

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-005025-14-T2
A-003417-15-T2

IN RE THE PINELANDS :
COMMISSION'S CONSISTENCY : Civil Action
DETERMINATIONS APPROVING :
TUCKAHOE TURF FARM INC.'S :
APPLICATION NO. 1984- :
0389.009 :
X

APPELLANTS' APPENDIX
Volume I
(1a-238a)

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Jersey Conservation Foundation

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SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-005025-14
: DOCKET No. A-03417-15

In re: The Pinelands :
Commission's Consistency :
Determination Approving : **FOURTH AMENDED STATEMENT OF**
Tuckahoe Turf Farm Inc.'s : **ITEMS COMPRISING THE RECORD IN**
Application No. 1984- : **CONSOLIDATED APPEAL**
0389.009 :
:

TO: Joseph H. Orlando, Clerk
Superior Court of New Jersey
Appellate Division
P.O. Box 006
Trenton, NJ 08625

PLEASE TAKE NOTICE that pursuant to R. 2:5-4(b), the Respondent, New Jersey Pinelands Commission ("Commission") hereby certifies and files the following Statement of Items Comprising the Record on Appeal in the above-captioned case. The record consists of:

1. Letter from the Commission to Tuckahoe Turf Farm ("TTF"), dated May 29, 2015, re: Stipulation of Settlement.

2. Stipulation of Settlement between the Commission, TTF and Mid-Atlantic Soccer Showcase League ("MSSL"), dated May 11, 2015.

3. "Notice to Property Owners" re: Waterford Township Planning Board Hearing, dated May 28, 2015.

4. Letter from TTF to Commission, dated April 13, 2015, re: TTF Application #1984-0389.009, enclosing Stipulation of Settlement.

5. Letter from the Commission to TTF, dated May 26, 2015, re: Modification of Review of Local Approval, Determination: Consistent.

6. Planning/Zoning Board, Town of Hammonton, Notice of Determination, dated May 13, 2015.

7. Town of Hammonton Planning Board, Decision and Resolution, dated May 6, 2015.

8. Letter from the Commission to TTF, dated April 24, 2015, enclosing Certificate of Filing: Inconsistent.

9. File Review Request from Pinelands Preservation Alliance, dated April 15, 2015.

10. Letter from TTF to Commission, dated April 13, 2015, re: re: TTF Application #1984-0389.009, schedule of soccer events prior to effective date of Stipulation of Settlement.

11. Emails between TTF and the Commission, dated April 10, 2015, re: TTF Application #1984-0389.009, amended Certificate of Filing.

12. Letter from TTF to the Commission, dated April 6, 2015, re: TTF Application #1984-0389.009, discussing Stipulation of Settlement.

13. Letter from TTF to the Commission, dated March 31, 2015, re: TTF Application #1984-0389.009, discussing adjournment of public hearing.

14. Emails between the Commission and Pinelands Preservation Alliance ("PPA"), dated March 27, 2015 re: request to review Commission Call-up Letter.

15. Letter from the Commission to TTF, dated March 27, 2015, re: TTF Application #1984-0389.009, discussing public hearing.

16. Letter from the Commission to TTF, dated March 19, 2015, re: TTF Application #1984-0389.009, granting request for extension of time for Commission review.

17. Letter from TTF to the Commission, dated March 13, 2015, re: TTF Application #1984-0389.009, requesting extension of time for Commission review.

18. Letter from the Commission to TTF, dated March 11, 2015, re: TTF Application #1984-0389.009, granting request for extension of time for Commission review.

19. Letter from TTF to the Commission, dated March 5, 2015, re: TTF Application #1984-0389.009, requesting extension of time for Commission review.

20. Letter from TTF to the Commission, dated March 6, 2015, re: TTF Application #1984-0389.009, Amended Certificate of Filing, w/ enclosures.

21. Letter from the Commission to TTF, dated February 24, 2015, re: TTF Application #1984-0389.009, granting request for extension of time for Commission review.

22. Letter from TTF to the Commission, dated February 23, 2015, re: TTF Application #1984-0389.009, requesting extension of time for Commission review.

23. Letter from the Commission to TTF, dated February 24, 2015, re: TTF Application #1984-0389.009, discussing application for Amended Certificate of Filing.

24. Letter from PPA to the Commission, dated February 18, 2015, re: TTF Application #1984-0389.009, discussing proposed legislation.

25. Letter from TTF to the Commission, dated February 9, 2015, re: TTF Application #1984-0389.009, discussing Inconsistent Certificate of Filing, w/attachments.

26. Atlantic County Agriculture Development Board, "Resolution Regarding Activities and Events Held at Tuckahoe Turf Farms", dated September 8, 2014.

27. Camden County Agriculture Development Board, "Resolution Regarding Activities and Events Held at Tuckahoe Turf Farms", dated November 13, 2014.

28. Planning/Zoning Board, Town of Hammonton, Notice of Determination, dated February 5, 2015.

29. Town of Hammonton Planning Board, Decision and Resolution, dated February 4, 2015.

30. Maps of TTF, undated.

31. Letter from Hammonton Fire Department to Allen Carter, undated, re: soccer tournaments at TTF.

32. Chart entitled "Yearly Sod Totals" of TTF, undated.

33. Table, Sports v. Total Acreage, undated.

34. Adams, Rehmann & Heggen, Associates, Inc., Engineer's Report, dated December 12, 2014, re: TTF.

35. Memorandum from Dixon Associates Engineering, LLC to Town of Hammonton Planning Board, dated December 16, 2014, re: TTF Preliminary and Final Major Site Plan.

36. Letter from the Commission to TTF, dated January 16, 2015, re: TTF Application #1984-0389.009, Amended Certificate of Filing.

37. Letter from TTF to the Commission, dated January 7, 2015, re: TTF Application #1984-0389.009, TTF's Amended Application.

38. TTF's Amended Pinelands Commission Development Application, dated January 7, 2015, w/ attachments.

39. Letter from TTF to Town of Hammonton Planning and Zoning Board, dated October 1, 2014, re: TTF Application, TTF's Hammonton Land Development Application and zoning ordinance interpretation.

40. TTF's Town of Hammonton Land Development Application, dated October 1, 2014, w/ attachments.

41. "Expert Planning Testimony for Tuckahoe Turf Farms" by J. Timothy Kernan, Inc., dated October 2014.

42. Letter from TTF to Town of Hammonton Planning and Zoning Board, dated November 25, 2014, re: TTF Application, TTF's Hammonton Land Development Application and preliminary and final site plan approval.

43. Document entitled "MSSL - Match Day at Tuckahoe Turf Farm", undated.

44. TTF's Town of Hammonton Submission for Preliminary Major Site Plan 175-58, w/ attachments.

45. Brochure entitled "Love the Fields at Tuckahoe?"

46. Letter from PPA re: File Review Request, dated December 18, 2014.

47. Letter from the Commission to MSSL, dated December 17, 2014, re: TTF Application #1984-0389.009, Inconsistent Certificate of Filing.

48. Emails between TTF to the Commission, dated December 16 & 17, 2014, re: Certificate of Filing, amending application.

49. Email from Rhonda Ward to the PPA, dated December 17, 2014, re: file review.

50. Letter from the Commission to Atlantic County Board of Agriculture, dated October 2, 2014, re: TTF soccer activities, Pinelands Development Credits ("PDCs").

51. Letter from Atlantic County Board of Agriculture to the Commission, dated September 10, 2014, re: support for TTF soccer activities.

52. Letter from the Commission to MSSL, dated September 10, 2014, re: TTF Application #1984-0389.009, MSSL Application.

53. Letter from the Commission to U.S. Soccer Federation, dated September 2, 2014, re: TTF Application #1984-0389.009, TTF soccer activities.

54. Letter from Jefferis Engineering Associates, LLC to the Commission, dated August 29, 2014, re: TTF Application #1984-0389.009, enclosing MSSL Development Application.

55. MSSL New Jersey Pinelands Commission Development Application, dated August 27, 2014, w/ attachments.

56. Letter from TTF to the Commission, dated August 6, 2014, re: Tuckahoe Turf Farms, Inc., TTF operations.

57. Letter from MSSL to the Commission, dated August 5, 2014, re: Soccer Activities at Tuckahoe Turf Farms, TTF operations.

58. Letter from MSSL to the Commission, dated August 25, 2014, re: Soccer Activities at Tuckahoe Turf Farms, review extension.

59. Letter from PPA re: File Review Request, dated August 22, 2014.

60. Letter from the Commission to MSSL, dated August 12, 2014, re: Soccer Events at Tuckahoe Turf Farm, review extension, soccer activities.

61. Letter from U.S. Soccer Federation to the Commission, dated August 4, 2014, re: TTF soccer activities.

62. Letter from the Commission to Atlantic County Board of Chose Freeholders, dated August 6, 2014, re: TTF soccer activities, PDCs.

63. Email from South Jersey Elite Baron Youth Academy ("Barons") to the Commission, dated August 1, 2014, re: Barons and TTF.

64. Email from MSSL to the Commission, dated August 7, 2014, re: Barons and TTF.

65. Letter from Atlantic County Board of Chosen Freeholders to the Commission, dated July 25, 2014, re: Resolution No. 343-14.

66. Atlantic County Board of Chosen Freeholders Resolution No. 343-14.

67. Letter from the Commission to Howard C. Long, Jr., Esquire, dated July 17, 2014; re: Soccer Events at Tuckahoe Turf Farm, cease of soccer activities.

68. Letter from PPA re: File Review Request, dated May 16, 2014.

69. Letter from Atlantic County Executive to the Commission, dated May 15, 2014, re: cease of soccer activities.

70. Letter from Atlantic County Board of Agriculture to the State Agriculture Development Committee ("SADC"), dated May 9, 2014, re: soccer activities at TTF.

71. Letter from Atlantic County Agriculture Development Board to the Commission, dated May 2, 2014, re: resolution regarding activities and event held at TTF.

72. Resolution of the Atlantic County Agriculture Development Board Regarding Activities and Events Held and Tuckahoe Turf Farms, adopted February 18, 2014.

73. Letter from the Commission to TTF, dated April 21, 2014, re: TTF Application #1984-0389.009, review of proposal for soccer activities.

74. Letter from Jefferis Engineering Associates, LLC to the Commission, dated February 12, 2014, re: TTF Application #1984-0389.009, proposals for soccer activities, w/attachments

75. Letter from TTF to Atlantic County Agriculture Development Board, dated February 12, 2014, re: soccer activities.

76. "MSSL 2014 Planned Usage of Tuckahoe Turf Farms", dated February 12, 2014.

77. "South Jersey Barons Youth Club, Inc. - 2014 Usage and Management of Tuckahoe Turf Events", dated February 12, 2014.

78. "Evaluation of Temporary Soccer Use at Turf Farm as a Low Intensity Recreational Use", dated February 12, 2014.

79. Letter from Township of Waterford, dated December 9, 2013, re: Block 292, Lot 1, soccer activities at TTF.

80. Letter from Jefferis Engineering Associates, LLC to the Commission, dated December 2, 2013, re: Informal Workshop Meeting Request Application.

81. Letter from Barons to the Commission, dated August 5, 2014, re: Soccer Activities at TTF.

82. Email from Waterford Township re: Informal Workshop Meeting Request Application.

83. Letter from Jefferis Engineering Associates, LLC to the Waterford Township, dated November 21, 2013, re: Informal Workshop Meeting Request Application.

84. Baron's Waterford Township Department of Planning and Zoning Application, dated November 22, 2013, w/ attachments.

85. Document entitled "The Roundup", dated June 7, 2014.

86. MSSL Map of TTF, undated.

87. Emails between Commission and TTF, dated December 16 & 17, 2014, re: Certificate of Filing

88. Letter from SADC to County Agriculture Development Board Administrators, dated April 29, 2010, re: Guidance Documents on Deed of Easement Interpretation: Reports on General Guidance and Recreational Uses.

89. SADC "Interpreting the Provision of the Deed of Easement Repot No. 2 - Recreational Uses", dated April 23, 2010.
90. Various maps of TTF, undated.
91. Various TTF brochures, undated.
92. Tax maps for TTF properties, undated.
93. Email from PPA to the Commission, dated February 17, 2015, re: Hammonton - Tuckahoe Turf Farm.
94. List of MSSSL/Barons soccer games and tournaments, undated.
95. Document entitled "Tuckahoe Turf Application Approach", undated.
96. Commission Memorandum to the File, dated March 19, 2014, re: Applciation #: 1984-0389.009, PDC deed restriction status.
97. Commission Memorandum to the File, dated October 16, 2014, re: Application #: 1984-0389.009.
98. "Pinelands Development Credit Deed Restriction for Agricultural Production Area", for Block 5601, Lots 1-9, Block 5602, Lots 3-7.
99. Deed of Easement between New Jersey State Agricultural Development Committee and Betts and Betts, LLC, dated June 15, 2004, for Block 5002, Lot 11.
100. Email and letter from TTF to the Commission, dated March 30, 2015, re: potential additional settlement terms.

101. Email and letter from TTF to the Commission, dated March 26, 2015, re: potential settlement terms final.

102. Email and letter from TTF to the Commission, dated December 11, 2014, re: changes to settlement agreement.

103. Email from Grogan to Avery, dated August 29, 2014, re: PDC credits.

104. Email from TTF to the Commission, dated December 11, 2014, re: changes to draft settlement agreement.

105. Email from TTF to the Commission, dated November 13, 2014, re: groups using TTF property.

106. Email from TTF to the Commission, dated December 9, 2014, 2015, re: settlement terms.

107. Email from TTF to the Commission, dated December 10, 2014, re: revised settlement agreement.

108. Email from TTF to the Commission, dated December 12, 2014, re: resolution of settlement negotiations.

109. Email from TTF to the Commission, dated March 30, 2015, re: potential additional settlement terms.

110. Email from TTF to the Commission, dated November 20, 2014, re: usage of TFF property.

111. Email from TTF to the Commission, dated March 30, 2015, re: potential additional settlement terms.

112. Email from Horner to Roth, dated February 20, 2015, re: meeting time.

113. Email and letter from TTF to Hammonton Planning Board, dated April 1, 2015, re: settlement agreement.

114. Email from TT F to the Commission, dated March 9, 2015.

115. Email and letter from TTF to the Commission, dated March 25, 2015, re: settlement.

116. Email from TTF to Commission, dated December 12, 2014.

117. Emails from Commission to TTF, dated March 31, 2015, re: additional settlement terms.

118. Email from Commission to TTF, dated March 12, 2015, re: additional settlement terms.

119. Email from Commission to TTF, dated March 30, 2015, re: additional settlement terms.

120. Letter from Barron & Brennan to Commission, dated May 28, 2014.

121. Letter from TTF to the Commission, dated March 30, 2014, re: pilot program.

122. Letter from Commission to TTF, dated March 6, 2015.

123. Letter from Commission to TTF, dated November 6, 2015, re: call-up.

124. Letter from Commission to TTF, dated October 13, 2015, re: call-up.

125. Letter from Commission to TTF, dated November 9, 2015, re: amended call-up.

126. Letter from Commission to Betts, dated January 16, 2014, re: meeting follow-up.

127. Letter from Commission to TTF, dated March 26, 2015, re: consistency with CMP.

128. Letter from the Commission to TTF, dated April 1, 2015, re: settlement conditions.

129. TTF Proposal, dated December 10, 2014.

130. Betts and Betts, LLC, set of conditions, undated.

131. Violation Report, dated October 23, 2013.

132. Email from DEP to Commission, dated October 20, 2104, re: Batsto microsite, w/ attachment.

133. Letter from Hammonton Department of Police, dated August 6, 2014.

134. Letter from TTF to Hammonton, dated December 17, 2014, re: Certificate of Filing.

135. Letter from TTF to Hammonton Environmental Commission, dated January 5, 2015.

136. Letter from Commission to TTF, dated March 10, 2015, re: Notification of Review of Local Agency Approval, Determination: Consistent.

137. Memorandum from Commission to Waterford Township, dated March 25, 2016, re: Pinelands Application #1984-0389.009, Waterford Township Zoning Permit #16-010.

138. Township of Waterford, Zoning Permit #16-010, dated February 23, 2016.

139. Letter from TTF to Commission, dated February 10, 2016, re: Tuckahoe Turf Farms, Inc., Application No. 1984-0389.009.

140. Waterford Township Planning Board, Resolution No. 16-04.

141. Waterford Township Planning Board, Resolution No. 15-12.

142. Letter from TTF to Commission, dated October 21, 2015, re: Tuckahoe Turf Farms, Inc., Application No. 1984-0389.009.

143. "Expert Planning Testimony", dated October 22, 2015, prepared by Kernan Consulting Engineers.

144. Letter from Environmental Resolutions Inc. to Waterford Township Planning Board, dated May 27, 2015, re: Tuckahoe Turf Farm, Inc., Preliminary & Final Major Site Plan, Application #13PB-14.

145. Memorandum from Maser Consulting to Waterford Township Planning Board, dated June 25, 2015, re: Tuckahoe Turf Farm - Soccer Tournament Observations.

146. Letter from New Jersey Forest Fire Service to Waterford Township, dated September 30, 2015, re: TTF operations.

147. Letter from Waterford Township Fire Department to Waterford Township, re: TTF operations.

148. Letter from Waterford Township Police Department to Waterford Township, re: TTF operations.

149. Letter from TTF to Waterford Township, dated October 2, 2015, re: Tuckahoe Turf Farms.

150. Forms for Public Review of Application Files completed by PPA dated April 28, 2015, May 21, 2014 and August 27, 2014, respectively.

151. Letter from United State Department of the Interior to Commission, dated July 10, 2014, re: New Jersey bills S2125 and A3247.

152. Pinelands Development Credit Deed Restriction, dated May 11, 1999, for Block 297, Lot 10, Block 298, Lots 6-8, Waterford Township and Block 5001, Lots 5-7, Hammonton County.

153. Pinelands Development Credit Deed Restriction, dated March 30, 1994, for Block 297, Lot 11, Block 298, Lots 1-4, Block 299, Lots 1-4, Waterford Township.

154. Camden County Agriculture Development Board, "Resolution Regarding Activities and Events Held at Tuckahoe Turf Farms", dated May 13, 2014.

Respectfully submitted,
CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY

By: Sean Moriarty
Sean Moriarty
Deputy Attorney General

Dated: 9/28/16

VIOLATION REPORT

.9840389.009

DATE REPORTED 10/23/13 APPLICATION # 2000-0276.001
 TAKEN BY Rhonda Ward 1989-1135.001-1.004
1984-0389-007

PART I (to be completed at time of report)

COMPUTER DATA

MUNICIPALITY Waterford COUNTY Camden
 BLOCK(S) 297 LOT(S) 1, 9, 10, possibly 3, 7 + 8 also
 NAME (OF VIOLATOR) unknown
 ADDRESS (OF VIOLATOR) _____

LOCATION DESCRIPTION (if above unknown)

~~Ed Toussaint~~ along Union Rd b/t E. Fleming Pike & Spring Rd

TYPE OF VIOLATION

estab. of recreational use (lacrosse & soccer tournaments) on agricultural (possibly PDC deed restricted) lands

OTHER AGENCIES CONTACTED BY REPORTER:

RLW called Waterford zoning officer on 10/23/13 & left message for him to call me back. 10/23/13-220pm - RLW

ADDITIONAL COMMENTS:

SPOKE w/ Ed Toussaint & Ed had no knowledge but would go take a look at it.

REPORTED BY

Theresa Lettman

NAME:

Pinelands Preservation Alliance

ADDRESS:

17 Pemberton Rd

Vincentown, NJ 08088

TELEPHONE NO.

859-8860

home

work

EXT. 22

PART II (to be completed prior to assigning application No.)

INFORMATION

PROPERTY OWNER

MANAGEMENT AREA

AG Prod

MUNICIPAL ZONING

AG

ACREAGE

MUNICIPAL CONTACT/STATUS

Ed Toussaint

TYPE OF VIOLATION

CATEGORY(IES)

NOV 25 2013

RECEIVED

NOV 22 2013

Smadul

WATERFORD TOWNSHIP
Department of Planning & Zoning
Application

To be completed by Township

Date filed: _____ Application #: _____ Application fee: \$ _____
 Jurisdiction: _____ Escrow deposit: \$ _____

Instructions to Applicant: The application, with fees, escrow deposit, and supporting documentation, must be filed with the Planning Board Office 30 days prior to the meeting at which the applicant desires to be considered.

PROPERTY INFORMATION: Block: Multiple-see attached list Tax Sheet: _____
 Location: 401 N. Myrtle Ave Zoning District: AG
 Lot Dimensions: Frontage: Varies-see tax depth Total Area: 367.45 +/- acres
 Principal Building Dimensions: First Floor: n/a Total Area: n/a
 Number of Stories: n/a Height at Peak: _____
 Present Use: Sod farm Proposed Use: Sod farm with temporary soccer fields
 Existing Accessory Structures (List Use and Size of Each):
n/a

Restrictions, covenants, easements, association by-laws, existing and proposed on the property:

☒ Yes [Attach Copies] qualified farmland ☐ No ☐ Proposed [Attach Copies]

Note: All deed restrictions, covenants, easements, association by-laws, existing and proposed must be submitted for review and must be written in easily understandable English in order to be approved.

TYPE OF APPLICATION: Starred (*) applications require a public hearing with notice and legal advertisement.

Check as many items as apply.

- ☐ Minor subdivision ☐ *Major subdivision [Preliminary] ☐ Major subdivision [Final]
 # of lots to be created: _____ # of proposed dwelling units: _____
☐ Minor site plan ☒ *Major site plan [Preliminary] ☐ Major site plan [Final]
☐ Administrative site plan Area to be disturbed (square feet): _____
☐ *Amendment to prior approval ☒ Informal review ☐ Extension of time on approval
☐ Temporary use permit ☐ *Conditional use [N.J.S.A. 40:55D-67] ☐ *Variance (Use) [N.J.S.A. 40:55D-70d]
☐ *Variance [Hardship] [N.J.S.A. 40:55D-70c(1)] ☒ *Variance [Substantial benefit] [N.J.S.A. 40:55D-70c(2)]

Section(s) of Ordinance from which a variance is requested: (put section numbers and descriptions, attach additional sheet if required) None anticipated

☒ Appeal of Administrative Officer's decision [N.J.S.A. 40:55D-70a]
 Applicant has been verbally informed that existing temporary soccer fields on existing sod production areas requires a site plan approval. No written violation has been issued to date. In response to this verbal notification, Applicant is submitting this application to request an Informal Review with Zoning Official, Pinelands Commission Representative, and Township Engineer to review, discuss applicability, and determine appropriate course for application and review if deemed warranted.

- () Zoning Map or Ordinance interpretation of special question [N.J.S.A. 40:55D-70b]
 () Direct issuance of permit for a structure in bed of a mapped street, public drainage way, or flood control basin [N.J.S.A. 40:55D-34]
 () Direct issuance of permit for a lot lacking street frontage [N.J.S.A. 40:55D-35]
 Waivers requested for development standards and/or submission requirements on checklist: [put section numbers and descriptions, attach additional sheet if required] _____

APPLICANT:

Name South Jersey Barons Youth Club, Inc. and MSSL, Inc.
 Address 7 Hves Drive, Suite 100, Marlton, NJ 08053 8 Cornwall Court, East Brunswick, NJ 08824
 Telephone 856-985-5688 732-432-7200

Applicant designation () Individual () Partnership (X) Corporation

Note: Pursuant to N.J.S.A. 40:55D-48.1, the names, addresses and interest of all persons owning 10% of the stock in a corporate applicant or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S.A. 40:55D-48.2 that disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criteria have been disclosed [attach pages as necessary to fully comply].

Applicant Attorney To be determined
 Address _____
 Telephone _____ Fax _____

Applicant Engineer Jefferis Engineering Associates, LLC. (Teal S. Jefferis, PE)
 Address 801 Orchard Avenue, Runnemede, NJ 08078
 Telephone 856-933-2005 Fax 856-933-2016

List any other expert who will submit a report or who will testify for the Applicant [attach additional sheets as may be necessary]:

Name To be determined
 Field of Expertise _____
 Address _____
 Telephone _____ Fax _____

PROPERTY OWNER:

Name Tuckahoe Turf Farms, Inc. (George & Thomas Betts and Betts & Betts, LLC)
 Address 401 N. Myrtle Street, Hammonton, NJ 08037
 Telephone 609-561-7184

OTHER APPROVALS:

	Yes	No	Date Plan Submitted	Approved
New Jersey Pinelands Commission	To Be Determined			
New Jersey Department of Environmental Protection	X			

Potable Water Construction Permit

Sewer Extension Permit

Sanitary Sewer Connection Permit

Other _____

Waterford Township Municipal Utilities Authority

Camden County Utilities Authority

Camden County Health Department

Camden County Planning Board

Camden County Soils Conservation District

New Jersey Department of Transportation

Utilities extension: Telephone

Electric

Gas

CERTIFICATIONS

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual applicant or that I am an officer of the corporate applicant and that I am authorized to sign the application for the corporation or that I am a general partner of the partnership applicant.

[If the applicant is a corporation, this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner].

Signature of Applicant

Sworn to and subscribed before me this 22 day of November, 2013

Commission expires: 2/23/15

CAITLIN MURPHY
Notary Public - New Jersey
My Commission Expires February 23, 2015

I certify that I am the owner of the property which is the subject of this application, that I have authorized the applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant.

[If the owner is a corporation, this must be signed by an authorized corporate officer. If the applicant is a partnership, this must be signed by a general partner].

Signature of Owner

Sworn to and subscribed before me this 22 day of Nov., 2013

Commission expires: 3-12-14

DOLORES A. HILL
NOTARY PUBLIC
NEW JERSEY
MY COMMISSION EXPIRES 3-12-2014
NO. 881873



Project Narrative

Informal Review Workshop Application

Project Name: Use of Sod Production Farm for Temporary Soccer Fields by
South Jersey Barons Youth Club, Inc. and MSSSL, Inc.

Site: Tuckahoe Turf Farms
401 N. Myrtle Avenue
Waterford Township, Camden Co., NJ

Tax Map Info: Block 292, Lot 1
Block 293, Lot 1
Block 294, Lots 2 & 3
Block 297, Lots 1, 3, and 7-11
Block 298, Lots 1-8
Block 299, Lots 1-4

Zoning District: AG-Agricultural

Project Narrative:

The sod production farm located upon the above referenced parcels is utilized by South Jersey Barons Youth Club, Inc. and MSSSL, Inc. for temporary soccer fields for practices, games and tournaments. These organizations have utilized this facility for soccer fields over the past few years. The following narrative describes the respective aspects of the current facility use for soccer:

Soccer Fields:

Soccer fields are established via painted lines on areas of established sod. The locations of the fields are shifted and rotated as required to minimize wear on the sod and enable continued sod harvest by Tuckahoe Turf Farm. The quantity of fields varies per soccer event and may range up to approximately 30 fields.

Parking:

Temporary parking areas are established in areas of where sod has been harvested and not yet replanted. These parking areas vary in location and are roped off for identification and delineation. The locations of the parking areas are shifted and rotated as required based upon harvesting schedule.

Access:

Access to the parking areas and fields is provided via existing farm roads on the Tuckahoe Turf Farm facility.

Structures:

No permanent structures have been built for this use or are proposed to be constructed. Temporary tents are utilized as needed.

Restroom Facilities:

Portable toilet facilities are provided for use. These portable toilets are supplied, cleaned, and maintained by a licensed firm.

Refer to the enclosed Field Layout Schematic for an illustration of a representative layout of soccer fields and parking.

WATERFORD TOWNSHIP FEE AND ESCROW AGREEMENT

APPLICATION NO. _____ BLOCK: Bl. 292 Lot 1 Bl. 293 Lot Bl. 294 Lots 2 Bl. 297 Lots 1, 3, 7-11 Bl. 298 Lots 1-8 Bl. 299 Lots 1-4
§ 3

STREET ADDRESS: 401 North Myrtle Avenue, Hammonton

THIS AGREEMENT entered into this _____ day of _____, 2008 by

MSSL, Inc.
hereinafter referred to as **DEVELOPER**, is made upon the following terms and conditions:

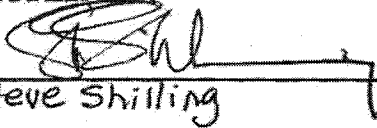
1. **AGREEMENT TO PAY FEES:** **DEVELOPER** hereby covenants and agrees to pay all charges and fees imposed by Waterford Township, hereinafter referred to as **TOWNSHIP**, in connection with the Application for Development filed contemporaneously herewith. Such fees include, but are not limited to, application fees, attorney's review fees, engineer's review fees, planner's review fees, court stenographer fees, copy costs and postage.
2. **ESCROW DEPOSIT:** **TOWNSHIP'S** receipt of \$ 300.00 , is to be deposited in a Township Escrow Account to cover the cost of the aforementioned review fees. Such sum shall be charged periodically as fees and charges accrue and the balance of the escrow sum, if any after all charges and fees have been paid, shall be returned to **DEVELOPER**.
3. **ADDITIONAL PAYMENTS:** **DEVELOPER** agrees to pay any additional sum required for charges and fees not covered by the initial escrow deposit within fifteen (15) days after receipt of a billing by the Clerk of the Department of Planning and Zoning Administration. The **DEVELOPER** understands and agrees to pay such sum notwithstanding any dispute as to the reasonableness of fees and charges. Payment shall not constitute a waiver of the right to challenge the reasonableness of charges and fees as set forth herein.
4. **CONTEST OF REASONABLENESS:** **DEVELOPER** agrees that the reasonableness of any fee or charge may be challenged by an appropriate legal action brought within forty-five (45) days from the date that the **DEVELOPERS'** escrow deposit balance is returned or forty-five (45) days from the date the developer receives notice that additional payments are requested to pay charges and fees not covered by the initial escrow deposit. **DEVELOPER** understands and agrees that the aforesaid procedure shall be the sole and exclusive method of challenging the reasonableness of charges and fees and hereby waives any longer statute of limitations.
5. **NOTICE:** **DEVELOPER** agrees that all notices or refunds shall be mailed to the following address: MSSL, Inc., 8 Cornwall Court, East Brunswick, NJ 08816
6. **COLLECTION:** Should the **DEVELOPER** fail to pay any sum required to be paid herein when due, **TOWNSHIP** shall be entitled to pursue all remedies at law or equity. Interest

shall accrue at the rate of eighteen (18%) percent per annum simple interest on unpaid amounts after the due date. The TOWNSHIP may collect a reasonable attorney's fee which shall not be less than Three Hundred (\$300.00) Dollars should litigation for the purpose of collecting any sum be commenced.

IN WITNESS WHEREOF, DEVELOPER has set his/her hand and seal the date first above written.

DEVELOPER

By:


Steve Shilling

Attest:


[Notary or Corporate seal to be affixed]



03084117 0312013601 7861453376



MSSL INC.

11/21/2013

Township of Watford

Escrow Deposit

30841

S.J. BARONS YOUTH CLUB, INC AND MSSL, INC.
SOCCER FIELDS @ TUCKAHOE TURF FARM
401 MYRTLE AVE, WATERFORD TWP, NJ

TOWNSHIP OF WATERFORD

COUNTY OF CAMDEN

STATE OF NEW JERSEY

ORDINANCE #2012-8

PLANNING BOARD FEES

NOV 25 2013

ARTICLE VI

FEES, INSURANCE, GUARANTEES & INSPECTIONS, START OF CONSTRUCTION
AND IMPROVEMENTS

176-20 Fees

- A. The application charge is a flat fee to cover administrative expenses and is non-refundable.

The escrow account is established to cover the costs of professional services including engineering, planning, legal, and other expenses connected with the review of the submitted materials, including any traffic engineering review or other special analysis related to the Township's review of the submitted materials, or any necessary studies regarding "off-tract" improvements. No application shall be deemed complete until the initial required escrow fees have been paid. If additional sums are deemed necessary, the applicant shall be notified of the required additional amount and shall add such sum to the escrow prior to any further consideration of the application by the Township. Sums not utilized in the review process shall be returned to the applicant within 20 days of the issuance of a Certificate of Occupancy for the development.

- B. The Township may enforce payment by withholding issuance of building permits or certificates of occupancy. When a depleted escrow is not brought current or a bill for deficiency remains unpaid, the engineers and solicitors shall be authorized to withhold all further services relating to the matter, including the granting of any approvals, until such time as the depleted escrow account is brought current or the deficiency is paid in full. In the event it is necessary for the Township to file suit to collect any unpaid costs, the applicant will be responsible for all costs of collection, including reasonable attorney fees.

- C. Every application for development shall be accompanied by a check payable to the Township of Waterford. No application shall be deemed complete until the required fee has been paid. Where one application for development includes several approval requests, the sum of the required applications and escrow fees shall be paid.

- D. Each applicant for subdivision or site plan approval shall agree to pay all reasonable

costs for professional review and inspection of the improvements. All such costs for review shall be paid before any approved plat, plan or deed is signed. All inspection fees shall be paid in accordance with Section 176-25 before any construction permit is issued. All remaining costs shall be paid in full before any occupancy of the premises is permitted or Certificate of Occupancy issued.

E. The Planning Clerk for the Department of Planning and Zoning shall maintain an itemized account for each application and shall supply a copy of the account to an applicant upon request. The Chief Financial Officer of the Township shall periodically advise the Planning Clerk of the balance of all escrow accounts and when additional funds are required. It shall be the obligation of the Administrative Clerk to notify the applicant of the amount needed and to notify the appropriate municipal board of any refusal or failure to properly make any payments required.

F. If an applicant desires a court reporter, the applicant shall arrange for the reporter's attendance and pay the cost for taking testimony, transcribing it, and providing a copy of the transcript to the Township

G. Either Board shall include, as a condition to approval of any application, that any additional fees required as a result of the approval be paid by the applicant to Waterford Township.

176-20.1 Administrative Review

Applications for development which do not require Planning Board or Board of Adjustment approval shall be reviewed by the Administrative Review Committee. These include, but are not limited to, applications as defined in Section 176-9[190]a & b, grading plans, municipal road opening permits, driveway paving permits, and the like. Filing fee - \$15.00 Escrow - \$300.00.

176-20.2 General fees applicable to Planning Board and Board of Adjustment Applications

A. Publication of Decision \$25.00

B. List of adjoining property owners within 200' - not to exceed \$.25 per name or \$10.00, whichever is greater.

C. Extension of Approvals. Filing fee- \$100.00. Escrow- \$150.00.

176-20.3 Review for Interpretation, Guidance or clarification

A. Planning Board informal review of Conceptual Minor Subdivision or Site Plan [limited to one 30-minute session for non-binding advice]. Filing Fee- \$200.00. Escrow-\$2000.00 [if applicant requests input from Board Engineer]. Application fee \$200.00 Escrow fee \$500.00 engineering plus \$250.00 legal

B. Planning Board informal review of Conceptual Major Subdivision or Site Plan [non-binding advice]. Filing Fee- \$300.00. Escrow- \$4000.00 plus \$500.00 per acre (first ten acres) and \$200.00 per acre (each additional acre).(application fee \$200.00 and escrow fee \$500.00 engineering plus \$250.00 legal)

C. Board of Adjustment- Interpretation of Chapter 176. Filing Fee- \$200.00. Escrow-\$500.00 engineering plus \$250.00 legal.

D. Board of Adjustment- Appeal of Zoning Official's decision. Filing Fee- \$200.00. Escrow- \$500.00 engineering plus \$250.00 legal.

E. Board of Adjustment- Certification of Preexisting Use. Filing Fee-\$200.00. Escrow - \$250.00.

F. Informal Workshop meeting with the Zoning Official and Pinelands Representative to discuss potential development. Filing Fee- \$0. Escrow- \$300.00 [if applicant requests Engineer be present].

176-20.4 Variance Applications

Applications for each variance requested or required under N.J.S.A. 40:55D-70(a), (b), (c), or (d). Filing Fee -Residential-\$100.00, Nonresidential-\$200.00. Escrow-\$500.00 for "C" \$1000.00 for "D").

176-20.5 Temporary Use

Applications in accordance with Section 176-12.3. Filing Fee - Residential - \$100.00, Nonresidential -200.00. Escrow - \$250.00.

176-20.6 Minor Site Plan

Applications in accordance with Section 176-37. Filing Fee - \$200.00. Escrow - \$2000.00.

176-20.7 Preliminary Major Site Plan

Applications in accordance with Section 176-40. Filing Fee-\$300.00. Escrow- \$4000.00 plus \$500.00 per acre (first ten acres) and \$200.00 per acre (each additional acre).

176-20.8 Final Major Site Plans

Applications in accordance with Section 176-42. Filing Fee- \$300.00. Escrow - (\$2500.00 plus \$300.00 per acre (first ten acres) and \$200.00 per acre (each additional acre).

176-20.9 Amended Site Plans

Applications in accordance with Section 176-37, 40 or 42. Filing Fee-\$200.00.
Escrow- (\$1000.00).

S176-20.10 Minor Subdivision

Applications in accordance with Section 176-37. Filing Fee-\$200.00. Escrow-\$2000.00.

176-20.11 Preliminary Major Subdivision

Applications in accordance with Section 176-40. Filing Fee-\$300.00. Escrow - \$2,000.00 for first Slots plus \$100.00 for each additional lot (\$4000.00 plus \$200.00 per lot (first ten lots) and \$100.00 per lot (each additional lot).

176-20.12 Final Major Subdivision

Applications in accordance with Section 176-42. Filing Fee-\$300.00. Escrow- \$1,000.00 for first 5 lot pins \$50.00 for each additional lot (\$2500.00 plus \$100.00 per lot (first ten lots) and \$50.00 per lot (each additional lot).

176-20.13 Amended Subdivision

Applications in accordance with Section 176-37, 40 or 42. Filing Fee-\$200.00. Escrow-\$1000.00.

176-20.14 Conditional Use [not including required Site Plan or Subdivision Review fees when applicable]

All Conditional uses require Planning Board review. Filing Fee-\$200.00 in addition to Preliminary and final Major Site Plan if site changes are proposed). Escrow-\$1000.00 in addition to Preliminary and Final Major Site Plan if site changes are proposed).

176-20.15 Copy of Minutes, Transcripts or Decisions

\$1.00 a page for the first copy of each page of minutes or decisions, plus \$0.25 for each additional copy of said page.

Certified copies of transcripts must be ordered through the recording secretary. A cost estimate will be provided by the Transcription Service.

176-20.16 Copy of Chapter 176 Land Use & Development Regulations and Zoning Map

Ordinance- \$50.00 Zoning Map- \$5.00

176-20.17 Forestry Permit

NOV 25 2013

Fee- \$25.00 Administrative Fee upon issuance- \$250.00

176-20.18 Tax Map Update

Subdivision 1-3 lots = \$150 per lot 4-10 lots = \$100 per lot 11-25 lots = \$1250
26-50 lots = \$2500 more than 50 lots = \$3500

176-21 Insurance Requirements

As a condition of approval, every applicant for major subdivision and site plan approval shall be required to produce evidence of a comprehensive general liability insurance policy in an amount not less than \$300,000.00 per occurrence, indemnifying and saving harmless Waterford Township and its agencies, employees and agents from any liability for any act of the developer or his agents, contractors or employees in the implementing of the approved plan. A certificate of insurance issued by an insurance carrier authorized to conduct business within the State of New Jersey shall constitute acceptable evidence of such coverage. The applicant shall be required to maintain such insurance until all improvements are completed and, if required; a final Certificate of Occupancy is provided.



**JEFFERIS
ENGINEERING
ASSOCIATES, LLC**

APP# 19840389009
Doc Type 110

NOV 25 2013

Scanned 


November 21, 2013

Waterford Township
2131 Auburn Avenue
Atco, NJ 08004

Attn: Mr. Edward Toussaint, Construction Official/Zoning Officer

Subject: **Informal Workshop Meeting Request Application**
Use of Sod Production Farm for Temporary Soccer Fields
South Jersey Barons Youth Club, Inc. and MSSL, Inc.
@Tuckahoe Turf Farms
401 N. Myrtle Avenue
Multiple Parcels

Block 292, Lot 1
Block 293, Lot 1
Block 294, Lots 2 & 3
Block 297, Lots 1, 3, and 7-11
Block 298, Lots 1-8
Block 299, Lots 1-4

Waterford Township, Camden Co., NJ
JE A File #13-MSSL-004

Dear Mr. Toussaint,

This letter and the attached application documents are being submitted in response to our conversation yesterday about the above referenced facility and per your request.

Pursuant to our conversation yesterday and concerns that you had expressed, our office understands that the current use of the sod farm at the above referenced parcels, which are owned and operated by Tuckahoe Turf Farms, for soccer fields by the South Jersey Barons Youth Club, Inc. and MSSL, Inc. may, in your opinion, require site plan approval from the Township and The Pinelands Commission.

As you are aware, South Jersey Barons Youth Club, Inc. and MSSL, Inc. have been utilizing the sod production portions of Tuckahoe Turf Farm for the past few years as soccer fields for their respective games, practices, and tournaments. This soccer use does not involve the construction of any permanent structures or parking areas, and consists simply of utilizing areas of sod for soccer fields and areas where sod has been harvested as temporary parking areas. The enclosed narrative and illustration provide further description of the current soccer use.

In that the existing property is qualified farmland, the applicants believe that the existing soccer use may not necessarily warrant site plan approval as it may be considered an acceptable agribusiness activity. However, in response to your concerns and to respond in a timely manner, we are submitting the enclosed application to request an Informal Review with Zoning Official, Pinelands Commission Representative, and Township Engineer to review and discuss applicability of site plan approval and determine the appropriate requirements for a site plan application, if deemed warranted. Following this meeting and determination of what approvals, if any, will be required for this existing use, the two organizations can then work to prepare and submit appropriate plans, documents, and applications for review and approval.



JEFFERIS
ENGINEERING
ASSOCIATES, LLC.

SOUTH JERSEY BARONS YOUTH CLUB, INC. & MSSL, INC.
SOCCER FIELDS AT TUCKAHOE TURF FARM
WATERFORD TOWNSHIP,
CAMDEN COUNTY, NJ

NOV 25 2013

Accordingly, we are forwarding the following documents for an Informal Review Workshop meeting:

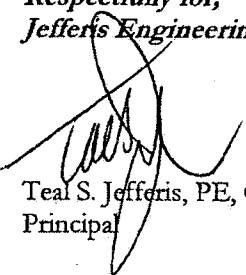
- One (1) completed copy of the Department of Planning & Zoning Application (*This is being hand delivered directly by the applicant under separate cover*)
- One (1) completed copy of the Waterford Township Fee and Escrow Agreement
- One (1) check in the amount of \$300.00 for escrow for participation by the Township's Planning Board Engineer.
- Three (3) copies of a Project Description, dated November 22, 2013
- Three (3) copies of Tuckahoe Turf Fields – representative layout of fields and use, prepared by MSSL, undated.
- Three (3) copies of Tax Map Exhibit, dated November 21, 2013.

By copy of this letter, we are forwarding one (1) copy of each of the above exhibits and application form to Ms. Rhonda Ward of The Pinelands Commission.

Upon review of the attached application package, please advise as to available dates and times for scheduling an Informal Workshop Meeting to further review and discuss this application.

Should you have any questions or require additional copies or information for this application, please do not hesitate to contact us at your convenience. Thank you.

Respectfully for,
Jefferis Engineering Associates, LLC.


Teal S. Jefferis, PE, CME, CDT
Principal

via email & overnight delivery

cc: Steve Shilling, MSSL –w/copy
Cliff Simmons, SJ Barons Youth Club, Inc.–w/copy
C. Ferrari, SJ Barons Youth Club, Inc.–w/copy
Christopher S. Tarr, Esq- w/copy
James Bett, Tuckahoe Turf Farms–w/copy
Rhonda Ward, NJ Pinelands Commission–w/copy
file

enc.

TOWNSHIP OF WATERFORD

Director of Community Development
2131 Auburn Ave. Atco NJ 08004
856-768-2300 x 5 ~ Fax 856-768-1703
Edward.toussaint@waterfordwp.org

APP# 19840389.w9
Doc Type 110

DEC 11 2013

Scanned 


December 9, 2013

RE: Block 292, Lot 1 with additional lots
401 North Myrtle Avenue

Mr. Betts

On December 5, 2013 a meeting was held at the Waterford Township Municipal building to address the existing violations at the above mentioned property. The violations consist of a High Intensity Recreational Use being conducted on this property. The use would consist of a soccer complex. Other violations would be included in the discussion of a second primary use of the property and lack of a business registration for the organization hosting the second business.

In attendance at this meeting were Chuck Horner and Rhonda Ward from the Pinelands Commission, Teal Jefferis from JEA Engineering, Chris Ferrari representing Barons soccer club, Steve Shilling from MSSL programs, Mr. Betts and Mr. Betts from Tuckahoe Turf Farm as well as the Waterford Township Administrator Larry Ruocco and Ed Toussaint the Director of Community Development for Waterford Township.

