



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-13- 07

TITLE: Approving With Conditions an Application for a Public Development (Application Number 1984-1305.029)

Commissioner Ficcaglia moves and Commissioner Jackson seconds the motion that:

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

1984-1305.029 NEW JERSEY DEPARTMENT OF CORRECTIONS, Maurice River Township, Rural Development Area, installation of 3,850 linear feet of perimeter fencing, construction of a 48 square foot security guard booth and an approximate 3,920 square foot paved fire truck turnaround (Date of Report: January 18, 2013).

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that the following application for Public Development is hereby approved subject to the conditions recommended by the Executive Director.

1984-1305.029 NEW JERSEY DEPARTMENT OF CORRECTIONS, Maurice River Township, Rural Development Area, installation of 3,850 linear feet of perimeter fencing, construction of a 48 square foot security guard booth and an approximate 3,920 square foot paved fire truck turnaround (Date of Report: January 18, 2013).

Record of Commission Votes

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

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

Date: February 8, 2013
Mark S. Lohbauer
Mark S. Lohbauer
Chairman



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Mark S. Lohbauer
 Chairman
 Nancy Wittenberg
 Executive Director

Chris Christie
 Governor
 Kim Guadagno
 Lt. Governor

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

**REPORT ON AN APPLICATION FOR
 MAJOR PUBLIC DEVELOPMENT**

January 18, 2013

Joseph Saunders
 New Jersey Department of Corrections
 PO Box 863
 Trenton, NJ 08625

Re: Application #: 1984-1305.029
 Block 291, Lot 34
 Maurice River Township

Dear Mr. Saunders:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 8, 2013 meeting.

FINDINGS OF FACT

This application is for the installation of 3,850 linear feet of perimeter security fencing, construction of a 48 square foot security guard booth and an approximate 3,920 square foot paved fire truck turnaround on the above referenced 992 acre parcel in Maurice River Township. The Southern State Correctional Facility and Bayside State Prison are located on the parcel. The proposed development is located in a Pinelands Rural Development Area.

This application also proposes the removal of three existing parking areas, containing approximately 49 parking spaces, and approximately 275 linear feet of an existing access road to accommodate the construction of the proposed perimeter security fencing. The applicant has indicated that the construction of the proposed perimeter fencing will provide for improved security.

The Southern State Correctional Facility and Bayside State Prison are located in a Pinelands Rural Development Area. The Southern State Correctional Facility and Bayside State Prison are non-conforming uses in a Pinelands Rural Development Area. As part of prior applications to the Commission for development on the above referenced parcel, it was determined that the maximum permitted 50% expansion of the population of this non-conforming use would be 4,545 residents. The applicant represents that the current population at the two facilities is 2,073 residents.



The concerned facilities are served by public sanitary sewer that discharges to an offsite wastewater treatment plant that is located outside of the Pinelands Area. The CMP (N.J.A.C. 7:50-5.26(d)) requires that all development located in a Pinelands Rural Development Area must meet the Pinelands groundwater quality (septic dilution) standard of two parts per million nitrogen regardless of whether the parcel is served by public sanitary sewer. As the proposed development will not affect the number of residents at the facilities, the proposed development is consistent with the Pinelands groundwater quality (septic dilution) standard of two parts per million nitrogen.

There are wetlands located on and within 300 feet of the above referenced lot. The concerned wetlands consist of an existing drainage ditch and lawn areas. All development, except for the proposed perimeter security fencing, will be located further from wetlands than existing development. The proposed development, including the proposed fencing, will not result in a significant adverse impact on the wetlands.

The proposed development will result in the removal of 27,007 square feet of impervious surfaces and the construction of 3,920 square feet of new impervious surfaces. The proposed development will result in a net decrease of 23,087 square feet of impervious surfaces. There will be no increase in the volume and rate of stormwater runoff from the project area after development than occurred prior to the proposed development.

The proposed development will be located over existing paved and maintained grassed areas. The proposed clearing and soil disturbance appears to be limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. All areas to be revegetated are currently maintained grassed or paved areas.

Based upon the existing conditions, the location of proposed development relative to existing development and a review of information available to the Commission staff, it was determined that a survey for the presence of threatened and endangered species of plants and animals was not required.

Information available to the Commission staff did not provide sufficient evidence of significant cultural resources to require a full cultural survey.

PUBLIC COMMENT

This applicant provided the requisite legal notices. Newspaper public notice was completed for the application on October 9, 2012. The application was designated as complete on the Commission's website on December 14, 2012. The Commission's public comment period closed on January 11, 2013. The Pinelands Commission has not received public comments regarding the application.

CONCLUSION

The proposed development is a permitted use in a Pinelands Rural Development Area (N.J.A.C. 7:50-5.26(b)11). If the following conditions are imposed, the proposed development will be consistent with the management standards contained in Subchapters 5 & 6 of the CMP.

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of two sheets, prepared by Gannett Fleming, both sheets dated November 16, 2012 and revised December 5, 2012.

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed development shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following native grasses for revegetation: Switch grass, Little bluestem and Broom-Sedge.
4. The maximum number of inmates residing at the facilities located on the lot shall not exceed 4,545 residents. The applicant shall submit a statement indicating the population of the facilities on an annual basis. The statement shall be provided by January 31 of each year.
5. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

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

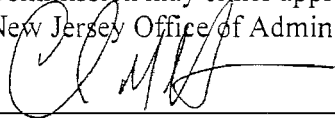
APPEAL

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

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

If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Recommended for Approval by: _____


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

c: Secretary, Maurice River Township Planning Board
Maurice River Township Environmental Commission
Cape May County Planning Board
Robert O'Neill
Ernest Deman