



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-13- 14

TITLE: Approving With Conditions Applications for **Public Development** (Application Numbers 1985-0619.012, 1988-0390.017, 1993-1180.006 and 2011-0146.001)

Commissioner Haas moves and Commissioner Witt
seconds the motion that:

- 1985-0619.012** **EVESHAM TOWNSHIP**, Evesham Township, Regional Growth and Rural Development Areas, replacement of an existing 10,000 square foot playground (Date of Report: April 19, 2013);
- 1988-0390.017** **EGG HARBOR TOWNSHIP BOARD OF EDUCATION**, Regional Growth Area, construction of a 1,393 square foot addition to an existing 5,200 square foot athletic field house (Date of Report: April 17, 2013);
- 1993-1180.006** **HAMILTON TOWNSHIP**, Hamilton Township, Rural Development Area, construction of a football field and installation of eight athletic field lights poles (Date of Report: April 19, 2013); and
- 2011-0146.001** **MEDFORD TOWNSHIP**, Medford Township, Regional Growth Area, increase in potable water allocation from existing Well 6 (Date of Report: April 17, 2013).

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

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

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for each of the proposed developments; 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 each of the proposed public developments conform 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 applications for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

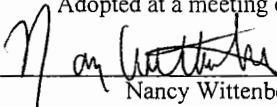
- 1985-0619.012** **EVESHAM TOWNSHIP**, Evesham Township, Regional Growth and Rural Development Areas, replacement of an existing 10,000 square foot playground (Date of Report: April 19, 2013);
- 1988-0390.017** **EGG HARBOR TOWNSHIP BOARD OF EDUCATION**, Regional Growth Area, construction of a 1,393 square foot addition to an existing 5,200 square foot athletic field house (Date of Report: April 17, 2013);
- 1993-1180.006** **HAMILTON TOWNSHIP**, Hamilton Township, Rural Development Area, construction of a football field and installation of eight athletic field lights poles (Date of Report: April 19, 2013); and

Record of Commission Votes

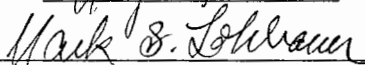
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Ashmun	X			Galletta	X			Prickett	X		
Brown			X	Haas	X			Quinn	X		
DiBello	X			Jackson	X			Rohan Green			X
Earlen	X			Lloyd	X			Witt	X		
Ficcaglia			X	McGlinchey			X	Lohbauer	X		

Adopted at a meeting of the Pinelands Commission

Date: May 10, 2013



 Nancy Wittenberg
 Executive Director



 Mark S. Lohbauer
 Chairman



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: AppInfo@njpinelands.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

April 17, 2013

Egg Harbor Township Board of Education
13 Swift Drive
Egg Harbor Township, NJ 08234

Re: Application # 1988-0390.017
Egg Harbor Township High School
Block 3302, Lot 10
Egg Harbor Township

Dear Applicant:

The Commission staff has completed its review of this application for the construction of a 1,393 square foot addition to an existing 5,200 square foot field house. 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 May 10, 2013 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.

If you have any questions regarding this Report, please do not hesitate to contact me.

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Attach. (1) Appeal Procedure

c: Secretary, Egg Harbor Township Planning Board
Egg Harbor Township Environmental Commission
Atlantic County Department of Regional Planning and Development
Arthur Richman
J. Timothy Kernan
Ernest Deman





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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

PUBLIC DEVELOPMENT APPLICATION REPORT

Egg Harbor Township Board of Education
 13 Swift Drive
 Egg Harbor Township, NJ 08234

Application No.: 1988-0390.017

Location: Egg Harbor Township High School
 Block 3302, Lot 10
 Egg Harbor Township

This application proposes a 1,393 square foot addition to an existing 5,200 square foot field house located on the above referenced 90.4 acre lot in Egg Harbor Township. The Egg Harbor Township High School is located on the lot.

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

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

There are wetlands located on and within 300 feet of the above referenced lot. The proposed development will be located at least 300 feet from wetlands.

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

The proposed development will be located over existing impervious surfaces. All 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. The application proposes grasses that do not meet this recommendation. The proposed building addition will be located over exiting pavement. The area surrounding the proposed building addition is lawn and athletic fields.

Surface and Ground Water Quality (N.J.A.C. 7:50-6.83)

The proposed development will be serviced by public sanitary sewer.

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

The proposed development will be located over existing impervious surfaces. The proposed development will result in a net decrease of 103 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.

PUBLIC COMMENT

This applicant has provided the requisite public notices. Public notice to required land owners within 200 feet of the above referenced lot was completed on February 25, 2013. Newspaper public notice was completed on February 27, 2013. The application was designated as complete on the Commission's website on April 2, 2013. The Commission's public comment period closed on April 12, 2013. The Pinelands Commission has not received any public comments regarding the application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of five sheets, prepared by Kernan Consulting Engineers, all sheets dated February 14, 2013 and revised April 2, 2013.
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.