It was brought to the attention of the Township Officials as well as the Pineland Commission that this operation has already been in existence for approximately two or three years. The property owners have never applied to the Township for any approvals to conduct this type of business at this location. The applicants were informed that this type of use would not be permitted at his location. The above property is located in an Ag Production zone and does not allow a high intensity recreation use. The bulk of the property at this location has been deed restricted from any further use. The Ag Production area will allow a low intensity use, the use would have to be listed and approved.

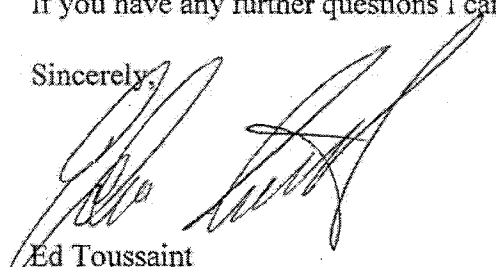
The use was described as the Barons club using the fields seven months a year. Monday through Thursday from 6:00 to 8:30 pm for practices. Saturday and Sunday for those seven months, most of the day hosting approximately eight games a day. The MSSL program using the facility eleven or twelve times a year for a two day period at a time. MSSL generates approximately three to four thousand people per day for each of these events.

If you would like to continue the second use of this property you need to prove a low intensity use is being conducted. Once you have all of the information required to support this, I will have a meeting scheduled including all of the concerned parties to discuss the issues. At this time as of December 5, 2013 you will need to cease any and all of the second use of the property pertaining to the soccer complex.

If you have any further questions I can be reached at the information at the top of this page.

DEC 11 2013

Sincerely,



Ed Toussaint
Director of Community Development

CC. Rhonda Ward NJ Pines

Steve Shilling MSSL

Teal Jefferis JEA Engineering

Chris Ferrari Baron Soccer Club



Chris Christie
Governor
Kim Guadagno
Lt. Governor

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

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



Mark S. Lohbauer
Chairman
Nancy Wittenberg
Executive Director

January 16, 2014

Thomas & George Betts
P.O. Box 309
Hammonton, NJ 08037

Re: Application # 1984-0389.009
Block 292, Lot 1
Block 293, Lot 1
Block 294, Lots 2 & 3
Block 297, Lots 1, 3, & 7 - 11
Block 298, Lots 1-8
Block 299, Lots 1-4
Waterford Township

Dear Messrs. Betts:

We are writing to follow up on the meeting held on December 5, 2013 regarding use of the parcel for soccer activities. The meeting was attended by both of you, members of the Commission staff, Waterford Township officials and representatives of the two athletic organizations conducting the soccer activities.

Our records reflect that the above referenced parcel is located in Waterford Township's AG zoning district. A soccer facility, defined by the Township land use ordinance and the Pinelands Comprehensive Management Plan (CMP) as an "intensive recreational facility, would not be a permitted use in Waterford's AG zoning district.

Additionally, based upon our review of available information, the Pinelands Development Credits (PDCs) allocated to the parcel have been severed and the requisite PDC deed restriction imposed. That deed restriction further limits the permitted land uses on the parcel. The PDC deed restriction would also preclude the establishment of a soccer facility.

At the conclusion of the meeting, it was our understanding that the two concerned athletic organizations would formulate a proposal for possible continued use of the concerned parcel for soccer activities. That proposal would outline the minimum feasible use of the parcel for soccer activities, considering many factors such as number of events, size of events, attendance, projected parking demand and days/months per year of proposed activities. That proposal would be provided to the concerned municipalities and the Commission staff for review.



Depending on the level of soccer activity proposed, the next step would be to discuss with the three potentially affected municipalities the type of site improvements, if any, that would be required for the proposed soccer activities. Once the affected municipalities determine if site improvements would be required and the type of any required improvements, the feasibility of using the parcel for soccer activities could be evaluated. Please submit a copy of the proposal to the affected municipalities and the Commission by January 31, 2014.

It is also our understanding, based upon the information relayed during the December 5, 2013 meeting, that the concerned soccer activities are rotated onto other parcels located in both the Town of Hammonton and Winslow Township. The continuation of the soccer activities on the above referenced parcel in Waterford, or on any other of the concerned parcels require completion of an application with the Pinelands Commission and issuance of approvals by the appropriate municipality.

Please note that we have alerted the Zoning Officers in both Winslow and Hammonton as to the issues relating to the use of the parcel for soccer activities.

We remain available to meet and discuss this matter further with all the concerned parties.

Sincerely,



Charles M. Horner, P.P.

Director of Regulatory Programs

RLW/CH

c: Ed Toussaint, Waterford Director of Community Development
 Larry Ruocco, Waterford Township Administrator
 Jeff Hanson, PE, Environmental Resolutions, Inc.
 Ed McGlinchey, Winslow Township Zoning Officer
 Frank Domenico, Hammonton Zoning Officer
 Steve Shilling, MSSSL
 Teal Jefferis, JEA Engineering
 Chris Ferrari, Baron Soccer Club



MSSL 2014 Planned Usage of Tuckahoe Turf Farms

MSSL, Inc.

MSSL is a not-for-profit (501c3) education corporation dedicated to offering soccer programs. In addition to its league scheduling and player activities, MSSL offers tournaments and festivals throughout the year, including those at Tuckahoe Turf Farms. The following is an anticipated schedule for 2014, and includes expected dates with peak numbers of participants:

Outline of Temporary Tournament Programs

Initial Schedule:

MSSL held soccer tournaments at Tuckahoe Turf Farms in 2013 and years prior. With the success of their program, their program grew each year and the quantity and size of tournaments initially planned for 2014 was to going to increase from those held in 2013. Prior to the meeting held on December 5, 2013 with the Pinelands Commission, at which time the organization was informed that the soccer use was not considered a low intensity recreation use, MSSL had planned the following schedule for 2014 based upon the events held in 2013:

Table #1: 2013 Tournament Events and Initially Planned Events for 2014

Events	Actual Quantity of Fields Utilized 2013 per tournament	Initially Planned Quantity of Fields to be Utilized 2014 per tournament
MSSL Events		
2nd Week March	23	21
3rd Week March	23	23
Easter Weekend (*5)	37	40
Memorial Day Weekend (*4)	34	50
Father's Day Weekend (*4)	44	40
1st Week June (*2)	16	30
1st Week July (*3)	20	15
2nd Week July (*2)	52	52
4th Weekend July (*5)	25	25
Columbus Weekend	30	45
2nd weekend November	35	35
3rd weekend November (*5)	40	40
Thanksgiving Weekend (*5)	35	35
Total Number of Tournaments	13	13
Total Number of Fields Utilized	414	451

February 12, 2014

8 Cornwall Court - East Brunswick NJ 08816

Tel: 732 422 7200 Fax: 732 422 7207 E-Mail: Stats@MSSL.org



Proposed Modified Schedule:

During the meeting held on December 5, 2013, MSSL was informed that the soccer use was not considered a low intensity recreation use and that the number of events held was at issue. MSSL was requested by the Pinelands Commission to re-evaluate their program and reduce the number of events held at the facility to reflect the minimum amount of events necessary for the program's viability. In response to this, MSSL subsequently reviewed their program, capitalization of financial investments, financial viability, and detrimental impacts to public relations with soccer organizations resulting from cancellation/re-locating events. Based upon this evaluation and in order to maintain financial viability for the soccer program, MSSL proposes to reduce the number of events by modifying their schedule for 2014 as follows:

Table #2: Reduced Tournament Schedule for 2014

Events	Actual Quantity of Fields Utilized 2013 per tournament	Modified Quantity of Fields to be Utilized 2014 per tournament	Average Participants Per Team (players & guests)	Approximate Participants at the Facility Per Game/Time Slot (anticipated peak participants (players & guests) during games) (*2)
MSSL Events				
2nd Week March	23	21	25	1,000
3rd Week March	23	23	25	1,150
April Easter Weekend (*5)	37	35	25	1,750
Memorial Day Weekend (*4)	34	30	25	1,500
Father's Day Weekend (*4)	44	30	25	1,500
~~1st Week June (*2)-Lacrosse~~	~~16~~	~~0~~	~~0~~	~~Canceled~~
~~1st Week July (*3) - US Club~~	~~20~~	~~0~~	~~0~~	~~Canceled~~
~~2nd Week July (*2)-Lacrosse~~	~~52~~	~~0~~	~~0~~	~~Canceled~~
4th Weekend July (*5)	25	22	25	1,100
Columbus Weekend	30	30	25	1,500
~~2nd weekend November~~	~~35~~	~~0~~	~~0~~	~~Canceled~~
3rd weekend November (*5)	40	40	25	2,000
Thanksgiving Weekend (*5)	35	35	25	1,750
Total Number of Events	13	9		
Total Number of Fields Utilized	414	266 (Reduction of ~36% as compared to 2013)		

February 12, 2014

8 Cornwall Court - East Brunswick NJ 08816

Phone: 732 433 7300 Fax: 732 433 7307 E-Mail: Steve@MSSL.com



FEB 14 2014

- (*1) The number of participants at the facility will vary from game to game throughout the day as teams are eliminated, participants leave the facility, participants arrive, etc. The participants per team are 25.
- (*2) This program was run by a lacrosse group and the fields were prepared by MSSL. This program has relocated in an effort to reduce usage.
- (*3) This program was run by US Club, but the event preparation and management was handled by MSSL.
- (*4) League Championship. All games must be at one location.
- (*5) College Showcase. More teams provide college coaches more options

Provisioning for Temporary Tournament Programs

As a functioning sod farm, the tournament programs require complete set-up and breakdown each weekend. There are no permanent structures at the site and normally the only equipment that stays in place after the weekend are the portable toilet facilities. All field markers, goals, parking perimeter marking, trash cans, dumpsters, tents and all equipment is removed so that the irrigation equipment and grass cutters can have an unimpeded path.

The location of the fields generally rotates after three events. Exhibit titled "Zoning Exhibit-Hammonton Tracts" (Sheet ZE-1) shows the various locations that will be used for tournament fields and parking during 2014.

Provisions for Parking

All parking is established on areas adjoining the fields that have recently been harvested for sod, as coordinated with the facility owner. During the week staff will create temporary rope lines to delineate traffic and parking instructions and signage. Generally, traffic will be channeled to/from Route 206 via multiple routes.

Coordinated with the property owner, MSSL uses a single parking location that simplifies the process and provides maximum control. The entry and parking are fully controlled by event staff. No open flames or "tailgating" is permitted. All parking is monitored by staff throughout the weekend.

Monday clean-up operations typically remove all parking lot delineation ropes and traffic cones. "No Parking" signs are posted throughout the facility to ensure that all parking is in the designated lot. Staff members patrol the facility to ensure that vehicles park in designated zones.

Traffic Control

The MSSL group will make arrangements with local police to provide for traffic control at major intersections. Event staff will flag/direct cars into designated parking areas. MSSL also implements a traffic control plan for exiting traffic that utilizes flagmen and traffic cones to direct exiting traffic from the facility.

Placements of Portable Toilets and Trash Container

MSSL has a contract with a local provider for both the portable toilets and a dumpster for garbage removal. The provisions are dropped off mid-week for the event. The garbage container is removed weekly by the trash hauling firm.

February 12, 2014

8 Cornwall Court - East Brunswick NJ 08816
Phone 732-432-7200 Fax: 732-432-7207 E-Mail: Steve@MSSL.org



Each field has a garbage receptacle at the mid-field on both sides. The event court, portable toilets and common area are also provisioned with garbage receptacles. Throughout the event, tournament staff police the fields and monitor the garbage receptacles, and then remove and dispose of the garbage bags from the receptacles into the large container. The large garbage container is removed after each weekend.

Structures

There are no permanent structures installed or utilized by MSSL's program. A temporary storage container placed in the parking area is utilized for storage of supplies, equipment and lining supplies. Goals are placed for the event on Thursday or Friday and then removed from the fields by Monday. Each field is provisioned with corner flags and player benches.

Temporary tents are utilized for food service and registrations for the weekend. All tents, vehicles and support equipment are removed after each weekend.

Field Usage and Layouts

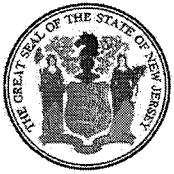
Field Layouts and capacity estimates vary by event, date and weather conditions at the events. The numbers of fields and games vary based on duration of the day and other scheduling considerations (e.g., competitive format, daylight savings, SAT testing date, etc.). As a result, we estimated the peak number of participants per scheduled time slot in the table above.

Tournaments

MSSL plans to hold nine (9) soccer tournaments at the facility in 2014. MSSL set up 2 lacrosse events on a fee basis during the previous year. As initially discussed with representatives of the Pineland Commission with regard to their request to limit use to a "critical sustainable level", MSSL has canceled the two (2) lacrosse tournaments and one (1) soccer tournament and reduced planned levels by almost 20% compared to past year programs as originally planned for Tuckahoe Turf.

MSSL reviewed pro forma data to establish the minimum viable operation. Based on that review, we have reduced two tournaments and planned field usage by over 20%. Our analysis found that this level represents the economic crossover point of viability. These are all relatively high-cost events due to the needs to set up and completely remove equipment after each event. In our opinion, any major reductions would jeopardize the successful operation of the programs and financial viability.

February 12, 2014



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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

April 21, 2014

Thomas & George Betts
P.O. Box 309
Hammonton, NJ 08037

Re: Application # 1984-0389.009
Block 5001, Lots 4 - 7
Block 5601, Lots 1 - 3, 5 - 6, & 8 - 9
Block 5602, Lots 3 - 7
Town of Hammonton

Dear Messrs. Betts:

We have completed our review of the information received on February 14, 2014 proposing the use of the above referenced approximately 307 acre parcel (the "parcel") in Hammonton as soccer fields for practice, games and tournaments ("organized soccer activities.") The parcel is located in Hammonton's Agricultural Production zoning district, within a Pinelands Agricultural Production Area. Additionally, all of the lots, with the exception of Block 5001, Lot 4, are subject to the terms of a Pinelands Development Credit deed restriction that permanently limits use of those lots to agriculture, forestry, low intensity recreation and certain agriculturally related facilities.

In October of 2013, it was brought to our staff's attention that the parcel was being used for organized soccer activities without application to or approval by the Commission. At our December 5, 2013 meeting, we agreed that the two soccer organizations using the parcel (the MSSL and the South Jersey Barons) would provide the Commission with a proposal outlining the organized soccer activities envisioned for calendar year 2014. We received that proposal on February 14, 2014. In summary, it involves use of the parcel for nine weekend tournament events, as well as weekly use of the parcel for practices and games from March through November. As many as 2,000 people might be in attendance during the tournaments, with a maximum of 160 people in attendance during weekly practices and games.

Recreational uses permitted in the Pinelands Agricultural Production Area and Hammonton's AP zoning district are limited to low intensity recreational facilities. This term is defined, both in the Pinelands Comprehensive Management Plan (CMP) and Hammonton's land use ordinance, to mean only those recreational uses that utilize and depend on the natural environment of the Pinelands and require no significant modification of that environment other than to provide access, and which have an insignificant impact on surrounding areas or on the environmental integrity of the area. Examples of low intensity recreational uses provided in the CMP include hiking, hunting, trapping, fishing, canoeing,



nature study, orienteering, horseback riding and bicycling. Intensive recreational uses are not permitted in a Pinelands Agricultural Production Area or in Hammonton's AP zoning district.

Based on our review of the proposal, the zoning and Pinelands management area designation, and the Pinelands Development Credit deed restriction that applies to the parcel, we have concluded that the proposed organized soccer activities do not constitute a low intensity recreational use and are, therefore, not a permitted land use on the parcel.

Continued use of the parcel for organized soccer activities would constitute a violation of Hammonton's land use ordinance, the Pinelands CMP and the Pinelands Development Credit deed restriction. Please cease all organized soccer activities on the parcel.

We remain available to meet to discuss this matter. If you have any questions, please contact Rhonda Ward of the Regulatory Programs staff.

Sincerely,



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

c: Frank Domenico, Hammonton Zoning Officer
Ed Toussaint, Waterford Director of Community Development
Larry Ruocco, Waterford Township Administrator
Jeff Hanson, P.E., Environmental Resolutions
Ed McGlinchey, Winslow Township Zoning Officer
Steve Shilling, MSSSL
Chris Ferrari, South Jersey Barons Youth Club
Teal Jefferis, JEA Engineering
Susan Payne, Executive Director, State Agricultural Development Committee

RECEIVED
MAY - 6 2014
ATLANTIC COUNTY AGRICULTURE DEVELOPMENT BOARD

6260 Old Harding Highway
Mays Landing, New Jersey, 08330
(609) 625 - 3144

May 2, 2014

APP# 19840389.009

Doc Type 110

MAY 6 2014

Scanned 

TO: NJ Pinelands Commission ✓
State Agriculture Development Committee
Town of Hammonton
Camden County CADB

From: Ranae L. Fehr, ACADB Administrator  

Re: Resolution regarding activities and events held at Tuckahoe Turf Farms
in the Town of Hammonton, Atlantic County

Enclosed please find a copy of a resolution adopted by the Atlantic County Agriculture Development Board (ACADB) at its February 18, 2014 meeting. The resolution concerns activities and events held at Tuckahoe Turf Farms, located in the Town of Hammonton in Atlantic County.

While the ACADB did not consider an official request for action pursuant to the Right to Farm Act, the Board did review correspondence from Tuckahoe Turf Farms (TTF) as well as receive comments at its February 18 meeting from representatives of Tuckahoe Turf Farms, regarding agritourism activities and events held on the farm.

Based on the information presented, the Board adopted a resolution in support of Tuckahoe Turf Farm's efforts to pursue agritourism activities and events that seek to promote its sod product, recognizing that sod farms are a unique agricultural operation with limited opportunity for on-farm direct marketing of their product.

If you have any questions, please contact me at 609-645-5898, or Dave Reilly, ACADB Administrator, at 609-625-3144. Thank you.

RECEIVED
MAY - 6 2014

ATLANTIC COUNTY AGRICULTURE DEVELOPMENT BOARD

6260 Old Harding Highway
Mays Landing, New Jersey, 08330
(609) 625 - 3144

**RESOLUTION OF THE ATLANTIC COUNTY AGRICULTURE DEVELOPMENT BOARD
REGARDING ACTIVITIES AND EVENTS HELD AT TUCKAHOE TURF FARMS IN THE
TOWN OF HAMMONTON, ATLANTIC COUNTY**

WHEREAS, the Right to Farm Act, N.J.S.A. 4:1C-1 et seq. protects eligible commercial farmers from public and private nuisance actions and unduly restrictive municipal regulations:

1. The following requirements must be met to receive protection under the Act:

- The farm must qualify as a commercial farm
- The farm must be located in an area in which agriculture is a permitted use
- The operation must be in compliance with relevant state and/or federal statutes and rules
- The operation must not pose a direct threat to public health and safety
- The operation or activity must be conducted in compliance with standards contained in Agricultural Management Practices (AMPs) that have been promulgated by the State Agriculture Development Committee (SADC) or with generally accepted agricultural practices, and

2. Within the Act, at N.J.S.A. 4:1C-9 commercial farms that meet the eligibility requirements may, among other activities, "Conduct agriculture-related educational and farm-based recreational activities provided that the activities are related to marketing the agricultural or horticultural output of the commercial farm."

3. At its January 31, 2014 meeting, the SADC approved an AMP for On-Farm Direct Marketing Facilities, Activities and Events, and revised Right to Farm Procedures.

4. These new rules will become effective on publication in the NJ Register in Spring 2014.

5. The new rule at N.J.A.C. 2:76-2A.13(b) defines a number of words and terms utilized in the On-Farm Direct Marketing AMP:

a. "On-Farm Direct Marketing" is defined as "...the on-farm facilities, activities, and events that are used to facilitate and provide for direct, farmer-to-consumer sales of the agricultural output of the commercial farm and products that contribute to farm income."

b. The definition of "Farm-based recreational activities" includes examples of activities and related infrastructure not considered farm-based recreational activities, which includes among other activities ATHLETIC FIELDS.

WHEREAS, Tuckahoe Turf Farms is located within the Town of Hammonton in Atlantic County, and Waterford Township and Winslow Township in Camden County:

1. Tuckahoe Turf Farms has grown turf grass since 1967, serving both residential and commercial clients, including the NFL and MLB.
2. Athletic fields account for roughly 80% of Tuckahoe Turf Farm's current sales.
3. There are currently a limited number of sod-producing farms in the State of New Jersey.
4. There are limited opportunities for agritourism and on-farm direct marketing activities on sod farms, due to the nature and type of their agricultural output.
5. Tuckahoe Turf Farms has developed an innovative and unique form of agritourism, by allowing a limited number of athletic tournaments to take place on the farm each year:
 - a. These events are limited to two to three days at one time on a seasonal basis, and are scheduled to avoid impact on farm operations.
 - b. These events expose participants and visitors to the farm, its equipment, harvesting activities, and the different stages of growth and development of the turf grass.
 - c. The organizations participating in these events provide direct reference and links to Tuckahoe Turf Farms on their websites, resulting in increased exposure.
 - d. These activities result in direct sales for Tuckahoe Turf Farms, particularly for athletic fields, because organizations and participants utilize and are exposed to the farm product.
 - e. These activities also promote the use of natural turf, as opposed to synthetic turf, the sale and use of which threatens the long-term viability of turf grass farms.
 - f. Tuckahoe Turf Farms rotates the fields used for these events to minimize wear and the areas being utilized for these events remain in agricultural production.
 - g. Parking for the events is located on areas of the farm which have recently been harvested and are awaiting re-planting.

WHEREAS, on December 17, 2013, David Reilly of the Cape Atlantic Soil Conservation District visited the site with Frank Domenico, Town of Hammonton Zoning Officer, and observed that boundary lines for soccer fields had been applied to sections of sod field at the farm, but did not see any evidence of other site work or land disturbance, and that the activities could be exempt from filing of an Application for a Soil Erosion and Sediment Control Plan Certification with the District.

Now, Therefore, Be It Resolved by the Atlantic County Agriculture Development Board:

1. The Atlantic County Agriculture Development Board supports the Tuckahoe Turf Farm's efforts to pursue agritourism events and activities that are compatible with and help to advance direct, farmer-to-consumer sales of the agricultural output of the farm, including limited athletic tournaments held on the farm.

2. The Board recognizes these specific activities held at Tuckahoe Turf Farms as another example of a farm-based recreational activity uniquely suited to occurring on the farm and should not have been specifically excluded from the AMP for On-Farm Direct Marketing Facilities, Activities and Events.
3. The Board urges the SADC to consider the unique nature of a turf grass/sod farm and the limited opportunities that are available to directly market this specialized product.
4. The Board has not reviewed eligibility of the farm operation for Right to Farm protections, nor has it fully reviewed the operation's conformance with the remaining elements of the AMP for On-Farm Direct Marketing Facilities, Activities and Events.
5. A copy of this resolution shall be forwarded to the State Agriculture Development Committee, the Camden County CADB, NJ Pinelands Commission, and the Town of Hammonton.

Adopted February 18, 2014 by the Atlantic County Agriculture Development Board:



Jerry DeFiccio, Chairman

**RESOLUTION OF THE CAMDEN COUNTY AGRICULTURE DEVELOPMENT
BOARD REGARDING ACTIVITIES AND EVENTS HELD AT TUCKAHOE TURF
FARMS IN THE TOWNSHIPS OF WINSLOW AND WATERFORD**

WHEREAS, the Right to Farm Act, N.J.S.A. 4:1C-1 et seq. protects eligible commercial farmers from public and private nuisance actions and unduly restrictive municipal regulations:

1. The following requirements must be met to receive protection under the Act:
 - The farm must qualify as a commercial farm
 - The farm must be located in an area in which agriculture is a permitted use
 - The operation must be in compliance with relevant state and/or federal statutes and rules
 - The operation must not pose a direct threat to public health and safety
 - The operation or activity must be conducted in compliance with standards contained in Agricultural Management Practices (AMPs) that have been promulgated by the State Agriculture Development Committee (SADC) or with generally accepted agricultural practices, and
2. Within the Act, at N.J.S.A. 4:1C-9 commercial farms that meet the eligibility requirements may, among other activities, "Conduct agriculture-related educational and farm-based recreational activities provided that the activities are related to marketing the agricultural or horticultural output of the commercial farm."
3. At its January 31, 2014 meeting, the SADC approved an AMP for On-Farm Direct Marketing Facilities, Activities and Events, and revised Right to Farm Procedures.
4. These new rules will become effective on publication in the NJ Register in Spring 2014.
5. The new rule at N.J.A.C. 2:76-2A.13(b) defines a number of words and terms utilized in the On-Farm Direct Marketing AMP:
 - a. "On-Farm Direct Marketing" is defined as "...the on-farm facilities, activities, and events that are used to facilitate and provide for direct, farmer-to-consumer sales of the agricultural output of the commercial farm and products that contribute to farm income."
 - b. The definition of "Farm-based recreational activities" includes examples of activities and related infrastructure not considered farm-based recreational activities, which includes among other activities ATHLETIC FIELDS.

WHEREAS, Tuckahoe Turf Farms is located within the Town of Hammonton in Atlantic County, and Waterford Township and Winslow Township in Camden County:

1. Tuckahoe Turf Farms has grown turf grass since 1967, serving both residential and commercial clients, including the NFL and MLB.
2. Athletic fields account for roughly 80% of Tuckahoe Turf Farm's current sales.

3. There are currently a limited number of sod—producing farms in the State of New Jersey.
4. There are limited opportunities for agritourism and on-farm direct marketing activities on sod farms, due to the nature and type of their agricultural output.
5. Tuckahoe Turf Farms has developed an innovative and unique form of agritourism, by allowing a limited number of athletic tournaments to take place on the farm each year:
 - a. These events are limited to two to three days at one time on a seasonal basis, and are scheduled to avoid impact on farm operations.
 - b. These events expose participants and visitors to the farm, its equipment, harvesting activities, and the different stages of growth and development of the turf grass.
 - c. The organizations participating in these events provide direct reference and links to Tuckahoe Turf Farms on their websites, resulting in increased exposure.
 - d. These activities result in direct sales for Tuckahoe Turf Farms, particularly for athletic fields, because organizations and participants utilize and are exposed to the farm product.
 - e. These activities also promote the use of natural turf, as opposed to synthetic turf, the sale and use of which threatens the long-term viability of turf grass farms.
 - f. Tuckahoe Turf Farms rotates the fields used for these events to minimize wear and the areas being utilized for these events remain in agricultural production.
 - g. Parking for the events is located on areas of the farm which have recently been harvested and are awaiting re-planting.

WHEREAS, on December 17, 2013, David Reilly of the Cape Atlantic Soil Conservation District visited the site with Frank Domenico, Town of Hammonton Zoning Officer, and observed that boundary lines for soccer fields had been applied to sections of sod field at the farm, but did not see any evidence of other site work or land disturbance, and that the activities could be exempt from filing of an Application for a Soil Erosion and Sediment Control Plan Certification with the District.

WHEREAS, Craig McGee of the Camden County Soil Conservation District has visited the site on several occasions and concurs with the Atlantic County Soil Conservation District that the activities discussed herein are exempt from the filing of an Application for a Soil Erosion and Sediment Control Plan Certification.

Now, Therefore, Be It Resolved by the Camden County Agriculture Development Board:

1. The Camden County Agriculture Development Board supports the Tuckahoe Turf Farm's efforts to pursue agritourism events and activities that are compatible with and help to advance direct, farmer-to-consumer sales of the agricultural output of the farm, including limited athletic tournaments held on the farm.

2. The Board recognizes these specific activities held at Tuckahoe Turf Farms as another example of a farm-based recreational activity uniquely suited to occurring on the farm and should not have been specifically excluded from the AMP for On-Farm Direct Marketing Facilities, Activities and Events.
3. The Board urges the SADC to consider the unique nature of a turf grass/sod farm and the limited opportunities that are available to directly market this specialized product.
4. The Board has not reviewed eligibility of the farm operation for Right to Farm protections, nor has it fully reviewed the operation's conformance with the remaining elements of the AMP for On-Farm Direct Marketing Facilities, Activities and Events.
5. A copy of this resolution shall be forwarded to the State Agriculture Development Committee, NJ Pinelands Commission, the Town of Hammonton and the Townships of Waterford and Winslow.

Adopted May 13, 2014 by the Camden County Agriculture Development Board:

John Rigolizzo, Jr., Chairman



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
New Lisbon, NJ 08064
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General Information: Info@njpinelands.state.nj.us
Application Specific Information: AppInfo@njpinelands.state.nj.us



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

July 17, 2014

Howard C. Long, Jr., Esquire
Wade, Long, Wood & Kennedy, LLC
1250 Chews Landing Road, Suite 1
Laurel Springs, NJ 08021

Re: Soccer Events at Tuckahoe Turf Farm
Block 5001, Lots 4 - 7
Block 5601, Lots 1 - 3, 5 - 6, & 8 - 9
Block 5602, Lots 3 - 7
Town of Hammonton

Dear Mr. Long:

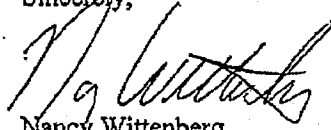
At our May 19, 2014 meeting, I agreed that the soccer events occurring at the Tuckahoe Turf could temporarily continue, pending the Commission staff's receipt and review of contracts and other documentation demonstrating a contractual obligation on the part of the owners of Tuckahoe Turf Farm that require these events to occur. After reviewing the information submitted by Jeffrey I. Baron, Esq. on behalf of the Mid-Atlantic Soccer Showcase League (MSSL) and the South Jersey Barons on May 28, 2014, I have determined that the information submitted fails to demonstrate a pre-existing legal obligation on behalf of the owners of the Tuckahoe Turf Farm to continue use of the Turf Farm for soccer events. As a result, use of Tuckahoe Turf Farm for organized soccer practices and events must cease after August 31, 2014.

As you are already aware, Tuckahoe Turf Farm is subject to a Pinelands Development Credit (PDC) deed restriction. (See also N.J.A.C. 7:50-5.47(b)3.) This PDC deed restriction was voluntarily executed and filed by the owners of Tuckahoe Turf Farm in the mid 1990's when they decided to sever the PDCs from the farm, obtain PDC certificates from the PDC Bank and ultimately sell their PDCs through a private market transaction for \$276,500. With regard to recreational activities, that deed restriction permanently limits the use of the property to low intensity recreation, which does not include organized soccer practices and/or events. The Pinelands Comprehensive Management Plan's (CMP) definition of low intensity recreation (i.e. recreational facility, low intensive) does not encompass organized sporting practices/events. N.J.A.C. 7:50-2.11.

Moreover, even if the property were not subject to the PDC deed restriction, organized soccer practices and/or events would still not be permitted on the property. The property is located within an Agricultural Production Area. The Pinelands Comprehensive Management limits new recreational uses in this management area to low intensity recreational uses. N.J.A.C. 7:50-5.24(a)6.

Please be advised that should organized soccer practices and events continue to occur at Tuckahoe Turf Farm after August 31, 2014, the Commission will have no choice but to avail itself of all available legal avenues to ensure compliance with the requirements of the Pinelands Protection Act and the Pinelands CMP.

Sincerely,



Nancy Wittenberg
Executive Director

c: Jeffrey Baron, Esq.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey
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www.nj.gov/pinlands

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



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

August 6, 2014

Frank Formica, Chairman
Atlantic County Board of Chosen Freeholders
Stillwater Building
201 Shore Road
Northfield, NJ 08225

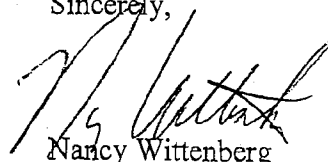
Chairman Formica:

Thank you for your letter to Chairman Lohbauer forwarding Resolution No. 343-14 adopted by the Atlantic County Board of Chosen Freeholders and endorsing the use of the Tuckahoe Turf Farm for soccer tournaments. The Commission appreciates the Board's interest in this matter.

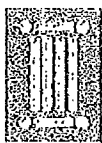
The use of the Tuckahoe Turf Farm for organized soccer events is regulated by both the Pinelands Commission, through the Comprehensive Management Plan (CMP) and the municipalities in which it is located, through their respective land use ordinances. The Tuckahoe Turf farm is located in a Pinelands designated Agricultural Production Area (APA). The Pinelands CMP specifies the distribution and intensity of development and land use that is allowed in APAs. The use of this land is also limited by a deed of conservation restriction that has been in place since 1996. The CMP designation as APA and the deed restriction limit the use of the land allowing for only agriculture, forestry and low intensity recreation. The deed restriction was imposed when the land owner voluntarily sold the Pinelands Development Credits (PDCs) associated with the land. The sale of the PDCs for \$276,500 served to compensate the property owners for the use and development limitations. In addition to the issues associated with these land use restrictions, the soccer tournaments are occurring without municipal or Pinelands Commission approvals.

We have and will continue to work with the land owner and the soccer organizations on this matter.

Sincerely,


Nancy Wittenberg
Executive Director

C: Mark Lohbauer



GENOVA
BURNS
GIANTOMASI
WEBSTER
ATTORNEYS-AT-LAW

Genova Burns Giantomasi Webster LLC
494 Broad Street, Newark, NJ 07102
t: 973.533.0777 f: 973.533.1112
Web: www.genovaburns.com

Newark, NJ | New York, NY | Camden, NJ | Red Bank, NJ | Philadelphia, PA | Jersey City, NJ | Washington, DC

William F. Harrison, Esq.
Partner
Member of NJ Bar
wharrison@genovaburns.com
Direct: 973-535-4430

August 6, 2014

VIA EMAIL AND OVERNIGHT MAIL

Ms. Nancy Wittenberg
Executive Director
State of New Jersey
The Pinelands Commission
P.O. Box 359
New Lisbon, NJ 08064

Re: Tuckahoe Turf Farms, Inc.

Dear Director Wittenberg:

This firm represents Tuckahoe Turf Farms, Inc. ("Tuckahoe Turf") in connection with the referenced matter. Please accept this letter in response to your letter dated July 17, 2014 and in support of Tuckahoe Turf's request that soccer activities be allowed to continue on the referenced property (the "Property" or "Farm").

Tuckahoe Turf has been in operation at the Property for over thirty (30) years as a grower of turf products. Tuckahoe Turf's crops are high-quality, long lasting grasses which are sold for residential and commercial uses, athletics fields and parks. Unfortunately, as with other agricultural uses, turf farms struggle to stay in operation. Prior to 2008, Tuckahoe Turf's primary customers were residential and commercial developers. As a result of the recession in 2008, the sales to developers dramatically declined and overall sales dropped by fifty percent (50%). To continue to exist as a business, it was necessary for Tuckahoe Turf to find innovative ways to remain competitive and market its products.

In order to promote the marketing and the sale of its crop and to supplement revenue, Tuckahoe Turf has entered into an agreement with the South Jersey Barons for soccer events for a five (5) year term beginning August 1, 2010 and continuing through July 31, 2015, with an additional five (5) year renewal option. The agreement expressly provides for the "coordination of such events on crop of approximately 50 to 75 acres." The soccer activities include soccer practice and soccer tournaments, which are held on the existing turf fields. Both the South Jersey Baron and the Mid-Atlantic Soccer Showcase League ("MSSL") have been utilizing the Farm for soccer pursuant to this agreement. The turf fields used for soccer are based on the rotation of the crop to protect the harvest, and no restoration or replanting is

Ms. Nancy Wittenberg
Executive Director
August 6, 2014
Page 2

necessary after the games. Additionally, there is no impact on the Property as all equipment is temporary and removed upon completion of the games. Parking occurs only on fallow land primarily where the crop was recently harvested and in areas where the land does not serve an agricultural purpose at that time.

The soccer activities are incidental to and complement the farming operations and they are integral to the turf business. The Farm's use for soccer events has promoted Tuckahoe Turf's crop by bringing in potential customers from throughout the eastern United States to experience the quality and use of Tuckahoe Turf's crop firsthand. This has created numerous business opportunities for Tuckahoe Turf, and its revenue has been significantly enhanced through sales that have resulted from the use of the Farm for these soccer events. These have included sales to school board and municipal and county governments for recreational fields. These sales have been a direct result of government officials coming to the Farm as parents to watch their children play soccer and see the quality of the turf. For local government officials, the choice for recreational fields is between natural and artificial turf. As a result of the local officials seeing firsthand the durability of our turf, we are able to compete successfully with competitors selling artificial turf. In addition to increasing sales to local governments and school boards, the use of the fields for soccer has enhanced our ability to market the turf for professional sports teams. We invite representatives of those teams to see the condition of the turf immediately after its use for soccer and then invite them back to see how quickly the turf recovers. These marketing activities have also resulted in significant sales of turf.

The soccer activities are accessory to the turf farming operations and are permitted as an accessory use under the Pineland's Comprehensive Management Plan ("CMP"). The certified land use ordinances of Hammonton (Section 175-148k), Waterford Township (Section 176-118), and Winslow Township (Section 296-48A(16)) all allow accessory uses as a permitted use in an Agricultural Production Area. The soccer activities are subordinate to the Farm and serve an important part of the marketing efforts of the Farm. They are integral to and necessary for the Farm's continued success. The CMP defines an "accessory structure or use" as a structure or use which:

1. Is subordinate to and serves a principal building or a principal use, including but not limited to the production, harvesting, and storage as well as washing, grading and packaging of unprocessed produce grown on-site; and



Ms. Nancy Wittenberg
Executive Director
August 6, 2014
Page 3

2. Is subordinate in area, extent and purpose to the principal structure or principal building or a principal use served; and
3. Contributes primarily to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served; and
4. Is located on the same parcel as the principal structure or principal use served, except as otherwise expressly authorized by the provisions of this Plan. N.J.A.C. 7:50-2.11.

The soccer activities conducted at the Property meet the four (4) criteria listed above for an accessory use under the CMP. Specifically, the soccer activities are subordinate to and serve the principal use by supporting the turf farm operations and providing a marketing and sales tool for promoting the sale of the turf grown at the Farm. They are also subordinate in area, extent and purpose to the principal use. The soccer activities occur on portions of the Farm, which are rotated regularly depending on the crop harvest. They are also limited to specific dates and times, which are subordinate to and determined by the farming operations, and there are no permanent structures or fields for the soccer games. Additionally, the soccer activities contribute primarily to the necessity of the business of the principal use served. This accessory use contributes to the primary necessity of the business and industry by promoting the agricultural product grown at the turf farm. It also serves as an additional source of revenue that is incidental to the principal use. Lastly, the activities are located on the same parcel as the principal structure or principal use served. For these reasons, we submit that the soccer activities meet the criteria for an accessory use to the Farm and must be allowed to continue on the Property.

Moreover, Tuckahoe Turf's farming operations and accessory soccer activities promote the goals of the CMP as set forth in the Pinelands Protection Act (the "Act"). N.J.S.A. 13:18A-1 et seq. One of the goals of the CMP for the Protection Area is promoting "the continuation and expansion of agricultural uses" N.J.S.A. 13:18A-9(b)3. New Jersey has lost 3,286 acres of natural turf farm land since 2007. The Census states that production in 2007 consisted of 9,425 acres by forty (40) farms totaling \$40 million in sales. In 2012, the acreage dropped to 6,139 acres produced by 35 farms totaling just under \$19 million. These numbers demonstrate the loss of natural turf grass production, loss of natural turf grass farmers and a reduction in the value per acre of natural turf grass. Tuckahoe Turf cannot continue to farm turf grass without the continued efforts of creating a demand for it. By allowing the

Ms. Nancy Wittenberg
Executive Director
August 6, 2014
Page 4

continuation of the soccer marketing of the turf farm, the Commission will be fulfilling the goal of the Act to promote the continuation of agricultural uses.

The Farm is a long-standing farm in the Pinelands area, which has been growing turf for over thirty (30) years. In order to maintain the Farm's economic viability, Tuckahoe Turf utilizes soccer activities at the Farm for the marketing and sale of its turf. The soccer activities supplement the turf farm and are compatible with and promote the Farm's primary use. The Property is maintained in the same condition as it would be without the soccer activity and there are no physical modifications to the Farm or changes to the Farm's use. The fields used for the soccer activities are existing fields that are farmed for the existing farming operations. The fields used for soccer are determined by the rotation of the crop. Moreover, only temporary equipment is used for the soccer activities, including goals, signage and waste receptacles. These are promptly removed after each activity. As a result, the Property serves as a farm with an accessory use that directly promotes and markets the existing farming operation enabling the continuation of the agricultural use. Therefore, the goals and objectives of the Act and the CMP are served by the continuation of the existing uses.

The soccer activities qualify as "on-farm direct marketing", which is protected under the Right to Farm Act (N.J.S.A. 4:1C-1 et seq.) as an agricultural management practice. See N.J.A.C. 2:76-2A-13. An "on-farm direct marketing activity" is an "agriculture-related happening made available by a commercial farm that is accessory to, and serves to increase, the direct-market sales of the agricultural output of the commercial farm. Such activities are designed to attract customers to a commercial farm by enhancing the experience of purchasing agricultural products and include . . . farm-based recreational activities . . . " Id. at -13(b).

As indicated above, the soccer activities are directly related to Tuckahoe Turf's farming operation and serve to increase the direct-market sales of the farm's product. They are also designed to attract customers to the Farm to experience the quality of the turf grown at the Farm firsthand. While under the Right to Farm regulations athletic fields are not included as farm-based recreational activities, these particular fields are distinct from other non-farm based activities, such as paintball or athletic fields on other types of agricultural properties. Here, soccer activities are uniquely suited to occurring on this Farm precisely because it is a turf farm. They are completely compatible with the use and attract customers to the Farm. This is akin to a corn maze or hayrides in the case of a produce farm. Therefore, the soccer activities are protected by the Right to Farm Act as an on-farm direct marketing agricultural management practice and are integral to the turf business conducted on the Farm.



Ms. Nancy Wittenberg
Executive Director
August 6, 2014
Page 5

Based on the foregoing, the existing use of the Property is permitted and should be allowed to continue. We hereby request that the letter dated July 17, 2014 be withdrawn and the activity be allowed to continue beyond August 31, 2014.

We would be happy to meet with you and your staff to discuss this in greater detail. Please contact me with any questions or to discuss.

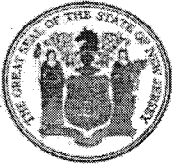
Very truly yours,

GENOVA BURNS GIANTOMASI WEBSTER LLC

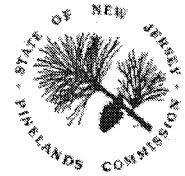

WILLIAM F. HARRISON

WFH/AJM

12539910 v2 (9998.165)



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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman

Nancy Wirrenberg
Executive Director

August 12, 2014

Andrew B. Robbins, Esq.
Sills, Cummis & Gross
The Legal Center
One Riverfront Plaza
Newark, New Jersey 07102-5400

Re: Soccer Events at Tuckahoe Turf Farm
Block 5001, Lots 4-7
Block 5601, Lots 1-3, 5-6 & 8-9
Block 5602, Lots 3-7
Hammonton Township

Dear Mr. Robbins:

We are writing in response to your letter dated August 5, 2014, requesting an extension of the deadline by which your client MSSL, Inc. ("MSSL") will cease conducting soccer events at Tuckahoe Turf Farm in Hammonton, New Jersey. By letter dated July 17, 2014, the Pinelands Commission had advised the owners of Tuckahoe Turf Farm that all soccer practices and events ("soccer events") must cease after August 31, 2014.

Your August 5th letter details the hardships that innocent third-parties would incur if MSSL was not permitted to conduct the events already scheduled to occur at Tuckahoe Turf Farm in October and November of this year. The Commission does not believe that innocent third-parties should be penalized for relying on the representations of your client and others concerning the use of Tuckahoe Turf Farm for soccer events on October 11 & 12, November 15 & 16 and November 23 & 24. In order to avoid potential hardship to innocent third-parties, the Commission has agreed to permit soccer activities to continue at Tuckahoe Turf Farm through November 30, 2014, provided the following three conditions are met:

1. MSSL must submit an application for development to the Pinelands Commission prior to August 31, 2014 and, after receiving a Certificate of Filing from the Commission, must submit an application to the Town of Hammonton for the municipality's approval of the soccer events scheduled through November 30, 2014.
2. MSSL must submit a letter to the Commission prior to August 31, 2014 stating that it will cease conducting soccer events at Tuckahoe Turf Farm after November 30, 2014.

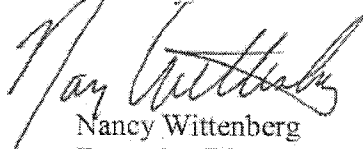


3. All references to soccer events at Tuckahoe Turf Farm occurring after November 30, 2014 must be removed from MSSL's website and any other website or locations within MSSL's control immediately.

