is being improved;
 - iii. the construction will be confined to conform with the location and alignment of the structure or improvements which are being repaired or replaced, to the greatest extent which may be practical.
2. The County Director of Parks, or his designee, shall notify the Commission 15 days in advance of the undertaking of the activities defined in II.F.1. which shall consist of the following:
- a. a narrative description of the proposed activity;
 - b. a copy of a U.S.G.S. quadrangle on which the location of the activity has been indicated or a site sketch which illustrates the relationship of the proposed activity to the Exhibit A.
 - c. A copy of any building or construction plans associated with the project.
3. Within 15 days of the Commission's receipt of the notice and information provided for in II.F.2., the Commission will notify the County if the proposed activity is consistent with the terms of this Agreement.
4. If the Commission notifies the County that the proposed activity does not meet the criteria established in II.F. or that it is inconsistent with the provisions of this agreement or the Pinelands Comprehensive Management Plan, the County agrees to either modify the proposal so that it is consistent or to file an application for the development. The County understands that no development may occur until formal approval from the Commission has been obtained.
- G. The Commission and the County agree that:
- 1. The following general classes of development will not require the filing of a formal application for the approval of the Commission:

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- a. the replacement-in-type of any bridge which involves less than 5000 square feet of disturbance;
 - b. the installation of storm water infiltration inlets and pipes for the infiltration of runoff from existing roadway pavement, provided that the results of soil borings are submitted with an estimation of the elevation of the seasonal high water table.
 - c. the extension of existing storm water drainage systems along existing roadways provided that:
 - i. no new discharges to wetlands or wetland buffers are proposed; and,
 - ii. the proposed storm water drainage systems will provide adequate infiltration volume to accomodate at least one and one-quarter (1 1/4") inches of runoff from the paved surfaces draining to the system.
 - d. the expansion or improvement of any street, road or pathway which is designated upon the attached Survey and Topographic Map, Exhibit B as currently "unused" or "underdeveloped," which results in the clearing of less than 1,500 feet over any five year period.
 - e. any activity which is defined in II.F. or II.G. which requires a statewide general permit authorization or individual freshwater wetlands permit under the Freshwater Wetlands Protection Act or any other permit required by the New Jersey Department of Environmental Protection for development in wetlands;
 - f. improvements to the structures identified in Exhibit A and Exhibit B to ensure that public facilities comply with "Barrier Free" requirement.
2. for all proposed projects defined in G.1., the County shall submit the following information to the Commission at least forty-five (45) days prior to the commencement of any of these activities:
- a. a narrative description of the proposed activity;
 - b. a copy of a U.S.G.S. quadrangle on which the location of the proposed development has been indicated or a site sketch which illustrates the relationship of the proposed activity to the Exhibit A.
 - c. a copy of the building or construction plans associated with the project.
3. Within thirty (30) days of the Commission's receipt of the notice and information provided for in II.G.2., the Commission will notify the County if the proposed activity is consistent with the terms of this Agreement.
4. If the Commission notified the County that the proposed activity does not meet the criteria established in II.G.1. or that it is inconsistent with the

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provisions of this agreement or the Comprehensive Management Plan, the county agrees to either modify the proposal so that it is consistent or to file an application for the development. The County understands that no development may occur until formal approval from the Commission has been obtained.

H. The County and the Commission agree that:

- 1. any activity not identified in II.E., F. and G. will require an application to the Commission; and
- 2. in accordance with N.J.A.C. 7:50-4.52(b), any such proposed development may not occur until an application has been completed and the Commission has approved the project.

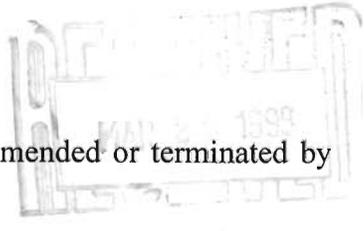
I. The County and the Commission agree that:

- 1. The County shall revise the Atlantic County Water Quality Management Plan and the Atlantic County Master Plan to reflect the proposed sewer service to this site.
- 2. The revised Atlantic County Water Quality Management Plan and Atlantic County Master Plan shall be submitted in the following manner for the review and approval of the Pinelands Commission:
 - a. A draft of the proposed amendment to the Atlantic County Water Quality Management Plan to extend sewer service to the Western Lakeshore Area for the development referred to in II.C.2., shall be submitted within 30 days of the execution of this agreement.
 - b. The adopted amendment to the Atlantic County Master Plan shall be submitted for certification by the Pinelands Commission within 2 years of the execution of this agreement.

J. The Commission and the County agree to meet annually, and more often if warranted, to discuss development, operations and maintenance activities at the Park.

III. EFFECTIVE DATE AND DURATION

A. This agreement shall take effect upon approval by the authorized representative of both parties and subsequent to the Governor's review for a period of ten (10) days.



B. This agreement shall remain in effect until otherwise amended or terminated by either party upon sixty (60) days written notice.

IV. SIGNATURES

Thomas D'Amore 1/28/98
Executive Director Date
NJ Pinelands Commission

Richard E. Squires 3/4/98
County Executive, Atlantic County Date
Richard E. Squires

Approved as to form by:
Valerie W. Hughes 1/21/98
Deputy Attorney General Date
State of New Jersey

January 14, 1998

Approved as to form by:
Paul J. Gallagher 3/3/98
Paul J. Gallagher, Atlantic County, County Counsel Date