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.



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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

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 the by 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 within eighteen days of the date of the Executive Director's determination 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.



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

Mark S. Lohbauer
 Chairman
 Nancy Wittenberg
 Executive Director

April 19, 2013

Michael Jacobs, Administrator
 Hamilton Township
 6101 Thirteenth Street
 Mays Landing, NJ 08330

Re: Application # 1993-1180.006
 Liepe Tract Recreation Complex
 Block 1141, Lot 12
 Hamilton Township

Dear Mr. Jacobs:

The Commission staff has completed its review of this application for the construction of a football field and the installation of eight athletic field light poles. 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 May 10, 2013 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.

If you have any questions regarding this Report, please do not hesitate to contact me.

Sincerely,

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

Attach.(1) Appeal Procedure

- c: Secretary, Hamilton Township Planning Board
- Hamilton Township Environmental Commission
- Atlantic County Office of Policy, Planning and Economic Development
- Robert Smith, Remington, Vernick & Walberg Engineers
- Rhonda Ward





State of New Jersey

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

April 19, 2013

Michael Jacobs, Administrator
Hamilton Township
6101 Thirteenth Street
Mays Landing, NJ 08330

Application No.: 1993-1180.006

Location: Liepe Tract Recreation Complex
Block 1141, Lot 12
Hamilton Township

This application proposes the construction of a football field and installation of eight athletic field light poles on the above referenced 60 acre lot in Hamilton Township. The Liepe Tract Recreation Complex is located on the lot.

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. 7:50-5.26(b)11)

The lot is located in a Pinelands Rural Development Area. Recreational facilities are a permitted use in a Pinelands Rural Development Area.

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

The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development. The proposed development will be located in an area of maintained grass currently utilized as an informal athletic field. The applicant will be regrading and reseeding the proposed football field with a seed mix suitable for athletic fields.

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

In 1999, the Commission approved the development of certain recreational facilities at the Liepe Tract Recreation Complex (App. No. 1993-1180.001). A threatened and endangered species survey was completed as part of that application. The survey documented that Grasshopper sparrow (*Ammodramus*

savannarum), a threatened bird species, was breeding on the lot. Commission approval of App. No. 1993-1180.001 was conditioned upon any future development on the lot providing an analysis identifying critical breeding habitat for the concerned bird species and development of a management plan designed to prevent irreversible adverse impacts to habitat critical to the survival of the local population of the concerned bird species. In a subsequent Commission application, the applicant submitted a management plan for the concerned bird species. That management plan proposed to set aside and manage a 20 acre portion of the lot as Grasshopper sparrow habitat. The applicant subsequently entered into an agreement with the United States Fish and Wildlife Service for participation in the *Partners for Fish and Wildlife* Program for continued management of the Grasshopper sparrow habitat. A follow up survey of the lot by the applicant in 2012 confirmed that a population of Grasshopper sparrow continues to use the 20 acre portion of the lot.

For the protection of the existing population of Grasshopper sparrows, the applicant proposes to install anti-perch devices on each of the proposed light poles to prevent predation of Grasshopper sparrows by raptors. The applicant also proposes to install directional shielding on the two proposed light poles located approximately 60 feet from the delineated 20 acre Grasshopper sparrow management area. The directional shielding will prevent potential light intrusion into the area. With the conditions recommended below, the applicant has demonstrated that the proposed development has been designed to avoid irreversible adverse impacts on habitats that are critical to the survival of the local population of Grasshopper sparrows.

Water Quality (N.J.A.C. 7:50-6.83)

There is no existing or proposed onsite septic system on the lot. If an onsite septic system(s) is proposed in the future, the applicant has demonstrated that the existing recreational use and the recreational use proposed in the current application will meet the CMP's groundwater quality (septic dilution) standard of two parts per million of nitrate-nitrogen at the property line of the lot.

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

The proposed development will be located in a maintained grassed area. This application proposes a maintained grassed football field. The applicant has demonstrated that there will be no increase in the volume and rate of stormwater run-off from the project area after development than occurred prior to the proposed development.

The prior application (App. No. 1993-1180.001) for approval of certain municipal recreational facilities at the Liepe Tract Recreation Complex included the development of a stormwater management basin. That basin was constructed but is not infiltrating stormwater runoff as designed. To address this issue, the applicant proposes to remediate the existing stormwater management basin.

PUBLIC COMMENT

This applicant has provided the requisite public notices. Public notice to required land owners within 200 feet of the above referenced lot was completed on March 6, 2013. Newspaper public notice was completed on March 4, 2013. The application was designated as complete on the Commission's website on April 2, 2013. The Commission's public comment period closed on April 12, 2013. The Pinelands Commission has received written comments from two members of the public regarding the application (comments attached).