Please be aware that the Commission is confident in its legal position on this matter and will pursue any and all available legal avenues should MSSL fail to submit the required Pinelands application and letter and to remove all references to events occurring at Tuckahoe Turf Farm after November 30, 2014.

Finally, although the Commission is open to continuing discussions with MSSL in an attempt to identify a regulatory approach to address these activities, under no circumstances should MSSL consider this as an opportunity to conduct soccer events at Tuckahoe Turf Farm beyond November 30, 2014. The November 30, 2014 is a hard deadline and no further requests to extend this deadline will be considered by the Commission. Consequently, no soccer events should be scheduled to occur at Tuckahoe Turf Farm after November 30, 2014.

Sincerely,



Nancy Wittenberg
Executive Director

c: William F. Harrison, Esq. (w/enc.)

From: Susan Grogan
To: Alan Avery
Date: 8/29/2014 2:29 PM
Subject: Tuckahoe Turf farm PDC redemption

Alan -

Most of the PDCs severed from the Tuckahoe Turf farm parcels have been redeemed. 56 rights were redeemed for residential units - the majority (31 units) in Egg Harbor Township and others in Hamilton, Hammonton, Monroe, Mullica, Upper, Waterford and Woodbine. 2 rights were redeemed for nonresidential uses (a cell tower in Chesilhurst and the Burger King in Buena Vista).

The Betts brothers still own three rights. There were a handful of additional rights that are harder to track because they were sold, and then resold once or twice before being redeemed. They aren't included in the numbers above.

I'm glad you asked because this is pretty interesting!

Sue



New Jersey Pinelands Commission Development Application

Created on 2/06/2014

SEP -2 2014

1. Applicant Name(s)

MSSL c/o Steve Shilling

Mailing Address 8 Cornwall Court

City East Brunswick State NJ Zip 08816

Telephone Number 732-432-7200 Email Address steve@mssl.org

2. I wish to authorize an agent to act on my behalf regarding this application: Yes ☒ No ☐

Agent Name

Sills Cummis & Gross, P.C. c/o Andrew B. Robins, Esq.

Mailing Address One Riverfront Plaza

City Newark State NJ Zip 07102

Telephone Number 973-643-5277 Email Address arobins@sillscummis.com

3. Property Owner Name(s)

Betts and Betts, LLC.

Mailing Address PO Box 148 - 401 N. Myrtle Street

City Hammonton State NJ Zip 08037

Telephone Number 609-561-7184 Email Address ttfjames@aol.com

4. Property Subject of Development Application:

Municipality Hammonton

Block # 5601 Lot # 2,3,4,5,6

Block # Lot #

Total Acreage of Property

Block # 5601 Lot # 8

Block # Lot #

203.9+/-

Block # 5602 Lot # 4,5,6

Block # Lot #

Block # 5001 Lot # 5,6,7

Block # Lot #



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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

September 2, 2014

Sunil Gulati, President
US Soccer Federation
1801 S. Prairie Avenue
Chicago, IL 60616

Dear Mr. Gulati:

Thank you for your letter of August 4, 2014 regarding the soccer tournaments being held at the Tuckahoe Turf Farm in Hammonton, New Jersey. I appreciate you taking the time to explain your reasons for supporting the soccer tournaments.

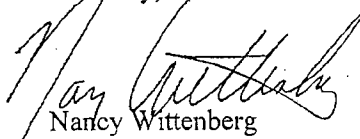
Tuckahoe Turf Farm is located in the Pinelands Area of New Jersey. This is an area of approximately 1,000,000 acres that was designated by the federal government as the country's first National Reserve due to its natural and cultural resources. New Jersey adopted the Pinelands Protection Act in 1979, establishing the Pinelands Commission, the entity responsible for developing and implementing the rules that govern land use, development and natural resource protection in the Pinelands Area. These rules are detailed in the Pinelands Comprehensive Management Plan.

It is the position of the Pinelands Commission that the soccer activities being conducted at Tuckahoe Turf Farm are not consistent with the land use standards included in the Comprehensive Management Plan. In addition, the land in question is subject to a deed restriction voluntarily entered into by the land owner. This deed restriction further limits the uses of the land. The land owner was compensated for accepting the deed restriction.

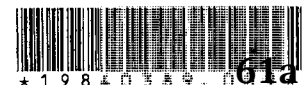
Please know that we are working with the land owner and the impacted soccer leagues to minimize the disruption to the tournaments that have been scheduled.

Again, thank you for your letter.

Sincerely,


Nancy Wittenberg
Executive Director

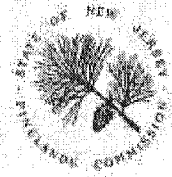
C: Mark Lohbauer, Chairman





Chris Christie
Governor
Kim Guadagno
Lt. Governor

State of New Jersey
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Mark S. Lohbauer
Chairman
Nancy Wittenberg
Executive Director

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

October 2, 2014

Edward Kertz, President
Atlantic County Board of Agriculture
6260 Old Harding Highway
Mays Landing, NJ 08330

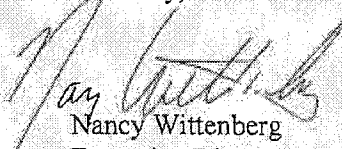
Dear Mr. Kertz:

Thank you for your letter advising the Commission that the Atlantic County Board of Agriculture support's the use of the Tuckahoe Turf Farm for soccer tournaments. The Commission appreciates the Board's interest in this matter.

The use of the Tuckahoe Turf Farm for organized soccer events is regulated by both the Pinelands Commission, through the Comprehensive Management Plan (CMP) and the municipalities in which it is located, through their respective land use ordinances. The Tuckahoe Turf farm is located in a Pinelands designated Agricultural Production Area (APA). The Pinelands CMP specifies the distribution and intensity of development and land use that is allowed in APAs. The use of this land is also limited by a deed of conservation restriction that has been in place since 1996. The CMP designation as APA and the deed restriction limit the use of the land allowing for only agriculture, forestry and low intensity recreation. The deed restriction was imposed when the land owner voluntarily sold the Pinelands Development Credits (PDCs) associated with the land. The sale of the PDCs for \$276,500 served to compensate the property owners for the use and development limitations. In addition to the issues associated with these land use restrictions, the soccer tournaments are occurring without municipal or Pinelands Commission approvals.

We have and will continue to work with the land owner and the soccer organizations on this matter.

Sincerely,


Nancy Wittenberg
Executive Director



FEB 10 2015

ATLANTIC COUNTY AGRICULTURE DEVELOPMENT BOARD

6260 Old Harding Highway
Mays Landing, New Jersey, 08330
(609) 625 - 3144

**RESOLUTION OF THE ATLANTIC COUNTY AGRICULTURE DEVELOPMENT BOARD
REGARDING ACTIVITIES AND EVENTS HELD AT TUCKAHOE TURF FARMS IN THE
TOWN OF HAMMONTON, ATLANTIC COUNTY**

WHEREAS, the Right to Farm Act, N.J.S.A. 4:1C-1 et seq. protects eligible commercial farmers from public and private nuisance actions and unduly restrictive municipal regulations:

1. The following requirements must be met to receive protection under the Act:

- The farm must qualify as a commercial farm
- The farm must be located in an area in which agriculture is a permitted use
- The operation must be in compliance with relevant state and/or federal statutes and rules
- The operation must not pose a direct threat to public health and safety
- The operation or activity must be conducted in compliance with standards contained in Agricultural Management Practices (AMPs) that have been promulgated by the State Agriculture Development Committee (SADC) or with generally accepted agricultural practices, and

2. Within the Act, at N.J.S.A. 4:1C-9 commercial farms that meet the eligibility requirements may, among other activities, "Conduct agriculture-related educational and farm-based recreational activities provided that the activities are related to marketing the agricultural or horticultural output of the commercial farm."

3. At its January 31, 2014 meeting, the SADC approved an AMP for On-Farm Direct Marketing Facilities, Activities and Events, and revised Right to Farm Procedures.

4. These new rules became effective on April 7, 2014. N.J.A.C. 2:76-2A.13.

5. The rule at N.J.A.C. 2:76-2A.13(b) defines a number of words and terms utilized in the On-Farm Direct Marketing AMP:

a. "On-Farm Direct Marketing" is defined as "...the on-farm facilities, activities, and events that are used to facilitate and provide for direct, farmer-to-consumer sales of the agricultural output of the commercial farm and products that contribute to farm income."

b. The definition of "Farm-based recreational activities" includes examples of activities and related infrastructure not considered farm-based recreational activities, which includes among other activities ATHLETIC FIELDS.

WHEREAS, Tuckahoe Turf Farms has a turf farm located within the Town of Hammonton in Atlantic County, and Waterford Township and Winslow Township in Camden County:

1. Tuckahoe Turf Farms has grown turf grass since 1967 and on the property for over 25 years, serving both residential and commercial clients, including the National Football League and Major League Baseball.
2. Athletic fields account for roughly 80% of Tuckahoe Turf Farm's current sales.
3. There are currently a limited number of sod-producing farms in the State of New Jersey, and those numbers are in decline. In 2007, there were approximately 9,245 acres of land used for natural turf production. By 2012, this number decreased to 6,139 acres.
4. There are limited opportunities for agritourism and on-farm direct marketing activities on sod farms, due to the nature and type of their agricultural output.
5. Tuckahoe Turf Farms has developed an innovative and unique form of agritourism, by allowing a limited number of athletic tournaments to take place on the farm each year:
 - a. These events are limited to two to three days at one time on a seasonal basis, and are scheduled to avoid impact on farm operations.
 - b. These events expose participants and visitors to the farm, its equipment, harvesting activities, and the different stages of growth and development of the turf grass.
 - c. The organizations participating in these events provide direct reference and links to Tuckahoe Turf Farms on their websites, resulting in increased exposure.
 - d. These activities result in direct sales for Tuckahoe Turf Farms, particularly for athletic fields, because organizations and participants utilize and are exposed to the farm product.
 - e. Other sales result from other customers, such as the professional sports teams, who are able to see what the turf looks like after a weekend or use and how quickly it recovers from that use.
 - f. These activities also promote the use of natural turf, as opposed to synthetic turf, the sale and use of which threatens the long-term viability of turf grass farms.
 - g. Tuckahoe Turf Farms rotates the fields used for these events to minimize wear and the areas being utilized for these events remain in agricultural production and the turf that is played is subsequently sold.
 - h. Parking for the events is located on areas of the farm which have recently been harvested and are awaiting re-planting.

WHEREAS, on December 17, 2013, David Reilly of the Cape Atlantic Soil Conservation District visited the site with Frank Domenico, Town of Hammonton Zoning Officer, and observed that boundary lines for soccer fields had been applied to sections of sod field at the farm, but did not see any evidence of other site work or land disturbance, and that the activities could be exempt from filing of an Application for a Soil Erosion and Sediment Control Plan Certification with the District.

Now, Therefore, Be It Resolved by the Atlantic County Agriculture Development Board:

1. The Atlantic County Agriculture Development Board supports the Tuckahoe Turf Farm's efforts to pursue agritourism events and activities that are compatible with and help to advance direct, farmer-to-consumer sales of the agricultural output of the farm, including limited athletic tournaments held on the farm, particularly given recent Census of Agriculture data indicating that New Jersey turf farms are in jeopardy.
2. The Board recognizes these specific activities held at Tuckahoe Turf Farms as another example of a farm-based recreational activity uniquely suited to occurring on the farm. Other examples of activities are expressly included in the AMP which are not directly connected with specific agricultural activities occurring on a farm including, but not limited to crop mazes, hayrides and bonfires. Though excluded from the AMP, the activities on Tuckahoe Turf Farms are uniquely suited to the agricultural use of the farm. Like the examples that are expressly permitted, these activities also promote the purposes of the AMP.
3. The Board urges the Pinelands Commission to consider the unique nature of a turf grass/sod farm and the limited opportunities that are available to directly market this specialized product.
4. The Board has reviewed eligibility of the farm operation for Right to Farm protections, and the operation's conformance with the remaining elements of the AMP for On-Farm Direct Marketing Facilities, Activities and Events.
5. Based on a site visit conducted on Monday, September 8, 2014 and information provided by Tuckahoe Turf Farms, Tuckahoe Turf Farm's On-Farm Direct Marketing Activities and Events are consistent with the standards of the AMP including hours of operation, lighting, sanitary facilities, signs and parking. N.J.A.C. 2:76-2A.13 (c)-(k).
6. Tuckahoe Turf Farm's On-Farm Direct Marketing Activities and Events comply with section 13(l) of the AMP requiring that there be a negligible impact on the farm's continued use of the land for agricultural purposes in that the activities and events at Tuckahoe Turf Farms have no impact on the farm's continued use of land for agricultural purposes. N.J.A.C. 2:76-2A.13(l).
7. A copy of this resolution shall be forwarded to the State Agriculture Development Committee, the Camden County CADB, NJ Pinelands Commission, and the Town of Hammonton.

Adopted September 9, 2014 by the Atlantic County Agriculture Development Board:


Jerry DeFiccio, Chairman



Chris Christie
Governor
Kim Guadagno
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
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Mark S. Lohbauer
Chairman
Nancy Wittenberg
Executive Director

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

MEMORANDUM

To: Note to file
From: Rhonda Ward
Date: March 19, 2014
Subject: Application #: 1984-0389.009
PDC deed restriction status

Lots subject of application based upon 2/14/14 applicant submission:

Bl. 5001, Lots 4, 5, 6 & 7 – Hammonton
Bl. 5601, Lots 1, 2, 3, 5, 6, 8, 9 – Hammonton
Bl. 5602, Lots 3, 4, 5, 6, 7 – Hammonton

History of these lots:

App#1984-0389.003: Amended LOI #307 allocated ~~20.25~~ PDCs on 6/28/1993 on a parcel that included Block 5601, Lots 1-9 and Block 5602, Lots 3-7. PDC . A deed restriction on Block 5601, Lots 1-9 and Block 5602, Lots 3-7 was recorded on 2/28/1996 as a result of the PDCs being severed.

App#1984-0389.007 : LOI #1193 allocated 6.5 PDCs to a parcel that included Bl. 5001, Lots 5-7 on 12/14/98. A deed restriction on Block 5001, Lots 5, 6 & 7 was recorded on June 24, 1999, as a result of the of the PDCs being severed.

** The only lot subject of the application for which PDCs have not been severed is Bl. 5001, Lot 4. No PDC LOI has been applied for to the PC for this lot.





Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

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

MEMORANDUM

To: Note to file

From: Rhonda Ward

Date: October 16, 2014

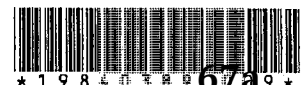
Subject: Application #: 1984-0389.009

Parcels subject of application, per application form received on 8/29/2014:

Hammonton

Bl. 5601	L. 2	19.83 ac
	L. 3	9.81 ac
	L. 4	10.09 ac
	L. 5	29.49 ac
	L. 6	10.00 ac
	L. 8	33.28 ac
Bl. 5602	L. 4	13.11 ac
	L. 5	9.72 ac
	L. 6	13.86 ac
Bl. 4001	L. 5	16.82 ac
	L. 6	16.49 ac
	L. 7	<u>31.67 ac</u>
Total:		204.17 ac

Acreage calculation is based upon NJ Prop. Fax, with exception of Bl. 5601, Lot, which was calculated in PineView.



Property Location			
669 WALKER AVENUE, ATCO 08004-435 (Waterford Township), Block: 297, Lot: 9, Qualifier: QFARM			
Property Information		Assessment Data	
Class: Class: 3B - Farm (Qualified)		Total Value: \$19,700.00	
Additional Lots:		Land Value: \$19,700.00	
Bid Description:		Improvement Value: \$0.00	
Land Description: 32.88 AC		% Improvement: 0.0	
Acreage: 32.88		Special Tax Codes:	
Square Footage: 0		Deductions: Senior() Veteran() Widow() Surv. Spouse() Disabled()	
Zoning: AG, Usage: SOD		Exemption: 0	
Year Constructed: 0		Exemption statute:	
Use Code: 0		2011 Rate: 5.198; 2011 Ratio: 52.3%; 2011 Taxes: \$1,024.00	
# Dwellings: 0		2012 Rate: 5.406; 2012 Ratio: 54.02%; 2012 Taxes: \$1,064.98	
Census Tract: 6089.04		2013 Rate: N/A; 2013 Ratio: 57.98%; 2013 Taxes: \$0.00	
Current Owner		Sale Data	
BETTS & BETTS, LLC		Date: 02/04/2000	
PO BOX 309		Price: \$115,500.00	
Hammonton, NJ 08037-0309		Ratio: 0.17%	
Previous Owner:		Deed Book: 05070	
		Deed Page: 00731	
Latest Sales Detail			
Recorded:	Sales Price: \$115,500.00	Recorded:	Sales Price:
Sales Date: 02/04/2000	Sales Ratio: 0.17%	Sales Date:	Sales Ratio:
Deed Book: 05070	Use Code: 0	Deed Book:	Use Code:
Deed Page: 00731	Not Usable: 00731	Deed Page:	Not Usable:
Buyer		Buyer	
BETTS & BETTS, LLC			
PO BOX 309			
Hammonton, NJ 08037-0309			
Seller		Seller	

Property Location			
FLEMING PIKE, ATCO 08004-435 (Waterford Township), Block: 297, Lot: 8, Qualifier: QFARM			
Property Information		Assessment Data	
Class: Class: 3B - Farm (Qualified)		Total Value: \$5,800.00	
Additional Lots:		Land Value: \$5,800.00	
Bld Description:		Improvement Value: \$0.00	
Land Description: 9.83 AC		% Improvement: 0.0	
Acreage: 9.83		Special Tax Codes:	
Square Footage: 0		Deductions: Senior() Veteran() Widow() Surv. Spouse() Disabled()	
Zoning: AG, Usage: SOD		Exemption: 0	
Year Constructed: 0		Exemption statute:	
Use Code: 0		2011 Rate: 5.198; 2011 Ratio: 52.3%; 2011 Taxes: \$301.48	
# Dwellings: 0		2012 Rate: 5.406; 2012 Ratio: 54.02%; 2012 Taxes: \$313.54	
Census Tract: 6089.04		2013 Rate: N/A; 2013 Ratio: 57.98%; 2013 Taxes: \$0.00	
Current Owner		Sale Data	
BETTS & BETTS LLC		Date: 04/10/2002	
PO BOX 309		Price: \$55,000.00	
Hammononton, NJ 08037-0309		Ratio: 0.11%	
Previous Owner:		Deed Book: 05224	
		Deed Page: 00508	
Latest Sales Detail			
Recorded: 05/13/2002	Sales Price: \$55,000.00	Recorded:	Sales Price:
Sales Date: 04/10/2002	Sales Ratio: 0.11%	Sales Date:	Sales Ratio:
Deed Book: 05224	Use Code: 0	Deed Book:	Use Code:
Deed Page: 00508	Not Usable: 00508	Deed Page:	Not Usable:
Buyer			Buyer
BETTS & BETTS LLC			
PO BOX 309			
Hammononton, NJ 08037-0309			
Seller			Seller
GRASSO, ANTHONY, JR			
503 FLEMING PIKE			
Hammononton, NJ 08037-9007			

Property Location			
FLEMING PIKE, ATCO 08004-435 (Waterford Township), Block: 297, Lot: 7, Qualifier: QFARM			
Property Information		Assessment Data	
Class: Class: 3B - Farm (Qualified)		Total Value: \$5,500.00	
Additional Lots:		Land Value: \$5,500.00	
Bid Description:		Improvement Value: \$0.00	
Land Description: 9.25 AC		% Improvement: 0.0	
Acreage: 9.25		Special Tax Codes:	
Square Footage: 0		Deductions: Senior() Veteran() Widow() Surv. Spouse() Disabled()	
Zoning: AG, Usage: SOD		Exemption: 0	
Year Constructed: 0		Exemption statute:	
Use Code: 0		2011 Rate: 5.198; 2011 Ratio: 52.3%; 2011 Taxes: \$285.69	
# Dwellings: 0		2012 Rate: 5.406; 2012 Ratio: 54.02%; 2012 Taxes: \$297.33	
Census Tract: 6089.04		2013 Rate: N/A; 2013 Ratio: 57.98%; 2013 Taxes: \$0.00	
Current Owner		Sale Data	
BETTS & BETTS LLC		Date: 04/10/2002	
PO BOX 309		Price: \$0.00	
Hammononton, NJ 08037-0309		Ratio: %	
Previous Owner:		Deed Book: 05224	
		Deed Page: 00506	
Latest Sales Detail			
Recorded:	Sales Price:	Recorded:	Sales Price:
Sales Date: 04/10/2002	Sales Ratio:	Sales Date:	Sales Ratio:
Deed Book: 05224	Use Code: 0	Deed Book:	Use Code:
Deed Page: 00506	Not Usable: 00506	Deed Page:	Not Usable:
Buyer		Buyer	
BETTS & BETTS LLC			
PO BOX 309			
Hammononton, NJ 08037-0309			
Seller		Seller	

Property Location			
UNION, ATCO 08004- 435 (Waterford Township), Block: 297, Lot: 3, Qualifier: QFARM			
Property Information		Assessment Data	
Class: Class: 3B - Farm (Qualified)		Total Value: \$19,100.00	
Additional Lots:		Land Value: \$19,100.00	
Bid Description:		Improvement Value: \$0.00	
Land Description: 31.9 AC		% Improvement: 0.0	
Acreage: 31.9		Special Tax Codes:	
Square Footage: 0		Deductions: Senior() Veteran() Widow() Surv. Spouse() Disabled()	
Zoning: AG, Usage: SOD		Exemption: 0	
Year Constructed: 0		Exemption statute:	
Use Code: 0		2011 Rate: 5.198; 2011 Ratio: 52.3%; 2011 Taxes: \$992.81	
# Dwellings: 0		2012 Rate: 5.406; 2012 Ratio: 54.02%; 2012 Taxes: \$1,032.54	
Census Tract: 6089.04		2013 Rate: N/A; 2013 Ratio: 57.98%; 2013 Taxes: \$0.00	
Current Owner		Sale Data	
BETTS, THOMAS H & GEORGE W LLC		Date: 10/17/2000	
PO BOX 309		Price: \$1.00	
Hammonton, NJ 08037-0309		Ratio: 19100.0%	
Previous Owner:		Deed Book: 05122	
		Deed Page: 00608	
Latest Sales Detail			
Recorded:	Sales Price: \$1.00	Recorded:	Sales Price:
Sales Date: 10/17/2000	Sales Ratio: 19100.0%	Sales Date:	Sales Ratio:
Deed Book: 05122	Use Code: 0	Deed Book:	Use Code:
Deed Page: 00608	Not Usable: 00608	Deed Page:	Not Usable:
Buyer		Buyer	
BETTS, THOMAS H & GEORGE W LLC			
PO BOX 309			
Hammonton, NJ 08037-0309			
Seller		Seller	
297 9.83 Ac. 7 9.25 Ac. 3 51.9 Ac. 9 32.81 10 6.01 21.98 Ac. 2.29 Ac. PINELANDS DEVELOPMENT EASEMENT PINELANDS DEVELOPMENT EASEMENT BLK 297 OCT. 1, 1971, 1972, 1973, 1974 REVISED BY OKA-SIPPEL-MASTELLER & ASSOCIATES, INC. OCT. 1, 1975, 1976, 1977, 1978 COA			

10/17/2014
Reviewed:
L. M. S.
G. M. S.
G. M. S.
G. M. S.

Tuckahoe Turf Application Approach

Approach: The Regulatory Program's staff will issue a Certificate of Filing (likely inconsistent) for the pending application filed by MSSL. That CF will either address the application before it or, if an amended application is submitted consistent with the conditions delineated below, the amended application. However, the scope of the activities and conditions set forth below must be incorporated into an amended application or the local approval in order for the Commission to determine that the local approval does not raise a substantial issue.

Scope of Activities: No more than 4 weekend events a year, or the equivalent (i.e. 8 days total), shall be scheduled per year and no more than one event or the equivalent (i.e. 2 days) shall be scheduled to occur in any month.

Conditions: Such organized youth recreational events shall only occur on agricultural properties located in an Agricultural Production Area that meet the following conditions:

- 1) The subject parcel is at least 300 acres in size.
- 2) The subject parcel's primary use, as of February 7, 1979 to the present, was active field agriculture (i.e. does not include berry agriculture).
- 3) The area proposed for use for organized youth recreation consists only of uplands, was cleared for turf production as of February 7, 1979 and is still actively used for turf production at the present time.
- 4) Access to the area proposed for youth recreation is located adjacent to a major State or U.S. Highway.
- 5) All parking associated with a youth recreation event, with the exception of parking for emergency personnel and one vehicle per group registered to participate in the event, used for the transportation of equipment, shall be located off-site at a satellite location. Such satellite parking shall be located on an approved, pre-existing paved or non-pervious parking lot.
- 6) A 200 foot buffer shall be maintained between the portion of the subject parcel used for youth recreation events and any adjacent lands not owned by the owner of the subject parcel or any entity in which the owner of the subject parcel is a principal.
- 7) Use of the portion of the subject parcel for youth recreation events shall be limited to daylight hours (i.e. between sunrise and sunset). Fields may not be lite to extend play.
- 8) No clearing of vegetation shall occur to accommodate or permit use of a portion of the subject parcel for youth recreation events.

- 9) No permanent structures shall be installed on the portion of the subject parcel, including but not limited to goals, artificial turf, parking areas, driveways, electrical hookups, lights, etc., to accommodate use of the parcel for youth recreation events.
- 10) Any structures associated with a youth recreation event shall not be installed on the parcel more than 24 hours prior to the start of a youth recreation event and shall be removed within 24 hours of the conclusion of such event.
- 11) Any municipal approval issued to authorize youth recreation events shall expire within two years of the date of issuance.

From: "William F. Harrison" <WHarrison@genovaburns.com>
To: "Nancy Wittenberg (Nancy.Wittenberg@njpin.es.state.nj.us)" <Nancy.Wittenb...>
Date: 11/13/2014 3:06 PM
Subject: Proposal

Based on our meeting and Tony's subsequent conversation between Nancy and Tony, the following is our proposed use of Tuckahoe Turf for soccer. It reflects usage by both MSSL and the Barons. It includes any summer camp use by the Barons. Tony will be calling Nancy later today to discuss the proposal. Bill

Tuckahoe Turf will limit the usage of the Farm to 8 events a year or the equivalent. An event is defined as two 12 hour days using a total of 40 fields. To the extent that any event does not use the full 24 hours allocated to that event, those unused hours can be utilized on the Farm for soccer on days when there are no events based on the number of fields that are utilized. No more than 4 fields may be utilized when the Farm is used for soccer on days when there are no events.

William F. Harrison, Esq.
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Thank you.

**RESOLUTION OF THE CAMDEN COUNTY AGRICULTURE DEVELOPMENT BOARD
REGARDING ACTIVITIES AND EVENTS HELD AT TUCKAHOE TURF FARMS
IN THE TOWNSHIPS OF WATERFORD AND WINSLOW,
CAMDEN COUNTY**

WHEREAS, the Right to Farm Act, N.J.S.A. 4:1C-1 et seq. protects eligible commercial farmers from public and private nuisance actions and unduly restrictive municipal regulations:

The following requirements must be met to receive protection under the Act:

- the Farm must qualify as a commercial farm
- the Farm must be located in an area in which agriculture is permitted use
- the operation must be in compliance with relevant state and/or federal statutes and rules
- the operation must not pose a direct threat to public health and safety
- the operation or activity must be conducted in compliance with standards contained in Agricultural Management Practices (AMPs) that have been promulgated by the State Agriculture Development Committee (SADC) or with generally accepted agriculture practices; and

WHEREAS, within the Act, N.J.S.A. 4:1C-9, commercial farms that meet the eligibility requirements may, among other activities, "Conduct agriculture-related educational and farm-based recreational activities provided that the activities are related to marketing the agricultural or horticultural output of the commercial farm"; and

WHEREAS, at its January 31, 2014 meeting, the SADC approved an AMP for On-Farm Direct Marketing Facilities, Activities and Events, and revised Right to Farm Procedures; and

WHEREAS, these new rules became effective on April 7, 2014. N.J.A.C. 2:76-2A.13; and

WHEREAS, the rule at N.J.A.C. 2:76-2A.13(b) defines a number of words and terms utilized in the On-Farm Direct Marketing AMP:

- a. "On-Farm Direct Marketing" is defined as.... "the on-farm facilities, activities, and events that are used to facilitate and provide for direct, farmer-to-consumer sales of the agricultural output of the commercial farm and products that contribute to farm income"
- b. The definition of "Farm-based recreational activities" include examples of activities and related infrastructures not considered farm-based recreational activities, which include among other activities ATHLETIC FIELDS; and

WHEREAS, Tuckahoe Turf Farms has a turf farm located within the Townships of Waterford and Winslow in Camden County; and

WHEREAS, Tuckahoe Turf Farms has grown turf grass since 1967 and on the property for over 25 years, serving both residential and commercial clients, including the National Football League and Major League Baseball; and

WHEREAS, athletic fields account for roughly 80% of Tuckahoe Turf Farms current sales; and

WHEREAS, there are currently a limited number of sod-producing farms in the State of New Jersey, and those numbers are in decline. In 2007, there were approximately 9,245 acres of land used for natural turf production. By 2012, this number decreased to 6,139 acres; and

WHEREAS, there are limited opportunities for agritourism and on-farm direct marketing activities on sod farms due to the nature and type of their agricultural output; and

WHEREAS, Tuckahoe Turf Farms has developed an innovative and unique form of agritourism, by allowing a limited number of athletic tournaments to take place on the farm each year; and

WHEREAS, these events are limited to two to three days at one time on a seasonal basis, and are scheduled to avoid impact on farm operations; and

WHEREAS, these events expose participants and visitors to the farm, its equipment, harvesting activities, and the different stages of growth and development of the turf grass; and

WHEREAS, the organizations participating in these events provide direct reference and links to Tuckahoe Turf Farms on their websites, resulting in increased exposure; and

WHEREAS, these activities result in direct sales for Tuckahoe Turf Farms, particularly for athletic fields, because organizations and participants utilize and are exposed to the farm product; and

WHEREAS, other sales result from other customers, such as professional sports teams, who are able to see what the turf looks like after a weekend of use and how quickly it recovers from that use; and

WHEREAS, these activities also promote the use of natural turf, as opposed to synthetic turf, the sale and use of which threatens the long-term viability of turf grass farms; and

WHEREAS, Tuckahoe Turf Farms rotates the fields used for these events to minimize wear, and the areas being utilized for these events remain in agricultural production, and the turf that is played is subsequently sold; and

WHEREAS, parking for the events is located on areas of the farm which have recently been harvested and are awaiting re-planting.

NOW, THEREFORE, BE IT RESOLVED by the Camden County Agriculture Development Board that:

1. The Camden County Agriculture Development Board supports the Tuckahoe Turf Farms' efforts to pursue agritourism events and activities that are compatible with and help to advance direct, farmer-to-consumer sales of the agricultural output of the farm, including limited athletic tournaments held on the farm, particularly given recent Census of Agriculture data indicating that New Jersey turf farms are in jeopardy.
2. The Board recognizes these specific activities held at Tuckahoe Turf Farms as another example of a farm-based recreational activity uniquely suited to occurring on the farm. Other examples of activities are expressly included in the AMP which are not directly connected with specific agricultural activities occurring on a farm including, but not limited to crop mazes, hayrides and bonfires. Though excluded from the AMP, the activities on Tuckahoe Turf Farms are uniquely suited to the agricultural use of the farm. Like the examples that are expressly permitted, these activities also promote the purposes of the AMP.
3. The Board urges the Pinelands Commission to consider the unique nature of a turf grass/sod farm and the limited opportunities that are available to directly market this specialized product.
4. The Board has reviewed eligibility of the farm operation for Right to Farm protections, and the operation's conformance with the remaining elements of the AMP for On-Farm Direct Marketing Facilities, Activities and Events.

5. Based on information provided by representatives of Tuckahoe Turf Farms at a meeting of the Camden County Agriculture Development Board held on May 13, 2014 and the personal knowledge of various Board members with similar past events held at the farm, Tuckahoe Turf Farm's On-Farm Direct Marketing Activities and Events are consistent with the standards of the AMP including hours of operation, lighting, sanitary facilities, signs and parking, N.J.A.C. 2:76-2A.13 (c)-(k).

6. Tuckahoe Turf Farm's On-Farm Direct Marketing Activities and Events comply with section 13(l) of the AMP requiring that there be a negligible impact on the farm's continued use of the land for agricultural purposes in that the activities and events at Tuckahoe Turf Farms have no impact on the farm's continued use of land for agricultural purposes. N.J.A.C. 2:76-2A.13(l).

7. A copy of this resolution shall be forwarded to the State Agriculture Development Committee, the Atlantic County CADB, NJ Pinelands Commission, and the Town of Hammonton.

Adopted November 13, 2014 by the Camden County Agriculture Development Board:


John Rigolizzo, Chairman

From: "William F. Harrison" <WHarrison@genovaburns.com>
To: "Nancy Wittenberg (Nancy.Wittenberg@njpinestates.com)" <Nancy.Wittenb...>
CC: Anthony Pizzutillo <apizzutillo@sppublicaffairs.com>
Date: 11/20/2014 8:13 AM
Subject: Proposed agreement-for settlement purposes only.

Below is our proposal. Bill

Tuckahoe Turf will limit the usage of the Farm to 8 events a year or the equivalent. An event is defined as two 12 hour days using a total of 35 fields. To the extent that any event does not use the full 24 hours allocated to that event, those unused hours can be utilized on the Farm for soccer on days when there are no events based on the number of fields that are utilized. No more than 4 fields may be utilized when the Farm is used for soccer on days when there are no events.

- * The soccer events occur only in areas that are currently farmed as part of the existing farming operation;
- * No soccer activities shall occur within 200 feet of any property owned by others without the written consent of that property owner;
- * No permanent structures will be placed on the property related to soccer activities;
- * No more than 35 turf fields will be used for soccer at any one time and no more than 10% of the total acreage of the farm may be lined for fields for any one event;
- * No lighting shall be used for events;
- * Parking will occur only in areas that were recently harvested and prior to those areas being reseeded;
- * Sufficient parking areas will be provided to ensure that all vehicles coming to the events will be able to park in the designated areas;
- * There will be no use of motorized vehicles other than for necessary transportation;
- * No areas will be paved;

- * No clearing will occur;
- * No water bodies are involved;
- * Traffic controls will be coordinated with the applicable municipality's Police Department;
- * At least 2 egress routes will be provided for each event;
- * Adequate temporary sanitary facilities will be provided;
- * Any use of the Farm by local groups for soccer practices or occasional games on days when there are no events shall be limited to no more than 4 fields and no more than 100 persons actively participating in soccer activities at any one time.

William F. Harrison, Esq.

Direct Dial: 973.535.4430

Main Line: 973.533.0777 Ext. 1160

WHarrison@genovaburns.com

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Thank you.

From: "William F. Harrison" <WHarrison@genovaburns.com>
To: "Nancy Wittenberg (Nancy.Wittenberg@njpinelands.state.nj.us)" <Nancy.Wittenb...>
CC: Anthony Pizzutillo <apizzutillo@sppublicaffairs.com>, "Ana J. Murteira" ...
Date: 12/9/2014 5:16 PM
Subject: Tuckahoe Turf proposal

Nancy, based on the discussions we have had, the following represents the terms of the proposed agreement. If it is acceptable to the Commission, MSSL and Tuckahoe Turf are modifying the previously submitted application to incorporate the below requirements. Give me a call if you have any questions.
Bill

If the Hammononton Planning Board approves the site plan application submitted by Tuckahoe Turf, Inc. ("Tuckahoe") with the conditions listed below, the Pinelands Commission staff will determine that the approval does not raise substantial issues with respect to the conformance of the proposed development with the minimum standards of the Pinelands Comprehensive Management Plan ("CMP") and allow that approval to take effect pursuant N.J.A.C. 7:50-4.40. Tuckahoe will obtain approvals from Waterford or Winslow Townships before conducting soccer events in that Township. If Waterford Township or Winslow Township approve the Tuckahoe application with the conditions listed below, the Pinelands Commission staff will determine that the approval does not raise substantial issues with respect to the conformance of the proposed development with the minimum standards of the CMP and allow that approval to take effect pursuant N.J.A.C. 7:50-4.40. The Pinelands Commission is intending to adopt regulations establishing a pilot program concerning on-farm direct marketing activities. As it applies to soccer activities at turf farms that have been in existence for over 25 years, the pilot program shall not be any more restrictive than the conditions listed below. Should the Commission adopt such regulations, Tuckahoe will submit an application pursuant to the provisions of the CMP for soccer activities on its property within five (5) years of the of any such pilot program taking effect.

Tuckahoe Turf will limit the usage of the Farm to 8 events a year or the equivalent. An event is defined as two 12 hour days using a total of 35 fields. To the extent that any event does not use the full 24 hours allocated to that event, those unused hours can be utilized on the Farm for soccer on days when there are no events based on the number of fields that are utilized. No more than 4 fields may be utilized when the Farm is used for soccer on days when there are no events.

- * The soccer events occur only in areas that are currently farmed as part of the existing farming operation;
- * No soccer activities shall occur within 200 feet of any property owned by others without the written consent of that property owner;
- * No permanent structures will be placed on the property related to soccer activities;
- * No more than 35 turf fields will be used for soccer at any one time and no more than 10% of the total acreage of the farm may be lined for fields for any one event;
- * No lighting shall be used for events;

- * Parking will occur only in areas that were recently harvested and prior to those areas being reseeded;
- * Sufficient parking areas will be provided to ensure that all vehicles coming to the events will be able to park in the designated areas;
- * There will be no use of motorized vehicles other than for necessary transportation;
- * No areas will be paved;
- * No clearing will occur;
- * No water bodies are involved;
- * Traffic controls will be coordinated with the applicable municipality's Police Department;
- * At least 2 egress routes will be provided for each event;
- * Adequate temporary sanitary facilities will be provided;
- * Any use of the Farm by local groups for soccer practices or occasional games on days when there are no events shall be limited to no more than 4 fields and no more than 100 persons actively participating in soccer activities at any one time.

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Thank you.

From: "William F. Harrison" <WHarrison@genovaburns.com>
To: "Nancy Wittenberg (Nancy.Wittenberg@njpinelands.state.nj.us)" <Nancy.Wittenb...>
CC: Anthony Pizzutillo <apizzutillo@sppublicaffairs.com>, "Ana J. Murteira" ...
Date: 12/10/2014 10:28 AM
Subject: Revised proposed agreement
Attachments: Proposed Agreement with Pinelands.DOCX

Nancy, attached is a revised proposed agreement based on our discussion. Let me know if this is acceptable for you to propose to the Commission. Bill

William F. Harrison, Esq.
Direct Dial: 973.535.4430
Main Line: 973.533.0777 Ext. 1160
WHarrison@genovaburns.com
[http://www.genovaburns.com/emailsigs/images/rule_top.gif]
[http://www.genovaburns.com/emailsigs/images/logo_gbgw.gif][http://www.genovaburns.com/emailsigs/images/3sig_newark.gif][http://www.genovaburns.com/emailsigs/images/url_genovaburns_right.gif]

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Thank you.

If the Hammonton Planning Board approves the site plan application submitted by Tuckahoe Turf, Inc. ("Tuckahoe") with the conditions listed below, the Pinelands Commission staff will determine that the approval does not raise substantial issues with respect to the conformance of the proposed development with the minimum standards of the Pinelands Comprehensive Management Plan ("CMP") and allow that approval to take effect pursuant N.J.A.C. 7:50-4.40. The Pinelands Commission is intending to adopt regulations establishing a pilot program concerning on-farm direct marketing activities. As it applies to soccer activities at Tuckahoe only, the pilot program shall not be any more restrictive than the conditions listed below for a five (5) year period following the regulations establishing the pilot program taking effect. Should the Commission adopt regulations establishing such a pilot program, Tuckahoe will submit an application pursuant to the provisions of the CMP for soccer activities on its property within five (5) years of the of any such pilot program taking effect.

Tuckahoe Turf will limit the usage of the Farm to 8 events a year or the equivalent. An event is defined as two 12 hour days using a total of 35 fields. To the extent that any event does not use the full 24 hours allocated to that event, those unused hours can be utilized on the Farm for soccer on days when there are no events based on the number of fields that are utilized. No more than 4 fields may be utilized when the Farm is used for soccer on days when there are no events.

- * The soccer events occur only in areas that are currently farmed as part of the existing farming operation;
- * No soccer activities shall occur within 200 feet of any property owned by others without the written consent of that property owner;
- * No permanent structures will be placed on the property related to soccer activities;
- * No more than 35 turf fields will be used for soccer at any one time and no more than 10% of the total acreage of the farm may be lined for fields for any one event;
- * No lighting shall be used for events;
- * Parking will occur only in areas that were recently harvested and prior to those areas being reseeded;
- * Sufficient parking areas will be provided to ensure that all vehicles coming to the events will be able to park in the designated areas;
- * There will be no use of motorized vehicles other than for necessary transportation;
- * No areas will be paved;
- * No clearing will occur;
- * No water bodies are involved;
- * Traffic controls will be coordinated with the applicable municipality's Police Department;

- * At least 2 egress routes will be provided for each event;
- * Adequate temporary sanitary facilities will be provided;
- * Any use of the Farm by local groups for soccer practices or occasional games on days when there are no events shall be limited to no more than 4 fields and no more than 100 persons actively participating in soccer activities at any one time.

Tuckahoe Turf Farm
Betts/MSSL/Barons Proposal
(with SPR edits)

Regulatory Approach

If the Hammonton Planning Board approves the site plan application submitted by Tuckahoe Turf, Inc. ("Tuckahoe") with the conditions listed below, the Pinelands Commission staff will determine that the approval does not raise substantial issues with respect to the conformance of the proposed development with the minimum standards of the Pinelands Comprehensive Management Plan ("CMP") and allow that approval to take effect pursuant N.J.A.C. 7:50-4.40.

The Pinelands Commission staff is intending to recommend to the Commission that it consider promulgating regulations establishing a pilot program addressing on-farm marketing and other commercial uses on lands in active agricultural production in the Pinelands Area. Whether or not the Commission ultimately adopts such regulations, Tuckahoe will submit an application to the Pinelands Commission, pursuant to the provisions of the CMP, at the expiration of its two (2) year municipal approval. Such application will be reviewed under the terms of the CMP, including any pilot program that is in effect at that time.

Usage Conditions:

- 1) Tuckahoe Turf will limit the usage of the Farm for events to 8 events a year or the hourly equivalent not to exceed 192 hours.
- 2) An event is defined as two 12 hour days using from 5 or more fields up to a maximum of 35 fields.
- 3) No more than one event may occur at Tuckahoe Turf Farm in any given month.
- 4) To the extent that any event does not use the full 24 hours allocated to that event, those unused hours can be utilized on the Farm for any sports activities, other than events. The smallest increment of time that may be allocated or used for sports activities at the Farm, other than events, is whole hour increments. No more than 4 fields may be utilized when the Farm is used for any sports activities occurring at the Farm other than days that are part of an event.
- 5) Any use of the Farm by local groups for any sports activities, other than events, shall be limited to no more than 4 fields and no more than 100 persons actively participating in such activities at any one time.

