



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-17- 39

TITLE: Approving With Conditions Applications for Public Development (Application Numbers 1984-0140.003, 1987-1058.075, 2005-0162.004 & 2017-0166.001)

Commissioner Londoner moves and Commissioner Barr seconds the motion that:

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

1984-0140.003
Applicant: Waterford Township Board of Education
Municipality: Waterford Township
Management Area: Pinelands Village
Date of Report: October 13, 2017
Proposed Development: Installation of a replacement potable water well;

1987-1058.075
Applicant: South Jersey Transportation Authority
Municipality: Egg Harbor Township
Management Area: Pinelands Military/Federal Installation Area
 Pinelands Regional Growth Area
Date of Report: October 13, 2017
Proposed Development: Widening of Amelia Earhart Boulevard and Airport Road;

2005-0162.004
Applicant: Woodbine Borough
Municipality: Borough of Woodbine
Management Area: Pinelands Town
Date of Report: October 13, 2017
Proposed Development: A recreation area; and

2017-0166.001
Applicant: Monroe Township
Municipality: Monroe Township
Management Area: Pinelands Regional Growth Area
Date of Report: October 13, 2017
Proposed Development: Demolition of a duplex dwelling.

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 Conclusion of the Executive Director for each of the proposed developments; 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; 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 Numbers 1984-0140.003, 1987-1058.075, 2005-0162.004 & 2017-0166.001 for public development are hereby approved subject to the conditions recommended by the Executive Director.

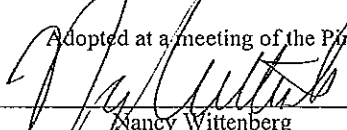
Record of Commission Votes

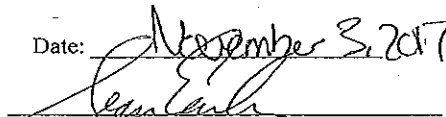
AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*					
Ashmun			X	Jannarone			X	Quinn	X				
Avery	X			Lloyd			X	Rohan Green				X	
Barr	X			Lohbauer	X			Earlen	X				
Chila	X			McGlinchey	X								
Galletta	X			Prickett	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date:


 Nancy Wittenberg
 Executive Director


 Sean W. Earlen
 Chairman



State of New Jersey

THE PINELANDS COMMISSION

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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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

October 13, 2017

Daniel J. Fox, Administrator
Waterford Township Board of Education
934 Lincoln Avenue
Atco, NJ 08004

Re: Application # 1984-0140.003
Block 4502, Lot 20
Waterford Township

Dear Mr. Fox:

The Commission staff has completed its review of this application for installation of a potable water well. 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 November 3, 2017 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, Waterford Township Planning Board (via email)
Waterford Township Construction Code Official (via email)
Waterford Township Environmental Commission (via email)
Secretary, Camden County Planning Board (via email)
Veronica Foster





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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

October 13, 2017

Daniel J. Fox, Administrator
 Waterford Township Board of Education
 934 Lincoln Avenue
 Atco, NJ 08004

Application No.: 1984-0140.003
 Block 4502, Lot 20
 Waterford Township

This application proposes installation of a 600 foot deep replacement potable water well on the above referenced 20.02 acre parcel in Waterford Township. The proposed well will replace an existing 93 foot deep potable water well. The proposed well will service the Waterford Elementary School located on the parcel.

The installation of the proposed well was necessitated by the failure of the existing well serving the school. The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.5) provides that the Commission’s Executive Director, after consultation with the Chairman of the Pinelands Commission, may authorize immediate action when it is necessary to remedy a condition dangerous to health. On September 5, 2017, the Commission issued a letter authorizing the immediate installation of the proposed 600 foot deep replacement potable water well to serve the school. The Commission’s September 5, 2017 letter required that an after-the-fact application for the proposed well be completed with the Commission. This application satisfies that requirement.

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. 7:50-5.27)

The proposed development is located in the Pinelands Village of Waterford Works. The proposed installation of a potable water well to service an existing school is permitted in the Pinelands Area.

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

The proposed development will be located in a maintained grassed area. 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. The applicant does not propose any revegetation.

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

The proposed replacement well will be located in the Wenonah-Mt. Laurel aquifer. The proposed well will pump less than 100,000 gallons per day and, therefore, does not require a New Jersey Department of Environmental Protection water allocation permit.

