



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 19

TITLE: Approving With Conditions an Application for Public Development (Application Number 1984-0655.032)

Commissioner Barr moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

1984-0655.032
Applicant: South Jersey Transportation Authority
Municipality: Egg Harbor Township
Management Area: Pinelands Regional Growth Area
Date of Report: June 21, 2018
Proposed Development: Construction of a 1,418 linear foot traffic ramp from Amelia Earhart Boulevard to Tilton Road.

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

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; 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; 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.

NOW, THEREFORE BE IT RESOLVED that Application Number 1984-0655.032 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun	X				Howell	X				Prickett	X			
Avery			X		Jannarone	X				Quinn	X			
Barr	X				Lloyd	X				Rohan Green			X	
Chila	X				Lohbauer	X				Earlen	X			
Galletta			X		Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

 Nancy Wittenberg
 Executive Director

Date: July 13, 2018

 Sean W. Earlen
 Chairman



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



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

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

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

June 21, 2018

Steve Mazur
 South Jersey Transportation Authority
 101 Atlantic City International Airport, Suite 106
 Egg Harbor Township, NJ 08234

Re: Application # 1984-0655.032
 Amelia Earhart Boulevard & Tilton Road
 Block 101, Lots 2 - 4
 Egg Harbor Township

Dear Mr. Mazur:

The Commission staff has completed its review of this application for construction of a 1,418 linear foot traffic ramp from Amelia Earhart Boulevard to Tilton Road. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its July 13, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

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

Enc: Appeal Procedure

- c: Secretary, Egg Harbor Township Planning Board (via email)
- Egg Harbor Township Construction Code Official (via email)
- Egg Harbor Township Environmental Commission (via email)
- Atlantic County Department of Regional Planning and Development (via email)
- Jennifer Steen, PE (via email)





State of New Jersey
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NEW LISBON, NJ 08064
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PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

June 21, 2018

Steve Mazur
South Jersey Transportation Authority
101 Atlantic City International Airport, Suite 106
Egg Harbor Township, NJ 08234

Application No.: 1984-0655.032
Amelia Earhart Boulevard & Tilton Road
Block 101, Lots 2 - 4
Egg Harbor Township

This application proposes construction of a 1,418 linear foot traffic ramp from Amelia Earhart Boulevard to Tilton Road located within the above referenced rights-of-way and 19.3 acre parcel in Egg Harbor Township.

This proposed twenty foot wide traffic ramp will permit southbound traffic on Amelia Earhart Boulevard to access Tilton Road in a westbound direction.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.28(a))

The project is located in a Pinelands Regional Growth Area. The proposed development is a permitted land use in a Pinelands Regional Growth Area.

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

There are wetlands located within 300 feet of the proposed development. No development is proposed in wetlands. The CMP requires up to a 300 foot buffer to wetlands. Approximately 800 linear feet of the proposed development will be located within 300 feet of wetlands.

The CMP permits road improvements (linear improvements) in the required buffer to wetlands provided the applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in wetland

buffers or that will result in a less significant adverse impact to wetland buffers. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetland buffers. The applicant has indicated that the proposed development will improve traffic safety and reduce traffic congestion. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetland buffer.

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

The proposed development will be located within existing developed areas, maintained road shoulders and forested areas. Approximately one acre of oak-pine forest will be cleared to accommodate the proposed development. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

Stormwater Management Standards (N.J.A.C.7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be constructing a stormwater infiltration basin.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on April 11, 2018. The application was designated as complete on the Commission's website on May 29, 2018. The Commission's public comment period closed on June 8, 2018. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 28 sheets, prepared by WSP USA Inc. and dated as follows:

Sheets 1-11 & 13-28 – April 9, 2018
Sheet 12 – May 23, 2018
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

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



Philip D. Murphy
Governor

Sheila Y. Oliver
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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on July 9, 2018. The appeal must include the following information:

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

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 20

TITLE: Approving With Conditions an Application for Public Development (Application Number 1985-0726.010)

Commissioner Lohbauer moves and Commissioner Jannarone seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

1985-0726.010

Applicant:	New Jersey Schools Development Authority
Municipality:	Pemberton Township
Management Area:	Pinelands Forest Area Pinelands Regional Growth Area
Date of Report:	June 21, 2018
Proposed Development:	Demolition of the Alexander Denbo Elementary School and the construction of a 121,000 square foot elementary school.