General Conditions:

- 1) The events and any other sport activities shall only occur on lands owned by Tuckahoe Turf Farm, that were cleared for turf production as of February 7, 1979 and that are currently actively used for turf production as part of the existing farming operation;

- 2) A 200 foot no activity buffer shall be maintained between the property boundary and all lands used for events or any sports activities.
- 3) Wetlands located on the property shall be mapped to ensure that events or any sports activities occurring at Tuckahoe Turf Farm and any uses, activities or temporary structures associated therewith, including but not limited to parking, do not occur within wetlands;
- 4) A plan shall be prepared depicting the portions of the subject parcel that may be used for events or any sports activities, including but not limited to the location of the fields, parking areas, food stalls, portable and temporary sanitary facilities, observation areas, wetlands, and the required 200 foot no activity buffer;
- 5) No permanent structures, except for structures used exclusively for the agricultural operation or permitted in accordance with the requirements of the Pinelands Comprehensive Management Plan, shall be placed on the property. Prohibited permanent structures include, but are not limited to, goals, impervious parking areas, driveways, electrical hook ups, lights, etc.;
- 6) Any temporary structures associated with events or any sports activities on the Farm shall not be placed on the parcel more than 24 hours prior to the start of an event or any sports activities and shall be removed within 24 hours of the conclusion of the event or any sports activities;
- 7) Use of the farm for events and any sports activities shall be limited to daylight hours (i.e. between sunrise and sunset. Lighting shall not be used to extend play;
- 8) Parking will occur only in areas that were recently harvested and prior to those areas being reseeded. Parking shall be prohibited on any public roads proximate to the Farm;
- 9) Sufficient temporary, unpaved parking areas will be provided to ensure that all vehicles coming to the Farm for an event or any sports activities will be able to park in designated parking areas;
- 10) Use of motorized vehicles, other than for emergency transportation, shall be limited to existing roads located at the Farm and the designated parking areas;
- 11) No areas shall be paved or covered with impervious materials of any kind to accommodate or permit a portion of the Farm to be used for events or any sports activities;
- 12) No clearing of vegetation shall occur to accommodate, permit or expand the use of the Farm for events or any sports activities;

- 13) No water bodies are involved and no wetlands may be used for activities associated with events or any sports activities occurring at the Farm;
- 14) Traffic controls required for events or any sports activities will be coordinated with the applicable municipality's Police Department;
- 15) At least 2 ingress routes and 2 different egress routes shall be provided for each event;
- 16) Sufficient portable and temporary sanitary facilities shall be provided to accommodate the number of attendees anticipated for an event or any sports activities;
- 17) Any municipal approval issued to authorize events or any sports activities at the Farm shall expire within two years of the date of issuance. Such municipal approval shall not be subject to extension, notwithstanding any law or regulation to the contrary, including but not limited to the Municipal Land Use Law or the Permit Extension Act of 2008;
- 18) Any municipal approval issued to authorize events or any sports activities at the Farm shall include a condition that the existing agricultural use at the farm cannot be replaced or removed to accommodate events or sports activities at the Farm; and
- 19) Any municipal approval issued to authorize events or any sports activities at the Farm shall include a Finding that the approval is being granted because the proposed events or any sports activities do not interfere with or eliminate any of the agricultural uses currently existing at the Farm.

Betts and Betts LLC
Tuckahoe Turf Farm

Usage Conditions:

1. Tuckahoe Turf will limit the usage of the Farm for events to:
 - a. 8 events a year or the hourly equivalent not to exceed 192 hours;
 - b. An event day shall consist of a maximum of 12 hours; and
 - c. No more than a maximum of 35 fields and no more than 10% of the total acreage of the farm may be used for an event.
2. To the extent that any event does not use the full 24 hours allocated to that event, those unused hours may be utilized on the Farm for any sports activities, other than events, as follows:
 - a. The smallest increment of time that may be allocated or used for sports activities, other than events, at the Farm, is whole hour increments;
 - b. No more than 4 fields may be utilized when the Farm is used for any sports activities occurring at the Farm other than days that are part of an event; and
 - c. No more than 100 persons may actively participate in such sports activities occurring at the Farm other than days that are part of an event.

General Conditions:

1. The events and any sport activities shall only occur on lands owned by Tuckahoe Turf Farm, that were in active field agricultural use as of February 7, 1979 and that are currently actively used for turf production as part of the existing farming operation;
2. A 200 foot no activity buffer shall be maintained between the property boundary and all lands used for events or any sports activities.
3. Events or any sports activities occurring at Tuckahoe Turf Farm and any uses, activities or temporary structures associated therewith, including but not limited to parking, shall not occur within wetlands as defined in Subchapter 6, Part I of the Pinelands Comprehensive Management Plan;
4. A plan shall be prepared depicting the portions of the subject parcel that may be used for events or any sports activities, including but not limited to the location of the fields, parking areas, food stalls, portable and

temporary sanitary facilities, observation areas, wetlands, and the required 200 foot no activity buffer;

5. No permanent structures, except for structures used exclusively for the agricultural operation or permitted in accordance with the requirements of the Pinelands Comprehensive Management Plan, shall be placed on the property. Prohibited permanent structures include, but are not limited to, goals, impervious parking areas, driveways, electrical hook ups, lights, etc.;
6. Any temporary structures associated with events on the Farm shall not be placed on the parcel more than 24 hours prior to the start of an event and shall be removed within 24 hours of the conclusion of the event;
7. Parking will occur only in areas that were recently harvested and prior to those areas being reseeded. Parking shall be prohibited on any public roads proximate to the Farm except where authorized by Hammonton;
8. Sufficient temporary, unpaved parking areas will be provided to ensure that all vehicles coming to the Farm for an event or any sports activities will be able to park in designated parking areas;
9. Use of motorized vehicles, other than for emergency transportation, shall be limited to existing roads located at the Farm and the designated parking areas;
10. No areas shall be paved or covered with impervious materials of any kind to accommodate or permit a portion of the Farm to be used for events or any sports activities;
11. No clearing of vegetation shall occur to accommodate, permit or expand the use of the Farm for events or any sports activities;
12. No water bodies shall be involved and may be used for activities associated with events or any sports activities occurring at the Farm;
13. Traffic controls required for events or any sports activities will be coordinated with the applicable municipality's Police Department;
14. At least 2 ingress routes and 2 different egress routes shall be provided for each event, except as otherwise authorized by Hammonton
15. Sufficient portable and temporary sanitary facilities shall be provided to accommodate the number of attendees anticipated for an event or any sports activities;

16. Any municipal approval issued to authorize events or any sports activities at the Farm shall expire within two years of the date of issuance or the Commission's promulgation of regulations establishing a pilot program addressing on-farm marketing and other commercial uses on lands in active agricultural production in the Pinelands Area, whichever occurs first. Such municipal approval shall not be subject to extension, notwithstanding any law or regulation to the contrary, including but not limited to the Municipal Land Use Law or the Permit Extension Act of 2008;
17. Any municipal approval issued to authorize events or any sports activities at the Farm shall include a condition that the existing agricultural use at the farm cannot be replaced or removed to accommodate events or sports activities at the Farm; and
18. Any municipal approval issued to authorize events or any sports activities at the Farm shall include a Finding that the approval is being granted because the proposed events or any sports activities do not interfere with or eliminate any of the agricultural uses currently existing at the Farm.

From: "William F. Harrison" <WHarrison@genovaburns.com>
To: "Nancy Wittenberg" <Nancy.Wittenberg@njpinelands.state.nj.us>, "apizzutill..."
CC: Stacey Roth <Stacey.Roth@njpinelands.state.nj.us>, "Ana J. Murteira" <AMurte...>
Date: 12/11/2014 5:19 PM
Subject: RE: terms
Attachments: GB changes TTF Betts-MSSL Proposal 12-10 (2).DOCX

Nancy, here are our suggested changes to the draft. I have leave at 6:00 to go be the attorney for the Teaneck Planning Board but will have access to emails or if you call my cell before 7:30, I should be reachable 973-953-6611. I will be in the office all day on Friday. Bill

-----Original Message-----

From: Nancy Wittenberg [mailto:Nancy.Wittenberg@njpinelands.state.nj.us]
Sent: Thursday, December 11, 2014 2:22 PM
To: William F. Harrison; apizzutillo@sppublicaffairs.com
Cc: Stacey Roth
Subject: terms

Tony and Bill

Attached is both a draft proposal and a map showing the 200 foot property buffer and wetlands.

Let us know if you have any questions.

Thanks.

Nancy

Executive Director
Pinelands Commission
609-894-7300

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Thank you.

Tuckahoe Turf Farm
Betts/MSSL/Barons Proposal

Regulatory Approach

If the Hammonton Planning Board approves the site plan application submitted by Tuckahoe Turf, Inc. ("Tuckahoe") with the conditions listed below, the Pinelands Commission staff will determine that the approval does not raise substantial issues with respect to the conformance of the proposed development with the minimum standards of the Pinelands Comprehensive Management Plan ("CMP") and allow that approval to take effect pursuant N.J.A.C. 7:50-4.40.

The Pinelands Commission staff is intending to recommend to the Commission that it consider promulgating regulations establishing a pilot program addressing on-farm direct marketing and other commercial uses on lands in active agricultural production in the Pinelands Area. ~~If Whether or not the Commission ultimately adopts such regulations, Tuckahoe will submit an application to the Pinelands Commission, pursuant to the provisions of the CMP, within five (5) years of the effective date of any such regulations at the expiration of its two (2) year municipal approval. Such application will be reviewed under the terms of the CMP, including any pilot program that is in effect at that time.~~

Usage Conditions:

- 1) Tuckahoe Turf will limit the usage of the Farm for events to 8 events a year or the hourly equivalent of 8 events~~not to exceed 192 hours.~~
- 2) An event is defined as two 12 hour days using ~~from 5 or more fields up to a maximum of 35 fields.~~
- 3) ~~No more than one event may occur at Tuckahoe Turf Farm in any given month.~~
- 4) To the extent that any event does not use the full 24 hours and 35 fields allocated to that event, those unused hours can be utilized on the Farm for any sports activities, other than events. The smallest increment of time that may be allocated or used for sports activities at the Farm, other than events, is whole hour increments. No more than 4 fields may be utilized when the Farm is used for any sports activities occurring at the Farm other than days that are part of an event.
- 5) Any use of the Farm by local groups for any sports activities, other than events, shall be limited to no more than 4 fields and no more than 100 persons actively participating in such activities at any one time

General Conditions:

- 1) The events and any other sport activities shall only occur on lands owned by Tuckahoe Turf Farm, that were in active field agricultural use ~~cleared for turf production as of~~

Draft
12/10/14

February 7, 1979 and that are currently actively used for turf production as part of the existing farming operation;

- 2) A 200 foot no activity buffer shall be maintained between the Preservation Area District property boundary -and all lands used for events or any sports activities. No soccer activities shall occur within 200 feet of any property owned by others without the written consent of that property owner;
- 3) ~~Wetlands located on the property shall be mapped to ensure that e~~Events or any sports activities occurring at Tuckahoe Turf Farm and any uses, activities or temporary structures associated therewith, including but not limited to parking, ~~shall~~ not occur within wetlands as defined in N.J.A.C. 7:50-6.5;
- 4) A plan shall be prepared depicting the portions of the subject parcel that may be used for events or any sports activities, including but not limited to the location of the fields, parking areas, food stalls, portable and temporary sanitary facilities, observation areas, wetlands, and the required 200-foot no activity buffer;
- 5) No permanent structures, except for structures used exclusively for the agricultural operation or permitted in accordance with the requirements of the Pinelands Comprehensive Management Plan, shall be placed on the property. Prohibited permanent structures include, but are not limited to, goals, impervious parking areas, driveways, ~~electrical hook-ups, lights, etc.;~~
- 6) Any temporary structures associated with events or any sports activities on the Farm shall not be placed on active agricultural lands ~~the parcel~~ more than 24 hours prior to the start of an event or any sports activities and shall be removed within 24 hours of the conclusion of the event or any sports activities;
- 7) ~~Use of the farm for events and any sports activities shall be limited to daylight hours (i.e. between sunrise and sunset. Lighting shall not be used to extend play;~~
- 8) Parking will occur only in areas that were recently harvested and prior to those areas being rescinded. Parking shall be prohibited on any public roads proximate to the Farm except where authorized by Hammondon;
- 9) Sufficient temporary, unpaved parking areas will be provided to ensure that all vehicles coming to the Farm for an event or any sports activities will be able to park in designated parking areas;
- 10) Use of motorized vehicles, other than for emergency transportation, shall be limited to existing roads located at the Farm and the designated parking areas;
- 11) No areas shall be paved or covered with impervious materials of any kind to accommodate or permit a portion of the Farm to be used for events or any sports activities;

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- 12) No clearing of vegetation shall occur to accommodate, permit or expand the use of the Farm for events or any sports activities;
- 13) No water bodies ~~shall be~~ involved and ~~no wetlands may be used for activities associated with events or any sports activities occurring at the Farm;~~
- 14) Traffic controls required for events or any sports activities will be coordinated with the applicable municipality's Police Department;
- 15) At least 2 ingress routes and 2 different egress routes shall be provided for each event, except as otherwise authorized by Hammonton;
- 16) Sufficient portable and temporary sanitary facilities shall be provided to accommodate the number of attendees anticipated for an event or any sports activities;
- 17) Any municipal approval issued to authorize events or any sports activities at the Farm shall expire five years after the effective date of any pilot program adopted by the Pinelands Commission concerning on-farm direct marketing activities and other commercial uses on lands in active agricultural production in the Pinelands Area within two years of the date of issuance. Such municipal approval shall not be subject to extension, notwithstanding any law or regulation to the contrary, including but not limited to the Municipal Land Use Law or the Permit Extension Act of 2008;
- 18) Any municipal approval issued to authorize events or any sports activities at the Farm shall include a condition that the existing agricultural use at the farm cannot be replaced or removed to accommodate events or sports activities at the Farm; and
- 19) Any municipal approval issued to authorize events or any sports activities at the Farm shall include a Finding that the approval is being granted because the proposed events or any sports activities do not interfere with or eliminate any of the agricultural uses currently existing at the Farm.

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From: "William F. Harrison" <WHarrison@genovaburns.com>
To: "Nancy.Wittenberg@njpines.state.nj.us" <Nancy.Wittenberg@njpines.state.n...>
Date: 12/11/2014 10:14 PM
Subject: Re: terms

Nancy, if there are questions, concerns or issues with the changes someone should call me so I can explain. Bill
Sent from my Verizon Wireless BlackBerry

From: Nancy Wittenberg <nawittenberg@gmail.com>
Date: Thu, 11 Dec 2014 18:52:23 -0500
To: William F. Harrison <WHarrison@genovaburns.com>
ReplyTo: <Nancy.Wittenberg@njpines.state.nj.us>
Subject: RE: terms

Thanks Bill. I will share with staff and get back to you tomorrow.

On Dec 11, 2014 5:24 PM, "William F. Harrison" <WHarrison@genovaburns.com> wrote:
Nancy, here are our suggested changes to the draft. I have leave at 6:00 to go be the attorney for the Teaneck Planning Board but will have access to emails or if you call my cell before 7:30, I should be reachable 973-953-6611<tel:973-953-6611>. I will be in the office all day on Friday. Bill

-----Original Message-----

From: Nancy Wittenberg
[mailto:Nancy.Wittenberg@njpines.state.nj.us<mailto:Nancy.Wittenberg@njpines.state.nj.us>]
Sent: Thursday, December 11, 2014 2:22 PM
To: William F. Harrison; apizzutillo@sppublicaffairs.com<mailto:apizzutillo@sppublicaffairs.com>
Cc: Stacey Roth
Subject: terms

Tony and Bill

Attached is both a draft proposal and a map showing the 200 foot property buffer and wetlands.

Let us know if you have any questions.

Thanks.

Nancy

Executive Director
Pinelands Commission
609-894-7300<tel:609-894-7300>

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Thank you.

From: "William F. Harrison" <WHarrison@genovaburns.com>
To: "Nancy Wittenberg" <Nancy.Wittenberg@njpines.state.nj.us>, "apizzutill..."
CC: Stacey Roth <Stacey.Roth@njpines.state.nj.us>
Date: 12/12/2014 8:56 AM
Subject: RE: terms

Nancy, I think from everyone's perspective it would be better to resolve this today. It would be better to talk before the commission meeting adjourns. I do not think the differences are that great. Bill

-----Original Message-----

From: Nancy Wittenberg [mailto:Nancy.Wittenberg@njpines.state.nj.us]
Sent: Friday, December 12, 2014 8:45 AM
To: William F. Harrison; apizzutillo@sppublicaffairs.com
Cc: Stacey Roth
Subject: RE: terms

Bill:

We are farther apart than I thought. We will call you after the Commission meeting.

Nancy

Executive Director
Pinelands Commission
609-894-7300

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>>> "William F. Harrison" <WHarrison@genovaburns.com> 12/11/2014 5:23 PM >>>

Nancy, here are our suggested changes to the draft. I have leave at 6:00 to go be the attorney for the Teaneck Planning Board but will have access to emails or if you call my cell before 7:30, I should be reachable 973-953-6611. I will be in the office all day on Friday. Bill

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Sent: Thursday, December 11, 2014 2:22 PM
To: William F. Harrison; apizzutillo@sppublicaffairs.com
Cc: Stacey Roth
Subject: terms

Tony and Bill

Attached is both a draft proposal and a map showing the 200 foot property buffer and wetlands.

Let us know if you have any questions.

Thanks.

Nancy

Executive Director
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Thank you.

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Thank you.

From: Stacey Roth
To: Harrison, William F.
CC: Grogan, Susan; Wittenberg, Nancy
Date: 12/16/2014 4:14 PM
Subject: Re: Certificate of Filing

Bill,

I forwarded your email to Regulatory Programs. However, they have informed me that the Certificate of Filing only lists the applicants and is sent to applicants and agents, in this case MSSL and Barons. However, you are copied on the Certificate of Filing. If you want to include Betts and Betts LLC as an applicant, Regulatory Programs will need a letter from you amending the application.

We will need this letter ASAP.

Stacey

Stacey P. Roth
Senior Counselor
N.J. Pinelands Commission
P.O. Box 359
New Lisbon, New Jersey 08064
T: 609-894-7300
F: 609-894-7338

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>>> "William F. Harrison" <WHarrison@genovaburns.com> 12/16/2014 3:39 PM >>>

Stacey, the Certificate of Filing should be jointly issued to MSSL and Betts and Betts, LLC as the property owners and the applicant before the Hammonton Planning Board. I should be copied as the attorney for Betts and Betts. Let me know if there is any issue doing this. Bill

William F. Harrison, Esq.
Direct Dial: 973.535.4430
Main Line: 973.533.0777 Ext. 1160

WHarrison@genovaburns.com

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Thank you.

From: "William F. Harrison" <WHarrison@genovaburns.com>
To: "Stacey Roth (Stacey.Roth@njpin.es.state.nj.us)" <Stacey.Roth@njpin.es.sta...
CC: "Charles.Horner@njpin.es.state.nj.us" <Charles.Horner@njpin.es.state.nj....
Date: 12/16/2014 4:30 PM
Subject: Certificate of Filing

Stacey, as you are aware, we represent Betts and Betts, LLC the property owner. Our firm has also been retained by MSSL to represent them. The original application filed with the Commission was filed with MSSL as the applicant with the consent of Betts and Betts, LLC as property owner. On behalf of both clients, we are amending the application so that both MSSL and Betts and Betts, LLC are the applicants. As a result, we are requesting that the Certificate of Filing be issued to both entities. I should be copied as the agent for the applicants. Give me a call if you have any questions. Bill

William F. Harrison, Esq.
Direct Dial: 973.535.4430
Main Line: 973.533.0777 Ext. 1160
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Thank you.

From: Stacey Roth
To: Harrison, William F.
CC: Horner, Charles; Wittenberg, Nancy
Date: 12/17/2014 9:38 AM
Subject: Re: Certificate of Filing

Bill, The Certificate of Filing, Inconsistent (C of F) is finalized and going out this morning . As I mentioned previously, you are copied on the C of F. After discussing your email from yesterday with Regulatory Programs, they have advised me that they need additional documentation to amended the application to include Betts and Betts LLC as an applicant. Given the timing issues involved in this matter, we have decided that it is best to issue the C of F rather than hold it until the application is amended. If you would prefer we hold off issuance, please let me know immediately. As far as amending the application to include Betts and Betts, LLC, we will need a letter from Betts indicating that you have replaced Any as their agent and another letter from Betts and Betts LLC indicating that they want to be considered as a joint applicant on the application. Give me a call if you have any questions. Stacey

Stacey P. Roth
Senior Counselor
N.J. Pinelands Commission
P.O. Box 359
New Lisbon, New Jersey 08064
T: 609-894-7300
F: 609-894-7338

CONFIDENTIALITY NOTICE:

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>>> "William F. Harrison" <WHarrison@genovaburns.com> 12/16/2014 4:34 PM >>>

Stacey, as you are aware, we represent Betts and Betts, LLC the property owner. Our firm has also been retained by MSSL to represent them. The original application filed with the Commission was filed with MSSL as the applicant with the consent of Betts and Betts, LLC as property owner. On behalf of both clients, we are amending the application so that both MSSL and Betts and Betts, LLC are the applicants. As a result, we are requesting that the Certificate of Filing be issued to both entities. I should be copied as the agent for the applicants. Give me a call if you have any questions. Bill

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Thank you.



State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08054
(609) 894-7300
www.nj.gov/pinelands



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

December 17, 2014

Mid-Atlantic Soccer Showcase League and
South Jersey Elite Youth Barons
c/o Steve Shillings
8 Cornwall Court
East Brunswick, NJ 08816

Re: Application # 1984-0389.009
Block 5001, Lots 5 - 7
Block 5601, Lots 2 - 6 & 8
Block 5602, Lots 4 - 7
Town of Hammonton

Dear Mr. Shilling:

Pursuant to N.J.A.C. 7:50-4.2(c) of the Pinelands Comprehensive Management Plan, the completion of your application has resulted in the issuance of the enclosed *Inconsistent Certificate of Filing*. The reason(s) for the inconsistency is explained on Page 3 and must be resolved.

The Certificate of Filing is not an approval. It is the document necessary to allow any local or county agency to review and act on your proposed development application. All local and county permits and approvals granted for the proposed development are subject to review by the Pinelands Commission. **No approval shall take effect and no development may occur until the Commission issues a letter indicating that the approval may take effect.**

Upon receipt of any local agency approval, please submit a copy to the Commission's office with the additional items listed on the enclosed *Local Agency Approval Submission Checklist*.

If you have any questions, please contact Rhonda L. Ward of our staff.

Sincerely,

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

Enc: Inconsistent Certificate of Filing
Local Agency Approval Submission Checklist



c: Secretary, Town of Hammonton Planning Board (via email)
Town of Hammonton Construction Code Official (via email)
Town of Hammonton Environmental Commission (via email)
Atlantic County Department of Regional Planning and Development (via email)
Andrew B. Robins, Esq. w/encl.
William F. Harrison, Esq. w/encl.



New Jersey Pinelands Commission
PO Box 359
New Lisbon, NJ 08064
(609) 894-7300



Chris Christie
Governor

Kim Guadagno
Lt. Governor

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

INCONSISTENT CERTIFICATE OF FILING

INCONSISTENT

Application # 1984-0389-0009
Applicant: Mid-Atlantic Soccer Showcase League and South Jersey Elite Youth Barons
Municipality: Town of Hammonton
Block 5001 Lots 5-7; Block 5601 Lots 2-6 & 8; Block 5602 Lots 4-7
Agricultural Production Area AP Zoning District 204 acres

Proposed Development

Establishment of a private commercial soccer use with no site improvements

Plan(s) Subject of Certificate of Filing

Not Applicable

December 17, 2014

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

Date

Please see the additional pages for more information and conditions

BACKGROUND

Existing development:

- Agricultural use: sod farm

Relevant Information:

- Based upon available wetlands mapping, there are wetlands located on and within 300 feet of the parcel.
- The Pinelands Development Credits (PDCs) allocated to the parcel subject of this application have been severed and the requisite PDC deed restriction has been imposed limiting land uses that are permitted on the parcel.
- The proposed private commercial soccer use was established prior to completion of an application with the Commission in violation of the application requirements of the Town of Hammonton land use ordinance and the Pinelands Comprehensive Management Plan.

- This application proposes to hold "less than 15 weekend (Saturday and Sunday) tournaments" per year from March through November on between 40 to 60 soccer fields. The applicant represents that up to approximately 2,000 players and guests could be present on the parcel at any one time.

- This application also proposes to use a maximum of four fields, six days a week, from March through

CONDITIONS

1. The proposed soccer use shall not be located in wetlands.
2. This application is for the establishment of the proposed soccer use only. Any other future development of the parcel, including any proposed site improvements, requires application to the Commission and shall be governed by the Town of Hammonton land use ordinances and the Pinelands Comprehensive Management Plan.
3. Item(s) on the attached *Inconsistencies* document must be resolved prior to Commission issuance of a letter indicating that any approval can take effect.

NEXT STEPS

- This Certificate of Filing is not an approval.
- Submit a copy of this Certificate of Filing to all county and municipal agencies that are required to review and act on your application (municipal planning board, building department, county health department, etc.).
- Send a copy of all approvals/permits that are issued by the county or municipality to the Pinelands Commission for review. Please use the attached *Local Agency Approval Submission Checklist* to make sure you are submitting all required documentation related to the approval/permit.
- No local approval/permit takes effect and no development can occur until the Pinelands Commission has reviewed the approval. When we complete our review, we will issue you a letter stating that the approval/permit can take effect.

BACKGROUND

November of any given year for soccer practices and games. No estimate of the number of players and guests anticipated to attend for this specific use was provided.

- ♦ This application represents that the proposed use will only be located on lands in active sod production.

CONDITIONS

NEXT STEPS

INCONSISTENT

INCONSISTENCIES:

This application as currently proposed is inconsistent with the following standard(s) of the Town of Hammonton's certified land use ordinances and the Pinelands Comprehensive Management Plan (CMP):

1. Permitted use in an Agricultural Production Area (N.J.A.C. 7:50-5.24(a))

This application proposes the establishment of a private commercial soccer use accessory to an existing sod farm located on the above referenced parcel in Hammonton. The applicant has not demonstrated that the proposed use meets the definition of accessory use contained in the Commission certified (approved) Town of Hammonton land use ordinance and the CMP or otherwise demonstrated that the proposed use is permitted in a Pinelands Agricultural Production Area. The application is inconsistent with the permitted use standards in a Pinelands Agricultural Production Area contained in the Commission certified (approved) Town of Hammonton land use ordinance and the CMP.

2. Pinelands Development Credit Deed Restriction (N.J.A.C. 7:50-5.47(b)3)

The proposed private commercial soccer use is inconsistent with the uses of the parcel permitted by the BDC deed restriction previously imposed on the parcel.

3. Wetland protection standards (N.J.A.C. 7:50-6.7)

Based upon available wetlands mapping, some of the existing sod fields are located in wetlands. The application could be amended to eliminate proposed soccer fields and associated activities from wetlands.

Commission receipt of any county or municipal approval or permit for the development as currently proposed will likely result in the scheduling of a Commission staff public hearing to review the issues raised by the above-referenced inconsistency(ies).



**GENOVA
BURNS**
ATTORNEYS-AT-LAW

Genova Burns LLC
494 Broad Street, Newark, NJ 07102
Tel: 973.533.0777 Fax: 973.533.1112
Web: www.genovaburns.com

William F. Harrison, Esq.
Partner
Member of NJ Bar
wharrison@genovaburns.com
Direct: 973-535-4430

January 7, 2015

VIA OVERNIGHT DELIVERY

State of New Jersey
The Pinelands Commission
15 Springfield Road
New Lisbon, NJ 08064
Attn: 10

Re: **Application No. 1984-0389.009**
Soccer Activities at Tuckahoe Turf Farms

Dear Mr. Horner:

This firm represents Tuckahoe Turf Farms, Inc. ("Tuckahoe"), Betts and Betts, LLC ("Betts and Betts"), and MSSSL, Inc. ("MSSSL") in connection with the referenced matter. On August 29, 2014, the above-referenced application was filed by MSSSL, with the consent of Betts and Betts, to continue the use of soccer activities as on-farm direct marketing for the existing turf farm. That application only involved the portion of the farm that is located in Hammonton. An inconsistent Certificate of Filing was issued in response to that application on December 17, 2014. Betts and Betts is the property owner and operates the turf farm, which is known as the Tuckahoe Turf Farm. On behalf of all clients, we are amending the application so that Tuckahoe is the applicant. We are also amending the application to include all of the lots owned by Betts and Betts. The block and lots to be included in the application are as follows:

Town of Hammonton

- Block 5001, Lots 5 thru 7
- Block 5002, Lot 11
- Block 5601, Lots 1 thru 9
- Block 5602, Lot 3 thru 7 (Excluding Lot 4.01)

Township of Waterford

- Block 7506, Lot 1 (formerly Block 292, Lot 1)
- Block 7505, Lot 1 (formerly Block 293, Lot 1)

APP# 19840389.009
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Mr. Charles Horner, PP
Director of Regulatory Programs
January 7, 2015
Page 2

- Block 7502, Lots 2 and 3 (formerly Block 294, Lots 2 and 3)
- Block 7503, Lots 1, 3, 4, 5, and 10-12 (formerly Block 297, Lots 1, 3 and 7-11)
- Block 7504, Lots 1-4 and 10-12 (formerly Block 298, Lot 1-8)
- Block 7602, Lots 10-13 (formerly Block 299, Lot 1-4)

Winslow Township

- Block 6602, Lot 7
- Block 7101, Lots 5 and 15
- Block 7104, Lots 1 and 3

Additionally, enclosed are the following documents to supplement the application:

- An amended application form;
- Copy of Applications filed with the Town of Hammonton dated October 1, 2014 and November 25, 2014 (The application was initially filed with the Town's Zoning Board of Adjustment for an interpretation of the Zoning Ordinance. Based on discussions with the Town, the application was amended to be filed with the Planning Board for preliminary and final site plan approval, instead of an interpretation of the Zoning Ordinance;
- Copy of report filed with the Town of Hammonton titled "Expert Planning Testimony" prepared by Kernan Engineering Consultants dated October 2014;
- Aerial Photos Depicting Zoning and Soccer Event Layouts, prepared by Kernan Consulting Engineers, consisting of five (5) sheets;
- Tuckahoe Turf Farms pamphlet distributed to participants during soccer events;
- Graph of Yearly Sod Totals; and
- Letter from Michael Ruberton, Chief of Hammonton Fire Department; and
- Copies of the resolutions adopted by the Atlantic and Camden County Agricultural Development Boards confirming that the soccer activities on the turf farm qualify as on-farm direct marketing pursuant to the rule adopted by the State Agricultural Development Board.



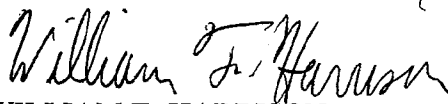
Mr. Charles Horner, PP
Director of Regulatory Programs
January 7, 2015
Page 3

We are requesting an amended Certificate of Filing that will apply to the entire property owned by Betts and Betts. Soccer activities were located on portions of the turf farm located in Hammonton in 2014. In order to maintain the appropriate crop rotation and sell the turf at the optimum time, the soccer activities need to occur on portions of the farm that are located in Waterford Township in 2015. The Waterford portion of the turf farm was last used for the on-farm direct marketing soccer activities in the fall of 2013. We will be seeking approval from Waterford Township once the amended Certificate of Filing is issued.

Thank you for your attention to this matter. Please contact me with any questions.

Very truly yours,

GENOVA BURNS LLC


WILLIAM F. HARRISON

WFH/AJM/keb/ln

FITZGERALD, McGROARTY & MALINSKY, P.A.

747 Shore Road

Linwood, New Jersey 08221

(609) 927-0015

Attorneys for Town of Hammonton Planning Board

	:	TOWN OF HAMMONTON
	:	PLANNING BOARD
	:	
APPLICATION OF TUCKAHOE TURF	:	
FARMS, INC., FOR COMPLETENESS,	:	
PRELIMINARY AND FINAL MAJOR	:	APP. NO. 10-14
SITE PLAN AND WAIVER APPROVAL	:	
FOR LOTS 5-7 OF BLOCK 5001, LOT	:	DECISION AND RESOLUTION
11 OF BLOCK 5002, LOTS 1-9 OF	:	
BLOCK 5601, LOTS 3-7 (EXCLUDING	:	
LOT 4.01) OF BLOCK 5602,	:	
COMMONLY KNOWN AS 401 NORTH	:	
MYRTLE STREET	:	
	:	
	:	

THIS MATTER having been heard by the Planning Board of the Town of Hammonton on December 17, 2014, at a regularly scheduled meeting at the Town Hall of the Town of Hammonton and the Board having reviewed the application and plans as submitted and a quorum being present; and

WHEREAS, the Town of Hammonton Planning Board has heard the testimony of Consulting Engineer Robert A. Vettese, P.E., of Adams, Rehmann and Heggan Assoc., Inc, and received his report dated December 12, 2014; and

WHEREAS, the Town of Hammonton Planning Board has heard the testimony of Consulting Traffic Engineer and Consulting Planner Kevin J. Dixon, P.E., P.P., C.M.E., of Dixon Associates, Engineering, LLC, and received his report of December 16, 2014; and

WHEREAS, the Town of Hammonton Planning Board has received the following documents and submissions of the Applicant:

- a. Town of Hammonton Land Development Application dated October 2, 2014;
- b. Town of Hammonton Tax and Assessment Report;
- c. New Jersey Pineland's Commission Inconsistent Certificate of Filing dated December 17, 2014;
- d. Submission checklist for Preliminary Major Site Plan;
- e. Submission checklist for Final Major Site Plan;
- f. Three (3) page document titled Attachment to Application Form List of Waivers;
- g. Notice to Property Owners within a 200 foot radius of the property;
- h. Corporate Ownership Disclosure Statement;
- i. Camden County Agriculture Development Board Resolution in reference to Tuckahoe Turf Farms adopted November 13, 2014;
- j. Atlantic County Agriculture Development Board Resolution in reference to Tuckahoe Turf Farms adopted September 9, 2014;
- k. August 6, 2014, correspondence from Robert Jones, Town of Hammonton Chief of Police;
- l. Four (4) 8 ½ x 11 marked up parcel maps of the site;
- m. Two (2) page document titled MSSL-Match Day at Tuckahoe Turf Farm;
- n. Undated correspondence from Chief Michael Ruberton of the Hammonton Fire Department to Allen Carter; and
- o. December 17, 2014, correspondence from the Pinelands Commission to

Steve Shillings of the Mid-Atlantic Soccer Showcase League and South Jersey Elite Youth Barrens.

WHEREAS, the following Exhibits were submitted by the Applicant during the hearing:

- A-1 August 6, 2014, correspondence from Robert Jones, Town of Hammonton Chief of Police;
- A-2 Tuckahoe Turf Farms Soccer Event Layout 1 Plan (1 sheet) prepared by Kernan Consulting Engineers, dated October 23, 2014;
- A-3 Tuckahoe Turf Farms Soccer Event Layout 2 Plan (1 sheet) prepared by Kernan Consulting Engineers, dated October 23, 2014;
- A-4 Tuckahoe Turf Farms Soccer Event Layout 3 Plan (1 sheet) prepared by Kernan Consulting Engineers, dated October 23, 2014;
- A-5 Tuckahoe Turf Farms Soccer Event Layout 4 Plan (1 sheet) prepared by Kernan Consulting Engineers, dated October 23, 2014;
- A-6 6" x 9" color double sided marketing handout;
- A-7 Chart consisting of two (2) pages, titled Yearly Sod Totals in Millions of SQ. FT.; and
- A-8 Marked up aerial of the site prepared by Kernan Consulting Engineers, dated October 23, 2014.

WHEREAS, the Town of Hammonton Planning Board has received the following document from the Pinelands Commission:

- a. Three (3) page document containing usage and general conditions for this application.

WHEREAS, the Town of Hammonton Planning Board based on the exhibits submitted, the reports and testimony of the Board Consultants, and the testimony presented on behalf of the Applicant makes the following findings of fact and conclusions:

1. The Applicant is Tuckahoe Turf Farms, Inc., with an address of 401 North Myrtle Street, Hammonton, New Jersey 08037. Betts and Betts, LLC, is the owner of the subject property and has consented to this application.

2. Appearing on behalf of the Applicant was William F. Harrison, Esquire, of Genova Burns, LLC.

3. The application was deemed complete on December 17, 2014.

4. Testifying on behalf of the application was Allen Carter, employee in charge of sales and advertising for the Applicant; William J. Murray, retired Lieutenant from the Camden County Police Department; and J. Timothy Kernan, P.E., P.P., C.M.E., of Kernan Consulting Engineers.

5. Members of the public that testified regarding the application included:

a. Rocco Colasurdo of 420 Boyer Avenue testified that the Applicant runs a good, efficient, clean, safe operation and expressed support for the application.

6. A New Jersey Pinelands Inconsistent Certificate of Filing was issued to the Applicant on December 17, 2014. The Certificate of Filing set forth that the application as proposed is inconsistent with the following standards:

a. Permitted use in the Agriculture Production Area (N.J.A.C. 7:50-5.24(a));

b. Pinelands Development Credit Deed Restriction (N.J.A.C. 7:50-

5.47(b)(3)); and

c. Wetland Protection Standards (N.J.A.C. 7:50-6.7).

7. The site is located in the AP Agriculture Production District. The property that is the subject of this application consists of 310 acres. The Applicant is requesting preliminary and final major site plan approval to allow soccer games and practices on the site. **This approval is specifically limited to soccer games and practices. The Applicant shall not permit or allow any other sports activities or sporting events on the site.**

8. The proposed application complies with the area and bulk requirements of the AP Zoning District and no variances are required.

9. Based upon the testimony presented on behalf of the application, documents submitted in support of the application, as well as the reports and testimony of the Planning Board Professional Consultants, the Planning Board found that the proposed soccer activities do not interfere with or eliminate any of the agricultural uses currently existing on the farm.

10. Submission waivers were requested by the Applicant from the requirements of:

- a. §175-58(A)(2)(a) and §175-58(B)(2)(a) - which requires the Applicant to submit 12 copies of the plat prepared in accordance with §175-70 and §175-71 respectively.
- b. §175-58(A)(2)(c) and §175-58(B)(2)(c) - which requires the Applicant to provide copies of any protective covenants or deed restrictions applying or to be applied to the property.
- c. §175-58(A)(2)(I) - which requires submission of an environmental impact statement. This waiver is conditioned upon the Applicant making

application to and appearing before the Town of Hammonton Environmental Commission and complying with any and all conditions imposed by such commission.

- d. §175-58(A)(20) - which requires the submission of a traffic impact study.

The submission waivers are approved based upon the testimony presented on behalf of the application, documents submitted in support of the application, as well as the reports and testimony of the Planning Board Professional Consultants.

- 11. Design waivers were requested by the Applicant from the requirements of:

- a. §175-118(A)(1) and §175-112 - to provide onsite lighting at an average minimum of 0.5 foot candles on the property.
- b. §175-118(A)(2) - which requires all parking areas to be paved and curbed.
- c. §175-118(A)(3) - which requires all parking areas to be located on the same lot it serves.
- d. §175-118(A)(4)(a) - which requires all parking areas to be landscaped.

The design waivers are approved based upon the testimony presented on behalf of the application, documents submitted in support of the application, as well as the reports and testimony of the Planning Board Professional Consultants.

- 12. This approval is subject to recommendations of the Town of Hammonton Public Works and Transportation Committee, the Town of Hammonton Police Department and the Town of Hammonton Fire Department.

- 13. The Applicant will comply with all outstanding conditions of the Board and Board Consultants set forth in the reports or in the testimony, unless modified, and will submit

any required revised plans or other documents within 180 days of the date of this Decision and Resolution for the review and approval of the Board Consultants. The conditions the Applicant shall comply with include, but are not limited to the following:

Town Conditions

- a. The Applicant shall not have or allow any picnic tables and/or bleachers on the site.
- b. The Applicant shall have a maximum of six (6) vendors occupying a maximum of 6 total stations on site. A local farmer with a farm stand shall not constitute as a vendor for the purposes of this condition.
- c. The Applicant shall check with the Town of Hammonton Fire Department to make sure the stations set up by the vendors conform to the International Fire Code Standards.
- d. The Applicant agreed to enter into a Developer's Agreement with the Town of Hammonton to maintain those portions of Myrtle Street, Oak Road and Pine Road located off site, but utilized as a result of the soccer activities. As part of the Developer's Agreement the Applicant shall be required to maintain, repair and if deemed necessary by the Town, in the Town's sole discretion replace the millings currently located on Myrtle Street, however, the Applicant shall not be required to pave any roads or install guardrail.
- e. The Applicant agreed to maintain in good condition so as to prevent washboarding and potholes, those portions of Myrtle Street, Oak Road and

Sandy Causeway Road that are located on-site. The Applicant shall take all necessary measures to maintain a stabilized surface on the previously mentioned roadways, but shall not be required to pave any roads or install guardrail.

- f. The Applicant shall submit an operational plan depicting, at a minimum, safe egress and ingress; sufficient parking areas; the location of all police officers, personnel directing traffic, and crossing guards; the location of all vendors; and the location of any temporary signage; to the Planning Board Planner/Traffic Engineer for his review and approval and shall make any changes to the plan as required by the Planning Board Planner/Traffic Engineer, in his sole discretion. A final version of the operational plan approved by the Planning Board Planner/Traffic Engineer shall be submitted to the Planning Board Secretary.
- g. The Applicant agreed that the operational plan shall be subject to any changes or comments of the Town of Hammonton Chief of Police at any time, deemed necessary by the Chief to protect the public health, safety and welfare, in the Chief's sole discretion.
- h. The Applicant shall make sure all crossing guards and individuals directing traffic are at least 17 years of age or older and possess a valid drivers license.
- i. The Applicant shall only have police officers on Route 206 directing traffic.

- j. The Applicant shall not allow and take steps to ensure that there is no parking on Route 206.
- k. The Applicant agreed to identify all no parking areas with temporary no parking signs. The Applicant shall use its best efforts to obtain permission from the New Jersey State Police to place temporary no parking signs on Route 206.
- l. The Applicant shall take all necessary measures to maintain a stabilized surface on all designated parking areas.
- m. The Applicant shall comply at all times with the Americans with Disabilities Act.
- n. All soccer games shall be played and completed during daylight and no games shall be played at night. The Applicant shall be allowed to have practices (which may include scrimmages) at night a maximum of four days a week.
- o. The Applicant shall clean up the site after any and all soccer events and make sure all trash is placed into dumpsters.
- p. If at anytime a majority of the farm ceases to be utilized as a turf farm then soccer activities and events shall cease and no longer be permitted on the site.

Pinelands Commission and Town Conditions

Usage Conditions:

- a. Tuckahoe Turf will limit the usage of the Farm for soccer events to:

- i. 8 events a year or the hourly equivalent not to exceed 192 hours;
 - ii. An event day shall consist of a maximum of 12 hours; and
 - iii. No more than a maximum of 35 fields and no more than fifteen percent (15%) of the total acreage of the farm may be used for an event.
- b. To the extent that any soccer event does not use the full 24 hours allocated to that event, those unused hours may be utilized on the Farm for any soccer activities, other than events, as follows:
- i. The smallest increment of time that may be allocated or used for soccer activities, other than events, at the Farm, is whole hour increments;
 - ii. No more than 4 fields may be utilized when the Farm is used for any soccer activities occurring at the Farm other than days that are part of an event; and
 - iii. No more than 100 persons may actively participate in such soccer activities occurring at the Farm other than days that are part of an event.

General Conditions:

- a. The soccer events and any soccer activities shall only occur on lands owned by Tuckahoe Turf Farm, that were in active field agricultural use as of February 7, 1979, and that are currently actively used for turf production as part of the existing farming operation;

- b. A 200 foot no activity buffer shall be maintained between the property boundary and all lands used for soccer events or any soccer activities;
- c. Soccer events or any soccer activities occurring at Tuckahoe Turf Farm and any uses, activities or temporary structures associated therewith, including but not limited to parking, shall not occur within wetlands as defined in Subchapter 6, Part I of the Pinelands Comprehensive Management Plan;
- d. A plan shall be prepared depicting the portions of the subject parcel that may be used for soccer events or any soccer activities, including but not limited to the location of the fields, parking areas, food stalls, portable and temporary sanitary facilities, observation areas, wetlands, and the required 200 foot no activity buffer;
- e. No permanent structures, except for structures used exclusively for the agricultural operation or permitted in accordance with the requirements of the Pinelands Comprehensive Management Plan, shall be placed on the property. Prohibited permanent structures include, but are not limited to, goals, impervious parking areas, driveways, electrical hook ups, lights, etc.;
- f. Any temporary structures associated with soccer events on the Farm shall not be placed on the parcel more than 24 hours prior to the start of an event and shall be removed within 24 hours of the conclusion of the event;
- g. Parking will occur only in areas that were recently harvested and prior to

those areas being reseeded. Parking shall be prohibited on any public roads proximate to the Farm except where authorized by Hammonton;

- h. Sufficient temporary, unpaved parking areas will be provided to ensure that all vehicles coming to the Farm for a soccer event or any soccer activities will be able to park in designated parking areas;
- i. Use of motorized vehicles, other than for emergency transportation, shall be limited to existing roads located at the Farm and the designated parking areas;
- j. No areas shall be paved or covered with impervious materials of any kind to accommodate or permit a portion of the Farm to be used for soccer events or any soccer activities;
- k. No clearing of vegetation shall occur to accommodate, permit or expand the use of the Farm for soccer events or any soccer activities;
- l. No water bodies shall be involved and may be used for activities associated with soccer events or any soccer activities occurring at the Farm;
- m. Traffic controls required for soccer events or any soccer activities will be coordinated with the applicable municipality's Police Department;
- n. At least 2 ingress routes and 2 different egress routes shall be provided for each soccer event, except as otherwise authorized by Hammonton
- o. Sufficient portable and temporary sanitary facilities shall be provided to accommodate the number of attendees anticipated for a soccer event or

any soccer activities; and

- p. The existing agricultural use at the farm cannot be replaced or removed to accommodate soccer events or soccer activities at the Farm.

