



State of New Jersey
 THE PINELANDS COMMISSION
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Chris Christie
 Governor

Kim Guadagno
 Lt. Governor

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

Mark S. Lohbauer
 Chairman

Nancy Wittenberg
 Executive Director

June 16, 2015

Len Capone
 1000 Jackson Road
 Atco, NJ 08004

Re: Application # 1987-1183.015
 Block 150, Lot 26
 Block 250, Lot 1
 Block 252, Lot 1
 Block 5201, Lot 8
 Block 5302, Lot 1
 Block 5402, Lot 2
 Waterford Township

Dear Mr. Capone:

On January 22, 2015, we met at the Waterford Township municipal building to discuss the proposed development of parking and driveway area improvements on the above referenced Atco Raceway parcel.

We discussed the raceway's proposal to clear and utilize Block 5402, Lot 2 (52.89 acres) for parking. This area is wooded and located immediately adjacent to the west side of the developed raceway.

We also discussed the raceway's proposal to clear and utilize for parking/driveway a wooded portion of Block 5201, Lot 8 and Block 5302, Lot 1. This area is located along the eastern side of the developed raceway, immediately adjacent to the electric transmission utility right-of-way.

The proposed improvements require completion of an application with the Township and the Commission.

At the meeting, we indicated that the raceway's proposed parking and driveway improvements must meet the wetlands protection standards of the Township land use ordinance and the Pinelands Comprehensive Management Plan (CMP). We also discussed threatened and endangered (T&E) species and the need to complete a threatened and endangered species survey for the proposed improvements. To date, we have not received an application for the proposed parking and driveway improvements.

On June 10, 2015, we received a telephone report that two wooded areas on the above referenced parcel were being cleared. On June 10, 2015, we also received a copy of an unsigned plan, entitled "Wetland Delineation/ Land Clearing for Agricultural Production," prepared by Soil Tech Environmental Consultants and dated May 11, 2015. That plan indicates that approximately 17 wooded acres on Block



5402, Lot 2 and 6.7 wooded acres on Block 5201, Lot 8 and Block 5302, Lot 1 will be cleared for agricultural purposes. The two areas proposed for agricultural clearing coincide with the same areas that were proposed for parking and driveway improvements.

It is our understanding that the concerned clearing is for the purpose of establishing a blueberry agricultural use. The clearing of land for an agricultural use does not require application to the Commission. In addition, the CMP permits blueberry agricultural in uplands, wetlands and the required buffer to wetlands provided any other necessary approvals or permits are obtained.

Please note that although the clearing for the proposed blueberry agricultural use does not require application to the Commission, the clearing must be undertaken consistent with the threatened and endangered (T&E) species protection standards of the Township land use ordinance and the CMP. There are sitings of T&E snake species **in the general area**. There is a **known siting** of a threatened animal species in a wetland area within the utility right-of-way, **immediately adjacent** to the proposed 6.7 acres of clearing on Block 5201, Lot 8 and Block 5302, Lot 1. To maintain consistency with the T&E species protection standards, no clearing may occur that will have irreversible adverse impacts on habitat critical to the survival of the concerned T&E species.

Please note that the use of the two concerned areas for parking associated with the raceway or any other nonagricultural use requires completion of an application with the Commission.

By copy of this letter, we are updating Township officials on this matter.

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

Sincerely,



Charles M. Horner, P.P.

Director of Regulatory Programs

- c: Secretary, Waterford Township Planning Board (via email)
 Waterford Township Administrator (via email)
 Waterford Township Zoning Officer (via email)
 Waterford Township Construction Code Official (via email)
 Waterford Township Environmental Commission (via email)
 Barbara Baus (via email)