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

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; 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; 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.

NOW, THEREFORE BE IT RESOLVED that Application Number 1985-0726.010 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun	X				Howell	X				Prickett				R
Avery			X		Jannarone	X				Quinn	X			
Barr	X				Lloyd	X				Rohan Green			X	
Chila	X				Lohbauer	X				Earlen	X			
Galletta			X		Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg
Executive Director

Date: July 18, 2018

Sean W. Earlen
Chairman



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



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

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

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

June 21, 2018

Thomas Schrum
 New Jersey Schools Development Authority
 32 East Front Street
 PO Box 991
 Trenton, NJ 08625

Re: Application # 1985-0726.010
 Block 848, Lot 10
 Block 849, Lots 1.02, 2, 11.01, 14 & 15
 Pemberton Township

Dear Mr. Schrum:

The Commission staff has completed its review of this application for demolition of the Alexander Denbo Elementary School and the construction of a 121,000 square foot elementary school. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its July 13, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

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

- Enc: Appeal Procedure
 c: Secretary, Pemberton Township Planning Board (via email)
 Pemberton Township Construction Code Official (via email)
 Pemberton Township Environmental Commission (via email)
 Secretary, Burlington County Planning Board (via email)
 Keith Smith





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 THE PINELANDS COMMISSION
 PO Box 359
 New Lisbon, NJ 08064
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 SHEILA Y. OLIVER
 Lt. Governor

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

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

PUBLIC DEVELOPMENT APPLICATION REPORT

June 21, 2018

Thomas Schrum
 New Jersey Schools Development Authority
 32 East Front Street
 PO Box 991
 Trenton, NJ 08625

Application No.: 1985-0726.010
 Block 848, Lot 10
 Block 849, Lots 1.02, 2, 11.01, 14 & 15
 Pemberton Township

This application proposes demolition of the Alexander Denbo Elementary School and the construction of a 121,000 square foot elementary school located on the above referenced 55.74 acre parcel in Pemberton Township.

On July 14, 2017, the Commission approved the demolition of the Crichton Elementary School located on Block 849, Lot 2 and the temporary paving of 711 linear feet of the Rancocas Lane right-of-way (App. No. 1985-0726.009). The proposed 121,000 square foot elementary school will be located in the area previously occupied by the demolished Crichton Elementary School. The Alexander Denbo Elementary School will be demolished once the new elementary school has been constructed.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.28)

The parcel is located in a Pinelands Regional Growth Area and a Pinelands Forest Area. The proposed development will be located within the Pinelands Regional Growth portion of the parcel. The proposed elementary school is a permitted land use in a Pinelands Regional Growth Area.

Wetlands Standards (N.J.A.C. 7:50-6.14)

There are wetlands located on the parcel. All development will be located at least 300 feet from wetlands.

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

The proposed development will be located within existing disturbed and paved areas. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

Stormwater Management Standards (N.J.A.C.7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be constructing a stormwater infiltration basin.

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

The existing school building lacks any potential for designation as a significant cultural resource. There is no evidence of other cultural activity on the parcel. Based upon these determinations, a cultural resource survey was not required.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on July 20, 2017. Newspaper public notice was completed on July 23, 2017. The application was designated as complete on the Commission's website on May 29, 2018. The Commission's public comment period closed on June 8, 2018. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 24 sheets, prepared by French & Parrello Associates and dated as follows:

 Sheets 1-6, 9, 12-19 & 22-24 - May 18, 2018
 Sheets 7, 8, 20 & 21 - May 18, 2018; last revised May 25, 2018
 Sheets 10 & 11 - April 27, 2018
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

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



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

State of New Jersey

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NEW LISBON, NJ 08064

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Chairman

Nancy Wittenberg
Executive Director

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

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on July 9, 2018. The appeal must include the following information:

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

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 21

TITLE: Approving With Conditions an Application for Public Development (Application Number 1996-1386.003)

Commissioner Prickett moves and Commissioner Barr seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Public Development Application Report and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

1996-1386.003

Applicant: NJDEP Parks and Forestry

Municipality: Pemberton Township

Management Area: Pinelands Preservation Area District

Date of Report: June 21, 2018

Proposed Development: Forestry on 64 acres in Brendan T. Byrne State Forest.