14. This approval is based upon the full and diligent adherence by the Applicant to all representations made to the Board. Any failure of the Applicant or the Applicant's successors or assigns to fully adhere to all of the provisions of this approval and all representations made by or on behalf of the Applicant, directly or indirectly, in the hearing or in the application documents, may be deemed to be a material breach of this approval. Such a breach will constitute a violation of the Development Ordinance and the Town may remedy such violation by the withholding of building permits, certificates of occupancy, continuing certificates of occupancy, or any other permit, approval or certificate for the property which is the subject of this approval. In addition, the Town may seek the imposition of fines or penalties pursuant to the Land Management Ordinance or may pursue any other remedy available to it at law or in equity, including an action in the Superior Court to enjoin such violation or to compel performance or compliance.

15. The Applicant shall comply with all federal, state and local laws, rules and regulations and shall obtain any and all other necessary government approvals required for this approval. If as a result of the review by any other governmental agency there is any change in the approval by this Board or any modification of any statement or representation made by or on behalf of the Applicant, the Applicant must notify the Board and the Board shall have the right to review that issue as it may relate to or impact this approval and the Board may modify or amend this approval as appropriate. Approvals which may be required include, but are not

necessarily limited to, the Atlantic County Planning Board, the New Jersey Pinelands Commission, and the Town of Hammonton Municipal Utilities Division.

16. All references in this Decision and Resolution to the Applicant shall, where appropriate for the context, also mean the Applicant's successors or assigns. If any provision of this Decision and Resolution or the application thereof shall be held to be invalid or unenforceable to any extent, the remainder of this Decision and Resolution shall not be effected thereby and shall remain enforceable to the full extent of the law.

17. This approval is conditioned upon payment of all applicable fees and escrows.

18. This preliminary and final major site plan approval confers upon the Applicant the rights set forth in N.J.S.A. 40:55D-50 and N.J.S.A. 40:55D-52, subject to compliance with any outstanding conditions of this approval. This approval is conditioned upon the submission of an acceptable performance guarantee and inspection escrow, as may be required, and a preconstruction conference with the Town Engineer if deemed necessary by the Town Engineer.

NOW, THEREFORE, BE IT DECIDED AND RESOLVED by the Planning Board of the Town of Hammonton that this application for Completeness, Preliminary and Final Major Site Plan and Waiver Approval is granted as set forth above by a vote of eight (8) in favor, none (0) opposed and one (1) abstaining.

Edward H. Marinelli

EDWARD MARINELLI, CHAIRMAN

Dated: 2-4-15

Patricia Berenato

PATRICIA BERENATO, SECRETARY

RE: Tuckahoe Turf Farms, Inc.
For Completeness, Preliminary and Final Major Site Plan and Waiver Approval
William F. Harrison, Esquire
10-14

BOARD VOTING IN FAVOR:
Capelli, DeMarco, DiDonato, Esposito,
Hozik, Marinelli, Messina, Pheribo

BOARD OPPOSED:

ABSTAINING:
Kent

JAN 8 2015

Expert Planning Testimony

for:

TUCKAHOE TURF FARMS

Block 5001, Lots 5, 6 & 7

Block 5002, Lot 11

Block 5601, Lots 1 thru 9

Block 5602, Lots 3 thru 7 (excluding lot 4.01)

401 N. Myrtle Street

Town of Hammonton
Atlantic County, New Jersey

Prepared for:

SAJE Enterprises, LLC

8 Cornwall Court

East Brunswick, NJ 08816

Prepared by:

J. Timothy Kernan, Inc.

Kingsway Commons, Suite 100

935 Kings Highway

West Deptford, NJ 08086



J. Timothy Kernan, P.E., P.P., C.M.E.

President

NJ Professional Planner License #05400

October 2014

JTK, Inc. File: KE14046



Introduction

Name of Applicant: Tuckahoe Turf Farms, Inc.

Name of Owner: Betts and Betts, LLC

Type of Application: Interpretation of Zoning Map or Ordinance

Name of Project: Tuckahoe Turf Farms (TTF)

Zone: AP, Agricultural Production Zoning District

Present Use of Property: Agricultural Use for Cultivation and Sale of Turf Products

Proposed Use of Property: Agricultural Use with Accessory On-farm Direct Marketing Activities (soccer)

Adjacent Land Uses:

Northwest:	Boundary with Waterford Township. Additional Agricultural Fields
Southwest:	Agricultural
Northeast:	Woodlands which are part of the Wharton State Forest in the Preservation Area
Southeast:	Woodlands, Agricultural Fields
and	Limited Single-Family Residences

Property Location: The subject property is approximately three-quarters of a mile west of Route 206 on North Myrtle Street, Causeway Road and Oak Road in the Town of Hammonton, Atlantic County. It is comprised of 18 parcels totaling approximately 310 acres.

Project Description

Tuckahoe Turf Farms (TTF) owns a turf farm located within the Town of Hammonton, Waterford Township and Winslow Township. TTF operates as an agricultural farm producing and selling turf products. TTF also has agreements with the Mid-Atlantic Soccer League (MSSL) and South Jersey Barons which allow those organizations to conduct soccer activities and events on existing turf fields.

The applicant proposes the continuation of the organized activities and events on a limited basis. No permanent structures are placed on the property related to these activities. Parking for events is provided in recently harvested areas. Food and beverages are made available to participants and spectators by vendors. Portable toilets and trash containers are rented for events. There is absolutely no clearing of vegetation and no impermeable surfaces are proposed.

Materials Reviewed

1. Town of Hammonton Land Development Application, dated October 1, 2014;
2. Site visits on October 1, 2014 and October 12, 2014;
3. Summary of TTF history of operations including a proposal of conditions to allow temporary soccer activities;
4. Correspondence to the New Jersey Pinelands Commission from Ed Kertz, President of Atlantic County Board of Agriculture, dated September 10, 2014;
5. Correspondence to the State Agricultural Development Committee from Ed Kertz, President of Atlantic County Board of Agriculture, dated September 10, 2014;
6. Atlantic County Agriculture Development Board Resolution regarding activities and events held at TTF, adopted September 9, 2014;
7. Cover letter prepared by Teal S. Jefferis, PE, CME, CDT of Jefferis Engineering Associates, LLC to the New Jersey Pinelands Commission, dated August 29, 2014;
8. NJ Pinelands Commission Development Application and Supplement to Application, dated August 27, 2014;
9. Zoning Exhibit – Hammonton Tracts (ZE-2), sheet 1 of 1 prepared by Teal S. Jefferis, P.E. of Jefferis Engineering Associates, LLC dated January 24, 2014, last revised August 26, 2014;
10. Correspondence to the New Jersey Pinelands Commission from Andrew B. Robins, Esq. of Sills Cummis & Gross, dated August 25, 2014;

11. Correspondence to Andrew B. Robins, Esq. from Nancy Wittenberg, Executive Director of the New Jersey Pinelands Commission, dated August 12, 2014;
12. Correspondence to the New Jersey Pinelands Commission from William F. Harrison, Esq., of Genova Burns Giatomasi Webster LLC, dated August 6, 2014;
13. Correspondence from the Town of Hammonton Police Chief, dated August 6, 2014;
14. Correspondence to the New Jersey Pinelands Commission from Andrew B. Robins, Esq. of Sills Cummis & Gross, dated August 5, 2014;
15. Correspondence to Howard C. Long, Jr., Esq. of Wade, Long, Wood & Kennedy, LLC from Nancy Wittenberg, Executive Director of the New Jersey Pinelands Commission, dated July 17, 2014;
16. Time Line Summary of Meetings and Actions with the NJ Pinelands Commission, prepared by Teal Jefferis, PE, dated May 14, 2014;
17. Pre-Application Conference Response to the New Jersey Pinelands Commission, prepared by Teal Jefferis, PE, dated February 12, 2014 with letter from Tuckahoe Turf Farms, Inc. (Attachment A), MSSSL, Inc. 2014 Planned Usage Schedule, dated February 12, 2014 (Attachment B), South Jersey Barons Youth Club, Inc. 2014 Planned Usage Schedule, dated February 12, 2014 (Attachment C), Evaluation of Temporary Soccer Use as a Low Intensity Recreational Use, dated February 12, 2014 (Attachment D);
18. New Jersey Pinelands Commission Comprehensive Management Plan (CMP);
19. Town of Hammonton Zoning Ordinance;
20. Hammonton Downtown Code prepared by Brown & Keener, November 28, 2011 version;
21. Master Plan Amendment – Land Use Element prepared by Brown & Keener;
22. 2011 Master Plan Reexamination Report prepared by Brown & Keener; and
23. Municipal Land Use Law (MLUL).

Interpretation

In accordance with the New Jersey Municipal Land Use Law (MLUL) (N.J.S.A. 40:55D-70b), the applicant is requesting an interpretation of the zoning ordinance. The Zoning Board of Adjustment has the power to hear and decide requests for interpretation of the zoning map or ordinance or for decisions upon other special questions upon which such board is authorized to pass by any zoning or official map ordinance, in accordance with said act.

Town of Hammonton, Chapter 175 Land Development

Article XIII. Zoning

§175-148. Agricultural Production District.

In accordance with §175-148.C., Agriculture is a permitted use in the AP Zoning District. TTF has been in operation as a turf farm for over 25 years, serving both residential and commercial clients, including the National Football League and Major League Baseball. Athletic fields account for approximately 80% of TTF's current sales.

In accordance with §175-148.K., Accessory uses are also permitted. TTF has agreements in place to allow a limited number of soccer activities and events to take place on the farm each year. These activities and events constitute an agricultural management practice for on-farm direct marketing facilities, activities and events, as further discussed below.

In accordance with §175-10, Accessory Structure or Use is defined as a building, structure or use which:

A. Is subordinate and incidental to and serves a principal building or a principal use.

The on-farm direct marketing activities and events are subordinate and incidental to and serve the principal use of the turf farm. Events are limited to two to three days at one time on a seasonal basis, and are scheduled to avoid impact on farm operations. These events expose participants and visitors to the farm, its equipment, harvesting activities, and the different stages of growth and development of the turf grass. The organizations participating in these events provide direct reference and links to TTF on their websites, resulting in increased exposure. These activities result in direct sales for TTF, particularly for athletic fields, because organizations and participants utilize and are exposed to the farm product.

B. Is subordinate in area, extent and purpose to the principal structure or principal building or a principal use.

The on-farm direct marketing activities and events are subordinate in area, extent and purpose to the principal use of the turf farm. The areas of the farm that are used for soccer activities and events vary based on the agricultural use of the farm and not all areas are used at one time. There is no impact to the quality of the turf for subsequent harvesting and sale, which is the main purpose of the turf farm.

- C. *Contributes primarily to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served.*

The on-farm direct marketing activities and events contribute primarily to the necessity of TTF's business and perhaps the industry as a whole.

Unfortunately, as with other agricultural uses, turf farms struggle to stay in operation. Prior to 2008, TTF's primary customers were residential and commercial developers. As a result of the recession in 2008, the sales to developers dramatically declined and overall sales dropped by fifty percent (50%). To continue to exist as a business, it is necessary for TTF to find innovative ways to remain competitive and market its products.

In order to promote the marketing and sale of its crop, and to supplement revenue, TTF has entered into an agreement with the South Jersey Barons for soccer events for a five (5) year term beginning August 1, 2010 and continuing through July 31, 2015, with an additional five (5) year renewal option. The agreement expressly provides for the "coordination of such events on crop of approximately 50 to 75 acres." The soccer activities include soccer practice and soccer tournaments, which are held on the existing turf fields. Both the South Jersey Barons and the Mid-Atlantic Soccer Showcase League ("MSSL") have been utilizing the farm for soccer pursuant to this agreement. The turf fields used for soccer are based on the rotation of the crop to protect the harvest, and no restoration or replanting is necessary after the games. Additionally, there is no impact on the property as all equipment is temporary and removed upon completion of the games. Parking occurs only on fallow land primarily where the crop was recently harvested.

The soccer activities are incidental to and complement the farming operations and they are integral to the turf business. The use for soccer events has promoted TTF's crop by bringing in potential customers from throughout the eastern United States to experience the quality and use of TTF's crop firsthand. This has created numerous business opportunities for TTF, and its revenue has been significantly enhanced through sales that have resulted from the use of the farm for these soccer events. These have included sales to school boards and municipal and county governments for recreational fields. These sales have been a direct result of government officials coming to the farm as parents to watch their children play soccer and see the quality of the turf. For local government officials, the choice for recreational fields is between natural and artificial turf. As a result of the local officials seeing firsthand the durability of the turf, TTF is able to compete successfully with competitors selling artificial turf. In addition to increasing sales to local governments and school boards, the use of the turf farm for soccer has enhanced the ability to market the turf for college and professional sports teams. Representatives of those teams are invited to see the condition of the turf immediately after its use for soccer and then invited back to see how quickly the turf recovers. These marketing activities have also resulted in significant sales of turf.

- D. *Is located on the same parcel as the principal structure or principal use served.*

The on-farm direct marketing activities and events are located on the same parcel(s) as the principal use of the turf farm.

Article XII. Design, Performance and Evaluation Standards

§ 175-88. Agricultural management.

In accordance with §175-88.B., the owner of land used for agricultural or horticultural purposes.....may: (1) Produce agricultural and horticultural crops, ...(3) Provide for the wholesale and retail marketing of the agricultural output and related products, including the construction of building and parking areas in conformance with the town's standards.

In accordance with §175-88.C.(1), all agricultural activities.....shall be carried out in accordance with recommended management practices established for the particular agricultural activity by the New Jersey Department of Agriculture,.....(3) At such time as the State Agriculture Development Committee (SADC) is established.....and at such time as said Committee develops and recommends the program of Agricultural Management Practices (AMPs)....., said AMPs, as developed and recommended by said Committee, shall be the standards to be applied to all agricultural uses in the town, insofar as applicable,.....

At its January 31, 2014 meeting, the SADC approved an AMP for On-Farm Direct Marketing Facilities, Activities and Events, and revised Right-to-Farm Procedures. The new rules became effective on April 7, 2014 (N.J.A.C. 2:76-2A.13).

In accordance with §175-88.E.(1), Farmland within the town's Agricultural Production District and Special Agricultural Production District shall be maintained and protected for open space or farming purposes to the maximum extent practicable.

State of New Jersey Department of Agriculture

AMP for On-Farm Direct Marketing Facilities, Activities, and Events [N.J.A.C. 2:76-2A.13]

N.J.A.C. 2:76-2A.13(b) defines the following words and terms, in part:

"Farm-based recreational activities" means recreational offerings that are uniquely suited to occurring on a farm and are related to marketing the agricultural or horticultural output of the commercial farm. Such activities are accessory to, and serve to increase, the direct-market sales of the agricultural output of the commercial farm by enhancing the experience of purchasing agriculture products for the purpose of attracting customers to the commercial farm. Examples of farm-based recreational activities, provided they demonstrate the required relationship to marketing the output of the commercial farm, may include but are not limited to: corn mazes; hayrides and wagon rides; agricultural animal display or petting areas; farm tours; horseback riding; pony rides; hiking; bird watching; sleigh rides; tractor pulls; hunting and fishing; and bonfires. Activities and related infrastructure not considered farm-based recreational activities include but are not limited to: athletic fields; paintball; hot-air ballooning; karting and other similar racetracks; carnival-type amusement rides; and the flying of hobby, private, or commercial aircraft.

“On-farm direct marketing” means the on-farm facilities, activities, and events that are used to facilitate and provide for direct, farmer-to-consumer sales of the agricultural output of the commercial farm and products that contribute to farm income.

“On-farm direct marketing activities” means agriculture-related offerings made available by a commercial farm that are accessory to, and serve to increase, the direct-market sales of the agricultural output of the commercial farm. Such activities are designed to attract customers to a commercial farm by enhancing the experience of purchasing agricultural products and include but are not limited to: agriculture-related educational activities; farm-based recreational activities; and ancillary entertainment-based activities.

“On-farm direct marketing events” means agriculture-related functions offered by a commercial farm that are accessory to, and serve to increase, the direct-market sales of the agricultural output of the commercial farm. Such events are designed to attract customers to a commercial farm by enhancing the experience of purchasing agricultural products; may include on-farm direct marketing activities as components; are either product-based or farm-based; and occur seasonally and are non-permanent in nature. Product-based events, provided they demonstrate the required relationship to marketing the output of the commercial farm, may include but are not limited to: an apple, peach, strawberry, pumpkin, wine, or other agricultural or horticultural product festival held at a commercial farm that produces that particular product. Farm-based events, provided they demonstrate the required relationship to marketing the output of the commercial farm, may include but are not limited to: seasonal harvest festivals held at a commercial farm that produces such seasonal farm products, farm open house events, and farm-to-table events that showcase the agricultural output of the commercial farm.

The entire AMP sets forth the standards for on-farm direct marketing facilities, activities and events that commercial farms must comply with to receive the protections of the Right-to-Farm Act, N.J.S.A. 4:1C-1 et seq.

In accordance with **N.J.A.C. 2:76-2A.13(r)1.**, this agricultural management practice does not preclude a commercial farm from requesting a site-specific agricultural management practice determination for on-farm direct marketing facilities, activities, and events pursuant to N.J.A.C. 2:76-2.3 and 2.4. A board or the Committee, pursuant to N.J.A.C. 2:76-2.3 and 2.4, may make site-specific agricultural management practice determinations for facilities, activities, and events, provided such site-specific agricultural management practice determinations are consistent with the practices set forth in this section.

In fact, on September 9, 2014, the Atlantic County Agriculture Development Board adopted a resolution concerning TTF's consistency with the agricultural management practice standards for on-farm direct marketing activities and events which made the following findings:

Based on a site visit conducted on Monday, September 8, 2014 and the information provided by Tuckahoe Turf Farms, Tuckahoe Turf Farm's On-Farm Direct Marketing Activities and Events are consistent with the standards of the AMP including hours of operation, lighting, sanitary facilities, signs and parking. N.J.A.C. 2:76-2A.13(c)-(k).

Tuckahoe Turf Farm's On-Farm Direct Marketing Activities and Events comply with section 13(l) of the AMP requiring that there be a negligible impact on the farm's continued use of the land for agricultural purposes in that the activities and events at Tuckahoe Turf Farms have no impact on the farm's continued use of land for agricultural purposes. N.J.A.C. 2:76-2A.13(l).

It should be noted that no athletic fields have been or are being established at TTF. Unlike an athletic field, there is no defined area where soccer is being played with fixed goal posts, lined play areas, spectator stands, etc. The areas being played on vary from event to event based on the agricultural use of the property. After the event is over, the area used remains as it was before the event: a turf farm, not an athletic field. When a game ends at an athletic field, the area remains an athletic field even though there are no games being played on it.

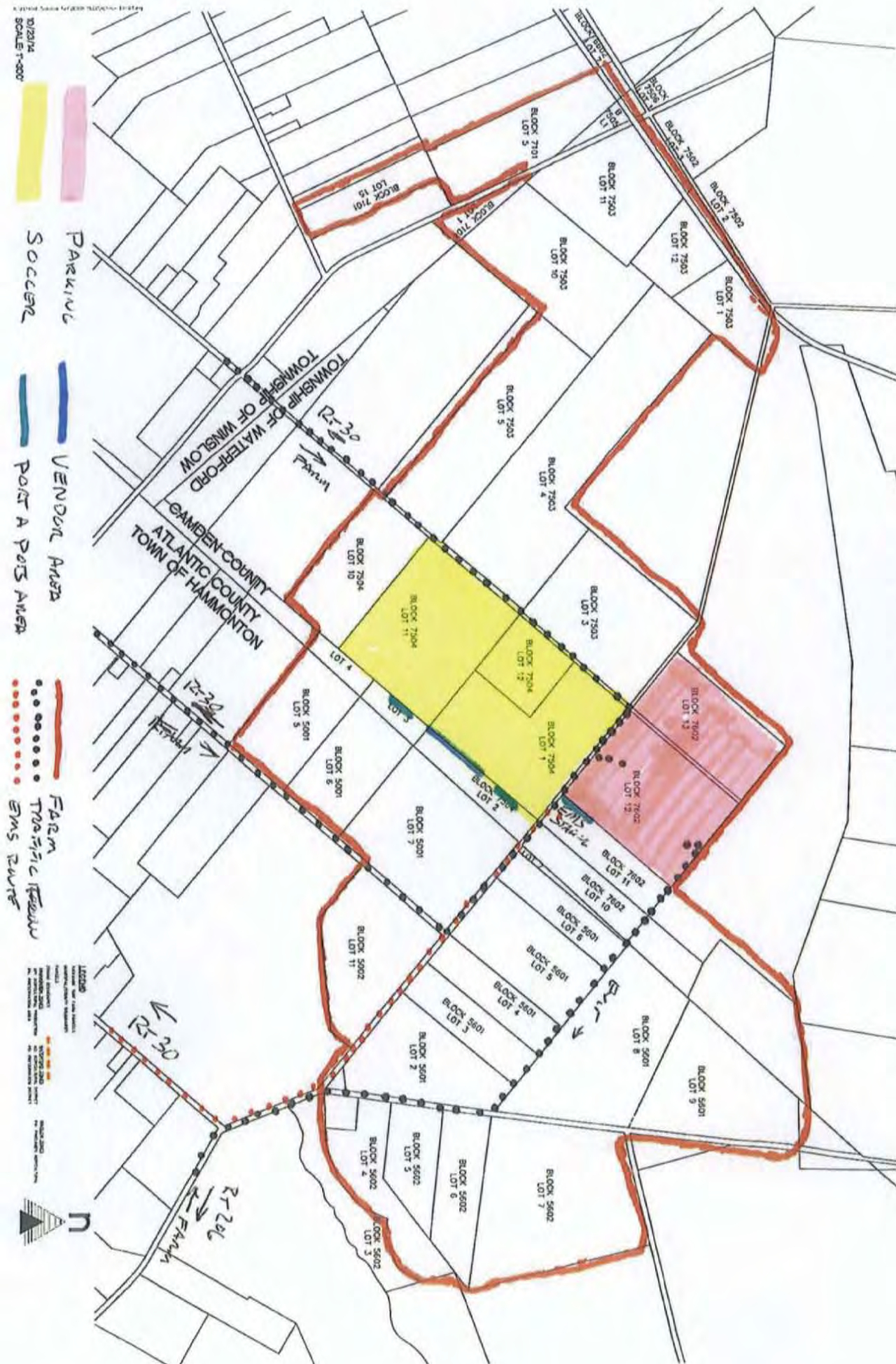
Based upon the above factual outline of ordinances, laws, rules, regulations and determinations made with regard to the subject property, it is my professional opinion that the soccer activities and events held at Tuckahoe Turf Farms are a permitted accessory use in the AP Zoning District in the Town of Hammonton.

FAIR

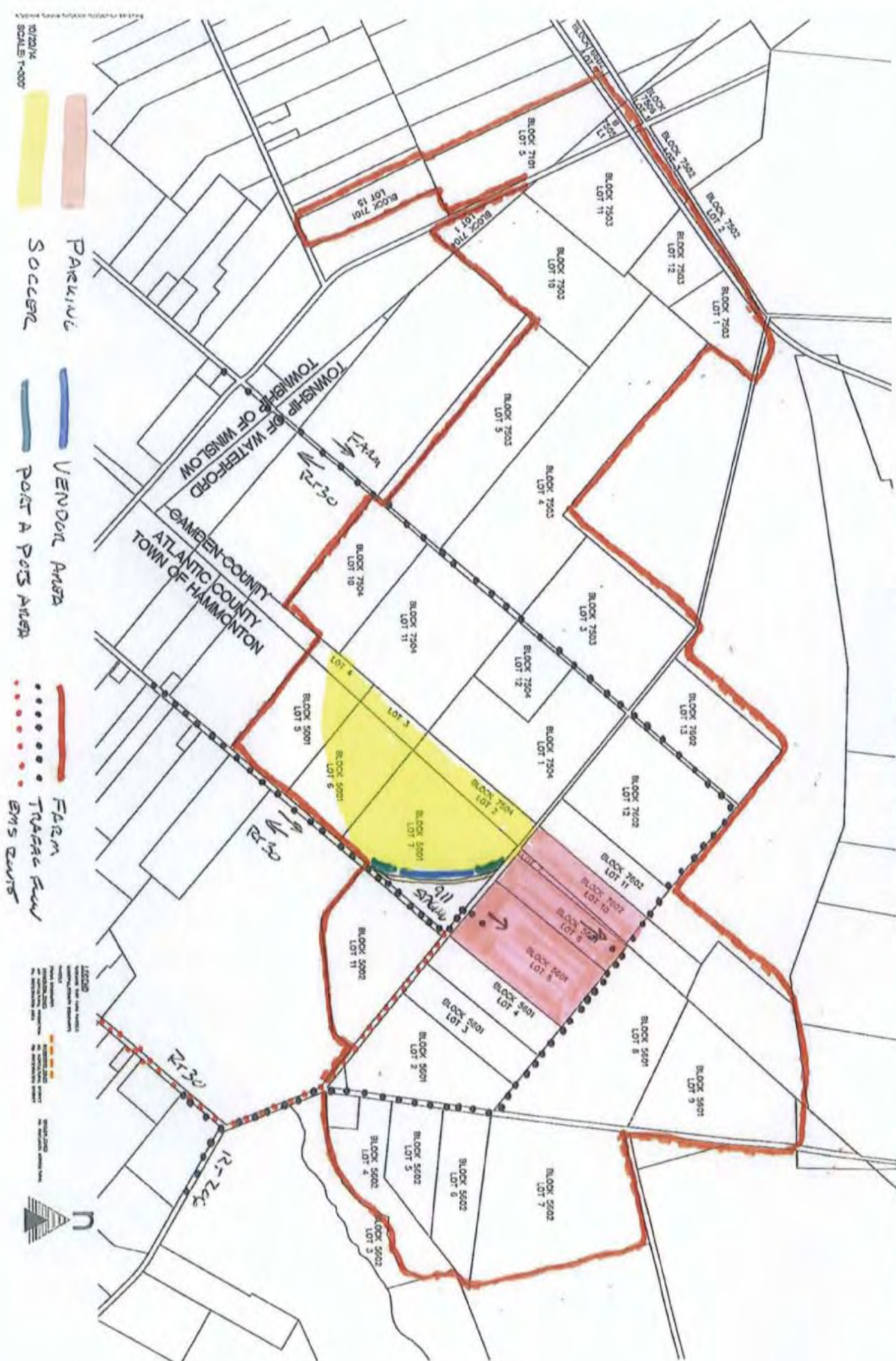
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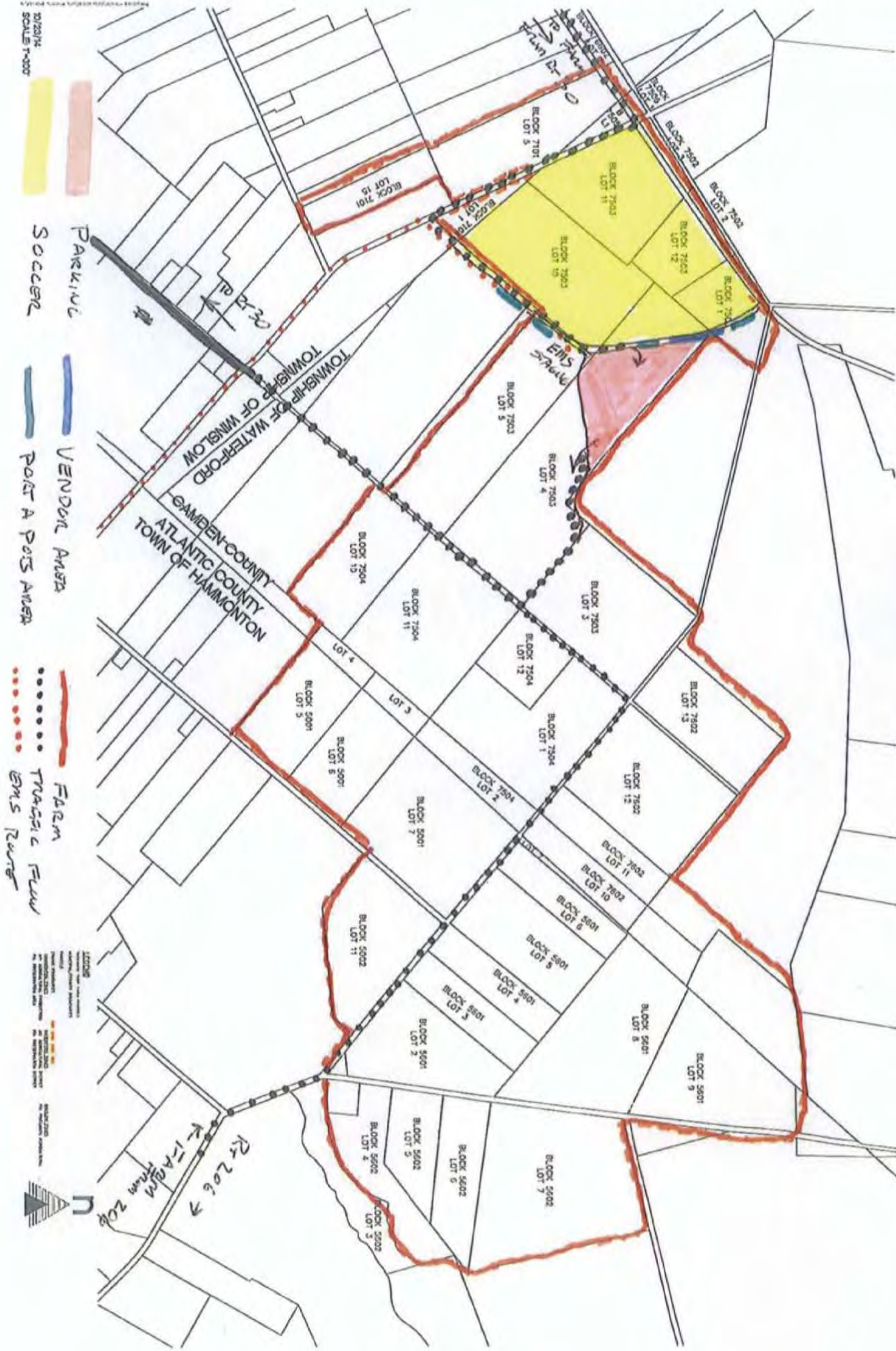
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Tuckahoe Turf Farms



Tuckahoe Turf Farms





Genova Burns LLC
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APP# 19840389.009
Doc Type 110

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February 9, 2015

Scanned 

VIA EMAIL AND OVERNIGHT MAIL

Ms. Nancy Wittenberg
Executive Director
State of New Jersey
The Pinelands Commission
15 Springfield Road
New Lisbon, NJ 08064

Re: Tuckahoe Turf Farms, Inc.

Dear Ms. Wittenberg:

As you are aware, this firm represents Tuckahoe Turf Farms, Inc. ("Tuckahoe Turf") and MSSL in connection with the referenced matter. Please accept this letter in response to the proposal from the Pinelands Commission (the "Commission") dated December 12, 2014 ("Proposal") and to the Inconsistent Certificate of Filing issued by the Pinelands Commission on December 17, 2014.

The Inconsistent Certificate of Filing incorrectly refers to the use as a commercial soccer activity. We reiterate that the soccer activities qualify as "on-farm direct marketing", which is a permitted agricultural use that is protected under the Right to Farm Act (N.J.S.A. 4:1C-1 et seq.) as an agricultural management practice. See N.J.A.C. 2:76-2A-13. An "on-farm direct marketing activity" is an "agriculture-related happening made available by a commercial farm that is accessory to, and serves to increase, the direct-market sales of the agricultural output of the commercial farm. Such activities are designed to attract customers to a commercial farm by enhancing the experience of purchasing agricultural products and include...farm-based recreational activities..." Id. at -13(b). During the public comment period prior to the adoption of N.J.A.C. 2:76-2A-13 by the State Agriculture Development Committee ("SADC") the Commission did not submit any formal comments on the rule proposal.

As we previously indicated, the soccer activities are necessary to demonstrate the durability and desirability of Tuckahoe Turf's agricultural product and allow potential customers to observe the product under the conditions that potential customers would be using

FEB 10 2015

Ms. Nancy Wittenberg
Executive Director
February 9, 2015
Page 2

the turf. The only way to accomplish this is to expose potential customers to usage of the turf under real game conditions. There is no other way to replicate conditions in order to market Tuckahoe Turf's product and to show the durability of the sod for recreational purposes. As an on-farm direct marketing activity of the product grown on the farm, the soccer activities on Tuckahoe Turf Farm are part of the principal agriculture use and, thus, are a permitted use in an Agricultural Production Area. For Tuckahoe Turf, the purpose of the soccer activities is to attract potential customers to the Farm who may purchase the sod produced at the Farm. The soccer activities on Tuckahoe Turf are directly related to Tuckahoe Turf's agricultural output and have been an effective marketing tool for selling the crop. Tuckahoe Turf's recreational turf sales have increased from an average of 2,712.64 million square feet per year prior to the soccer activities being used for on-farm direct marketing to 7,624.6 million square feet in 2013. Even with the increase in recreational turf sales, in 2013 total turf sales were 8,590.92 million square feet less than the average total turf sales per year prior to the recession. The ability to market the sod for recreational purposes has enabled Tuckahoe Turf to remain as a viable agricultural operation.

On September 9, 2014, the Atlantic County Agricultural Development Board and on November 13, 2014, the Camden County Agricultural Development Board (collectively, the "Boards") each adopted a resolution memorializing each Board's recognition that the soccer events and activities at Tuckahoe Turf are farm-based recreational activities. The Boards also determined that Tuckahoe Turf's on-farm direct marketing activities and events are consistent with the standards of the Agricultural Management Practices regulations set forth in N.J.A.C. 2:76-2A-13. Attached hereto is a copy of each Board's resolution. No appeal was filed of either Board's decision. Hammonton and Waterford are required pursuant to N.J.S.A. 4:1C-9 to accept the decision of the CADBs that the soccer activities qualify as on-farm direct marketing and are hence a permitted use in the agricultural zoning districts in which the farm is located. N.J.S.A. 4:1C-9h specifically authorizes Tuckahoe to conduct "farm-based recreational activities provided that the activities are related to marketing the agricultural or horticultural output of the commercial farm." The CADBs found that the soccer activities were directly related to the marketing of the turf produced at the farm. Based on the determinations of the CADBs, the soccer activities at Tuckahoe Turf constitute on-farm direct marketing, a defined agricultural management practice, and hence are a permitted agricultural use.

Unlike the Preservation Area, where the Pinelands Protection Act (the "Act") only requires that the Comprehensive Management Plan ("CMP") promote compatible agriculture,

Ms. Nancy Wittenberg
Executive Director
February 9, 2015
Page 3

in the Protection Area the Act requires that the CMP "promote the continuation and expansion of agricultural and horticultural uses". N.J.S.A. 13:18A-9b(3). Sod crops are specifically included in the definition of "agricultural and horticultural use." N.J.S.A. 13:18A-3a. While the Commission arguably has the authority to restrict agricultural practices in the Protection Area, the Commission may only do so through rulemaking and that rulemaking must be consistent with the requirement that the CMP promote the continuation and expansion of all agriculture and horticulture. As you have acknowledged in our discussions, the Commission does not currently have any rules which restrict activities which have been determined to be on-farm direct marketing by a CADE. Given the success detailed above of Tuckahoe Turf's on-farm direct marketing in enabling it to continue its agricultural use, it would be contrary to the Act for the Commission to preclude or limit their on-farm direct marketing activities.

In addition, without the adoption of rules, the Commission does not have a legal basis to impose a two-year limit on a municipality's approval. The Commission's review of the approval of the application by the Planning Board of the Town of Hammonton is limited to "determine whether the approval of the application for development raises substantial issues with respect to the conformance of the proposed development with the minimum standards of this Plan and the provisions of the relevant certified local ordinance." N.J.A.C. 7:50-4.40(a). While the Commission may supersede a municipality's decision, it may do so "only if the local decision is inconsistent with the standards and goals of the [Comprehensive Management] Plan." Fine v. Galloway Twp. Comm., 190 N.J. Super. 432, 441 (Super. Ct. 1983). "The Legislature did not intend to commit all facets of development regulation and land use to the Pinelands Planning Commission...the Legislature desired to leave to the municipalities certain responsibilities over the area of land use and development." Id. at 443.

Hammonton's Planning Board did not impose a two year-time limit on its approval. There is no basis in the Municipal Land Use Law ("MLUL"), N.J.S.A. 40:55D-1 et seq., for a Planning Board to impose a condition which would limit the time period during which an approved use can be conducted. Approvals granted pursuant to the MLUL run with the land. For final approvals, if the use is established within the period of protection set forth in N.J.S.A. 40:55D-52 or before a rezoning renders the use nonconforming, the owner is entitled to continue the use with no time limits pursuant to N.J.S.A. 40:55D-68 even if it subsequently becomes non-conforming. Hammonton's certified zoning ordinance does not provide any basis for the Hammonton Planning Board to impose a two year limit on the use once it is established. Notwithstanding these legal limitations on the Hammonton Planning Board, the Commission has stated that it will require that the approval expire within two years of



Ms. Nancy Wittenberg
Executive Director
February 9, 2015
Page 4

issuance. Both the certified Town of the Hammonton zoning ordinance and the CMP permit agricultural uses in the Agricultural Production District. As detailed above, the approved soccer activities are an on-farm direct marketing activity that constitutes an agricultural use of the property. Unlike forestry and resource extraction for which the Commission has adopted rules to impose time limits on approvals (N.J.A.C. 7:50-6.45 and N.J.A.C. 7:50-6.64), there is no provision in the CMP which imposes any time limit on the proposed on-farm direct marketing activity. Since there is no provision in the CMP or in the Act that would justify the Commission imposing a two year limit on the approval of a permitted agricultural use, there is no issue, much less a substantial issue with the conformance of the proposed development with the minimum standards of the CMP, that would enable the Commission review the approval granted by the Hammonton Planning Board.

For these reasons, we respectfully submit that the soccer activities on Tuckahoe Turf Farms constitute on-farm direct marketing, which is a permitted agricultural use pursuant to both Hammonton's certified zoning ordinance and the CMP that is also protected under the Right to Farm Act as an agricultural management practice. See N.J.A.C. 2:76-2A-13. As a result, the Commission staff should allow the Planning Board approval to take effect pursuant to N.J.A.C. 7:50-4-40(a).

Thank you for your attention to this matter. Please contact me with any questions or to discuss.

Very truly yours,

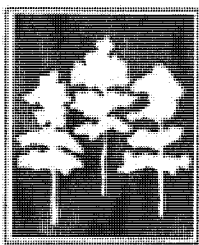
GENOVA BURNS LLC

William F. Harrison
WILLIAM F. HARRISON

WFH/KEB:pp
Attachments

c: Michael J. Malinsky, Esq. (via email)

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Pinelands Preservation Alliance

Bishop Farmstead • 17 Pemberton Road • Southampton NJ • 08088
Phone: 609-859-8860 • ppa@pinelandsalliance.org • www.pinelandsalliance.org

Protecting the Pinelands
since 1989

Via Email and First Class Mail

February 18, 2015

Mark Lohbauer, Chair
Nancy Wittenberg, Executive Director
New Jersey Pinelands Commission
15 Springfield Road
P.O. Box 359
New Lisbon, NJ 08064

Re: Tuckahoe Turf Farm Commercial Soccer Events, Application No. 1984-0289.009 and Letter to Senator Lesniak Dated February 11, 2015

Dear Mr. Lohbauer and Ms. Wittenberg,

We are writing to express our concern and request information regarding statements made in a letter from Ms. Wittenberg to Senator Lesniak dated February 11, 2015 regarding a proposed bill to alter the Pinelands CMP at the request of Tuckahoe Turf Farm.

Ms. Wittenberg's letter clearly and correctly states that the commercial soccer activities on the site are unlawful under the CMP and are in violation of deed restrictions on the land in question. This finding is also reflected in the Inconsistent Certificate of Filing dated December 17, 2014. The letter also later states, however, that the Commission staff have made a deal – or thought they had made a deal – with the owner of the farm to permit “the continued use of the farm for commercial soccer events for two years.”

Commission staff have given us a document headed “Betts and Betts LLC” that sets out a set of “conditions” but has no letterhead or author. It is impossible to know who created it, or what its status is supposed to be within the CMP's standards and procedures.

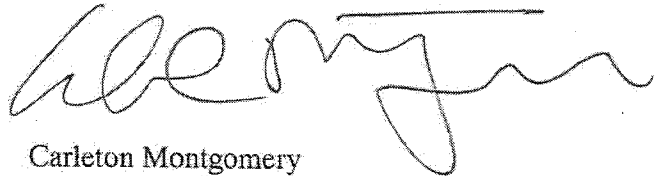
Perhaps you can see our confusion. We take it that this agreement is not proposed to be an intergovernmental Memorandum of Agreement or a waiver of strict compliance, but instead some other kind of waiver agreement between the Commission staff and the landowner. The information we have received to date raises several question which we hope you will answer, including:

- What is the legal authority for the Pinelands Commission to make an *ad hoc* agreement with a landowner to permit violations of the CMP and conservation deed restrictions in this case?
- Is this to be an official agency finding or action?
- What CMP provision or procedure is the agreement based on, and in what form has it been, or will it be, formalized?
- Will there be a public hearing on the agreement?
- Has the Commission been put under any political pressure to make a deal in this matter?

Finally, we ask to be sent notices of any future actions the Commission proposes to take with respect to this application and topic, including action on any local approvals, so that we may comment before the Commission takes action.

We look forward to hearing from you on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Carleton Montgomery', with a stylized, cursive script.

Carleton Montgomery



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

New Lisbon, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

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

February 11, 2015

Senator Raymond J. Lesniak
985 Stuyvesant Ave.
Union, NJ 07083

Re: S2125/A3257 – Expands Type of Use Qualifying as Low Intensity Recreational
Use on PDC Deed Restricted Lands in Pinelands Agricultural Production Areas

Dear Senator Lesniak:

The above referenced bill is listed for consideration by the Senate Economic Growth Committee at its meeting scheduled for tomorrow February 12, 2015. The purpose of this letter is to advise you of the Pinelands Commission's concerns with this bill.

The bill is intended to address issues involving soccer tournaments occurring on a preserved farm in the Pinelands. The soccer activities addressed by the bill are violative of both the Pinelands Comprehensive Management Plan and an existing deed restriction. This is about much more than letting kids play soccer. S2125/A3257 would allow large scale soccer events on deed restricted farms located within Pinelands Agricultural Production Areas (APA). The Pinelands Comprehensive Management Plan is very protective of agriculture and mostly limits lands in APAs to farming. This bill has the potential to reduce such farms to backdrops for unrelated commercial activities and eliminate the restrictions imposed on land preserved under the Pinelands Development Credit (PDC) program. This is also about broader issues dealing with agricultural tourism and economic opportunities.

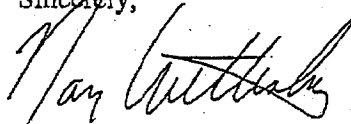
Cognizant of the broader issues, the Commission has been working with the entity that is the impetus for the proposed legislation to seek an avenue to address its concerns. In fact, until only a few days ago, the Commission believed that it had resolved that entity's concerns through a proposal that would have permitted the continued use of the farm for commercial soccer events for two years, pending the Commission's development and implementation of a pilot program to address the broader issue. That proposal provided ample marketing opportunities for the entity and eliminates the need for a legislative remedy.

Moreover, implementation of a pilot program would provide the Commission with a means to address this issue on a broad scale rather than focusing on just youth soccer at one farm. We plan to evaluate all types of enhanced agricultural tourism and economic opportunities to identify those that would be consistent with the goals of the Pinelands Protection Act and, thus, appropriate in the Pinelands Area. Based on the results of the pilot program, the Commission then would be in the position to decide whether broader application of the program was warranted.

In closing, the Commission requests that the above referenced proposed legislation not be advanced out of Committee. The Commission has identified a path forward to address this issue and would like the opportunity to analyze and evaluate potential resolution of the broader issue through implementation of a pilot program, similar to what was accomplished for SADC preserved farmlands through the Governor's conditional veto of S837. Further, as discussed in the attached letter to Senator Van Drew and Assemblyman Andrzejczak, the proposed legislation raises complex state regulatory and Federal statutory issues. The Pineland Commission is the regional planning entity called for by the National Parks and Recreation Act of 1978, 16 U.S.C. §471i. This Act requires that any change to the Pinelands Comprehensive Management Plan, such as that included in this bill, require approval by the Department of the Interior.

I plan to attend tomorrow's Committee meeting and will be available to answer any questions you may have.