Public Commenter One:

- A. The commenter indicates that construction of the proposed football field at the proposed location will alter the existing ecology used by wildlife, some of which include threatened or endangered species.

Staff Response: The applicant has sited the proposed football field and lighting in an area of existing maintained grass that is utilized for informal recreational fields. The proposed development will not result in a change to the existing wildlife habitat. The application proposes lighting design techniques to avoid irreversible adverse impacts to the local population of Grasshopper sparrow. The proposed development is consistent with the threatened and endangered species standards of the Township land use ordinance and the CMP.

- B. The commenter also indicates that existing lights from a hockey arena remain on for extended hours and there should be a setback separating the proposed football field from the commenter's property line to avoid light pollution for area residents.

Staff Response: The commenter's property line is located to the west of the proposed football field, approximately 50 feet from the nearest proposed light pole. The Commission's regulations do not address property line setback requirements or potential light pollution of area residents. The commenter may wish to discuss this matter with an appropriate Township official.

- C. The commenter is concerned about the noise pollution that may occur resulting from the proposed development.

- D. Staff Response: The Commission's regulations do not address noise pollution for area residents. The commenter may also wish to discuss this matter with an appropriate Township official.

Public Commenter Two:

- E. The commenter supports the application, but requests that the Commission include a condition in its approval of the project to require Hamilton Township to fix the existing drainage problem which results in flooding of adjacent farm fields.

Staff Response: As a recommended condition of approval of this application, the applicant is required to complete remediation of the existing stormwater basin by January 1, 2014.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, prepared by Remington, Vernick & Walberg, dated February 21, 2013 and revised April 2, 2013.
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. To prevent light intrusion, light shields or other appropriate devices shall be installed on the two proposed light poles located approximately 60 feet from the delineated Grasshopper sparrow management area.
6. All proposed light poles shall be equipped with anti-perch devices.
7. By September 1, 2013, Hamilton Township shall secure Commission staff agreement regarding the proposed plan to remediate the existing stormwater management basin. The proposed remediation work shall commence not later than November 1, 2013 and be completed by April 1, 2014.

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.



Chris Christie
Governor

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



Mark S. Lohbauer
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 the by 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 within eighteen days of the date of the Executive Director's determination 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.

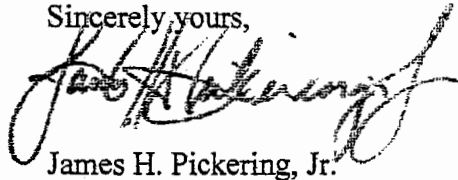
APR - 3 2013

The Pinelands Commission
April 1, 2013
Page 2

Again, Mr. and Mrs. Liepe do not oppose the application; they support youth recreational facilities. They merely ask that the Commission be extra vigilant in ensuring that the drainage infrastructure proposed fixes the existing conditions which are so detrimental to their farm field.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "James H. Pickering, Jr.", written in a cursive style.

James H. Pickering, Jr.

JHP/kmg
CC: Mr. and Mrs. Liepe

JAMES H. PICKERING, JR.
ATTORNEY AT LAW
498 Kings Highway
P.O. Box 100
South Seaville, New Jersey 08246-0100
Phone: 609-624-2900 / Fax: 609-624-2901
Email: picklaw@comcast.net

APP# 19931180.006
Doc Type 100
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4/2/13 ✓

James H. Pickering, Jr.
Kathleen M. Calemmo

April 1, 2013

The Pinelands Commission
P.O. Box 359
New Lisbon, NJ 08064

Re: Township of Hamilton
Block 1141, Lot 12

Dear Commission Members,

I represent Bud Liepe and Joan Liepe. Mr. and Mrs. Liepe own Block 1141, Lot 6, which is immediately adjacent to the Township's recreation complex. The recreation complex is the subject of an application filed by The Township of Hamilton. The application seeks approval to construct a football field at the intersection of Leipzig Avenue (C.R. 670) and Drosera Street.

My clients generally support the additional recreational facilities and programs at the site. Further, they believe that the new administrator, Mr. Jacobs, is doing all he can to assist them in their ongoing troubles with the Township related to this site. Due to the nature of the situation, and proposed development, however, they must offer this comment and seek the assistance of the Commission.

If the Commission is inclined to grant the application, my clients ask that the Commission please require that the Township fix the drainage problems that already exist. For many years, drainage water from the existing development on the Township property regularly overflows the basin, and drainage water flows into my clients' farm field. The field has been flooded, and remains soggy for such a long period of time that a significant portion of the field is not usable. The Commission is aware of this situation; in fact, the Commission required that the Township remove a connection that the Township made to drainage infrastructure owned by my clients because the connection had never been approved. Even after the connection was removed, the overflow of drainage water continues to flood the farm field. We believe that the Commission has photographs of the flooded field in its files.