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

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; 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; 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.

NOW, THEREFORE BE IT RESOLVED that Application Number 1996-1386.003 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun	X				Howell	X				Prickett	X			
Avery			X		Jannarone	X				Quinn	X			
Barr	X				Lloyd	X				Rohan Green			X	
Chila	X				Lohbauer	X				Earlen	X			
Galletta			X		Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: July 8, 2018

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



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

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

SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

June 21, 2018

John Sacco
 NJDEP Parks and Forestry
 501 East State Street
 PO Box 420, Mail Code 501-04
 Trenton, NJ 08625-0404


Re: Application # 1996-1386.003
 Brendan T. Byrne State Forest
 Block 925, Lot 1
 Block 927, Lot 1
 Pemberton Township

Dear Mr. Sacco:

The Commission staff has completed its review of this application for forestry in Brendan T. Byrne State Forest. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its July 13, 2018 meeting.

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

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

- Enc: Appeal Procedure
 c: Secretary, Pemberton Township Planning Board (via email)
 Pemberton Township Construction Code Official (via email)
 Pemberton Township Environmental Commission (via email)
 Secretary, Burlington County Planning Board (via email)
 William Zipse, Forester, State Lands Management (via email)





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PHILIP D. MURPHY
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Lt. Governor

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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

June 21, 2018

John Sacco
NJDEP Parks and Forestry
501 East State Street
PO Box 420, Mail Code 501-04
Trenton, NJ 08625-0404

Application No.: 1996-1386.003
Brendan T. Byrne State Forest
Block 925, Lot 1
Block 927, Lot 1
Pemberton Township

This application proposes forestry on 64 acres in Brendan T. Byrne State Forest on the above referenced 305 acre parcel in Pemberton Township.

One site proposed for forestry is comprised of approximately 49 acres and fronts on Magnolia Road. The second site proposed for forestry is approximately 15 acres and fronts on Four Mile Road.

On June 13, 2008, the Commission approved forestry on 44 acres of the 49 acre site currently proposed for forestry (App. No. 1996-1386.002). In accordance with the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-6.45), that approval expired after 10 years, on June 13, 2018. The applicant has represented that approximately 30% of the forestry approved in App. No. 1996-1386.002 was completed.

On November 8, 1996, the Commission approved forestry on 5.72 acres of the 15 acre site currently proposed for forestry (App. No. 1996-1386.001). In accordance with the CMP (N.J.A.C. 7:50-6.45), that approval expired after 10 years, on November 8, 2006. The applicant has represented that approximately 30% of the forestry approved in App. No. 1996-1386.001 was completed.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.22(a)3)

The 64 acres subject to forestry are located within the Pinelands Preservation Area District. Forestry is permitted in the Pinelands Preservation Area District.

Forestry (N.J.A.C. 7:50-6.41)

This application proposes 64 acres of forest thinning in uplands. The type of proposed thinning is known as a shelterwood harvest. The harvest is intended to: 1) create large openings in the forest canopy; 2) encourage the growth of young oak tree species and native Shortleaf pine; 3) reduce the risk of wildfire and southern pine beetle attack; 4) allow for natural regeneration; and 5) maintain an Oak-Pine dominated forest, a Pinelands native forest type.

There are currently approximately 225 trees per acre on the 64 acres subject of the proposed harvest. After the proposed thinning, there will be approximately 43 trees per acre on the 64 acres. The proposed thinning will remove a total of 562 cords of wood from the 64 acres.

The applicant proposes to undertake post-harvest site preparation, as necessary. Proposed site preparation techniques are prescribed burning and plowing/disking.