Sincerely,



Nancy Wittenberg
Executive Director

c: Members of the Senate Economic Growth Committee (w/ attachments)



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO BOX 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands

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



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

March 6, 2015

Carleton Montgomery, Executive Director
Pinelands Preservation Alliance
17 Pemberton Road
Southampton, NJ 08088

Dear Mr. Montgomery:

This is in response to your letter of February 18, 2015 regarding Application No. 1984-0389.009 for commercial soccer events at the Tuckahoe Turf Farm. Please note that this is a private application. As such the review process, as established by the Pinelands Comprehensive Management Plan (CMP), provides for public input at the local level, in this case before the Hammonton Planning Board. It also provides the opportunity for the Commission to work with the applicant to achieve consistency with the CMP, both during the application review process and as part of the local approval review process.

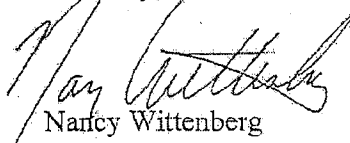
As noted in your letter, and in accordance with the applicable provisions of the Pinelands CMP, the Commission issued an Inconsistent Certificate of Filing on December 17, 2014. The issuance of this Inconsistent Certificate of Filing enabled the applicant to pursue a local approval from the Planning Board for the Town of Hammonton. The Planning Board considered this matter (App. No. 10-14) at its December 17, 2104 meeting during which it accepted public testimony concerning the proposed soccer activities. The Planning Board subsequently issued its Decision and Resolution for App. No. 10-14 on February 4, 2015 and forwarded a copy of that approval to the Commission. In accordance with N.J.A.C. 7:50-4.40, the Commission staff is reviewing that local approval to determine whether it raises substantial issues with respect to the conformance of the proposed development with the minimum standards of the Pinelands CMP and the provisions of Hammonton's certified ordinance. Should it be determined that the local approval raises substantial issues, it will then be reviewed either through a hearing conducted by the Executive Director or before the Office of Administrative Law. N.J.A.C. 7:50-4.41.

You have also raised questions concerning an agreement between the Pinelands Commission and the property owner. No formal agreement with the property owner has been drafted, signed or provided to the Commission for its consideration. The Commission staff worked with the applicant and the Town to attempt to resolve the inconsistencies with the CMP. Your letter also criticizes a document that we provided to you based on your specific request. This document was a three page list of conditions that were discussed with the applicant and the Town. While you may not feel the document was useful, it is what you asked for. Further, your dissatisfaction is even more confounding in light of the fact that you were trying to get this document from the original source and we provided it to be helpful.

This issue has raised the potential risk of litigation and resulted in the introduction of two bills that are pending in the Legislature, S2125/A3257. The Commission is greatly concerned about both the scope of activities that would be permitted by the proposed legislation and its potential far-reaching and long-term impacts, which in our view would authorize unlimited use of deed restricted agricultural lands for soccer and other active recreational uses in perpetuity. The Commission was made aware of these issues and supported and directed its staff to engage in discussions with the property owner, representatives of the soccer organizations and the Town of Hammononton. As noted above such discussions are a normal part of the private development application process.

Finally, you have requested that you be sent notices of any future action that the Commission proposes to take with respect to this application. All activity on private applications is noted on the Summary of Activity Report on the Commission website. Please note that the application number is 1984-0289.009. You should of course also keep track of activity at the municipal level.

Sincerely,



Nancy Wittenberg
Executive Director

C: Mark Lohbauer, Chairman

From: Charles Horner
To: Roth, Stacey; Wittenberg, Nancy
Date: 2/20/2015 11:44 AM
Subject: Fwd: RE: Tuckahoe Turf Farm

Stacey/Nancy

I vote 10 AM.

Thanks.

Chuck

>>> Stacey Roth 2/20/2015 11:42 AM >>>
Any preference as to 10 or 3?

>>> "William F. Harrison" <WHarrison@genovaburns.com> 2/19/2015 4:08 PM >>>
Stacey, I can meet any time on 2/27. In the interest of not breaking up my day, it would be better for me to do the meeting at either 10:00 or 3:00, but if those times aren't convenient for you, I can meet at a time convenient for you.
Bill

-----Original Message-----

From: Stacey Roth [mailto:Stacey.Roth@njpinelands.state.nj.us]
Sent: Thursday, February 19, 2015 3:41 PM
To: William F. Harrison
Subject: Tuckahoe Turf Farm

Bill:

As we discussed today, the Commission is in the process of preparing a call-up letter for the Hammonton Planning Board approval pertaining to soccer events at the Tuckahoe Turf Farm. That letter will be issued shortly. In addition, during our telephone conversation, you requested dates to meet with Commission staff to seek to resolve the issues associated with the local approval that require it being called up. Nancy, Chuck and I would be available to meet on Friday, February 27th. Please advise if this date will work you and the time when you would be available to meet.

Stacey

Stacey P. Roth
Senior Counselor
N.J. Pinelands Commission
P.O. Box 359
New Lisbon, New Jersey 08064
T: 609-894-7300
F: 609-894-7338

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Thank you.



**GENOVA
BURNS**
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William F. Harrison, Esq.
Partner
Member of NJ Bar
wharrison@genovaburns.com
Direct: 973-535-4430

February 23, 2015

VIA EMAIL AND OVERNIGHT MAIL

Mr. Charles Horner
Director of Regulatory Programs
Pinelands Commission
15 Springfield Road
New Lisbon, NJ 08064

Re: Application # 1984-0389.009
Tuckahoe Turf Farms, Inc.

Dear Mr. Horner:

As you are aware, this firm represents Tuckahoe Turf Farms, Inc. (the "Applicant") in connection with the above referenced matter. The Applicant received preliminary and final approval from the Hammonton Planning Board which will allow the Applicant to utilize its sod fields for the proposed on-farm direct marketing activities. Notice of that approval has been provided to the Pinelands Commission pursuant to N.J.A.C. 7:50-4.35. Under N.J.A.C. 7:50-4.40, the Pinelands Commission staff has fifteen days to determine whether the Commission will review the local approval. In order to give the Pinelands Commission staff time to fully review the Planning Board's approval and so we can meet to discuss the application and approval, the Applicant agrees to an extension of time until March 6, 2015 pursuant to N.J.A.C. 7:50-4.4 for the Commission staff to make a determination relating to Hammonton's final approval.

Please contact me with any questions.

Very truly yours,

GENOVA BURNS LLC

WILLIAM F. HARRISON

WFH/KEB:pp

c: Nancy Wittenberg, Executive Director (via email)
Stacey Roth, Esq. (via email)

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**GENOVA
BURNS**
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Web: www.genovaburns.com

William F. Harrison, Esq.
Partner
Member of NJ Bar
wharrison@genovaburns.com
Direct: 973-535-4430

March 6, 2015

VIA UPS GROUND

Ms. Rhonda L. Ward
Environmental Specialist
Pinelands Commission
15 Springfield Road
New Lisbon, NJ 08064

Re: **Application # 1984-0389.009**
Tuckahoe Turf Farms, Inc.

Dear Ms. Ward:

As you are aware, this firm represents Tuckahoe Turf Farms, Inc. (the "Applicant") in connection with the above referenced matter. This is in response to your letter dated February 24, 2015 regarding the Applicant's application for an Amended Certificate of Filing for the proposed on-farm direct marketing soccer activities:

1. In regard to Block 5601, Lots 1 and 9, in the Town of Hammonton, Applicant is applying for a Certificate of Filing for the entire parcel owned by Applicant including Block 5601, Lots 1 and 9;
2. Applicant owns Block 6602, Lot 7 as evident by the current tax bill for the property and the on-line tax records, copies of which are attached hereto; and
3. At this time no soccer activities are proposed on the lots located in Winslow Township.

Furthermore, please find revised typical event plans, indicating wetlands located on and within 300 feet of the Applicant's parcel and a 300 foot buffer to those wetlands. Please note that the wetlands mapping the Pinelands Commission sent to us showed a wetlands finger extending on to Block 7602, Lot 12 in Waterford Township. Based on the more recent wetlands mapping on the DEP website (copy enclosed), the wetlands finger ends at about the property line with only the buffer extending on to the farm. As a result, we used the DEP mapping in preparing the typical event plans. The soccer fields and the parking areas will maintain the 300 foot buffer to wetlands and the 200 foot buffer to property lines.



Ms. Rhonda L. Ward
Environmental Specialist
Pinelands Commission
March 6, 2015
Page 2

Please contact me with any questions.

Very truly yours,

GENOVA BURNS LLC


WILLIAM F. HARRISON

WFH/KEB:pp
Enclosures

c: Nancy Wittenberg, Executive Director (w/o enc.) (via email)
Stacey Roth, Esq. (w/o enc.) (via email)

12923397 v2 (22136.001)

From: "William F. Harrison" <WHarrison@genovaburns.com>
To: "Nancy Wittenberg (Nancy.Wittenberg@njpinelands.state.nj.us)" <Nancy.Wittenb...>
Date: 3/9/2015 11:33 AM
Subject: Pinelands Preservation Alliance

I met with Carleton and Theresa on Friday. I may have succeeded in reducing their level of concern. We will see. Bill

William F. Harrison, Esq.
Direct Dial: 973.535.4430
Main Line: 973.533.0777 Ext. 1160
WHarrison@genovaburns.com
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Thank you.

From: Stacey Roth
To: Harrison, William F.
CC: Wittenberg, Nancy
Date: 3/12/2015 4:51 PM
Subject: Re: Tuckahoe Turf
Attachments: TTF - Potential Additional Settlement Terms.docx

Bill,

Attached please find a draft of the additional settlement terms that we propose to resolve the Tuckahoe Turf matter. The attached is still being circulated and discussed in house. However, I wanted to provide them to you so that you could begin your review. As we previously discussed, in terms of process, I envision that the matter will be called-up and resolved via execution of a Stipulation of Settlement.

Lastly, in terms of an additional extension, yes another letter will be necessary. The duration of the request is really up to you. We have been doing weekly extensions up to this point.

Let me know if you have any questions about the attached.

Stacey

Stacey P. Roth
Senior Counselor
N.J. Pinelands Commission
P.O. Box 359
New Lisbon, New Jersey 08064
T: 609-894-7300
F: 609-894-7338

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>>> "William F. Harrison" <WHarrison@genovaburns.com> 3/12/2015 4:08 PM >>>

Stacey, when will you be sending the proposed resolution? I assume we should do another extension letter. What date should we use for the extension? Bill

William F. Harrison, Esq.
Direct Dial: 973.535.4430
Main Line: 973.533.0777 Ext. 1160
WHarrison@genovaburns.com

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Thank you.

Potential Additional Settlement Terms
Tuckahoe Turf Farms Inc.
Pinelands Application No. 1984-0389.009

The following proposed terms are being provided for purposes of settlement discussions only. Any settlement will be memorialized following the Commission's call-up of the Planning Board of the Town of Hammonton's February 5, 2015 Decision and Resolution regarding Application No. 10-14 (the "Local Approval") through execution of a Stipulation of Settlement.

In order to resolve the issues associated with Local Approval:

- 1) The applicant agrees that it will be permitted to conduct soccer activities, including but not limited to soccer games, practices, activities, scrimmages, try-outs, camps, etc., at Tuckahoe Turf Farm according to the terms of the Local Approval, as amended in accordance with paragraph 3 below, for up to two years during which time the Executive Director shall recommend to the Commission that it consider promulgating regulations establishing a pilot program, in accordance with 7:50-10.1, addressing agricultural tourism and other commercial opportunities on lands in active agricultural production located within an Agricultural Production Area within the Pinelands.
- 2) The applicant agrees that after two years, it will only be permitted to continue soccer activities, including but not limited to soccer games, practices, activities, scrimmages, try-outs, camps, etc., if authorized to do so pursuant to the terms of any pilot program adopted by the Commission.
- 3) In order to preserve both parties' rights should the Commission fail to promulgate the pilot program discussed in paragraph 1 above, the applicant shall, within fifteen (15) days of execution of a Stipulation of Settlement by both parties, submit a letter to the Town of Hammonton's Planning Board Secretary, Patricia Berenato, asking that the Local Approval be amended to incorporate the following condition. Copies of that letter should be provided to the Pinelands Commission, the Planning Board Attorney, Michael Malinsky, Esq., the Planning Board Engineer, Christopher Rehmann, the Planning Board Planner, Kevin Dixon and the Zoning Officer, Frank Domenico.

a. The Local Approval shall be conditioned as follows:

"The Applicant annually, at least sixty (60) days prior to the commencement of soccer activities in any calendar year, shall submit the following information to the Town of Hammonton's Zoning Officer for review and approval:

1. A copy of the schedule of soccer events to be conducted at Tuckahoe Turf Farm;
2. A copy of the practice schedule for the soccer practices to be conducted at Tuckahoe Turf Farm; and

3. A copy of the schedule for any other soccer activities being conducted at Tuckahoe Turf Farm, including but not limited to camps, games, try-outs, scrimmages, etc.

If the information submitted by the Applicant demonstrates compliance with the conditions of the Hammonton Planning Board Approval, the Zoning Officer shall prepare but not issue a Zoning Permit authorizing the proposed soccer activities at Tuckahoe Turf Farm for that calendar year. Prior to the Zoning Officer issuing the permit, the Zoning Officer shall advise the Pinelands Commission by fax notification of his/her intent to issue a Zoning Permit. The Pinelands Commission shall review the notice of intent to issue the Zoning Permit in accordance with N.J.A.C. 7:50-4.40. No proposed use authorized by the Zoning Permit shall commence unless the Commission staff issues a letter in accordance with N.J.A.C. 7:50-4.40 indicating that the Zoning Permit shall take effect. If the Commission staff determines that the Zoning Permit raises a substantial issue with the minimum standards of the certified municipal land use ordinance and the Pinelands Comprehensive Management Plan, the Zoning Permit shall be subject of a Commission hearing in accordance with N.J.A.C. 7:50-4.40 through N.J.A.C. 7:50-4.42."

From: "William F. Harrison" <WHarrison@genovaburns.com>
To: "Nancy Wittenberg (Nancy.Wittenberg@njpinestates.nj.us)" <Nancy.Wittenb...>
CC: Kelly Brennan <KBrennan@genovaburns.com>
Date: 3/25/2015 4:27 PM
Subject: Settlement proposal
Attachments: Letter to S. Roth (w_encl.) 032515.PDF; TTF - Potential Additional Settlement Terms GB changes 032415.DOCX

Nancy, Stacey-attached are our proposed revisions to the proposed settlement terms (both as an attachment and as a word document) along with a cover letter detailing our reasons for the proposed changes. Give me a call to discuss. Bill

William F. Harrison, Esq.
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Main Line: 973.533.0777 Ext. 1160
WHarrison@genovaburns.com
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Thank you.

Potential Additional Settlement Terms
Tuckahoe Turf Farms Inc.
Pinelands Application No. 1984-0389.009

The following proposed terms are being provided for purposes of settlement discussions only. Any settlement ~~will~~ be memorialized immediately following the Commission's call-up of the Planning Board of the Town of Hammonton's February 5, 2015 Decision and Resolution regarding Application No. 10-14 (the "Local Approval") through execution of a Stipulation of Settlement.

In order to resolve the issues associated with Local Approval by the Hammonton Planning Board:

- 1) The applicant agrees that it will be permitted to conduct soccer activities, including but not limited to soccer games, practices, activities, scrimmages, try-outs, camps, etc., at Tuckahoe Turf Farm according to the terms of the Local Approval, as amended in accordance with paragraph 3 below, for up to two years during which time the Executive Director shall recommend to the Commission that it consider promulgating regulations establishing a pilot program, in accordance with 7:50-10.1, addressing agricultural tourism, on-farm direct marketing and other commercial opportunities on lands in active agricultural production located within an Agricultural Production Area within the Pinelands.
- 2) The applicant agrees that it will enter into a pilot program adopted by the Commission provided that the pilot program is no more restrictive than the Local Approval and provided that the pilot program is for a period of at least five (5) years, after two years, it will only be permitted to ~~continue soccer activities, including but not limited to soccer games, practices, activities, scrimmages, try-outs, camps, etc., if authorized to do so pursuant to the terms of any pilot program adopted by the Commission.~~
- 3) In order to preserve both parties' rights should the Commission fail to promulgate the pilot program discussed in paragraph 1 above or if the pilot program is more restrictive than the local approval or is for a period of less than five (5) years, the applicant shall, within fifteen (15) days of execution of a Stipulation of Settlement by both parties, submit a letter to the Town of Hammonton's Planning Board Secretary, Patricia Berenato, asking that the Local Approval be amended to incorporate the following condition. Copies of that letter should be provided to the Pinelands Commission, the Planning Board Attorney, Michael Malinsky, Esq., the Planning Board Engineer, Christopher Rehmann, the Planning Board Planner, Kevin Dixon and the Zoning Officer, Frank Domenico.

a. The Local Approval shall be conditioned as follows:

"The Applicant annually, at least sixty (60) days prior to the commencement of soccer activities in any calendar year subsequent to 2021, shall submit the following information to the Town of Hammonton's Zoning Officer for review and approval:

1. A copy of the schedule of soccer events to be conducted at Tuckahoe Turf Farm;
2. A copy of the practice schedule for the soccer practices to be conducted at Tuckahoe Turf Farm; and

3. A copy of the schedule for any other soccer activities being conducted at Tuckahoe Turf Farm, including but not limited to camps, games, try-outs, scrimmages, etc.

If the information submitted by the Applicant demonstrates compliance with the conditions of the Hammonton Planning Board Approval, the Zoning Officer shall prepare but not issue a Zoning Permit authorizing the proposed soccer activities at Tuckahoe Turf Farm for that calendar year. Prior to the Zoning Officer issuing the permit, the Zoning Officer shall advise the Pinelands Commission by fax notification of his/her intent to issue a Zoning Permit. The Pinelands Commission shall review the notice of intent to issue the Zoning Permit in accordance with N.J.A.C. 7:50-4.40. No proposed use authorized by the Zoning Permit shall commence subsequent to 2021 unless the Commission staff issues a letter in accordance with N.J.A.C. 7:50-4.40 indicating that the Zoning Permit shall take effect. If the Commission staff determines that the Zoning Permit raises a substantial issue with the minimum standards of the certified municipal land use ordinance and the Pinelands Comprehensive Management Plan, the Zoning Permit shall be subject of a Commission hearing in accordance with N.J.A.C. 7:50-4.40 through N.J.A.C. 7:50-4.42."

- 4) Neither the Applicant nor the Pinelands Commission waives any rights or the ability to make any legal argument in any Commission hearing or in any other legal proceedings as a result of Stipulation of Settlement.



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Web: www.genovaburns.com

William F. Harrison, Esq.
Partner
Member of NJ Bar
wharrison@genovaburns.com
Direct: 973-535-4430

March 25, 2015

VIA EMAIL AND REGULAR MAIL

Ms. Stacey Roth, Esq.
Senior Counselor
Pinelands Commission
P O Box 359
New Lisbon, NJ 08064

Re: Tuckahoe Turf Farms, Inc.
Application No. 1984-0389.009

Dear Ms. Roth:

As you are aware, this firm represents Tuckahoe Turf Farms, Inc. ("Tuckahoe Turf") and MSSL in connection with the referenced matter. Please accept this letter in response to the proposal from the Pinelands Commission (the "Commission") dated March 12, 2015 (the "Proposal").

As we previously stated, the soccer activities at Tuckahoe Turf qualify as "on-farm direct marketing", which is protected under the Right to Farm Act (N.J.S.A. 4:1C-1 et seq.) as an agricultural management practice. See N.J.A.C. 2:76-2A-13. An "on-farm direct marketing activity" is an "agriculture-related happening made available by a commercial farm that is accessory to, and serves to increase, the direct-market sales of the agricultural output of the commercial farm." As such, it is a permitted agricultural use in an Agricultural Production Area.

The Atlantic County Agricultural Development Board and the Camden County Agricultural Development Board each adopted a resolution recognizing the soccer events and activities at Tuckahoe Turf as farm-based recreational. The Boards also determined that Tuckahoe Turf's on-farm direct marketing activities and events are consistent with the standards of the Agricultural Management Practices regulations set forth in N.J.A.C. 2:76-2A-13. Copies of each Board's resolution have been previously submitted to the Commission. Hammonton and Waterford are required pursuant to N.J.S.A. 4:1C-9 to accept the decision of the CADB's that the soccer activities qualify as on-farm direct marketing and are hence a permitted use in the agricultural zoning districts in which the farm is located.

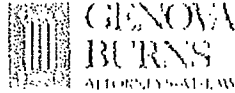


Ms. Stacey Roth, Esq.
Senior Counselor
March 25, 2015
Page 2

N.J.S.A. 4:1C-9h specifically authorizes Tuckahoe to conduct "farm-based recreational activities provided that the activities are related to marketing the agricultural or horticultural output of the commercial farm." The CADBs found that the soccer activities were directly related to the marketing of the turf produced at the farm. Based on the determinations of the CADBs, the soccer activities at Tuckahoe Turf constitute on-farm direct marketing, a defined agricultural management practice, and hence are a permitted agricultural use. Accordingly, Tuckahoe Turf, by law, is entitled to market its sod through on-farm direct marketing in the form of soccer events and activities for as long as the sod farm operates. In addition to the direct marketing benefits from the soccer activities, the soccer activities enable Tuckahoe Turf to evaluate how different grass seed mixtures withstand recreational uses. Based on these evaluations, Tuckahoe Turf is continually adjusting its seed mixture to produce more and more durable turf, further enhancing its marketability.

Notwithstanding the foregoing and Tuckahoe Turf's right to conduct these on-farm direct marketing activities, Tuckahoe Turf has cooperated and negotiated with the Commission. Tuckahoe Turf agreed to accept all of the conditions that the Hammonton Planning Board included in its approval at the request of the Commission even though some of those restrictions go beyond limits that the Commission is entitled to impose pursuant to the Comprehensive Management Plan. The conditions Tuckahoe Turf agreed to accept in a spirit of compromise are as follows:

- Tuckahoe Turf will limit the usage of the Farm for events to:
 - 8 events a year or the hourly equivalent not to exceed 192 hours;
 - An event day shall consist of a maximum of 12 hours; and
 - No more than a maximum of 35 fields and no more than 15% of the total acreage of the farm may be used for an event;
- To the extent that any event does not use the full 24 hours allocated to that event, those unused hours may be utilized on the Farm for any sports activities, other than events, as follows:
 - The smallest increment of time that may be allocated or used for sports activities, other than events, at the Farm, is whole hour increments;



Ms. Stacey Roth, Esq.
Senior Counselor
March 25, 2015
Page 3

- No more than 4 fields may be utilized when the Farm is used for any sports activities occurring at the Farm other than days that are part of an event; and
 - No more than 100 persons may actively participate in such sports activities occurring at the Farm other than days that are part of an event;
- The soccer events and any soccer activities shall only occur on lands owned by Tuckahoe Turf Farm, that were in active field agricultural use as of February 7, 1979 and that are currently actively used for turf production as part of the existing farming operation;
- A 200 foot no activity buffer shall be maintained between the property boundary and all lands used for events or any sports activities;
- Soccer events or any soccer activities occurring at Tuckahoe Turf Farm and any uses, activities or temporary structures associated therewith, including but not limited to parking, shall not occur within wetlands as defined in Subchapter 6, Part I of the Pinelands Comprehensive Management Plan;
- A plan shall be prepared depicting the portions of the subject parcel that may be used for soccer events or any sports activities, including but not limited to the location of the fields, parking areas, food stalls, portable and temporary sanitary facilities, observation areas, wetlands, and the required 200 foot no activity buffer;
- No permanent structures, except for structures used exclusively for the agricultural operation or permitted in accordance with the requirements of the Pinelands Comprehensive Management Plan, shall be placed on the property. Prohibited permanent structures include, but are not limited to, goals, impervious parking areas, driveways, electrical hook ups, lights, etc.;
- Any temporary structures associated with soccer events on the Farm shall not be placed on the parcel more than 24 hours prior to the start of an event and shall be removed within 24 hours of the conclusion of the event;



Ms. Stacey Roth, Esq.
Senior Counselor
March 25, 2015
Page 4

- Parking will occur only in areas that were recently harvested and prior to those areas being reseeded. Parking shall be prohibited on any public roads proximate to the Farm except where authorized by Hammonton;
- Sufficient temporary, unpaved parking areas will be provided to ensure that all vehicles coming to the Farm for a soccer event or any soccer activities will be able to park in designated parking areas;
- Use of motorized vehicles, other than for emergency transportation, shall be limited to existing roads located at the Farm and the designated parking areas;
- No areas shall be paved or covered with impervious materials of any kind to accommodate or permit a portion of the Farm to be used for soccer events or any soccer activities;
- No clearing of vegetation shall occur to accommodate, permit or expand the use of the Farm for soccer events or any soccer activities;
- No water bodies shall be involved and may be used for activities associated with soccer events or any soccer activities occurring at the Farm;
- Traffic controls required for soccer events or any soccer activities will be coordinated with the applicable municipality's Police Department;
- At least 2 ingress routes and 2 different egress routes shall be provided for each soccer event, except as otherwise authorized by Hammonton;
- Sufficient portable and temporary sanitary facilities shall be provided to accommodate the number of attendees anticipated for a soccer event or any soccer activities;
- The existing agricultural use at the farm cannot be replaced or removed to accommodate soccer events or soccer activities at the Farm; and

In spite of these concessions by Tuckahoe Turf, the Proposal still creates a substantial possibility that the Commission will stop the on-farm marketing activities after two years. Tuckahoe Turf cannot agree to a potential two year limitation, particularly since it is solely

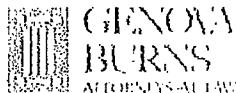


Ms. Stacey Roth, Esq.
Senior Counselor
March 25, 2015
Page 5

within the Commission's control as to whether an acceptable pilot program will be adopted. The Commission proposes to restrict Tuckahoe Turf's ability to perform on-farm direct marketing to a two year period during which the Commission states it will contemplate establishing a pilot program. However, if the Commission fails to adopt a pilot program Tuckahoe Turf will become subject to having the Local Approval being negated by the Commission. As we have previously written, there is no basis in the Comprehensive Management Plan for the Commission to impose a time limit on this approval.

The potential that the on-farm direct marketing activities will be stopped after two years precludes Tuckahoe Turf from planning its harvesting and replanting activities as it normally would. There is approximately a 2.5 year time period from when Tuckahoe Turf orders the seed to when the grass grown from that seed is sold and harvested. Seed that will be ordered this year will be for sod that will be harvested in 2017. The amount of seed that is ordered is based on the amount of sod they anticipate selling from that seed. As we have previously demonstrated, sales of sod for recreational purposes has significantly increased as a result of the on-farm direct marketing that results from the soccer activities. If there are no soccer activities in 2017 bringing potential customers to the farm, there will be a decline in sales. Under the Commission's proposed agreement, Tuckahoe will not know at the time when it orders seed for the 2017 harvest whether there will be soccer activities that year. Without that knowledge, Tuckahoe will not know how much seed to order since it will not know what sales to anticipate.

Similarly, MSSL cannot plan for its events in advance if the potential exists that there will be no events after 2016. This in turn will create an undue hardship to attract teams for 2015 and 2016 since those clubs will start out of state venues, if there is a possibility they will not be able to return to Tuckahoe Turf starting in 2017. As a result of all of this uncertainty teams will locate to an alternate venue, severely damaging youth soccer play at TTF, ending a vital marketing and revenue stream for the farm. The uncertainty as to whether there will be events in 2015 has already dramatically reduced the number of teams that have signed up for events this year. Finally, the reduction in the number of clubs participating over the next two years will adversely impact local Pinelands businesses who have greatly benefited from the large number of additional customers brought into the area by the events. This adverse economic impact on Pinelands businesses will be compounded if there will be no soccer events at Tuckahoe Turf after 2016.



Ms. Stacey Roth, Esq.
Senior Counselor
March 25, 2015
Page 6

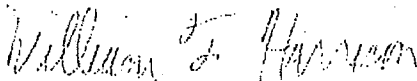
Based on the above issues that arise from the Proposal, we are proposing that events be allowed to be conducted for a total of a 7 year period. This will enable both Tuckahoe Turf and MSSL to plan the on-farm direct marketing activities. If the Commission does not adopt an acceptable pilot program, this approach would enable any hearing concerning the Local Approval to be resolved before the end of the 7 year period. Otherwise, the on-farm direct marketing activities would be stopped while the Commission is reviewing the Local Approval. As you know, the hearing process could last as long as two years. Being forced to stop the on-farm direct marketing activities for a two year period would be financially disastrous for Tuckahoe Turf. Given Tuckahoe Turf's acceptance of all the other limits imposed by the Commission and Tuckahoe Turf's willingness to accept a 7 year limit in spite of its position that no time limit can be lawfully imposed, the Commission should accept this proposal in fulfillment of its statutory goal of promoting the continuation and expansion of agriculture in the Protection Area.

Attached are our proposed revisions to the proposal.

Thank you for your attention to this matter. Please contact me with any questions or to discuss further.

Very truly yours,

GENOVA BURNS LLC


WILLIAM F. HARRISON

WFH/KEB:ah

Enclosure

c: Nancy Wittenberg, Executive Director (via email)

From: Stacey Roth
To: Wittenberg, Nancy
Date: 3/26/2015 4:16 PM
Subject: TTF - Response Letter
Attachments: TTF - Letter 3-26-15.docx; TTF - Potential Additional Settlement Terms (rev
d 3-26-15).docx

Here are the finals



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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

March 26, 2015

VIA EMAIL AND REGULAR MAIL

William F. Harrison, Esq.
GENOVA BURNS LLC
494 Broad Street
Newark, New Jersey 07102

Re: Tuckahoe Turf Farms, Inc.
Application No. 1984-0389.009

Dear. Mr. Harrison:

We have reviewed the proposed settlement terms provided by you yesterday afternoon. The Commission cannot accept a settlement based on these terms. In fact, as evident from your proposal, your clients have made no movement to address the Commission's issues since the end of last year. At this point, the Commission has no other option but to call up the Town of Hammonton Planning Board's local approval. Given that, please advise your clients that they may not hold any soccer events at Tuckahoe Turf Farm, including Easter weekend, until this matter is resolved.

As you know, the Commission disagrees with your position that use of the Tuckahoe Turf Farm for soccer activities is consistent with the standards of the Pinelands Comprehensive Management Plan (the "CMP"). Tuckahoe Turf Farm is located within an Agricultural Production Area and is subject to the use standards set forth at N.J.A.C. 7:50-5.24. Intensive recreational uses, such as organized and/or commercially sponsored soccer events are not permitted uses in an Agricultural Production Area. Moreover, Tuckahoe Turf Farm is preserved farmland subject to a deed restriction that also restricts intensive recreation uses from being conducted on the parcel.

I am confounded by your continued insistence on making the same legal arguments despite our having already rejected them as being inconsistent with the CMP. You continue to rely on the Right to Farm Act, the County Agricultural Board decisions and the State Agricultural Development Committee rules, all of which are of no legal consequence given their inconsistency with the Pinelands Protection Act as implemented through the Pinelands CMP.

In addition, you continue to characterize the soccer events as "on-farm direct marketing". As you know, the Pinelands CMP does not use this term. The activities covered by it are addressed in the Pinelands CMP under the term agricultural commercial establishment. N.J.A.C. 7:50-2.11. Agricultural commercial establishments are a permitted use in an Agricultural Production Area. N.J.A.C. 7:50-5.24. However, the type and scope of the activities proposed by your client far exceed what is permitted by the Pinelands CMP. In sum, your clients have no right under law to engage in intensive commercial

recreational activities on their deed restricted farm, especially given their voluntary imposition of the PDC Deed Restriction,.

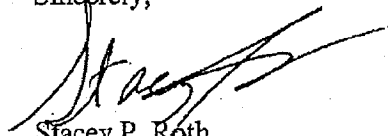
Despite this, the Commission was willing to permit your clients to continue to conduct a limited number of soccer events and other soccer activities while staff developed and presented to the Commission a pilot program to address agricultural tourism and other commercial opportunities on lands in active agricultural production located within an Agricultural Production Area. We estimated it would take up to two years to develop and adopt the pilot program. The scope of the activities permitted, with the exception of the two year period allowed for development of the pilot program, are included in the local approval issued by the Town of Hammonton's Planning Board. The additional settlement terms that we sent to you to resolve the outstanding issues regarding the local approval merely require your clients to work with the Town, on an annual basis, to demonstrate their compliance with the conditions of that approval. It also requires that in order to continue to conduct soccer events and/or activities on the farm your clients, would become part of any pilot program promulgated by the Pinelands Commission. Additionally, the settlement terms provided a mechanism by which each party retained the opportunity to present its legal arguments in the future should the Commission not adopt a pilot program or adopts a pilot program that does not address your clients' desired use of the farm.

Your settlement proposal also includes language regarding the content of the Pilot Program that may ultimately be adopted by the Commission. As you are well aware, the Commission staff cannot predetermine the content of a pilot program. The Pinelands CMP requires the Commission to engage in administrative rulemaking in order to promulgate a pilot program. N.J.A.C. 7:50-10.1(b). This will include a public process culminating with a final decision made by the Commission. Certainly, your clients will have the ability to participate in this public rulemaking process. However, the scope of any pilot program ultimately rests with the Pinelands Commission.

In light of the above, the Commission has no choice but to reject the majority of the revisions to the draft settlement agreement proposed by your clients and to immediately issue the letter calling up the Town of Hammonton's local approval. However, in an effort to facilitate continued settlement discussions, I have attached a revised copy of the settlement agreement, incorporating the revisions that we can accept.

Please do not hesitate to contact me should you have any questions or to discuss this matter further.

Sincerely,



Stacey P. Roth
Senior Counselor

Enc.

c: Nancy Wittenberg, Executive Director (w/ enc.)

Potential Additional Settlement Terms
Tuckahoe Turf Farms Inc.
Pinelands Application No. 1984-0389.009

The following proposed terms are being provided for purposes of settlement discussions only. Any settlement will be memorialized following the Commission's call-up of the Planning Board of the Town of Hammonton's February 5, 2015 Decision and Resolution regarding Application No. 10-14 (the "Local Approval") through execution of a Stipulation of Settlement.

In order to resolve the issues associated with the Local Approval:

- 1) The applicant agrees that it will be permitted to conduct soccer activities, including but not limited to soccer games, practices, activities, scrimmages, try-outs, camps, etc., at Tuckahoe Turf Farm according to the terms of the Local Approval, as amended in accordance with paragraph 3 below, for up to two years during which time the Executive Director shall recommend to the Commission that it consider promulgating regulations establishing a pilot program, in accordance with 7:50-10.1, addressing agricultural tourism and other commercial opportunities on lands in active agricultural production located within an Agricultural Production Area within the Pinelands.
- 2) The applicant agrees that after two years, it will only be permitted to continue soccer activities, including but not limited to soccer games, practices, activities, scrimmages, try-outs, camps, etc., if authorized to do so pursuant to the terms of any pilot program adopted by the Commission.
- 3) In order to preserve both parties' rights should the Commission fail to promulgate the pilot program discussed in paragraph 1 above, the applicant shall, within fifteen (15) days of execution of a Stipulation of Settlement by both parties, submit a letter to the Town of Hammonton's Planning Board Secretary, Patricia Berenato, asking that the Local Approval be amended to incorporate the following condition. Copies of that letter should be provided to the Pinelands Commission, the Planning Board Attorney, Michael Malinsky, Esq., the Planning Board Engineer, Christopher Rehmann, the Planning Board Planner, Kevin Dixon and the Zoning Officer, Frank Domenico.
 - a. The Local Approval shall be conditioned as follows:

"The Applicant annually, at least sixty (60) days prior to the commencement of soccer activities in any calendar year, shall submit the following information to the Town of Hammonton's Zoning Officer for review and approval:

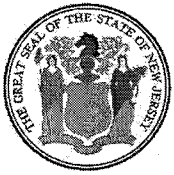
 1. A copy of the schedule of soccer events to be conducted at Tuckahoe Turf Farm;
 2. A copy of the practice schedule for the soccer practices to be conducted at Tuckahoe Turf Farm; and

3. A copy of the schedule for any other soccer activities being conducted at Tuckahoe Turf Farm, including but not limited to camps, games, try-outs, scrimmages, etc.

If the information submitted by the Applicant demonstrates compliance with the conditions of the Hammononton Planning Board Approval, the Zoning Officer shall prepare but not issue a Zoning Permit authorizing the proposed soccer activities at Tuckahoe Turf Farm for that calendar year. Prior to the Zoning Officer issuing the permit, the Zoning Officer shall advise the Pinelands Commission by fax notification of his/her intent to issue a Zoning Permit. The Pinelands Commission shall review the notice of intent to issue the Zoning Permit in accordance with N.J.A.C. 7:50-4.40. No proposed use authorized by the Zoning Permit shall commence unless the Commission staff issues a letter in accordance with N.J.A.C. 7:50-4.40 indicating that the Zoning Permit shall take effect. If the Commission staff determines that the Zoning Permit raises a substantial issue with the minimum standards of the certified municipal land use ordinance and the Pinelands Comprehensive Management Plan, the Zoning Permit shall be subject of a Commission hearing in accordance with N.J.A.C. 7:50-4.40 through N.J.A.C. 7:50-4.42."

- 4) Notwithstanding the execution of this settlement by both parties, the applicant and the Pinelands Commission retain all rights and legal arguments and may advance same, after expiration of the two year period, in any future legal proceeding conducted either in accordance with N.J.A.C. 7:50-4.40 through N.J.A.C. 7:50-4.42 or before a court of competent jurisdiction.

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Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

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



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

March 27, 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tuckahoe Turf Farm, Inc.
P.O. Box 148
801 N. Myrtle Street
Hammonton, NJ 08037

Re: Application # 1984-0389.009
Block 5001, Lots 5 - 7
Block 5002, Lot 11
Block 5601, Lots 2 - 8
Block 5602, Lots 4 - 7
Town of Hammonton

Dear Sir or Madam:

A Commission public hearing is necessary to review the issues raised by the preliminary and final major site plan approval issued by the Hammonton Planning Board for the establishment of a commercial soccer use on the above-referenced parcel.

The Public Hearing has been scheduled for:

Thursday, April 30, 2015
2:00PM
New Jersey Pinelands Commission
Springfield Road
New Lisbon, New Jersey 08064

The issues to be reviewed at the public hearing are:

1. Whether the establishment of a commercial soccer use is a permitted use in an Agricultural Production Area pursuant to Hammonton's certified land use ordinances and N.J.A.C. 7:50-5.24(a).
2. Whether the establishment of a commercial soccer use is a permitted use on a parcel subject of a Pinelands Development Credits deed restriction pursuant to N.J.A.C. 7:50-5.47(b)3.
3. Whether the proposed development is consistent with the wetlands protection requirements contained in Hammonton's certified land use ordinances or N.J.A.C. 7:50-6.1 - 6.14.



Specifically, this issue is raised because some proposed soccer fields, parking and associated activities of the existing sod fields are located in wetlands.

4. Whether the proposed development is consistent with the stormwater management requirements contained in Hammonton's certified land use ordinances or N.J.A.C. 7:50-6.84.

Specifically, this issue is raised because the concerned municipal approval requires surfacing (resurfacing) of Myrtle Street with road millings. Based upon available aerial photography, Myrtle Street was a sand road that was surfaced after 1995 without obtaining Pinelands Commission approval.

Copies of the cited regulations can be viewed on the Commission's website (www.nj.gov/pinelands).

If you wish to resolve the issue(s) necessitating the public hearing so that the scheduled hearing will not be necessary, please submit a written request to adjourn the hearing prior to the hearing date. The hearing will then be rescheduled. If the issue(s) is resolved before the hearing date, the public hearing will be canceled. If the issue(s) is not resolved and a written request to adjourn the hearing is not submitted, the application can be recommended for denial based on the information contained in the file.

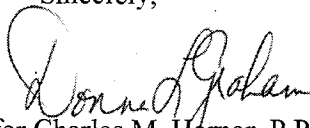
If you wish to attend the public hearing, please follow the instructions contained in the attached "Public Hearing Procedures". This attachment includes specific instructions for completing the required public notice if you want the Pinelands Commission to conduct a public hearing on the application.

You may request a hearing at the New Jersey Office of Administrative Law instead of the Commission's public hearing. Such a request would waive the time period in which the Commission must act on the application. If you wish to have a hearing at the New Jersey Office of Administrative Law, you must inform the Commission in writing by April 23, 2015.

NO DEVELOPMENT MAY BE CARRIED OUT ON THE ABOVE-REFERENCED LOT UNTIL SUCH TIME AS THE PINELANDS COMMISSION HAS ACTED ON THE PROPOSED DEVELOPMENT.

If you have any questions, please contact Rhonda Ward of our staff.

Sincerely,


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

enc: Public Hearing Procedures

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

PUBLIC HEARING PROCEDURES

In order to attend the public hearing, legal notice of the public hearing must be provided. The notice shall be published, posted or mailed, as relevant, by April 20, 2015.

The legal notice must include the following information:

- a. the time and place of the hearing;
- b. that the hearing is being conducted pursuant to the provisions of the Comprehensive Management Plan;
- c. the name and address of the applicant;
- d. a statement that the hearing concerns whether the proposed development is consistent with the permitted use, deed restriction, wetlands protection and stormwater management requirements contained in Hammonton's certified land use ordinances and the Pinelands Comprehensive Management Plan;
- e. a statement that the application and supporting materials are available for public inspection and copying at the principal offices of the Pinelands Commission; and
- f. a statement that any person may at such public hearing speak or submit a written statement.

The notice shall be provided to the following agencies and persons:

1. Secretary, Hammonton Planning Board;
2. Hammonton Environmental Commission;
3. Atlantic County Department of Regional Planning and Development;
4. All landowners within 200 feet of any border of the above-referenced lot;
5. By publication of notice of the hearing at least once in a newspaper having general circulation in Hammonton; and
6. By conspicuously posting on the above-referenced lot a notice of the public hearing.

An affidavit must be filed with the Pinelands Commission by April 23, 2015 that all of the notice requirements have been fulfilled. If the required public notice is completed but the required affidavit is not filed with the Commission by April 23, 2015, the Pinelands Commission staff reserves the right to adjourn the public hearing to another date.

From: "William F. Harrison" <WHarrison@genovaburns.com>
To: "Nancy Wittenberg (Nancy.Wittenberg@njpinestates.com)" <Nancy.Wittenb...>
CC: Kelly Brennan <KBrennan@genovaburns.com>
Date: 3/30/2015 12:09 PM
Subject: Response letter
Attachments: TTF - Potential Additional Settlement Terms (GB revd 3-26-15).DOCX; 3.30.15 letter to S. Roth.PDF

Attached is a response to the last letter sent by Stacey along with a revised Agreement. I continue to think there is a middle ground that addresses the practical issues that Tuckahoe Turf has with the Agreement as proposed by the Commission. Bill

William F. Harrison, Esq.
Direct Dial: 973.535.4430
Main Line: 973.533.0777 Ext. 1160
WHarrison@genovaburns.com
[http://labor-law-blog.com/emailsigs/images/rule_top.gif]
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Thank you.

Potential Additional Settlement Terms
Tuckahoe Turf Farms Inc.
Pinelands Application No. 1984-0389.009

The following proposed terms are being provided for purposes of settlement discussions only. Any settlement will be memorialized following the Commission's call-up of the Planning Board of the Town of Hammonton's February 5, 2015 Decision and Resolution regarding Application No. 10-14 (the "Local Approval") through execution of a Stipulation of Settlement.

In order to resolve the issues associated with the Local Approval:

1) The applicant agrees that it will be permitted to conduct soccer activities, including but not limited to soccer games, practices, activities, scrimmages, try-outs, camps, etc., at Tuckahoe Turf Farm according to the terms of the Local Approval, as amended in accordance with paragraph 3 below, for up to two years during which time the Executive Director shall recommend to the Commission that it consider promulgating regulations establishing a pilot program, in accordance with 7:50-10.1, addressing agricultural tourism, on-farm direct marketing and other commercial opportunities on lands in active agricultural production located within an Agricultural Production Area within the Pinelands.

2) The applicant agrees that after two years, it will enter into a pilot program adopted by the Commission provided that the pilot program is no more restrictive than the Local Approval and provided that the pilot program is for a period of at least five (5) years. During said five year period, the applicant will only be permitted to continue soccer activities, including but not limited to soccer games, practices, activities, scrimmages, try-outs, camps, etc., consistent with the Local Approval if authorized to do so pursuant to the terms of any pilot program adopted by the Commission.