MAR 15 2013

The Pinelands Commission
P.O. Box 359
New Lisbon, NJ 08064
Attn: Ken Carter

March 15, 2013

We received this notice on March 6, 2013. The attachment shows the scanned copy of the notice and the envelope which contains the barcode confirming when we received it. Below are a list of concerns that we have pertaining to the new football field that is being considered. Application # 1993-1180.006

1. Preserving the ecology. The rear of the property including the existing buffer zone contains many varieties of wildlife, some which require open fields and wetlands, especially ones that are on the endangered species list. Constructing a football field in the area that is the habitat for many of these animals will alter the ecology. We wish to preserve this area understanding that there are laws in place to protect these areas, furthermore protecting the habitat for the animals that reside there. We feel that further consideration will be needed before any alterations to this area can be done.
2. According to the township plans, permanently installed light posts will be placed in close proximity to the rear property line. We feel that there should be a setback separating the football field from our property line preserving the wild life habitat. Over the past 10 + years the lights on the existing hockey field remain on all hours of the night into morning and sometimes stay on for days. This alone would destroy the habitat that has existed here for many years without consideration for the light pollution that it causes for the residents of the area. Continued complaints to the township have not helped this situation.
3. Noise pollution is also a concern confronting this habitat. In early morning hours, especially on the weekends, people turn the existing hockey field into a party area. From drag races, to smashing bottles, noise echos throughout the area. By sandwiching the football field in-between the hockey field and our rear property line will only add to destroying the ecology also creating a bad situation for us residents.

These are real problems that we will be confronted with if the area is left open to this type of development. There are other areas within the Liepe Tract which are away from these inhabited areas, which would be more suitable for the location of this field. Thank you for your consideration.

Richard and Gail Skibinski
3156 Cologne Avenue
Mays Landing, NJ 08330
gskibi@comcast.net
609-804-9755
Block 1141, Lot 9.02



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Mark S. Lohbauer
 Chairman

Nancy Wittenberg
 Executive Director

April 19, 2013

Nancy Jamanow, P.E., C.M.E., P.P., Director of Community Development
 Evesham Township
 984 Tuckerton Road
 Marlton, NJ 08053

Re: Application # 1985-0619.012
 Memorial Park
 Block 44, Lots 5 - 8 & 11.01
 Evesham Township

Dear Ms. Jamanow:

The Commission staff has completed its review of this application for the replacement of an existing 10,000 square foot playground. 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 May 10, 2013 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.

If you have any questions regarding this Report, please do not hesitate to contact me.

Sincerely,

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

Attach.(1) Appeal Procedure

c: Secretary, Evesham Township Planning Board
 Evesham Township Environmental Commission
 Burlington County Planning Board





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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

Nancy Jamanow, P.E., C.M.E, P.P., Director of Community Development
Evesham Township
984 Tuckerton Road
Marlton, NJ 08053

Application No.: 1985-0619.012

Location: Evesham Township Memorial Park Complex
Block 44, Lots 5 - 8 & 11.01
Evesham Township

This application is for the replacement of an existing 10,000 square foot playground located on the above referenced 127.18 acre lot in Evesham Township. The Evesham Township Memorial Park is located on the parcel.

This application proposes the installation of various playground equipment and a 10,000 square foot poured in-place resilient surface surrounding the proposed equipment.

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)1)

The parcel is located in a Pinelands Regional Growth Area and a Pinelands Rural Development Area. Recreational facilities are permitted in a Pinelands Regional Growth and a Pinelands Rural Development Areas.

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

Wetlands are located on and within 300 feet of the parcel. All proposed development will be located outside of wetlands and the required buffer to wetlands.

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

The proposed playground will be located within a cleared area previously disturbed by the existing

playground. The perimeter of the existing playground is fenced. 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. The applicant is proposing to place the proposed playground equipment within the limits of the existing fenced playground. No landscaping or revegetation is proposed.

Water Quality (N.J.A.C. 7:50-6.83)

The existing park and the proposed development are served by public sanitary sewer.

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

The CMP (N.J.A.C. 7:50-6.84(a)6.vi(4)) provides that if an applicant demonstrates that for a specific project the stormwater management standards cannot be met or those standards would be more effectively achieved through alternative measures, the Commission may grant an exception to the CMP stormwater management standards. To grant such an exception, the Commission must find that alternative stormwater measures are proposed elsewhere in the Pinelands Area and within the same drainage area and that sufficient stormwater measures are proposed to warrant granting the exception.

The application proposes to manage stormwater for the playground equipment and 10,000 square foot poured in-place resilient surface in a stormwater management basin proposed in a separate application to the Commission (App. 1986-0433.006). App. No. 1986-0433.006 proposes the development of recreational facilities and parking on an adjacent Township owned parcel (Block 30, Lots 2 and 2.04 and Block 45, Lot 1). App. No. 986-0433.006 is currently under review by the Commission staff.