PUBLIC COMMENT

The CMP defines the proposed demolition as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on September 15, 2017. The Commission’s public comment period closed on October 13, 2017. 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 four sheets, prepared by GPM Associates and dated as follows:

Sheet 1 - March 9, 2017
Sheet 2 - March 8, 2017
Sheet 3 - March 6, 2017
Sheet 4 - March 3, 2017
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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Chris Christie
Governor

Kim Guadagno
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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 5:00 PM on October 31, 2017 and 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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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

October 13, 2017

Stephen Mazur
South Jersey Transportation Authority
Route 54 and Trooper Lane
Hammonton, NJ 08037

Re: Application # 1987-1058.075
Amelia Earhart Boulevard & Airport Road
Block 101, Lots 9 & 10
Egg Harbor Township

Dear Mr. Mazur:

The Commission staff has completed its review of this application for widening of Amelia Earhart Boulevard and Airport 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 November 3, 2017 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)
Brian McPeak





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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

October 13, 2017

Stephen Mazur
 South Jersey Transportation Authority
 Route 54 and Trooper Lane
 Hammonton, NJ 08037

Application No.: 1987-1058.075
 Amelia Earhart Boulevard & Airport Road
 Block 101, Lots 9 & 10
 Egg Harbor Township

This application proposes widening of Amelia Earhart Boulevard and Airport Road located on the above referenced 2,464.7 acre parcel in Egg Harbor Township. The two roadways provide access to the William J. Hughes Technical Center and the Atlantic City International Airport.

The application proposes to widen a 3,500 linear foot portion of Amelia Earhart Boulevard from an existing paved width of 68 feet to 80 feet. The application also proposes to widen a 1,900 linear foot portion of Airport Road from an existing paved width of 59 feet to 65 feet.

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) & 5.29(a))

The development is located partially in a Pinelands Regional Growth Area and partially in a Military and a Federal Installation Area. The proposed development is a permitted land use in a Regional Growth Area and a Military and Federal Installation Area.

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

There are wetlands located within 300 feet of the proposed development. A portion of the proposed roadway improvements will be located within the required buffer to 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. 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 and maintained grassed 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 four underground stormwater infiltration trenches.

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

The evidence of cultural activity on the parcel lacks any potential for designation as a historic resource. Based upon this determination, a cultural resource survey was not required.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on February 25, 2017. The application was designated as complete on the Commission's website on September 27, 2017. The Commission's public comment period closed on October 13, 2017. 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 65 sheets, prepared by STV, Inc., all sheets dated September 7, 2017.
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.



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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 5:00 PM on October 31, 2017 and 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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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

October 13, 2017

William Pikolycky, Mayor
Woodbine Borough
501 Washington Avenue
Woodbine, NJ 08270

Re: Application # 2005-0162.004
Block 50, Lots 3-28 & 30-33
Block 50.01, Lots 2-24
Block 51, Lot 7
Block 54, Lot 1
Block 59, Lots 10-12
Block 59.01, Lots 13-16
Block 59.02, Lots 1-6
Block 59.03, Lots 1-12
Block 59.04, Lot 1
Borough of Woodbine

Dear Mayor Pikolycky:

The Commission staff has completed its review of this application for the development of a recreation area. 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 November 3, 2017 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,

A handwritten signature in black ink, appearing to read 'C. M. Horner', with a long horizontal stroke extending to the right.

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure
10/28/26 Public Comment

c: Secretary, Borough of Woodbine Planning Board (via email)
Borough of Woodbine Construction Code Official (via email)
Secretary, Cape May County Planning Board (via email)
Cape May County Health Department (via email)
Gerard & Lisa Gilroy (via email)
Bradley Rosenthal (via email)



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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

October 13, 2017

William Pikolycky, Mayor
 Woodbine Borough
 501 Washington Avenue
 Woodbine, NJ 08270

Application No.: 2005-0162.004
 Block 50, Lots 3-28 & 30-33
 Block 50.01, Lots 2-24
 Block 51, Lot 7
 Block 54, Lot 1
 Block 59, Lots 10-12
 Block 59.01, Lots 13-16
 Block 59.02, Lots 1-6
 Block 59.03, Lots 1-12
 Block 59.04, Lot 1
 Borough of Woodbine

This application proposes a recreation area on the above referenced 46.28 acre parcel in Woodbine Borough. The proposed recreation area will include approximately 6,800 linear feet of 8 foot wide gravel walking trails, approximately 2,700 linear feet of 8 foot wide paved bicycle trails, a playground/picnic area and the development of a 56 space parking lot. The Woodbine Elementary School is located on the parcel.

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. 7:50-5.27(a))

The parcel is located in the Pinelands Town of Woodbine. The proposed development is a permitted land use in a Pinelands Town.