3) In order to preserve both parties' rights should the Commission fail to promulgate the pilot program discussed in paragraph 1 above or if the pilot program is more restrictive than the local approval or is for a period of less than five (5) years, the applicant shall, within fifteen (15) days of execution of a Stipulation of Settlement by both parties, submit a letter to the Town of Hammonton's Planning Board Secretary, Patricia Berenato, asking that the Local Approval be amended to incorporate the following condition. Copies of that letter should be provided to the Pinelands Commission, the Planning Board Attorney, Michael Malinsky, Esq., the Planning Board Engineer, Christopher Rehmann, the Planning Board Planner, Kevin Dixon and the Zoning Officer, Frank Domenico.

a. The Local Approval shall be conditioned as follows:

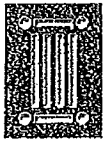
"The Applicant annually, at least sixty (60) days prior to the commencement of soccer activities in any calendar year subsequent to 2021, shall submit the following information to the Town of Hammonton's Zoning Officer for review and approval:

1. A copy of the schedule of soccer events to be conducted at Tuckahoe Turf Farm;

2. A copy of the practice schedule for the soccer practices to be conducted at Tuckahoe Turf Farm; and
3. A copy of the schedule for any other soccer activities being conducted at Tuckahoe Turf Farm, including but not limited to camps, games, try-outs, scrimmages, etc.

If the information submitted by the Applicant demonstrates compliance with the conditions of the Hammonton Planning Board Approval, the Zoning Officer shall prepare but not issue a Zoning Permit authorizing the proposed soccer activities at Tuckahoe Turf Farm for that calendar year. Prior to the Zoning Officer issuing the permit, the Zoning Officer shall advise the Pinelands Commission by fax notification of his/her intent to issue a Zoning Permit. The Pinelands Commission shall review the notice of intent to issue the Zoning Permit in accordance with N.J.A.C. 7:50-4.40. No proposed use authorized by the Zoning Permit shall commence subsequent to 2021 unless the Commission staff issues a letter in accordance with N.J.A.C. 7:50-4.40 indicating that the Zoning Permit shall take effect. If the Commission staff determines that the Zoning Permit raises a substantial issue with the minimum standards of the certified municipal land use ordinance and the Pinelands Comprehensive Management Plan, the Zoning Permit shall be subject of a Commission hearing in accordance with N.J.A.C. 7:50-4.40 through N.J.A.C. 7:50-4.42."

- 4) Notwithstanding the execution of this settlement by both parties, the applicant and the Pinelands Commission retain all rights and legal arguments and may advance same, after expiration of the two year period, in any future legal proceeding conducted either in accordance with N.J.A.C. 7:50-4.40 through N.J.A.C. 7:50-4.42 or before a court of competent jurisdiction.



**GENOVA
BURNS**
ATTORNEYS-AT-LAW

William F. Harrison, Esq.
Partner
Member of NJ Bar
wharrison@genovaburns.com
Direct: 973-535-4430

Genova Burns LLC
494 Broad Street, Newark, NJ 07102
Tel: 973.533.0777 Fax: 973.533.1112
Web: www.genovaburns.com

March 30, 2015

VIA EMAIL AND REGULAR MAIL

Stacey Roth, Esq.
Senior Counselor
Pinelands Commission
P.O. Box 359
New Lisbon, NJ 08064

Re: Tuckahoe Turf Farms, Inc.
Application No. 1984-0389,009

Dear Ms. Roth:

As you are aware, this firm represents Tuckahoe Turf Farms, Inc. ("Tuckahoe Turf") and MSSL in connection with the referenced matter. Please accept this letter in response to the response from the Pinelands Commission (the "Commission") dated March 25, 2015.

First, I must reiterate that Tuckahoe Turf has already made numerous concessions to the Commission which have greatly limited the extent to which the farm can be used for on-farm direct marketing events. Tuckahoe Turf has made these concessions even though it is very concerned that these limits will reduce its sod sales for recreational purposes. Further, it is my understanding that Tuckahoe Turf and the Commission are in agreement as to what may transpire in the event the Commission establishes an acceptable pilot program within two years. The only outstanding issue on which the parties have yet to reach an agreement is what will occur if such a pilot program fails to be established or if the pilot program that is adopted by the Commission is more restrictive than the Local Approval. Tuckahoe Turf has and will continue to negotiate with the Commission regarding this potential outcome. However, Tuckahoe Turf cannot accept a result which has the substantial likelihood that soccer would be precluded after 2016 and as a result makes it extremely difficult to effectively operate in 2017 even if a pilot program is adopted.

As proposed by the Commission, Tuckahoe Turf would not know until shortly before the commencement of the 2017 soccer activities whether the Commission will have adopted a pilot program. As I previously indicated, Tuckahoe Turf will be ordering seed this year for the sod that will be harvested in 2017. There has been a direct correlation between the amount of turf sold for recreational use and the soccer activities. In order to order the appropriate amount of grass seed this year, Tuckahoe Turf needs to know this year whether there will be soccer events in 2017. In addition, it will be too late for MSSL to run events in 2017 even if a



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Stacey Roth, Esq.
Senior Counselor
March 30, 2015
Page 2

pilot program is adopted after next spring. MSSSL needs to schedule events for 2017 in 2016 in order to be able to get teams to commit to come to the events. Teams will not commit to coming if there is any question as to whether the event will be held. Teams are already committing to other venues because of the uncertainty over whether events will be held at Tuckahoe Turf.

Contrary to the Commission's assertions, nothing in the Pinelands Comprehensive Management Plan (the "CMP") is inconsistent with the Right to Farm Act, the County Agricultural Board decisions or the State Agricultural Development Committee rules related to on-farm direct marketing. In fact, the reason behind the Commission establishing a pilot program is specifically because there are currently no regulations in the CMP addressing on-farm direct marketing activities. Absent such regulations, a court is going to look at the regulations adapted by the State Agricultural Development Committee, the agency with the statutory responsibility for defining what constitutes acceptable agricultural management practices on farms, in order to determine whether an activity is an agricultural use of a farm.

Your continued characterization of the use as intensive recreation is without legal basis. The definition in the CMP is "Recreation facility, intensive". No recreation facility is being established here. There are no temporary or permanent stands or permanent fields, goal posts or any other permanent structure related to soccer. Absent such a facility, there is no intensive recreation use. Every time people play football, baseball, soccer, street hockey etc. does not constitute an intensive recreation use requiring approval of the Pinelands Commission. It is the establishment of a facility with permanent fields, stands and other structures that requires the Commission's approval. The areas on Tuckahoe Turf where soccer is played is used for the production of sod crops before, during and after the soccer activities.

The production of sod crops is specifically included in the definition of agricultural or horticultural purpose or use in both the CMP and the Pinelands Protection Act (the "Act"). N.J.A.C. 7:50-2.11 and N.J.S.A. 13:18A-3. The fact that the soccer activities are being used to market the crop grown on the farm does not change the use from being an agricultural use any more than a pick own farm ceases to be a farm because the customers utilize the entire farm. The fact that Tuckahoe Turf is engaged in on-farm direct marketing does not make the entire farm an agricultural commercial establishment any more than the entire farm for a pick your own farm becomes an agricultural commercial establishment. The definition of "agricultural commercial establishment" specifically excludes "agricultural production facilities such as a farm itself" from the definition. N.J.A.C. 7:50-2.11. Tuckahoe Turf is simply marketing the existing crop grown on the farm through the soccer activities. The sales of the sod grown on the farm occur in the building which is an agricultural commercial



Stacey Roth, Esq.
Senior Counselor
March 30, 2015
Page 3

establishment. The proposed on-farm direct marketing activities are directly related to Tuckahoe Turf's farming operation and serve to increase the direct market sales of the farm's product. They attract customers to the farm to experience the quality of the turf grown firsthand. The proposed soccer activities are uniquely suited to occurring on the farm precisely because it is a turf farm. The on-farm direct marketing activities attract customers to the farm is similar to how activities such as a corn mazes and hayrides attract customers to farms that grow produce. These activities do not change the use from being an agricultural use.

If the Commission wants to restrict agricultural uses in the Protection Area, it needs to adopt specific regulations to do that. It cannot declare without rulemaking that certain agricultural practices that are specifically allowed by the Right to Farm Act and SADC regulations are not permitted. Any such regulation would have to be authorized by the Act and be consistent with the requirement of the Act that the CMP "promote the continuation and expansion of agricultural and horticultural uses" in the Protection Area. N.J.S.A. 13:18A-9b(3).

Tuckahoe Turf has no objection to having Hammonton review Tuckahoe Turf's proposed use for subsequent years for consistency with the Local Approval. However, Tuckahoe Turf does object to the Commission being able to stop the soccer activities after two years simply because the Commission fails to adopt a pilot program or adopts a pilot program that is unacceptable to Tuckahoe Turf.

I have attached revisions to the latest draft agreement that you sent to us. Please contact me with any questions or to discuss further.

Very truly yours,

GENOVA BURNS LLC


WILLIAM F. HARRISON

WFH/KEB/ln

c: Nancy Wittenberg, Executive Director (via email)

From: Stacey Roth
To: Harrison, William F.
CC: Wittenberg, Nancy
Date: 3/30/2015 1:14 PM
Subject: Re: Response letter
Attachments: TTF - Potential Additional Settlement Terms (revd 3-30-15).docx

We have reviewed your latest revisions. We do not see how the proposed language reflects a middle ground. Rather, the revisions still dictate the terms of the pilot program. As you know, this is something to which we cannot agree. The pilot program is the subject of rule making and statutorily mandated public process. Additionally, the revisions still reflect a 7 year time period, which we have repeatedly told you is untenable. Moreover, the revision would now permit your client to continue to conduct soccer activities for 7 years even if they do not participate in the pilot program. Far from reflecting a middle ground, your current proposal reflects a significant expansion on the settlement terms.

I have attached a final version of the settlement proposal reflecting the terms to which we can agree in order to resolve this matter.

Stacey

Stacey P. Roth
Senior Counselor
NJ. Pinelands Commission
P.O. Box 359
New Lisbon, New Jersey 08064
T: 609-894-7300
F: 609-894-7338

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>>> "William F. Harrison" <WHarrison@genovaburns.com> 3/30/2015 12:14 PM >>>

Attached is a response to the last letter sent by Stacey along with a revised Agreement. I continue to think there is a middle ground that addresses the practical issues that Tuckahoe Turf has with the Agreement as proposed by the Commission. Bill

William F. Harrison, Esq.
Direct Dial: 973.535.4430
Main Line: 973.533.0777 Ext. 1160
WHarrison@genovaburns.com
[http://labor-law-blog.com/emailsig/images/rule_top.gif]
[http://labor-law-blog.com/emailsig/images/logo_gbgw.gif][http://labor-law-blog.com/emailsig/images/3sig_newark.gif][http://labor-law-blog.com/emailsig/images/url_genovaburns_right.gif]

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Thank you.

Potential Additional Settlement Terms
Tuckahoe Turf Farms Inc.
Pinelands Application No. 1984-0389.009

The following proposed terms are being provided for purposes of settlement discussions only. Any settlement will be memorialized following the Commission's call-up of the Planning Board of the Town of Hammonton's February 5, 2015 Decision and Resolution regarding Application No. 10-14 (the "Local Approval") through execution of a Stipulation of Settlement.

In order to resolve the issues associated with the Local Approval:

- 1) The applicant agrees that it will be permitted to conduct soccer activities, including but not limited to soccer games, practices, activities, scrimmages, try-outs, camps, etc., at Tuckahoe Turf Farm according to the terms of the Local Approval, as amended in accordance with paragraph 3 below, for up to two years during which time the Executive Director shall recommend to the Commission that it consider promulgating regulations establishing a pilot program, in accordance with 7:50-10.1, addressing agricultural tourism and other commercial opportunities on lands in active agricultural production located within an Agricultural Production Area within the Pinelands.
- 2) The applicant agrees that after two years, it will only be permitted to continue soccer activities, including but not limited to soccer games, practices, activities, scrimmages, try-outs, camps, etc., if authorized to do so pursuant to the terms of any pilot program adopted by the Commission.
- 3) The applicant shall, within fifteen (15) days of execution of a Stipulation of Settlement by both parties, submit a letter to the Town of Hammonton's Planning Board Secretary, Patricia Berenato, asking that the Local Approval be amended to incorporate the following condition. Copies of that letter should be provided to the Pinelands Commission, the Planning Board Attorney, Michael Malinsky, Esq., the Planning Board Engineer, Christopher Rehmann, the Planning Board Planner, Kevin Dixon and the Zoning Officer, Frank Domenico.
 - a. The Local Approval shall be conditioned as follows:

"The Applicant annually, at least sixty (60) days prior to the commencement of soccer activities in any calendar year, shall submit the following information to the Town of Hammonton's Zoning Officer for review and approval:

 1. A copy of the schedule of soccer events to be conducted at Tuckahoe Turf Farm;
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- 4) Notwithstanding the execution of this settlement by both parties, the applicant and the Pinelands Commission retain all rights and legal arguments and may advance same, after expiration of the two year period, in any future legal proceeding conducted either in accordance with N.J.A.C. 7:50-4.40 through N.J.A.C. 7:50-4.42 or before a court of competent jurisdiction.

From: Stacey Roth
To: WHarrison@genovaburns.com
CC: Wittenberg, Nancy
Date: 3/31/2015 12:30 PM
Subject: Tuckahoe Turf Farm
Attachments: TTF - Potential Additional Settlement Terms (revd 3-30-15).docx

Bill,

Attached please find a revised draft of the settlement terms with the change that we discussed. I am going to move forward with drafting the more formal document.

Stacey

Stacey P. Roth
Senior Counselor
N.J. Pinelands Commission
P.O. Box 359
New Lisbon, New Jersey 08064
T: 609-894-7300
F: 609-894-7338

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Tuckahoe Turf Farms Inc.
Pinelands Application No. 1984-0389.009

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- 2) The applicant agrees that after ~~three~~two years, it will only be permitted to continue soccer activities, including but not limited to soccer games, practices, activities, scrimmages, try-outs, camps, etc., if authorized to do so pursuant to the terms of any pilot program adopted by the Commission. However, should the Commission adopt the pilot program prior to the expiration of the three years, the applicant would be expected to apply to participate in the pilot program upon its adoption.
- 3) The applicant shall, within fifteen (15) days of execution of a Stipulation of Settlement by both parties, submit a letter to the Town of Hammonton's Planning Board Secretary, Patricia Berenato, asking that the Local Approval be amended to incorporate the following condition. Copies of that letter should be provided to the Pinelands Commission, the Planning Board Attorney, Michael Malinsky, Esq., the Planning Board Engineer, Christopher Rehmann, the Planning Board Planner, Kevin Dixon and the Zoning Officer, Frank Domenico.
 - a. The Local Approval shall be conditioned as follows:

"The Applicant shall within sixty days (60) days from execution of the Stipulation of Settlement submit the following information to the Town of Hammonton's Zoning Officer for review and approval and then annually, at least sixty (60) days prior to the commencement of soccer activities in any calendar year, shall submit the following information to the Town of Hammonton's Zoning Officer for review and approval:

 1. A copy of the schedule of soccer events to be conducted at Tuckahoe Turf Farm;
 2. A copy of the practice schedule for the soccer practices to be conducted at Tuckahoe Turf Farm; and

3. A copy of the schedule for any other soccer activities being conducted at Tuckahoe Turf Farm, including but not limited to camps, games, try-outs, scrimmages, etc.

If the information submitted by the Applicant demonstrates compliance with the conditions of the Hammonton Planning Board Approval, the Zoning Officer shall prepare but not issue a Zoning Permit authorizing the proposed soccer activities at Tuckahoe Turf Farm for that calendar year. Prior to the Zoning Officer issuing the permit, the Zoning Officer shall advise the Pinelands Commission by fax notification of his/her intent to issue a Zoning Permit. The Pinelands Commission shall review the notice of intent to issue the Zoning Permit in accordance with N.J.A.C. 7:50-4.40. No proposed use authorized by the Zoning Permit shall commence unless the Commission staff issues a letter in accordance with N.J.A.C. 7:50-4.40 indicating that the Zoning Permit shall take effect. If the Commission staff determines that the Zoning Permit raises a substantial issue with the minimum standards of the certified municipal land use ordinance and the Pinelands Comprehensive Management Plan, the Zoning Permit shall be subject of a Commission hearing in accordance with N.J.A.C. 7:50-4.40 through N.J.A.C. 7:50-4.42."

- 4) Notwithstanding the execution of this Stipulation of Settlement by both parties, the applicant and the Pinelands Commission retain all rights and legal arguments and may advance same, after expiration of a two years from the date of execution of the Stipulation of Settlement by both parties, in any future legal proceeding conducted either in accordance with N.J.A.C. 7:50-4.40 through N.J.A.C. 7:50-4.42 or before a court of competent jurisdiction.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

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



Mark S. Lohbauer
Chairman

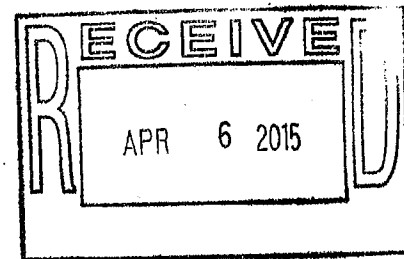
Nancy Wittenberg
Executive Director

April 1, 2015

VIA EMAIL AND REGULAR MAIL

William F. Harrison, Esq.
GENOVA BURNS LLC
494 Broad Street
Newark, New Jersey 07102

Re: Soccer Events at Tuckahoe Turf Farm
Block 5001, Lots 4-7
Block 5601, Lots 1-3, 5-6 & 8-9
Block 5602, Lots 3-7
Hammonton Township
Application No. 1984-0389.009



Dear, Mr. Harrison:

As you know, although an agreement has been reached with the Pinelands Commission staff to resolve the outstanding issues regarding the Commission's call up of the Decision and Resolution of the Town of Hammonton's Planning Board concerning soccer activities at Tuckahoe Turf Farm, that agreement must be finalized by the Commission. Given that your clients have scheduled a soccer event at Tuckahoe Turf Farm for this holiday weekend, and the Pinelands Commission does not meet until April 10, 2015; there is no opportunity for the Commission itself to review and act on the Agreement prior to that event.

The Commission staff recognizes that there would be significant hardship to innocent third parties should the Mid-Atlantic Soccer Showcase League ("MSSL") not be permitted to conduct the event that had already been scheduled to occur on April 3 & 4, 2015. We do not believe that innocent third-parties should be penalized for relying on the representations of your clients and others concerning the use of Tuckahoe Turf Farm for this weekend's soccer event. Therefore, in order to avoid potential hardship to innocent third-parties and in light of the agreement that we have reached, this soccer event may proceed. However, please advise your clients that they must adhere to the conditions of the February 5, 2015 Decision and Resolution of the Hammonton Planning Board, including but not limited to the 35 field limit, the 200 foot no activity buffer and the prohibition against any uses, including soccer fields, parking, temporary structures etc. in wetlands.

Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy Wittenberg".

Nancy Wittenberg
Executive Director

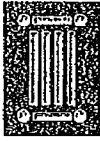
From: "William F. Harrison" <WHarrison@genovaburns.com>
To: "PATTI BERENATO
(pberenato@townofhammonton.org)(pberenato@townofhammonton...
CC: Kelly Brennan <KBrennan@genovaburns.com>
Date: 4/1/2015 4:46 PM
Subject: Tuckahoe Turf Farm, Inc. Planning Board approval
Attachments: 4.1.15 letter to Patricia Berenato.PDF

Attached is a letter concerning modifications to the approval granted to Tuckahoe Turf Farms, Inc. by the Hammonton Planning Board as set forth in an agreement that the Pinelands Commission and Tuckahoe Turf are in the process of finalizing. Please call me if you have any questions. Bill

William F. Harrison, Esq.
Direct Dial: 973.535.4430
Main Line: 973.533.0777 Ext. 1160
WHarrison@genovaburns.com
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Thank you.



**GENOVA
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April 1, 2015

VIA EMAIL AND REGULAR MAIL

Ms. Patricia Berenato
Planning and Zoning Board Secretary
Town of Hammonton
100 Central Avenue
Hammonton, New Jersey 08037

Re: Tuckahoe Turf Farms, Inc.
401 N. Myrtle Street, Hammonton, New Jersey

Dear Ms. Berenato:

Tuckahoe Turf Farms, Inc. ("Tuckahoe Turf") is in the process of finalizing an agreement with the Pinelands Commission concerning the approval by the Hammonton Planning Board for the soccer activities that are occurring at Tuckahoe Turf. As part of that agreement, Tuckahoe Turf is required to request that the Hammonton Planning Board modify its approval to include the following conditions:

"The Applicant shall within sixty days (60) days from execution of the Stipulation of Settlement submit the following information to the Town of Hammonton's Zoning Officer for review and approval and then annually, at least sixty (60) days prior to the commencement of soccer activities in any calendar year, shall:

1. A copy of the schedule of soccer events to be conducted at Tuckahoe Turf Farm;
2. A copy of the practice schedule for the soccer practices to be conducted at Tuckahoe Turf Farm; and
3. A copy of the schedule for any other soccer activities being conducted at Tuckahoe Turf Farm, including but not limited to camps, games, try-outs, scrimmages, etc.

If the information submitted by the Applicant demonstrates compliance with the conditions of the Hammonton Planning Board Approval, the Zoning Officer shall prepare but not issue a Zoning Permit authorizing the proposed soccer activities at Tuckahoe Turf Farm for that calendar year. Prior to the Zoning Officer issuing the permit, the Zoning Officer shall advise the Pinelands Commission by fax notification of his/her intent to issue a Zoning Permit. The Pinelands Commission shall review the notice of intent to issue the Zoning Permit in



Ms. Patricia Berenato
April 1, 2015
Page 2

accordance with N.J.A.C. 7:50-4.40. No proposed use authorized by the Zoning Permit shall commence unless the Commission staff issues a letter in accordance with N.J.A.C. 7:50-4.40 indicating that the Zoning Permit shall take effect. If the Commission staff determines that the Zoning Permit raises a substantial issue with the minimum standards of the certified municipal land use ordinance and the Pinelands Comprehensive Management Plan, the Zoning Permit shall be subject of a Commission hearing in accordance with N.J.A.C. 7:50-4.40 through N.J.A.C. 7:50-4.42."

Let me know if there are any issues with these conditions being incorporated into the Planning Board approval.

Very truly yours,

GENOVA BURNS LLC

A handwritten signature in cursive script that reads 'William F. Harrison'.

WILLIAM F. HARRISON

WFH/KEB/lm

c: Michael J. Malinsky, Esq. (via email)
Stacey Roth, Esq. (via email)
Nancy Wittenberg, Executive Director (via email)
Robert A. Vettese, P.E. (via email)
Kevin Dixon, P.E. (via email)
Frank Domenico (via email)

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Genova Burns LLC

Newark, NJ • New York, NY • Camden, NJ • Red Bank, NJ • Philadelphia, PA • Jersey City, NJ • Washington, DC

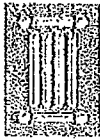
From: "William F. Harrison" <WHarrison@genovaburns.com>
To: "Nancy Wittenberg (Nancy.Wittenberg@njpinelands.state.nj.us)" <Nancy.Wittenb...>
CC: Kelly Brennan <KBrennan@genovaburns.com>
Date: 4/6/2015 6:09 PM
Subject: Agreement
Attachments: Ltr to N. Wittenberg re_ executive director action.PDF

Attached is a letter objecting to the Agreement being acted on by the Pinelands Commission. Bill

William F. Harrison, Esq.
Direct Dial: 973.535.4430
Main Line: 973.533.0777 Ext. 1160
WHarrison@genovaburns.com
[http://labor-law-blog.com/emailsigs/images/rule_top.gif]
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Thank you.



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Web: www.genovaburns.com

April 6, 2015

VIA EMAIL AND OVERNIGHT MAIL

Ms. Nancy Wittenberg
Executive Director
State of New Jersey
The Pinelands Commission
15 Springfield Road
New Lisbon, NJ 08064

Re: Application # 1984-0389,009
Tuckahoe Turf Farms, Inc.

Dear Ms. Wittenberg:

As you are aware, this firm represents Tuckahoe Turf Farms, Inc. ("Tuckahoe Turf") in connection with the referenced matter.

During our meeting Monday, March 30, 2015 with Senator Van Drew, you stated to Senator Van Drew that no action by the Commission was necessary to finalize the agreement between the Commission and Tuckahoe Turf. You indicated that you had the authority as Executive Director to reach an agreement that would terminate the review of the Hammonton Planning Board approval. Your statement to Senator Van Drew correctly stated your authority pursuant to the Comprehensive Management Plan ("CMP"). The CMP provides that after the Executive Director has determined to review a local approval "the Executive Director may, at any time, terminate the review of the application if the applicant submits additional information to demonstrate the local approval does not raise a substantial issue with respect to the conformance of the proposed development with the minimum standards of the [CMP] and the provisions of the relevant certified local ordinance. The Executive Director may also, at any time, terminate the review of the application if the local permitting agency where approval has been called up for review modifies its approval so that the approval no longer raises any substantial issues." N.J.A.C. 7:50-4.40(d). Nothing in the CMP authorizes the Commission to act on a local approval prior to a hearing being held; only the Executive Director has the authority to terminate review of a local approval.

Tuckahoe Turf accepted the terms of the Agreement it negotiated with the Commission staff with the understanding that no action by the Commission is necessary. Pursuant to the Agreement, Tuckahoe Turf immediately requested that the Hammonton Planning Board modify the local approval as provided in the Agreement. The purpose of the Agreement was "to resolve the issues associated with the Local Approval". Once the terms of the Agreement are met, those

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Ms. Nancy Wittenberg
Executive Director
February 6, 2015
Page 2

issues would be resolved and pursuant to the CMP, the Executive Director is authorized to terminate the review of the local approval without any action by the Commission.

It will be prejudicial to Tuckahoe Turf if the Agreement is presented to the Commission for approval and the Commission does not approve the Agreement. If that situation occurs, Tuckahoe Turf will have to proceed with the hearing on the local approval. Following the hearing, the Executive Director's determination will then be presented to the Commission. N.J.A.C. 7:50-4.41. Substantively, what will be before the Commission will be the same local approval that was before the Commission when it rejected the Agreement. Tuckahoe Turf cannot expect the Commission to reach a different determination on the local approval than the one it made when it rejected the Agreement. Following the procedures set forth in the CMP avoids the prejudice to applicants that would result from the Commission determining not to allow a local approval to take effect prior to a hearing on the matter.

Based on the above, we request that you not present the Agreement to the Commission.

Please contact me with any questions or to discuss.

Very truly yours,

GENOVA BURNS LLC

WILLIAM F. HARRISON

WFH/KEB

c: Stacey Roth, Esq. (via email)

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PINELANDS COMMISSION MEETING
Richard J. Sullivan Center
Terrence D. Moore Conference Room
15 Springfield Road
New Lisbon, New Jersey

MINUTES

April 10, 2015

Commissioners Present

Candace Ashmun, Bob Barr, Bill Brown, Joe DiBello, Sean Earlen, Paul E. Galletta, Jane Jannarone, Richard Prickett, Ed Lloyd, D'Arcy Rohan Green, and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Amy Herbold and Deputy Attorney General Helene Chudzik.

Commissioners Absent

Alan W. Avery Jr., Ed McGlinchey, Gary Quinn and Fran Witt.

Chairman Lohbauer called the meeting to order at 9:32 a.m.

DAG Chudzik read the Open Public Meetings Act Statement.

Ms. Wittenberg called the roll and announced the presence of a quorum. (There were 10 Commissioners present.)

The Commission and public in attendance pledged allegiance to the Flag.

DAG Chudzik administered the Oath of Office to Mr. Bob Barr.

Commissioner Barr thanked Commissioners, staff and members of the public for the warm welcome. He said it was an honor to be here. He thanked the Governor for the nomination and those who helped the nomination through. He said he has no preconceived notions or ill will for those who did not support his nomination. He said he looks forward to working with everyone.

Minutes

Chairman Lohbauer presented the minutes from the March 13, 2015 Commission meeting (open and closed session). He thanked Vice Chairman Avery for chairing that meeting. Commissioner Ashmun moved the adoption of the minutes. Commissioner Earlen seconded the motion.

The minutes of the March 13, 2015 Commission meeting were adopted by a vote of 10 to 0.

Commissioner Jannarone joined the meeting at 10:38 a.m.

Committee Chairs' Reports

Commissioner Ashmun said that the *ad hoc* Committee to review the Memorandum of Agreement process will meet after the April 24, 2015 Policy & Implementation Committee meeting.

Policy & Implementation Committee

Chairman Lohbauer provided an update on the March 27, 2015 Policy & Implementation Committee meeting.

The Committee adopted the minutes (open and closed sessions) of the January 30, 2015 meeting.

Chairman Lohbauer created an *ad hoc* Committee to evaluate policy related to Memoranda of Agreement, and he initiated discussion of the creation of an Agriculture Committee.

The Committee recommended that the Commission conditionally approve Franklin Township Ordinance O-6-14, a comprehensive sign ordinance. The conditions require that changeable message signs/light emitting diode signs be prohibited in the Pinelands Area portion of the Township, which includes only Rural Development and Agricultural Production Areas.

The Committee received a presentation on the Black Run watershed, an environmentally sensitive area in the Rural Development Area of Evesham Township. Protection of this area was addressed in the 2006 report A Sub-regional Resource Protection Plan for Southern Medford/Evesham Townships and included in the Fourth Progress Report on Plan Implementation. Among the options included in the 2006 report are a rule proposal that would re-designate a 4,000-acre Forest Area in Evesham and Medford townships and an

off-site clustering pilot program to direct development away from these ecologically valuable lands. A follow up discussion will be held at the next P&I Committee meeting.

The Committee reviewed a schedule for a pilot program for special events and expanded economic opportunities in the Agricultural Production Area. Ms. Wittenberg will be providing an update on these efforts to State Senator Ray Lesniak, Chair of the Senate Economic Growth Committee, in June.

The Committee learned that the New Jersey Conservation Foundation has combined funds from a variety of sources including the final remaining Pinelands Conservation Funds, allowing it to purchase a 475 acre portion of the Zemel property in Woodland Township. Closing is anticipated for May 2015.

Commissioner Galletta said he spoke with Commissioner McGlinchey this week and he asked about the status of the Agriculture Committee.

Commissioner Galletta asked for clarification as to what Commissioners will be on the Agriculture Committee.

Commissioners Earlen, Prickett, Lloyd, McGlinchey and Galletta will serve on the Committee. Chairman Lohbauer said he would serve as an alternate. The Committee needs one more alternate.

Chairman Lohbauer said he would ask Commissioner McGlinchey (who will Chair that Committee) to discuss a schedule with its members and Director Wittenberg.

Commissioner Ashmun clarified that the Agriculture Committee would be composed only of Commission members.

Executive Director's Reports

Mr. Larry Liggett updated the Commission on the following:

- Last month Mr. Liggett advised the Commission that Hammonton had to discharge treated wastewater into Hammonton Creek. Currently, Hammonton is back to completely using ground recharge. The overland/surface drip irrigation should be operational by the end of May. The underground/ subsurface drip irrigation should be completed by this fall.
- About five years ago, the Commission and the New Jersey Department of Environmental Protection (NJDEP) agreed to share threatened and endangered (T&E) species data. The Commission's T&E data has been updated electronically. Now the NJDEP and the Commission can work from the same maps.

Ms. Wittenberg noted that as part of Hammonton's Long Term Comprehensive Wastewater Plan, no additional flow is permitted until both the overland and underland drip irrigations systems are operational.

Mr. Chuck Horner provided an update on the following:

- The Commission has received an appeal of the Buena Vista Township application (application # 2009-0089.001) originally on today's agenda. Ms. Stacey Roth is in the process of reviewing the appeal. The Mayor of Buena Vista Township has requested that the application be postponed until the May Commission meeting.
- Staff will be meeting with the Burlington County Engineer's office on April 29 to discuss the Taunton Lakes Road widening project.
- A pre-application meeting was held with Atlantic City Electric to discuss an electric transmission line that would cross the Mullica River in the vicinity of the Garden State Parkway and on through New Gretna. The poles have already been installed as part of another project.

Commissioner Ashmun asked if the line would be attached to the bridge across the Mullica River.

Mr. Horner said that the line will be attached to poles that were previously installed for another transmission line.

- Staff continues to meet with the owners of a large mining operation in Maurice River Township to discuss a habitat conservation plan in order to address the threatened and endangered species standards of the Comprehensive Management Plan (CMP).

Commissioner Earlen said he read the article in the newspaper about a New Jersey Natural Gas (NJNG) pipeline proposed through Burlington County. He asked Ms. Wittenberg if our staff has had any conversations with representatives from NJNG.

Ms. Wittenberg said some time ago NJNG advised the Commission of its plans. At this time no application has been submitted.

Commissioner Earlen asked about the status of Jackson Township's rezoning.

Ms. Wittenberg said the issue is ongoing. She said Jackson Township is evaluating the best option for a specific portion of the Regional Growth Area.

Commissioner Lloyd said he had heard that the NJNG application was filed with the Board of Public Utilities this week.

Ms. Roth reminded Commissioners it is time to file Financial Disclosure Statements. The deadline is May 15.

Public Development Projects and Other Permit Matters

Chairman Lohbauer said Buena Vista Township has requested that its public development application that was on today's agenda be postponed until the May Commission meeting.

Resolutions Relating to Municipal Ordinances

Commissioner Earlen moved the adoption of a resolution Issuing an Order to Conditionally Certify Ordinance O-6-14, Amending Chapter 253 (Land Development) of the Code of Franklin Township (See Resolution # PC4-15-07). Commissioner Brown seconded the motion.

Commissioner Galletta said that there are about 10 businesses that could be affected by this ordinance and he will be voting no. He said the CMP needs to be amended to address electronic signs.

The Commission adopted the resolution by a vote of 9 to 2. Commissioner Galletta and Commissioner Jannarone voted no.

Public Comment on Agenda Items and Pending Public Development Applications

No members of the public offered comment.

Ordinances Not Requiring Commission Action

Chairman Lohbauer asked if any Commissioners had questions regarding the ordinances not requiring Commission action:

- Shamong Township Ordinance 2014-5
- Tabernacle Township Ordinance 2015-2

No members of the Commission had questions.

Public Comment on Any Matter Relevant to the Commission's Statutory Responsibilities

Chairman Lohbauer requested that the public focus their comments on issues rather than judge members of the staff and the Commission.

Denise Garner of Jackson Township congratulated Commissioner Barr on his appointment. She said she was here to provide comments on Jackson's rezoning proposal from residential to commercial that the Town Council did not vote to approve. She said commercial development would not be a good idea because of the area's close proximity to the base. She said many residents are upset about the rezoning possibility. She said that keeping the area as open space would be ideal.

Tim Mead, a Winslow Township resident, provided comment about youth soccer at Tuckahoe Turf Farms. See attached comments.

Allen Carter of Tuckahoe Turf Farms provided comment on marketing his turf. See attached comments.

Josephine Sienkiewicz of Jackson Township said that she and her husband own a small farm in Jackson in the area proposed for rezoning. She said she does not support changing the zone from residential to industrial.

Fran Brooks of Tabernacle Township welcomed Commissioner Barr. She requested an explanation of the pilot project connected to the Tuckahoe Turf matter.

Ms. Wittenberg said the CMP allows for pilot programs. She said the program would be independent of the Tuckahoe Turf matter. She said the pilot would allow the Commission to evaluate non-agriculture activities on agricultural lands. Depending on the outcome of the pilot, the Commission might propose rule changes.

Ms. Roth added that the CMP at 7:50-10.1 authorizes the Commission to go through a rule making process if the pilot warrants such a decision. The Commission has received a number of applications for "events" on agricultural lands that are not currently addressed in the CMP. She said rather than deal with these types of applications on a case-by-case basis, the pilot would address them as a whole.

Commissioner Earlen said the Pilot Programs sounds like something the Agricultural Committee should work on.

Fred Akers of the Great Egg Harbor Watershed Association said he attended the Pinelands Short Course and it was great. He referred to the process of Buena Vista Township applying to the Commission after development occurred as a charade. He said the Commission should find a mechanism to retain a licensed engineer to review certain types of development. He also recommended an independent, third-party peer review so there is some certainty that the proposed stormwater system will work.

Chairman Lohbauer said there is almost always no guarantee.

Margit Meissner-Jackson said that there are three pipelines making their way into New Jersey: New Jersey Natural Gas, South Jersey Gas and Pilgrims. She said she is not in favor of pipelines in the Pinelands or elsewhere in the state.

Carol Gay of the New Jersey State Industrial Union Council thanked the Commissioners for voting against the South Jersey Gas pipeline. She said she is against any pipelines in the Pinelands. She said it is imperative that we move away from fossil fuels and turn to renewable resources. She said fracking is a dangerous and harmful process that needs to end.

Marianne Clemente welcomed Commissioner Barr. She asked if there was any new information regarding the South Jersey Gas litigation matter.

Chairman Lohbauer said there is nothing to report.

Bill Wolfe of Bordentown welcomed Commissioner Barr. He said planning and regulatory rules need to be based on the CMP, science and law, not compelling personal interests. He said some of the public comment offered today was outside of the Commission's realm. He said he received a response from the Chairman on climate change and how it relates to the Commission. He reviewed the reasons why he was disappointed with the Chairman's response.

Paul Dietrich of Dennis Township said that his daughter has been playing with the Barons at Tuckahoe Turf Farm for many years. He said there is a need for the fields and there is support for the continued soccer activities there.

Jim Rapp of Jackson Township said he was happy with the outcome of the South Jersey Gas matter and, if it returns to the Commission, he hopes for the same conclusion. He welcomed Commissioner Barr. He said he was in Trenton and rallied against the nomination. He thanked Commissioner Jackson for his service on the Commission. He said that President Obama has endorsed natural gas as the petroleum of choice. He said this is a national issue. He offered Commissioner Barr support.

Jeff Tittel, Director of the NJ Sierra Club, thanked Robert Jackson for his dedication to the Pinelands. He said Boards go through cycles, Commissioners come and go and it is important to remember why we are here. He said the Pinelands are unique, home to plant species only found in this area and the largest freshwater aquifer on the eastern seaboard. He said the Commission, staff and public need to work together to deal with MOAs, sewer plants, climate change, the southern pine beetle, political pressure and large scale housing developments.

Lee Rosenson of Pinelands Preservation Alliance (PPA) and New Jersey Audubon Society commended former Commissioner Jackson for his work at the Commission and welcomed Commissioner Barr. He said the flow of information between staff and Commissioners has room for improvement. He said that every year he raises his concern over T&E consultants, and every year nothing is done. He said it is a conflict of interest when an applicant pays a T&E consultant to do a study on their property. He believes the Commission should hire the consultant in order to get unbiased results.

Chairman Lohbauer said staff would add the T&E discussion to the next P&I agenda.

Michael Gross, environmental counsel to the New Jersey Builders Association, said he appreciated hearing the Chair's request to keep personal attacks out of the public comment portion. He said after reviewing minutes from the last couple of meetings he was shocked to read the negative comments about staff. He said he has worked with numerous staff members through the years and has the utmost respect for them. He asked

Commissioners to keep in mind that interactions between the applicant and staff are essential to achieve a compliant application. He said in every regulatory process that he has been involved in there has always been conversations that took place between the two.

Doug O'Malley of Environment New Jersey welcomed Commissioner Barr and thanked Bob Jackson for his service. He thanked Chairman Lohbauer for looking at the MOA process. He said the relationship between staff and the applicant during the South Jersey Gas pipeline matter was not typical, as portrayed through emails obtained by PPA. He said the Commission needs to work more on climate change-related issues such as the Southern Pine Beetle.

Closed Session Resolution

DAG Chudzik read a resolution to retire into closed session to discuss pending litigation matters.

Commissioner moved to retire into closed session. Commissioner seconded the motion. The Commission agreed to retire into closed session by a vote of 11 to 0, beginning at 11:15 a.m.

Return to Open Session

Commissioner Lloyd made a motion to return to open session. Commissioner Earlen seconded the motion. The meeting resumed at 12:03 p.m.

DAG Chudzik said pending and anticipated litigation were discussed in closed session and no action was taken.

DAG Chudzik requested a motion to allow the Executive Director to continue to negotiate and resolve the Murphy v Medford matter consistent with the discussion that took place in closed session. The motion was moved by Commissioner Lloyd and seconded by Commissioner Earlen. All were in favor. The motion passed by a vote of 11 to 0.

DAG Chudzik requested a motion to authorize the Executive Director to continue to negotiate and settle the Tuckahoe Turf Farm matter consistent with the terms discussed in closed session. The motion was moved by Commissioner Barr and seconded by Commissioner Prickett. Commissioner Rohan Green voted no. The motion passed by a vote of 10 to 1.

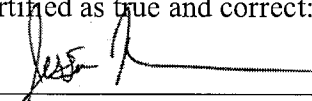
Commissioner Barr thanked everyone for the warm welcome.

Chairman Lohbauer requested that staff craft a resolution to recognize Commissioner Jackson. He also congratulated staff on another successful Pinelands Short Course.

Adjournment

Commissioner Ashmun moved to adjourn the meeting. Commissioner Barr seconded the motion. The Commission agreed to adjourn at 12:09 p.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: April 24, 2015



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION

PO Box 359
NEW LISBON, NJ 08064
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www.nj.gov/pinelands



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

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

April 24, 2015

Tuckahoe Turf Farm, Inc.
P.O. Box 148
801 N. Myrtle Street
Hammononton, NJ 08037

Re: Application # 1984-0389.009
Block 5001, Lots 5 - 7
Block 5002, Lot 11
Block 5601, Lots 1 - 9
Block 5602, Lots 3 - 7 (excluding Lot 4.01)
Town of Hammononton

Block 7502, Lots 2 - 3
Block 7503, Lots 1, 3 - 5 & 10 - 12
Block 7504, Lots 1 - 4 & 10 - 12
Block 7505, Lot 1
Block 7506, Lot 1
Block 7602, Lots 10 - 13
Waterford Township

Block 6602, Lot 7
Block 7101, Lots 5 & 15
Block 7104, Lots 1 & 3
Winslow Township

Dear Applicant:

Pursuant to N.J.A.C. 7:50-4.2(c) of the Pinelands Comprehensive Management Plan, the completion of your application has resulted in the issuance of the enclosed *Amended Inconsistent Certificate of Filing*. The reason(s) for the inconsistency is explained on Page 3 and must be resolved.

The Certificate of Filing is not an approval. It is the document necessary to allow any local or county agency to review and act on your proposed development application. All local and county permits and approvals granted for the proposed development are subject to review by the Pinelands Commission. **No approval shall take effect and no development may occur until the Commission issues a letter indicating that the approval may take effect.**



Upon receipt of any local agency approval, please submit a copy to the Commission's office with the additional items listed on the enclosed *Local Agency Approval Submission Checklist*.

If you have any questions, please contact Rhonda L. Ward of our staff.

Sincerely,



Charles M. Horner, PP

Director of Regulatory Programs

Enc: Inconsistent Certificate of Filing
Local Agency Approval Submission Checklist

c: Secretary, Town of Hammonton Planning Board (via email)
Town of Hammonton Construction Code Official (via email)
Town of Hammonton Environmental Commission (via email)
Secretary, Waterford Township Planning Board (via email)
Waterford Township Construction Code Official (via email)
Waterford Township Environmental Commission (via email)
Secretary, Winslow Township Planning Board (via email)
Winslow Township Construction Code Official (via email)
Winslow Township Environmental Commission (via email)
Atlantic County Department of Regional Planning and Development (via email)
Secretary, Camden County Planning Board (via email)
William F. Harrison, Esq. (w/encl.)



New Jersey Pinelands Commission
PO Box 359
New Lisbon, NJ 08064
(609) 894-7300



Chris Christie
Governor

Mark S. Lohbauer
Chairman

Kim Guadagno
Lieutenant Governor

Nancy Wittenberg
Executive Director

AMENDED INCONSISTENT CERTIFICATE OF FILING

INCONSISTENT

Application # 1984-0389-009
Applicant: Tuckahoe Turf Farm, Inc.
Municipality: Town of Hampton Waterford & Winslow Townships
(See attached cover letter for Block Lot Listing)
Agricultural Production Area: AG Zoning District: 69.05 acres
Agricultural Production Area: PA Zoning District: 31.6 acres
Agricultural Production Area: AP Zoning District: 311.11 acres

Proposed Development

Establishment of a private commercial soccer use with no site improvements

Plan(s) Subject of Certificate of Filing

Not Applicable

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

April 24, 2015

Date

Please see the additional pages for more information and conditions

BACKGROUND

Existing development:

- Agricultural use: sod farm

Relevant Information:

- Based upon available wetlands mapping, there are wetlands located on and within 300 feet of the parcel.

- The Pinelands Development Credits (PDCs) allocated to the parcel subject of this application have been severed or extinguished and the requisite deed restrictions were imposed limiting permitted land uses on the parcel.