PUBLIC COMMENT

This applicant has provided the requisite public notices. Public notice to required land owners within 200 feet of the above referenced parcel was completed on March 21, 2013. Newspaper public notice was completed on March 21, 2013. The application was designated as complete on the Commission's website on April 2, 2013. The Commission's public comment period closed on April 12, 2013. The Pinelands Commission has not received any public comments regarding the application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall be located within that area delineated and identified as "existing play structure" on a plan (sheet Sheet 3 of 13) prepared by CME Associates and dated May 13, 2009.
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. The stormwater management facilities proposed in App. No. 1986-0433.006 shall be approved by the Commission and constructed by January 1, 2014. If the concerned stormwater management facilities are not approved by the Commission and constructed by January 1, 2014, Evesham Township shall secure an amended Commission approval for App. No. 1985-0619.012 by April 1, 2014.

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.



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

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 within eighteen days of the date of the Executive Director's determination 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.



State of New Jersey
 THE PINELANDS COMMISSION
 PO Box 359
 NEW LISBON, NJ 08064
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 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

April 17, 2013

Christopher Schultz, Township Manager
 Medford Township
 17 North Main Street
 Medford, NJ 08055

Re: Application # 2011-0146.001
 Block 6405.04, Lot 7
 Medford Township

Dear Mr. Schultz:

The Commission staff has completed its review of this application for an increase in potable water allocation. 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 May 10, 2013 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.

If you have any questions regarding this Report, please do not hesitate to contact me.

Sincerely,

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

Attach.(1) Appeal Procedure

- c: Sec., Medford Township Planning Board
- Medford Township Environmental Commission
- Sec., Burlington County Planning Board
- Christopher Noll
- Ernest Deman





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

PUBLIC DEVELOPMENT APPLICATION REPORT

Christopher Schultz, Township Manager
Medford Township
17 North Main Street
Medford, NJ 08055

Application No.: 2011-0146.001

Location: Block 6405.04, Lot 7
Medford Township

This application proposes an increase in potable water allocation from existing Well 6 located on the above referenced 3.75 acre lot in Medford Township.

Medford Township's current New Jersey Department of Environmental Protection (NJDEP) water allocation permit authorizes the diversion of 77 million gallons per month and 647.335 million gallons per year from existing potable water Wells 3, 6-10 and 14-17. That NJDEP permit also authorizes a maximum pumping rate of 3,550 gallons per minute. The applicant proposes to increase the monthly maximum diversion from 77 million gallons per month to 97 million gallons per month. No changes to the yearly allocation or the maximum pumping rate are proposed. The entire additional monthly diversion will be obtained from Well 6. Well 6 is located in the Potomac-Raritan-Magothy (PRM) aquifer.

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 lot is located in a Pinelands Regional Growth Area. Public water supply wells and associated potable water allocation are a permitted land use in a Pinelands Regional Growth Area.

Water Management (N.J.A.C. 7:50-6.86)

As part the review of the application to NJDEP for the proposed increase in water allocation, the New Jersey Geological and Water Survey (NJGWS) reviewed the proposed increase in water allocation. The NJGWS determined that there is no direct hydraulic connection between the PRM aquifer and wetlands and surface water bodies. The NJGWS also determined that wetlands and surface water bodies will not

be adversely impacted by the proposed increase in potable water allocation.

PUBLIC COMMENT

This applicant has provided the requisite public notice. Newspaper public notice was completed on December 22, 2011. The application was designated as complete on the Commission's website on March 25, 2013. The Commission's public comment period closed on April 12, 2013. The Pinelands Commission has not received any public comments regarding the application.

CONDITIONS

1. Prior to any increase in water withdrawal, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

As the proposed increase in water allocation 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.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

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



Mark S. Lohbauer
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 within eighteen days of the date of the Executive Director's determination 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. PC4-13- 15

TITLE: Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1989-0550.001)

Commissioner Jackson moves and Commissioner Witt 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 Waiver of Strict Compliance be approved with conditions:

1989-0550.001 JON DRIALO, Waterford Township, Rural Development Area, 5.71 acre parcel, development of one single family dwelling served by an onsite septic system (Date of Report: April 22, 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 requested Waiver conforms to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65 if the conditions recommended by the Executive Director are imposed.

NOW, THEREFORE BE IT RESOLVED that the following application for a Waiver of Strict Compliance is hereby **approved** subject to the conditions recommended by the Executive Director:

1989-0550.001 JON DRIALO, Waterford Township, Rural Development Area, 5.71 acre parcel, development of one single family dwelling served by an onsite septic system (Date of Report: April 22, 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

Date: May 10, 2013

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Mark S. Lohbauer
Mark S. Lohbauer
Chairman

With the above conditions, the applicant qualifies for a Waiver from the requirements of N.J.A.C. 7:50-6.84(a)4iv.