Spot spraying of herbicides is proposed, as necessary, to control invasive species. The CMP (N.J.A.C. 7:50-6.46(a)9ii.) allows application of herbicide in association with forestry provided that, among other conditions, control of competitive plant species is clearly necessary and control by other non-chemical means is not practical. The applicant has represented that hand cutting or mechanical removal of competitive species is not feasible. As required by the CMP (N.J.A.C. 7:50-6.46(a)9ii.(4)), all herbicides must be expressly labeled for forestry use and mixed in a manner that is consistent with relevant State and Federal requirements.

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

Available information identifies known sightings of threatened and endangered (T&E) animal and plant species in the vicinity of the proposed forestry. The New Jersey Department of Environmental Protection Endangered and Nongame Species Program staff and the Commission staff reviewed the proposed forestry to determine whether it was designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species and irreversible adverse impacts on the survival of any local populations of T&E plant species.

To avoid potential irreversible adverse impacts on any T&E avian species, prior to undertaking the proposed forestry, the applicant proposes to conduct visual surveys to identify and mark any trees containing potential T&E avian species cavities or nests. Any trees containing potential T&E avian species cavities or nests will be marked and left standing. To avoid any irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, the applicant proposes to utilize only low ground pressure equipment for any forestry undertaken between November 1 and April 30. To avoid potential irreversible adverse impact on the survival of any local populations of T&E frog species, no forestry is proposed within 100 feet of wetlands.

The proposed forestry is designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E animal species.

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

No disturbance will occur greater than six inches below the ground surface. The Commission staff determined that, since the proposed forestry will result in minimal ground disturbance, a cultural resource survey was not required.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced 64 acres subject of forestry was completed on April 20, 2018. Newspaper public notice was completed on April 23, 2018. The application was designated as complete on the Commission's website on May 25, 2018. The Commission's public comment period closed on June 8, 2018. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed forestry activity shall adhere to the "Proposal for Silvicultural Activity on State Forest and Park Lands," prepared by the New Jersey Forest Service, dated April 30, 2018. The 64 acres subject of the proposed forestry is depicted on an exhibit titled "Activity Description" identified as a portion of a USGS Quad: Browns Mills and dated March 14, 2018.
2. Prior to any forestry, the applicant shall obtain any other necessary permits and approvals.
3. Any herbicides that are applied for site preparation shall be expressly labeled for forestry use and shall be used and mixed in a manner that is consistent with relevant State and Federal requirements.
4. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E avian species, prior to any forestry, the applicant shall complete a visual survey of the above referenced 64 acre forestry area for potential avian T&E species cavities or nests. Any trees containing potential avian T&E species cavities or nests shall be marked and left standing.
5. To avoid irreversible adverse impacts on habitats that are critical to the survival of any local populations of T&E snake species, only low ground pressure equipment shall be used for any forestry undertaken between November 1 and April 30.
6. To avoid potential irreversible adverse impact on the survival of any local populations of T&E frog species, no forestry shall occur within 100 feet of wetlands.
7. This forestry approval is valid for a period of ten years from the July 13, 2018 date of Commission approval.

CONCLUSION

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



Philip D. Murphy
Governor

Sheila Y. Oliver
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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission office no later than 5:00PM on July 9, 2018 and must include the following information:

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

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-18- 22

TITLE: To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2019 at the Same Level of Expenditures as Fiscal Year 2018 until the Adoption of the Fiscal Year 2019 Budgets

Commissioner Uyeda moves and Commissioner Lohbauer seconds the motion that:

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

WHEREAS, it is anticipated that the New Jersey Legislature will appropriate \$2,799,000 to support the Commission's operations during Fiscal Year 2019; and

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

NOW, THEREFORE, BE IT RESOLVED that the Executive Director is authorized to continue to expend funds during Fiscal Year 2019 at the same level of expenditures as Fiscal Year 2018 until the Commission's adoption of the Fiscal Year 2019 Budgets.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun	X				Howell	X				Prickett	X			
Avery			X		Jannarone	X				Quinn	X			
Barr	X				Lloyd	X				Rohan Green			X	
Chila	X				Lohbauer	X				Earlen	X			
Galletta			X		Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Date: July 18, 2018

Sean W. Earlen
Sean W. Earlen
Chairman