- The proposed private commercial soccer use was established prior to completion of an application with the Commission in violation of the application requirements of the Town of Hammonton and Waterford land use ordinances and the Pinelands Comprehensive Management Plan.

- This application represents that the proposed use will only be located on lands in active sod production.

CONDITIONS

1. The proposed soccer use shall not be located in wetlands.
2. This application is for the establishment of the proposed soccer use only. Any other future development of the parcel, including any proposed site improvements, requires application to the Commission and shall be governed by the Town of Hammonton, Waterford Township and Winslow Township land use ordinances and the Pinelands Comprehensive Management Plan.
3. Item(s) on the attached *Inconsistencies* document must be resolved prior to Commission issuance of a letter indicating that any approval can take effect.

NEXT STEPS

- This Certificate of Filing is not an approval.
- Submit a copy of this Certificate of Filing to all county and municipal agencies that are required to review and act on your application (municipal planning board, building department, county health department, etc.).
- Send a copy of all approvals/permits that are issued by the county or municipality to the Pinelands Commission for review. Please use the attached *Local Agency Approval Submission Checklist* to make sure you are submitting all required documentation related to the approval/permit.
- No local approval/permit takes effect and no development can occur until the Pinelands Commission has reviewed the approval. When we complete our review, we will issue you a letter stating that the approval/permit can take effect.

INCONSISTENCIES:

This application as currently proposed is inconsistent with the following standard(s) of the Town of Hammononton, Waterford Township and Winslow Township certified land use ordinances and the Pinelands Comprehensive Management Plan (CMP):

1. Permitted use in an Agricultural Production Area (N.J.A.C. 7:50-5.24(a))

This application proposes the establishment of a private commercial soccer use accessory to an existing sod farm located on the above referenced parcel in Hammononton, Waterford and Winslow. The applicant has not demonstrated that the proposed use meets the definition of accessory use contained in the Commission certified (approved) Town of Hammononton land, Waterford or Winslow use ordinances and the CMP or otherwise demonstrated that the proposed use is permitted in a Pinelands Agricultural Production Area. The application is inconsistent with the permitted use standards in a Pinelands Agricultural Production Area contained in the Commission certified (approved) Town of Hammononton, Waterford and Winslow land use ordinances and the CMP.

2. Pinelands Development Credit Deed Restriction (N.J.A.C. 7:50-5.47(b)3)

The proposed private commercial soccer use is inconsistent with the uses of the parcel permitted by the PDC deed restriction previously imposed on the parcel.

Commission receipt of any county or municipal approval or permit for the development as currently proposed will likely result in the scheduling of a Commission staff public hearing to review the issues raised by the above-referenced inconsistencies.

PINELANDS COMMISSION MEETING
Richard J. Sullivan Center
Terrence D. Moore Conference Room
15 Springfield Road
New Lisbon, New Jersey

MINUTES

May 8, 2015

Commissioners Present

Candace Ashmun, Alan W. Avery Jr., Bob Barr, Bill Brown, Joe DiBello, Sean Earlen, Paul E. Galletta, Richard Prickett, Ed Lloyd, Gary Quinn, D'Arcy Rohan Green (via telephone), Fran Witt and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Amy Herbold and Deputy Attorney General Sean Moriarty.

Commissioners Absent

Ed McGlinchey and Jane Jannarone.

Chairman Lohbauer called the meeting to order at 9:36 a.m.

DAG Sean Moriarty read the Open Public Meetings Act Statement.

Ms. Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 13 Commissioners present.)

The Commission and public in attendance pledged allegiance to the Flag.

Minutes

Chairman Lohbauer presented the minutes from the April 10, 2015 Commission meeting (open and closed session). Commissioner Prickett moved the adoption of the minutes. Commissioner Barr seconded the motion.

The minutes of the April 10, 2015 Commission meeting were adopted by a vote of 11 to 0, with Commissioner Witt and Vice Chairman Avery abstaining.

Other

Chairman Lohbauer welcomed the Commission's new DAG Sean Moriarty.

Chairman Lohbauer presented Commission staff employee Betsy Piner with a plaque for her 20 years of committed service at the Commission.

Chairman Lohbauer presented Michelle Russell, Human Resources Specialist, and Paul Leakan, Communications Officer with plaques for their 10 years of dedicated service at the Commission.

Committee Chairs' Reports

MOA *ad hoc* Committee

Commissioner Ashmun provided an update on the April 24, 2015 *ad hoc* Committee meeting:

The Committee suggested topics to be considered regarding Memoranda of Agreement including:

- What entities are appropriate applicants for an MOA?
- What agencies provide the basic needs of a community?
- What is a compelling public need?
- What are the geographic limits of a public purpose for which an MOA is considered?
- The Commission should adopt a process for entering into MOAs
- What constitutes an equivalent level of protection?
- The Commission needs to be involved early in the process
- The 10-day hearing notice is inadequate (too short)
- Should the Commission be concerned with the cost of an alternative to an MOA?

The Committee will next convene with staff and without the public in attendance after the May 29, 2015 Policy & Implementation Committee meeting.

Following that meeting, an outline of the issues will be prepared and another public meeting will be held.

The Committee received public comment and requested that comments be submitted in writing.

Personnel & Budget Committee

Vice Chair Avery provided an update on the April 28, 2015 Personnel & Budget Committee meeting:

The Committee adopted the minutes from the February 3, 2015 meeting.

Nancy Wittenberg and Jessica Lynch reviewed the January, February, and March Check Registers, electronic disbursements and application fees. There was a discussion concerning different types of generators for a potential purchase to keep the Commission functioning during emergencies. Michelle Russell provided an update on employee actions. There were also discussions on dental insurance for employees, paving of the parking lot, painting Fenwick Manor, and notifying everyone that the auditors have begun the annual audit. Lastly, Commissioner Prickett recognized Ms. Wittenberg for going above and beyond the call of duty and feels that she does not get recognized for her efforts.

Commissioner Avery said he would like the record to reflect that he agrees with Commissioner Prickett's comment about the Executive Director.

The Committee met in Closed Session.

Chairman Lohbauer agreed that the Executive Director does a great job and is not recognized enough for her hard work.

Agriculture Committee

Commissioner Galletta provided an update on the May 1, 2015 Agriculture Committee meeting:

The Committee agreed that its initial focus should be on the development of a pilot program dealing with special events and other activities that occur on farms.

The Committee is not likely to meet monthly, rather periodically, as issues arise. However the next meeting will be in June in order to accommodate the staff schedule to update the Senate Economic Development Committee on progress towards a pilot program.

The next meeting has been scheduled for Tuesday, June 16th at 9:30 a.m.

Commissioner Ashmun suggested that Committee members and Commissioners review the pilot program rules in the Comprehensive Management Plan (CMP).

Chairman Lohbauer noted that Commissioner Galletta was recognized by the Hammonton Lions Club as their Citizen of the Year at an event last night. He congratulated Commissioner Galletta.

Policy & Implementation Committee

Chairman Lohbauer provided an update on the April 24, 2015 Policy & Implementation Committee meeting:

The Committee adopted the minutes from the March 27, 2015 meeting.

The Committee asked staff to begin developing language for a rule proposal designed to provide greater protection to the Black Run watershed. The rule proposal would expand the Forest Area in Evesham Township by some 4,000 acres and authorize a new Off-Site Clustering Pilot Program that would allow sewer residential development in a designated development area (Regional Growth Area)) if lands in a designated conservation area (Forest Area) are protected.

The Committee discussed issues related to the Commission's hiring of consultants to perform threatened and endangered species surveys vs. having such consultants hired by the applicants.

Executive Director's Reports

Ms. Nancy Wittenberg updated the Commission on the following:

- Staff met with NJDEP's site remediation staff to discuss the Licensed Site Remediation Professionals (LSRP) program. She said that Commission staff had been experiencing problems since the implementation of the LSRP program.
- Staff has been meeting with various interested parties to discuss the pilot program. The Agriculture Committee will be provided with an update on those meetings.
- Ms. Wittenberg said she attended last night's dinner honoring Commissioner Galletta. She said it was a beautiful event, highlighting the many activities Commissioner Galletta is involved in.

Mr. Larry Liggett updated the Commission on the following:

- For many years, staff has been researching enhancements to the Pinelands Development Credit program. Plans have been made to meet with interested parties, and the New Jersey Builders Association will be the first group staff will meet with.
- In this month's press clips there is an article about the Cape May County Municipal Utilities Authority (CMCMUA) regarding the possibility of constructing a sewer interceptor from the county landfill to the treatment facility. He said the Commission provided CMCMUA with \$20,000 toward a feasibility study. At this time, the parties are working on the finer details of the project, and the Commission is not involved.
- Staff met with the Pemberton Township Board of Education about an elementary and middle school that is located in a Rural Development Area near Fort Dix and has its own wastewater treatment plant. The on-site wastewater facility is not functioning properly, and the Board of Education is looking for a solution. The Policy & Implementation Committee may be discussing this soon.

Mr. Chuck Horner provided an update on the following:

- Staff met with representatives from the Burlington County Engineers Department to discuss the widening of Taunton Lakes Road. The road is a two-lane county road that provides primary access to Kings Grant in Evesham Township. Wetlands are prohibiting the positioning of the stormwater management facilities that need to be addressed as part of the widening project. Staff identified two options to the County.
- Staff recently issued an amended inconsistent certificate of filing for the soccer activities at Tuckahoe Turf to include both Winslow and Waterford Townships.
- A meeting has been scheduled with Stafford Township to discuss the status of the Township's compelling public need waiver. The waiver would allow for the development of a stormwater basin on the south side of Route 72 to address flooding issues in the pre-Pinelands residential development in Ocean Acres.
- Shamong Township has been discussing a proposal to place a cellular tower on Township property with both the Planning and Regulatory Programs staff.

Commissioner Ashmun requested that the public development resolutions state if an application has been submitted to cure a violation.

Mr. Horner said that going forward, resolutions will include language identifying if a specific application is being submitted to resolve a violation.

Ms. Stacey Roth reminded Commissioners that the Financial Disclosure Statements May 15 deadline is approaching.

Public Development Projects and Other Permit Matters

Chairman Lohbauer presented a resolution recommending approval of two development applications, one for New Jersey State Forestry Services and the other for the Lenape Regional High School District.

Commissioner Galletta moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 1984-1062.004 & 1997-0045.009) (See Resolution # PC4-15-08). Commissioner Earlen seconded the motion.

Commissioner Prickett asked if the proposed addition would connect to Seneca High school's existing waste water treatment system.

Mr. Horner said yes.

The Commission adopted the resolution by a vote of 12 to 0, with Commissioner Witt abstaining.

Chairman Lohbauer said the next resolution on the agenda is for Buena Vista Township's tourist railroad.

Commissioner Avery moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 2009-0089.001) (See Resolution # PC4-15-09). Commissioner Brown seconded the motion.

Mr. Horner displayed a map depicting the development area (see attached slide). The parcel where the development will take place is outlined in yellow. He said this project was done in violation and the majority of the development has already occurred. He said this application is intended to resolve the violation. He said a stormwater management basin has yet to be built and will be constructed in the southern portion of the parcel. He added that another much small stormwater basin would be constructed adjacent to Route 40 to resolve another violation concerning sidewalks along Route 40.

Mr. Horner said the majority of the project is located in a Pinelands Village. He said the center line of the railroad right-of-way is the management area boundary. Staff noticed that the location of the railroad siding which allows for the train to enter the track is located in a Pinelands Forest Management Area. This type of development is permitted in the Forest Area as an accessory use. An amended public development report dated April 8, 2015 was mailed to the applicant to include the Pinelands Forest Area in the application.

Mr. Horner said that an appeal request was received for this application.

Ms. Roth said that she reviewed the appeal request, along with the Attorney General's Office. She said the appeal was submitted by a property owner who lives adjacent to the railroad right-of-way. She said it was determined the property owner did not raise either a statutory right or property right sufficient to warrant a hearing and the appeal was denied.

Mr. Horner said that he spoke with a Buena Vista Township resident named Jaime Giordano. He said Ms. Giordano advised him that she submitted an appeal request. Mr. Horner said the Commission has no record of receiving that appeal. Ms. Giordano submitted another appeal request but it was not received in the appropriate time frame.

Commissioner Ashmun requested clarification that the applicant has met all the conditions of the report.

Mr. Horner said future reports dealing with violations will outline the conditions in a different manner.

Commissioner Avery said that the split between the Village and Forest Area seemed strange.

Ms. Susan Grogan said that many Pinelands management area boundaries are set by roads and divided by the center line of those roads. She said the boundary of the Pinelands Area includes the entire right-of-way, an example of this would be the Garden State Parkway. In response to Commissioner Avery's question, Ms. Grogan said the municipality (in this case, Buena Vista) could request Commission approval of a zoning change involving the boundary between the Pinelands Village and Forest Area.

Chairman Lohbauer requested that the Policy & Implementation Committee have a discussion in the near future about public agencies undertaking development in the Pinelands without filing an application with the Commission.

The Commission adopted the resolution by a vote of 12 to 0, with Commissioner Witt abstaining.

Resolutions Relating to Municipal Ordinances

There were no resolutions on this month's agenda

Public Comment on Agenda Items and Pending Public Development Applications

No members of the public offered comment.

Other Resolutions

Commissioner Ashmun moved the resolution Expressing the Commission's appreciation to Robert Jackson for his service as a member of the Commission between June 2008 and March 2015 (See Resolution # PC4-15-10). Commissioner Lloyd seconded the motion.

Chairman Lohbauer read the resolution into the record.

Commissioner Prickett said that Commissioner Jackson was always open to conversation and he hopes Bob continues attending meetings.

Commissioner Galletta said that Mr. Jackson was always interested in everyone opinions, even those he did not agree with.

Chairman Lohbauer said that when Commissioner Jackson engaged in a debate all the issues were covered and in a thoughtful and thorough manner.

The Commission adopted the resolution by a vote of 13 to 0.

Mr. Jackson addressed his past colleagues. He said that although he is sitting in the audience now, he urged Commissioners not to take offense to his comments at meetings.

Ordinances Not Requiring Commission Action

Chairman Lohbauer asked if any Commissioners had questions regarding the ordinances not requiring Commission action:

- Little Egg Harbor Township Ordinances 2013-4 and 2014-16
- Medford Lakes Borough Ordinance 509
- South Toms River Borough Ordinance 2-15

▪ Stafford Township Planning Board Resolution 2015-11

No members of the Commission had questions.

Presentation

Chairman Lohbauer said this past week the Commission unveiled its new website.

Mr. Leakan said the last time the Commission's website was redesigned was 10 years ago. He said last May a survey was conducted to gain information on ways the public, Commissioners and staff would like to see the website improved. He thanked the Office of Information Technology and members of the Website Design Committee who assisted on this project.

He said the new site provides easier maneuverability and more organized information. He said one of the goals of the redesign was to make the site more interesting and showcase how special the Pinelands are. He said the new website displays pictures of each Commissioner, something the old site did not have. He said there is a place to house Commission presentations and an image and video page. He demonstrated the new functions and capabilities of the website, such as the application fee calculator and the various ways to contact the Commission.

Public Comment on Any Matter Relevant to the Commission's Statutory Responsibilities

Mark Demitroff of Buena Vista Township distributed two handouts. He said prior to becoming a scientist, he was a certified tree expert. He said the oldest tree in Buena Vista Township has died as a result of urbanization and people pressures. (See picture in handout). He spoke about a failing basin in town that he said is flooding resident Jaime Giordano's property. He said that he has reviewed historic railroad mapping. He said the Commission has redeveloped Richland Village, including his property. He said his basic rights as a property owner have been violated.

He said there is an upcoming hearing on sewer service zoning and a map he was given shows that his property is in a sewer service area. He asked who made the map.

Ms. Wittenberg said that the map Mr. Demitroff is talking about was created by NJDEP for presentation purposes only. She said she spoke with the Assistant Commissioner of Water Resources at NJDEP, Mr. Dan Kennedy, and said he assured her that the shape file map showing the actual sewer service area would be available at the hearing.

Mr. Demitroff requested that he speak at the Policy & Implementation Committee about the problems with Richland Village and the Commission staff.

Chairman Lohbauer said the matter was voted on today.

Marilyn Miller of Toms River said she was appalled at what she just heard. She said she liked the new website design. She encouraged everyone to go explore the Pinelands.

Marianne Clemente of Barnegat Township said she enjoyed the conversation at the last P&I Meeting about threatened and endangered species consultants. She said applicants should not be able to choose their own consultants. She suggested that the Commission draft a resolution requesting Great Adventure install solar panels over their parking lot rather than clear cutting a forest. She said the new website looks great.

Chairman Lohbauer said that Great Adventure is not in the Pinelands Area.

Margit Meissner Jackson, Sierra Club, Ocean County, commended the Commissioners for doing a great job at protecting the Pines. She said Great Adventure is in the Barnegat Bay estuary and everything they put in the water makes its way to the bay. She said she was involved in a sea level rise projection study done by Rutgers. She said someday everything east of Route 9 could be underwater. She said it is important to remain active in environmental concerns or we could lose the state.

Fran Brooks thanked staff for the work on the new website. She asked how many groups have staff met with thus far regarding the pilot program and which groups.

Ms. Wittenberg said staff has met with the Pinelands Preservation Association, New Jersey Conservation Foundation, the Farm Bureau and a couple of County Farmland Preservation offices. There are a couple of remaining organizations that staff plan to meet with.

Lena Smith, Food and Water Watch, said that New Jersey Natural Gas has filed an application to construct the Southern Reliability Link- a natural gas pipeline- and some portions of the route will go through the Pinelands. She said she wanted to remind Commissioners of the risks pipelines pose to the public and that they need to preserve and protect the Pinelands.

Robert Jackson said it was an honor to serve on the Commission. He asked if the Commission would be considering permeable asphalt if the paving project is approved.

Commissioner Avery said that the P&B Committee brought up the idea and it needs to be researched.

Mr. Jackson said it is evident that something needs to be done about public agencies failing to apply to the Commission. He said the Commission should think about imposing some sort of negative consequence to future violators. He closed by thanking the Chairman for displaying such patience and openness with the public.

Commissioner Ashmun asked about the status of wastewater planning.

Ms. Wittenberg said that NJDEP will hold a hearing at the Commission on Wednesday, May 13, 2015 on the sewer service mapping.

Ms. Grogan said the hearing is at 10:00 am on the revised corrected sewer service area maps for the seven Pinelands counties. She said after the hearing NJDEP will have to go through the adoption process.

Closed Session Resolution

Ms. Roth read a resolution to retire into closed session to discuss collective bargaining.

Commissioner Avery moved to retire into closed session. Commissioner Prickett seconded the motion. The Commission agreed to retire into closed session by a vote of 13 to 0, beginning at 11:23 a.m.

Return to Open Session

Commissioner Avery made a motion to return to open session. Commissioner Lloyd seconded the motion. The meeting resumed at 11:46 a.m.

Other

Commissioner Ashmun moved the resolution To Authorize the Executive Director to Enter into Agreements with the Communications Workers of America, Local 1040 and to Revise the FY 2015 Operating Budget (See Resolution # PC4-15-11). Commissioner Avery seconded the motion.

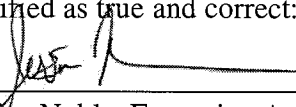
The Commission adopted the resolution by a vote of 13 to 0.

Commissioner Prickett said he attended the most recent Pinelands Research Series that highlighted the two rattle snake populations that have developed on either side of Route 206. He highly recommends attending future Pinelands Research Series presentations.

Adjournment

Commissioner Lloyd moved to adjourn the meeting. Commissioner Brown seconded the motion. The Commission agreed to adjourn at 11:50 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: May 15, 2015

Stipulation of Settlement Amongst
The New Jersey Pinelands Commission, Tuckahoe Turf Farm, LLC
and Mid-Atlantic Soccer Showcase League

This Stipulation of Settlement is entered into this 11th day of ^{May}~~April~~, 2015 by and amongst the New Jersey Pinelands Commission (the "Pinelands Commission or Commission") and Tuckahoe Turf Farm, Inc. ("Tuckahoe Turf Farm") (collectively referred to herein as the "Parties"). The parties enter into this Stipulation of Settlement in consideration of the mutual understandings and promises set forth herein.

WHEREAS, Betts and Betts, LLC owns the property known as Block 5001, Lots 5-7, Block 5002, Lot 11, Block 5601, Lots 1-3, 5-6 & 8-9 and Block 5602, Lots 3-7 (excluding 4.01) on the Tax Maps of the Town of Hammonton, Atlantic County, New Jersey (hereinafter the "Hammonton lots"); Block 7502, Lots 2-3, Block 7503 Lots 1, 3-5, & 10-12, Block 7504, Lots 1-4, & 10-12, Block 7505 Lot 1, Block 7506 Lot 1, Block 7602, Lots 10-13, on the Tax Maps of the Township of Waterford, Camden County, New Jersey (hereinafter the "Waterford lots") and Block 6602, Lot 7, Block 7101, Lots 5 & 15 and Block 7104, Lots 1 & 3 on the Tax Maps of the Township of Winslow, Camden County, New Jersey (hereinafter "the Winslow lots") (collectively the "Property"); and

WHEREAS Tuckahoe Turf Farm operates a turf farm on the Property;

WHEREAS, James Betts warrants and represents that he is the Secretary for Tuckahoe Turf Farm and is authorized to bind Tuckahoe Turf Farm; and

WHEREAS, the Property is located in the State designated Pinelands Area within an Agricultural Production Area; and

WHEREAS, the Hammonton lots are also subject to a Pinelands Development Credit Deed Restriction which was voluntarily executed by Tuckahoe Turf Farm on or about May 1, 1995 and May 11, 1999; and

WHEREAS, MSSL conducts soccer events, including but not limited to showcases, tournaments and programs at Tuckahoe Turf Farm; and

WHEREAS, Steve Shilling warrants and represents that he is the President of MSSL and is authorized to bind MSSL; and

WHEREAS, on or about August 29, 2014, Tuckahoe Turf Farm and the Mid-Atlantic Soccer Showcase League ("MSSL") submitted an application to the Commission for soccer activities at the farm; and

WHEREAS, on December 17, 2014, the Commission issued a Certificate of Filing – Inconsistent to Tuckahoe Turf Farm and MSSL to permit them to seek an approval from the Town of Hammonton Planning Board for soccer activities on the farm; and

WHEREAS, on February 5, 2015, the Town of Hammonton's Planning Board issued a Decision and Resolution granting Tuckahoe Turf Farm's application for preliminary and final site plan approval for soccer events and activities at Tuckahoe Turf Farm (a copy of which is attached hereto as Exhibit A and incorporated herein by reference); and

WHEREAS, by letters dated February 23, March 3 and March 13, 2015, counsel for Tuckahoe Turf Farm sent letters extending the time for the Commission staff to review the Hammonton Planning Board's Decision and Resolution;

WHEREAS, by letter dated March 27, 2015, the Commission staff issued a letter indicating that a hearing was necessary to review the issues raised by the Hammonton Planning's Boards decision and scheduling a public hearing for April 30, 2015; and

WHEREAS, by letter dated March 31, 2015, Tuckahoe Turf Farm requested an adjournment of the public hearing scheduled for April 30, 2015 to enable the Parties to continue to negotiate a resolution of the matter; and

WHEREAS, the Parties wish to amicably resolve all issues pertaining to the Commission staff's review of the Hammonton Planning Board's February 5, 2015 Decision and Resolution without the need for an adjudicatory hearing concerning that approval.

NOW, THEREFORE, the Parties hereby stipulate and agree to the following:

1. Tuckahoe Turf Farm and MSSL agree that soccer activities, including but not limited to soccer games, practices, activities, scrimmages, try-outs, camps, etc., will be permitted to be conducted at Tuckahoe Turf Farm according to the terms of the Hammonton Planning Board's February 5, 2015 Decision and Resolution, as amended in accordance with paragraph 3 below, for up to three years during which time the Executive Director shall recommend to the Commission that it consider

promulgating regulations establishing a pilot program, in accordance with 7:50-10.1, addressing agricultural tourism and other commercial opportunities on lands in active agricultural production located within an Agricultural Production Area within the Pinelands.

2. Tuckahoe Turf Farm and MSSL agree that after three years, soccer activities, including but not limited to soccer games, practices, activities, scrimmages, try-outs, camps, etc., will only be permitted to continue if authorized to do so pursuant to the terms of any pilot program adopted by the Commission. However, should the Commission adopt the pilot program prior to the expiration of the three years, Tuckahoe Turf Farm would be expected to apply to participate in the pilot program upon its adoption.

3. Tuckahoe Turf Farm shall, within fifteen (15) days of execution of a Stipulation of Settlement by the parties, submit a letter to the Town of Hammonton's Planning Board Secretary, Patricia Berenato, asking that the Local Approval be amended to incorporate the following condition. Copies of that letter should be provided to the Pinelands Commission, the Planning Board Attorney, Michael Malinsky, Esq., the Planning Board Engineer, Robert Vettese, the Planning Board Planner, Kevin Dixon and the Zoning Officer, Frank Domenico.

A. The Hammonton Planning Board's Decision and Resolution shall be conditioned as follows:

"The Applicant shall within sixty days (60) days from execution of the Stipulation of Settlement submit the following information to the Town of Hammonton's Zoning Officer for review and approval and then annually, at least sixty (60) days prior to the commencement of soccer activities in any calendar year, shall:

1. A copy of the schedule of soccer events to be conducted at Tuckahoe Turf Farm;
2. A copy of the practice schedule for the soccer practices to be conducted at Tuckahoe Turf Farm; and
3. A copy of the schedule for any other soccer activities being conducted at Tuckahoe Turf Farm, including but not limited to camps, games, try-outs, scrimmages, etc.

If the information submitted by the Applicant demonstrates compliance with the conditions of the Hammonton Planning Board Approval, the Zoning Officer shall prepare but not issue a Zoning Permit authorizing the proposed soccer activities at Tuckahoe Turf Farm for that calendar year. Prior to the Zoning Officer issuing the permit, the Zoning Officer shall advise the Pinelands Commission by fax notification of his/her intent to issue a Zoning Permit. The Pinelands Commission shall review the notice of intent to issue the Zoning Permit in accordance with N.J.A.C. 7:50-4.40. No proposed use authorized by the Zoning Permit shall commence unless the Commission staff issues a letter in accordance with N.J.A.C. 7:50-4.40 indicating that the Zoning Permit shall take effect. If the Commission staff determines that the Zoning Permit raises a substantial issue with the minimum standards of the certified municipal land use ordinance and the Pinelands Comprehensive Management Plan, the Zoning Permit shall be subject of a Commission hearing in accordance with N.J.A.C. 7:50-4.40 through N.J.A.C. 7:50-4.42."

4. Notwithstanding the execution of this Stipulation of Settlement by the parties, Tuckahoe Turf Farm, MSSL and the Pinelands Commission retain all rights and legal arguments and may advance same, after expiration two years from the date of execution of the Stipulation of Settlement by the parties, in any future legal proceeding conducted either in accordance with N.J.A.C. 7:50-4.40 through N.J.A.C. 7:50-4.42 or before a court of competent jurisdiction.

5. The parties enter into the Stipulation of Settlement without trial or adjudication of the issues in order to amicably resolve this matter without any admission of law or fact by the parties, provided, however, that the parties intend to be fully bound by this Stipulation of Settlement which shall be enforceable in the Superior Court of New Jersey.

6. This Stipulation of Settlement shall constitute the entire agreement between the parties and any prior understandings or representations of any kind other than those contained within this Stipulation of Settlement shall not be binding upon any party.

7. Within fifteen (15) days of receipt of an amended Decision and Resolution issued by the Town of Hammonton Planning Board incorporating the conditions set forth in Paragraph 3 above, the Commission staff shall issue a letter of "No Further Review" for such amended Decision and Resolution.

8. In consideration of the foregoing, and in accordance with the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq. and the Pinelands CMP, on April 10, 2015, the Pinelands Commission AUTHORIZED the Executive Director to execute this Stipulation of Settlement, and in accordance with the terms of this Settlement, to subsequently issue a "No Further Review Letter" ("No Call-Up Letter") to Tuckahoe Turf Farm and MSSL for soccer activities at Tuckahoe Turf Farm.

9. In accordance with N.J.S.A. 13:18A-5(h), this Stipulation of Settlement shall take effect following the conclusion of the Governor's review period and/or approval of the Pinelands Commission meeting minutes authorizing entry of the Stipulation of Settlement and then upon execution by the authorized representative of the parties.

10. This Stipulation of Settlement is binding up and intended for the exclusive benefit of the parties hereto and their respective successors hereunder, and shall not be deemed to give, either express or implied any, legal or equitable right, remedy or claim to any other entity or person whatsoever.

11. This Stipulation of Settlement may only be modified by a writing signed by all parties hereto. No waiver of any provision of this Stipulation of Settlement shall be valid unless in writing and signed by the party against whom charged.

12. In consideration of the foregoing, and in accordance with the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq. and the Pinelands CMP, on April 10, 2015, the Pinelands Commission

AUTHORIZED the Executive Director to execute this Settlement Agreement and, in accordance with the terms of this Settlement, to subsequently issue a "No Further Review Letter" ("No Call-Up Letter") to Tuckahoe Turf Farm for soccer activities at Tuckahoe Turf Farm.

13. This Stipulation of Settlement shall be governed by and interpreted in accordance with the laws of the State of New Jersey. All parties to this Stipulation are to have all legal and equitable remedies to enforce its terms and conditions. If any term or condition of this Stipulation of Settlement is violated, or there is a threat of violation, any party and its representatives may institute proceedings in a court of competent jurisdiction to enforce the terms and conditions of this Stipulation.

14. All parties hereto also agree that they will not hereafter sue, or authorize any of their agents, servants or employees to sue, any other party to this Stipulation of Settlement for any claims whether legal, equitable or statutory, whether in Federal or State Court, including without limitation any and all claims under common law, or expenses including, but not limited to, attorneys' fees, arising out of the issues resolved by this Stipulation of Settlement except as preserved in accordance with Paragraph 4 above or to enforce the terms of this Stipulation of Settlement or for damages arising out of the inability to enforce the terms of this Stipulation of Settlement.

15. This Settlement Agreement may be executed by each of the parties hereto in any number of counterparts, each of which counterpart, when so executed and delivered, shall be deemed to be an original and all such counterparts shall together constitute one in the same agreement.

IN WITNESS WHEREOF, each of the parties has caused this Stipulation of Settlement to be executed by a duly-authorized officer or official as of the day and year written below.

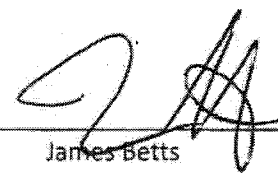
New Jersey Pinelands Commission

Dated: 5/11/15

By: 
Nancy Wittenberg
Executive Director

Tuckahoe Turf Farm, LLC

Dated: APRIL 24, 2015

By: 
James Betts
Secretary

Mid-Atlantic Soccer Showcase League

Dated: APRIL 24, 2015

By: 
Steve Shilling
President

PINELANDS COMMISSION MEETING
Richard J. Sullivan Center
Terrence D. Moore Conference Room
15 Springfield Road
New Lisbon, New Jersey

MINUTES

June 12, 2015

Commissioners Present

Candace Ashmun, Alan W. Avery Jr., Bob Barr, Bill Brown, Joe DiBello, Sean Earlen, Paul E. Galletta (via telephone), Jane Jannarone, Ed Lloyd, Ed McGlinchey, Richard Prickett, Gary Quinn, D'Arcy Rohan Green and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit representative Amy Herbold and Deputy Attorney General Sean Moriarty.

Commissioners Absent

Fran Witt

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

DAG Sean Moriarty read the Open Public Meetings Act Statement.

Ms. Nancy Wittenberg called the roll and announced the presence of a quorum. (There were 14 Commissioners present.)

The Commission and public in attendance pledged allegiance to the Flag.

Minutes

Chairman Lohbauer presented the minutes from the May 8, 2015 Commission meeting (open and closed session). Commissioner Ashmun moved the adoption of the minutes. Commissioner Barr seconded the motion.

The minutes of the May 8, 2015 Commission meeting were adopted by a vote of 12 to 0, with Commissioner McGlinchey and Commissioner Jannarone abstaining.

Committee Chairs' Reports

Personnel & Budget Committee

Vice Chair Avery provided an update on the June 2, 2015 Personnel & Budget Committee meeting:

The Committee adopted the minutes from the April 28, 2015 meeting.

The Committee reviewed and recommended Commission approval of a resolution to authorize the Executive Director to continue to expend funds for Fiscal Year 2016 at the same level of expenditures as Fiscal Year 2015 until the adoption of the Fiscal Year 2016 budgets.

Nancy Wittenberg and Jessica Lynch reviewed the April Check Registers, electronic disbursements and application fees. There was a budget update and discussion concerning the quote received for a generator to keep the Commission functioning in emergencies. Michelle Russell provided an update on employee actions. There were also discussions outlining the research into the painting and associated costs of Fenwick Manor. Computer security was also reviewed.

The Committee met in Closed Session.

MOA *ad hoc* Committee

Commissioner Ashmun said the Committee met with staff on May 29, 2015. She said the Committee will meet next after the June 26, 2015 Policy & Implementation Committee. That meeting will be public.

Agriculture Committee

Commissioner McGlinchey said the next meeting has been scheduled for Tuesday, June 16th at 9:30 a.m.

Policy & Implementation Committee

Chairman Lohbauer provided an update on the May 29, 2015 Policy & Implementation Committee meeting:

The Committee adopted the minutes from the April 24, 2015 meeting.

The Committee approved payment to the New Jersey Conservation Foundation in advance of closing on the Zemel project in Woodland Township. This was the last remaining Pinelands Conservation Fund grant.

The Committee received an update on the revised application submitted by South Jersey Gas to develop a pipeline to the B.L. England electric generation plant in Upper Township.

Audit Committee

Chairman Lohbauer said the Audit Committee met on June 4. He said the Auditors have arrived and the FY 14 Audit is underway.

Executive Director's Reports

Ms. Nancy Wittenberg updated the Commission on the following:

- The Pinelands Orientation for newly elected officials will be held on July 30, 2015 at the Richard J. Sullivan Center. The orientation will be in lieu of the usual Pinelands Municipal Council agenda.

Mr. Larry Liggett updated the Commission on the following:

- Staff has been working with Burlington County officials on a proposal to construct a new cell tower to accommodate emergency services in Pemberton Township. The current tower cannot accommodate any new antennas; thus, the County believes a second tower is needed. The parcel on which the current tower is located is split-zoned between a Regional Growth Area and Agricultural Production Area.
- A temporary programmer has been contracted to work in the MIS office to build a database for the alternate septic system program. The database will enable staff to track the five year monitoring period more efficiently.
- Staff received an inquiry from the New Jersey Department of Environmental Protection (NJDEP) requesting information about a landfill in Winslow Township. The rapid landfill assessment database allowed staff to provide NJDEP with the pertinent information within one hour.

Mr. Chuck Horner provided an update on the following:

- Staff met with officials from Stafford Township to discuss their compelling public need waiver application. A stormwater management basin is being proposed to resolve ongoing flooding issues in the Ocean Acres residential area. He said in the next couple of months a decision will need to be rendered from Commissioners on that compelling public need waiver.
- Staff met with officials from Joint Base McGuire-Dix-Lakehurst to discuss a large solar facility proposal. He said the solar facility on Fort Dix is being proposed on an existing closed landfill. The solar facility proposed at Lakehurst will be located in a grass and wooded area.
- Staff has been working with Hammonton officials on a proposal to clear trees at the Hammonton Municipal Airport.
- Southampton Township continues to weigh its options of rehabilitating the existing public works building or finding another site.

- An application staff reviewed many years ago to expand the landfill at the Cape May County Municipal Utilities Authority (CMCMUA) determined that a threatened species, Red Headed Woodpecker, was present on the parcel. A recent application proposing a natural gas fueling station on that parcel proposed disturbance in a portion of the area preserved for Red Headed Woodpecker. Staff continues to work on a mitigation plan to resolve that issue.
- Mr. Horner said he went in the field recently with a Regulatory Programs staff member and Jackson Township officials to resolve a problem where a homeowner cleared and developed in the wetlands buffer.
- On May 21, 2015 the Commission received a revised application from South Jersey Gas (SJG) for a natural gas pipeline. On June 3rd, staff met with representatives from SJG. At that meeting, representatives from SJG asked a number of questions. The staff answered several procedural questions and was unable to answer substantive questions regarding the application as the May 21 submission is still under review.

Mr. Horner detailed the review process for a private development application. He said once staff determines that the required information has been submitted by the applicant, a completeness document, known as a Certificate of Filing (CF), is issued. The CF is either consistent or inconsistent with the Commission's rules. The CF is not an approval, it merely allows an applicant to seek local approval. The applicant is required to submit any local approvals to the Commission for its review. This ensures no changes have been made to the application and if there have been changes that they remain consistent with the Commission's rules. If the local approval raises an issue with the Commission's standards, a Commission staff public hearing would be scheduled. He said internally this is referred to as a "call up" hearing.

Mr. Horner reviewed the Commission staff public hearing process at which the Executive Director presides as the hearing officer. He also indicated that an applicant has the option to proceed to the Office of Administrative Law (OAL) for the hearing. He said the applicant has the option to choose either course if they want to challenge the staff's determination. He said typically an applicant tries to resolve any issues before ever having a hearing. He said if the local approval raises no issue, the Commission staff would issue a letter stating that the permit(s) can take effect.

Both Mr. Horner and Ms. Stacey Roth answered a variety of questions asked by Commissioners.

Commissioner Ashmun asked for a definition of private and public development.

Mr. Horner referenced NJAC 7:50- 4.52 of the Comprehensive Management Plan (CMP). That section of the CMP indicates that development proposed by public agencies require approval in accordance with the CMP. Mr. Horner then read the definition of public agency as defined in the CMP.

Mr. Horner described the relevance of the SJ Gas application to this discussion. He said when the original SJG application was reviewed, staff determined it was a private application and that it was not consistent with the CMP's standards. At that point, the Memorandum of Agreement process began. He said the recently submitted SJG application is under review. Upon completion of that review, the staff will issue either an inconsistent or consistent CF.

Ms. Roth reviewed the state coordination provision in the CMP section NJAC 7:50-4.82.

Commissioner Ashmun asked what happens when there are no local approvals for the Commission to review.

Mr. Horner said there have been very few instances over the years when the Commission has issued a CF and not had any local approvals to review.

Chairman Lohbauer asked if the SJG application will require municipal permits.

Mr. Horner said he does not know the answer for certain, however, SJG may proceed to the Board of Public Utilities under a provision in the Municipal Land Use law that would exempt it from local approvals.

Ms. Roth said that after the September 11th Commission meeting, the State Ethics Commission will provide in-person ethics training.

Commissioner Avery asked Mr. Horner if Jackson Township issued permits for the development that took place at the residence with the violations that was previously mentioned.

Mr. Horner said yes, for the pool.

Public Development Projects and Other Permit Matters

Chairman Lohbauer presented a resolution recommending approval of two public development applications. He said Evesham Township is proposing to install a synthetic turf field and Hamilton Township is proposing to demolish a dwelling.

Commissioner McGlinchey moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 1985-0619.013 & 2015-0047.001) (See Resolution # PC4-15-12). Commissioner Barr seconded the motion.

The Commission adopted the resolution by a vote of 14 to 0.

Chairman Lohbauer presented the next resolution recommending approval of improvements at Michael Debbi Park in Buena Vista Township.

Commissioner Avery moved the adoption of a resolution Approving With Conditions an Application for Public Development (Application Number 1995-1659.003) (See Resolution # PC4-15-13). Commissioner Barr seconded the motion.

Commissioner McGlinchey asked if Buena Vista has any other outstanding violations.

Mr. Horner said that to staff's knowledge this application resolves the last of Buena Vista Township's violations.

The Commission adopted the resolution by a vote of 14 to 0.

Resolutions Relating to Municipal Ordinances

There were no resolutions on this month's agenda

Public Comment on Agenda Items and Pending Public Development Applications

Mr. Bill Wolfe suggested using a non-fossil back-up power source at the Commission. He said after listening to the discussion regarding the South Jersey Gas (SJG) application, he was troubled that there is no opportunity for the public to express their opinion on the matter. He said the Commission should conduct informal hearings on the SJG application regardless of what the rules allow. Mr. Wolfe said Mr. Horner's description of how the SJG application did not meet the permitted use standard is not consistent with the formal record for the application. Mr. Wolfe said in the revised application, SJG was alleging new information about primarily serving the needs of the Pinelands. He said in the submittal, SJG provides arguments that are outside the scope of the CMP. He said during the MOA process he provided testimony that was not considered because it was outside of the Commission's purview. He wants the Commission to use the same control on SJG as the public had to adhere to during the comment period. Mr. Wolfe said he would be submitting formal comments. He urged the Commission to request NJDEP re-open the permits previously issued for the SJG project.

Georgina Shanley of Ocean City asked what would be significant enough to deny the CF to SJG.

Chairman Lohbauer said he was not going to speculate on a private application but said the application needs to be consistent with the CMP.

Ms. Roth offered some clarification that a CF is neither an approval nor a denial, but a completeness document that is either consistent or inconsistent with the Commission's rules.

Jeff Tittel, Sierra Club, said that the MOA process for the SJG application was open and transparent. He said there needs to be the same public involvement with the revised SJG application. He said there are inconsistencies in the application, with regard to who is

paying for the resiliency and where the energy is going. He said the power produced at BL England is going into the grid. He said unit one at BL England has been closed for a year and has not caused any brownouts. Based on the PJM analysis, BL England is not needed. PJM is not projecting an increase in demand for electricity but rather a decline. He said for those reasons alone the pipeline is not necessary.

Lena Smith of Food and Water Watch said there should be a process to allow for public input and expert opinion because the SJG application is providing public service infrastructure.

Ann Kelly said there are not enough inspectors to properly check the miles of pipeline in this country. She said it would be unwise to run a pipeline through the Pinelands.

Other Resolutions

Commissioner Prickett moved the resolution To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2016 at the Same Level of Expenditures as Fiscal Year 2015 until the Adoption of the Fiscal Year 2016 Budgets (See Resolution # PC4-15-14). Commissioner Lloyd seconded the motion.

The Commission adopted the resolution by a vote of 13 to 0. (Commissioner Brown was not present for the vote.)

Ordinances Not Requiring Commission Action

Chairman Lohbauer said the Commission did not review any ordinances this past month.

At this time Commissioner Galletta signed off.

Presentation-2014 Annual Report- Long Term Economic Monitoring Program

Mr. Joe Sosik greeted the Commissioners and public. He said the Long Term Economic Monitoring program began in 1994 after a panel of economic and local experts suggested monitoring the Pinelands economy on a continual basis. The program is funded by the National Park Service. He said the 2014 report covers data from 2013. He said the goal of the report is to monitor the economic health of the Pinelands using 21 variables. He said the majority of the data was obtained at the municipal level. He said census housing data and point data derived from addresses were new to the report. He provided information on population, real estate, economy and municipal finance.

Link to the Presentation slides:

<http://www.state.nj.us/pinelands/home/presentations/2014LTEMPresentation.pdf>

Link to the Report: http://www.state.nj.us/pinelands/landuse/econ/LTEM_Annual_Report-2014.pdf

Public Comment on Any Matter Relevant to the Commission's Statutory Responsibilities

Jeff Tittel said many years ago people thought the Pinelands would hurt Atlantic City economically but it seems the opposite has occurred as the Pinelands are thriving and Atlantic City is not. He raised concerns about the new sewer service areas. He said NJDEP did not do a proper environmental analysis. He said he fears pressures will build to change the plan to conform to the infrastructure.

Bill Wolfe announced that NJDEP is proposing new stream encroachment regulations. He said the regulations could abolish the stream buffer protection program and turn it into a mitigation program. He asked if the proposed regulations would impair the Commission's ability to impose their buffer requirements.

Mr. Tittel said the public comment for stream encroachment proposal will begin in two weeks and the comment period will last 60 days. He said the regulations propose removing a 150 ft. buffer from acidic streams, which include Atlantic white cedar swamps.

Other

Commissioner Ashmun requested that all Memoranda of Understanding and Memoranda of Agreement with NJDEP be reviewed.

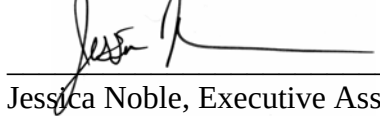
Commissioner Prickett said that today is a great day for Commissioners and members of the public to take a look at the Bog Garden. He said Paul Leakan did a great job in creating the garden.

Commissioner Prickett said that the 32nd Annual Blueberry festival will be held at Whitesbog on Saturday, June 27, 2015.

Adjournment

Commissioner Ashmun moved to adjourn the meeting. Commissioner Avery seconded the motion. The Commission agreed to adjourn at 11:44 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: June 23, 2015