Since the applicant meets the provisions of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65 for the development of a single family dwelling on Block 144, Lot 7, it is recommended that the Pinelands Commission APPROVE the requested Waiver of Strict Compliance subject to the above conditions.

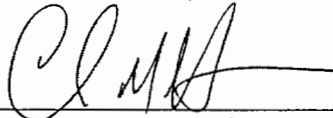
APPEAL

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 determination 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

Attchs.(2) Copy of 2/28/13 Public Comment
Copy of 3/5/13 Public Comment

c: Secretary, Waterford Township Planning Board
Waterford Township Construction Code Official
Waterford Township Environmental Commission
Camden County Health Department
Michael J. Ward, Esq.
Barbara McConney
James and Harriet Pickup
Rhonda Ward

Pinelands Commission
PO Box 359
New Lisbon, New Jersey 08064

February 28, 2013

APP#

19890550.001

Doc Type

100

Reference: PINELANDS APP. # 1989-0550.001

MAR - 4 2013

Dear Commissioners,

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I have recently received the attached letter stating that Jon Drialo of 486 Church Street, Atco, New Jersey, is requesting a waiver for a STRICT COMPLIANCE.

*Info Rec ✓
2/28/13*

Waiver is for a waiver in a Season High Water table.

I have lived here for 33 years and this piece of property has always been protected by the Pinelands Commission because of the High Water table. Why would this be waved at this time???

I am also including a photo of this property with a sign on it stating that the Property has already been approved by the Pinelands Commission. How is this possible? Mr. Drialo is just requesting the Waiver.

I have been advised in this letter that I can go to Pineland Commission Office in New Lisbon, to inspect the application. Are you kidding me I have to go there?

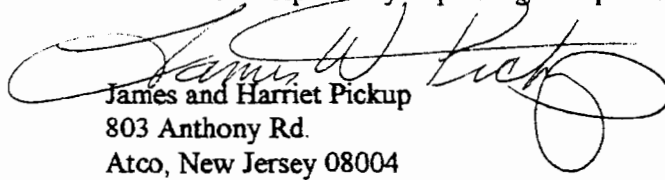
I have great concern that if this waiver is permitted and damage from flooding is caused to my home, which will be responsible The Pinelands Commission, or Mr. Drialo.

There is no information provided on where this home is going to be built. Is it going to be on Jackson Rd. or Linden Ave?

How will this affect the water table surrounding all the properties?

As you may see the attached letter was never dated but I was giving (10) DAYS. to reply to the Pinelands Commission.

I am respectfully requesting a response to this communications.


James and Harriet Pickup
803 Anthony Rd.
Atco, New Jersey 08004

2302 Sesame Street
Atco, New Jersey 08004

March 5, 2013

Pinelands Commission
P. O. Box 359
New Lisbon, New Jersey 08064

APP# 19890550.001
Doc Type 100

MAR - 7 2013

Re: App. #1989-0550.001
Block 144, Lot 7
731 Jackson Road
Waterford Township, New Jersey

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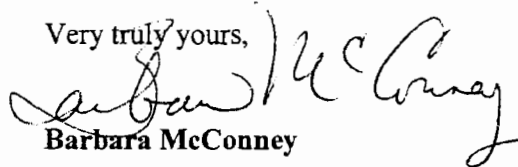
Inc 4
3/7/13 ✓

Dear Sir/Madam:

I am in receipt of a Notice for a Waiver of Strict Compliance on the above-captioned property. I object to this now as I also did in 2007. Please see my enclosed letter from March 14, 2007.

The water problem in the area is so great that I would request the Pinelands Commission not grant anything to interfere with the restrictions currently in place.

Very truly yours,


Barbara McConney

S/b

Encl.

Via Certified mail, return receipt requested
cc: Michael J. Ward, IV, Esquire

2302 Sesame Street
Atco, New Jersey 08004

March 14, 2007

Pinelands Commission
P. O. Box 7
New Lisbon, New Jersey 08064

COPY

Re: App. #1989-0550.001
Block 144, Lot 7
731 Jackson Road
Waterford Township, New Jersey

Dear Sir/Madam:

I am in receipt of a Notice for Waiver of Strict Compliance as captioned above. I must object to the Pinelands granting this waiver for both the buffer requirement and the seasonal high water table.

Because of the severe water problem in this area, I object to the required 300' buffer being reduced to 200'. I would like to see proof, **by way of engineering reports**, that if this buffer was reduced, it would not cause me irreparable harm concerning my property and the well and septic that I have. I need to know what guarantees the owner of the property, or the Pinelands Commission, will give me that I will not be harmed.

I previously received notice from Waterford Township that the land owner wanted to build a house on this land. I did not object because I believed the notice concerned re-zoning the property from commercial to residential. I was mistaken. I have now found out (after the Township has already granted the request) that the land owner just wanted to build a home in a commercial area. From what I understand, by doing that, the land owner was getting around the requirement for a residential septic system that involves wetlands.

Please note my objection to you granting this waiver and forward me the requested information at your earliest convenience.

Very truly yours,

Barbara McConney

~~Cell - 609-870-8554~~
Work - 856-767-8554

S/b

Via Certified mail, return receipt requested #70051160000447585490

cc: Waterford Township Zoning Office

Certified mail, return receipt requested #70051160000447585506



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-13- 16

TITLE: **Approving** With Conditions an Application for a **Public Development** (Application Number 1997-0257.006)

Commissioner Lloyd moves and Commissioner Witt 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:

1997-0257.006 **NEW JERSEY TURNPIKE AUTHORITY**, Galloway Township, Rural Development Area and Parkway Overlay District, expansion of a partial interchange to a full interchange at the intersection of the Garden State Parkway and Pomona Road and the widening of Pomona Road (Date of Report: April 22, 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, the Commission staff shall report to the Pinelands Commission on an annual basis regarding the County's progress in obviating the secondary impacts associated with the proposed development within the Parkway Overlay District; 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.

1997-0257.006 **NEW JERSEY TURNPIKE AUTHORITY**, Galloway Township, Rural Development Area and Parkway Overlay District, expansion of a partial interchange to a full interchange at the intersection of the Garden State Parkway and Pomona Road and the widening of Pomona Road (Date of Report: April 22, 2013).

Record of Commission Votes

AYE	NAY	NP	ABS	AYE	NAY	NP	ABS	AYE	NAY	NP	ABS
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Galletta	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Prickett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Haas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Quinn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Jackson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Rohan Green	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lloyd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Witt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McGlinchey	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lohbauer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted at a meeting of the Pinelands Commission

Date: May 16, 2013

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Mark S. Lohbauer
Mark S. Lohbauer
Chairman



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Chris Christie
 Governor

Mark S. Lohbauer
 Chairman

Kim Guadagno
 Lt. Governor

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

Nancy Wittenberg
 Executive Director

April 22, 2013

Richard Raczynski, P.E.
 New Jersey Turnpike Authority
 PO Box 5042
 Woodbridge, NJ 07095

Re: Application # 1997-0257.006
 Garden State Parkway Interchange 44
 Garden State Parkway & Pomona Road
 Galloway Township

Dear Mr. Raczynski:

The Commission staff has completed its review of this application for the proposed expansion of a partial interchange to a full interchange at the intersection of the Garden State Parkway and Pomona Road and the widening of Pomona 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 May 10, 2013 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.

If you have any questions regarding this Report, please do not hesitate to contact me.

Sincerely

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

Attach. (1) Appeal Procedure

- c: Secretary, Galloway Township Planning Board
- Galloway Township Environmental Commission
- Atlantic County Department of Regional Planning and Development
- Drew Markewicz
- Ernest Deman





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

PUBLIC DEVELOPMENT APPLICATION REPORT

Richard Raczynski, P.E.
New Jersey Turnpike Authority
PO Box 5042
Woodbridge, NJ 07095

Application No.: 1997-0257.006

Location: Garden State Parkway Interchange 44
Garden State Parkway & Jimmie Leeds Road
Galloway Township

This application is for the expansion of a partial interchange to a full interchange at the intersection of the Garden State Parkway and Pomona Road and the widening of Pomona Road in Galloway Township.

There is an existing partial interchange, consisting of a northbound entrance ramp and a southbound exit ramp, at the intersection of the Garden State Parkway and Pomona Road. This application proposes the construction of a northbound exit ramp and a southbound entrance ramp to provide a full interchange at this location. The proposed ramps will be located north of the Pomona Road right-of-way. This application also proposes to widen the two existing entrance and exit ramps from 15 feet to 22 feet in width. The applicant has indicated that the proposed interchange improvements will eliminate current operational deficiencies and traffic safety issues.

This application also proposes to widen approximately 2,700 linear feet of Pomona Road located in the Pinelands Area. The road will be widened from a maximum paved width of 23 feet to a maximum paved width of 58 feet. An additional 800 linear feet of proposed improvements to Pomona Road are located outside of the Pinelands Area.

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. 7:50-5.26(b)10 & 5.35(a) & (b))

The 2,700 linear foot portion of the Pomona Road improvements in the Pinelands Area are located in a Pinelands Rural Development Area. Public service infrastructure, including roads and improvements to existing roads, is a permitted land use in a Pinelands Rural Development Area.

The majority of the proposed development is located in the CMP designated Parkway Overlay District. The Parkway Overlay District permits the improvement and expansion of existing interchanges provided the improvements do not induce changes in the location, pattern or intensity of land use which would be inconsistent with the Pinelands land use program (i.e. secondary impacts).

The applicant's agent, Atlantic County, has agreed to address any "secondary impacts" associated with the proposed improvements. Atlantic County has agreed to "memorialize" the current municipal zoning on designated lots located within 1.5 miles of the proposed interchange project. This is the same approach used by the Turnpike Authority to obviate secondary impacts associated with the Garden State Parkway Widening Project. As was the case with that project, the Commission and Atlantic County will enter into a Secondary Impacts Agreement setting forth the County's obligation to obviate secondary impacts within six years of execution of that Agreement.

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

There are wetlands located within the project area. Most development is prohibited in wetlands. This application proposes to disturb 0.054 acres of wetlands for the proposed road improvements. The CMP allows road improvements (linear development) in 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 wetlands or that will result in a less significant adverse impact to wetlands. 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 wetlands. The applicant has indicated that the proposed interchange improvements will eliminate traffic safety issues. The applicant has demonstrated that the need for the interchange improvements overrides the importance of protecting the wetlands.

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

The proposed development will be located within maintained grassed areas, paved areas and forested areas. The proposed development will disturb approximately 6.93 acres of forested lands. 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. To stabilize disturbed areas, the applicant proposes to utilize grass species which meet that recommendation.

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

Threatened and endangered plant and animal species surveys were previously prepared for the Garden State Parkway Widening Project (App. No. 1997-0257.001) and the Commission certified (approved) Richard Stockton College Master Plan. The survey completed for the Richard Stockton College verified the location of a population of Pine Barrens treefrog in the vicinity of the proposed development. No development will take place in habitat critical to the survival of the identified local population of Pine Barrens treefrog. No habitat critical to the survival of any other threatened or endangered animal species or populations of any threatened or endangered plant species were located within the project area.

Stormwater Management (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 two stormwater infiltration basins.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on March 15, 2013. The application was designated as complete on the Commission's website on April 1, 2013. The Commission's public comment period closed on April 12, 2013. The Pinelands Commission received three verbal public comments regarding the application.

Public Comment One: Two commenters were concerned that public open space funding would be utilized to obviate any potential secondary impact associated with the proposed interchange project.

Staff Response: The Commission does not have the legal authority to dictate the funding source used by the County to obviate the secondary impacts associated with the proposed project. Moreover, the CMP (N.J.A.C. 7:50-5.35(b)) only requires the applicant to take steps to ensure that the proposed development does not "induce changes in the location, pattern or intensity of land use" which would not be consistent with the existing Pinelands land use program. The Commission refers to this obligation as "memorializing" or "freezing" zoning. The County may choose how it satisfies this obligation.

Public Comment Two: One commenter was concerned that the details concerning the potential secondary impacts and methods to obviate those impacts were not available for review prior to the close of the public comment period.

Staff Response: In accordance with both the Open Public Meeting Act at N.J.S.A. 10:4-72(b)5 and the Open Public Records Act at N.J.S.A. 47:1A-1.1, matters involving the purchase, lease or acquisition of real property are confidential until such time as discussions of such matters would not adversely affect the public interest if disclosed or give an advantage to competitors or bidders, respectively. These standards are applicable to the Secondary Impacts Agreement which sets forth the manner by which the County will address the secondary impacts associated with the proposed interchange project. Several hundred acres will be protected near the intersection over the course of several years. The Commission has been fully briefed on the magnitude and location of the lands to be protected. The manner in which secondary impacts are addressed was established as part of the Garden State Parkway Widening Project and this precedent is being followed here.

Public Comment Three: One commenter was concerned that the Commission's recently approved expansion of Stockton College was the source of the unanticipated secondary impacts.

Staff Response: The commenter appears to be incorrectly applying the secondary impact requirement to Stockton College. The CMP only requires that secondary impacts be addressed for projects located in the Parkway Overlay District. The Stockton College parcel is not located within the Parkway Overlay District, therefore, there is no CMP requirement to examine

secondary impacts. All development occurring at Stockton College had to demonstrate that it was consistent with all applicable standards of the CMP.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 32 sheets, prepared by The RBA Group and dated as follows:
 - Sheet 1 – March 2012; revised August 2012
 - Sheets 2, 3, 8-26 & 29-32 – March 2012; revised August 9, 2012
 - Sheets 4-7 – March 2012
 - Sheet 27 – undated
 - Sheet 28 – March 2012; revised September 24, 2012
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. In addition, prior to the construction of any portion of the proposed development which will result in a disturbance of any wetlands area, the applicant shall obtain a Freshwater Wetlands Permit pursuant to the New Jersey Freshwater Wetlands Protection Act.
5. Silt fencing, hay bales or other appropriate measures shall be installed prior to construction to preclude sediment from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
6. The applicant shall meet all terms of the Secondary Impact Agreement between the Pinelands Commission and Atlantic County.

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.



State of New Jersey

THE PINELANDS COMMISSION

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Mark S. Lohbauer
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 within eighteen days of the date of the Executive Director's determination 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.