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

The proposed development will be located within existing forested and maintained grass areas. The proposed walking trails and bicycling trails will result in approximately 2.5 acres of forest clearing and

the proposed playground/picnic area and parking area will result in approximately 3.5 acres of forest clearing. 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. The applicant does not propose revegetation.

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

Information available to the Commission staff indicates that Red-headed woodpecker (RHW), a Pinelands Area threatened animal species, has been sighted in the general vicinity of the parcel proposed for development. The habitat on the parcel proposed for development is open forested area with sparse undergrowth; preferred habitat for RHW.

The Commission staff requested and the applicant completed a survey for RHW. The submitted survey concluded that “no RHW’s were detected by the observers at any point during the study.” Although the Commission staff considers the survey to be informative, the survey did not provide sufficient information to support a Commission staff finding that the proposed development would not have an irreversible adverse impact to habitat critical to the survival of any local population of RHW that may be present on the parcel.

To avoid irreversible adverse impact to habitat that could be critical to the survival of any local population of RHW that may be present on the parcel, the Commission staff recommends, as a condition of any approval for this application, that tree clearing on the parcel be limited to the period between August 1 through April 30 of any given year, which are the months when RHW is not typically nesting or fledging.

RHW is known to nest in trees in previously excavated nest cavities, natural nest cavities and newly excavated nest cavities. The Commission staff also recommends, as a condition of any approval, that prior to clearing for the walking or biking trails, the applicant be required to stake the center line of the proposed trails in the field. A qualified ornithologist, retained by the applicant and approved by the Commission’s Executive Director, shall inspect the 12 foot wide typical section of the proposed clearing for the entire length of the proposed trails to identify and flag any potential nest cavity trees. The routing of the proposed walking and biking trail shall be modified in the field to avoid removal of any identified potential nest cavity trees.

The Commission staff further recommends, as a condition of approval, that prior to any clearing of the approximately 3.5 acres of forest for the proposed parking area and playground/picnic area, that the applicant shall stake the proposed limits of clearing in the field. A qualified ornithologist, retained by the applicant and approved by the Commission’s Executive Director, shall inspect the area to identify and flag any potential nest cavity trees. If any potential nest cavity trees are identified in the approximately 3.5 acres proposed to be cleared, the applicant shall revise the proposed design and limits of proposed clearing to avoid removal of any potential nest cavity trees. Any proposed redesign shall not isolate any identified nest cavity tree. Any redesign of the proposed improvements within the limits of the approved 3.5 acre development area or adjacent existing cleared areas may be approved in writing by the Commission’s Executive Director. Any proposed redesign outside the limits of the approved 3.5 acre development area or adjacent existing cleared areas shall require an amended approval by the Commission.

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

The Woodbine Elementary School on the parcel is served by an existing onsite septic system. The applicant has demonstrated that the existing and proposed uses on the parcel will be consistent with the groundwater quality (septic dilution) standard of the Woodbine Borough land use ordinance and the CMP.

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

To meet the stormwater management standards for the proposed development, the applicant proposes porous pavement with subsurface infiltration beds for the proposed access road and parking area. The proposed development is consistent with the CMP stormwater management standards.

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 October 21, 2016. Newspaper public notice was completed on October 26, 2016. The application was designated as complete on the Commission's website on October 2, 2017. The Commission's public comment period closed on October 13, 2017. The Commission received two public written comments regarding this application.

Comment: The commenter expressed general support for the proposal but raised concerns about whether vehicular access to the proposed recreation area will be from Adams Avenue.

Staff Response: The Commission staff appreciates the commenter's interest in the Pinelands. The existing school parcel is bordered by Webster Street, Monroe Avenue and Adams Avenue. Motor vehicle access to the proposed recreation area will be via a proposed access drive from Monroe Avenue.

Comment: The commenter requested a copy of the Executive Director's findings on this application.

Staff Response: The commenter is copied on this Public Development Application Report containing the Executive Director's findings.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of nine sheets, prepared by Van-Note Harvey Associates and dated as follows:
 - Sheets 1-7 - dated June 30, 2017
 - Sheet 8 - dated June 30, 2017; revised to September 12, 2017
 - Sheet 9 - undated
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. Tree clearing associated with the proposed development shall only occur between August 1 through April 30 of any given year. No tree clearing shall occur between May 1st and July 31st of any given year.
6. Prior to clearing for the walking or biking trails, the applicant shall stake the center line of the proposed trails in the field. A qualified ornithologist, retained by the applicant and approved by the Commission's Executive Director, shall inspect the 12 foot wide typical section of proposed clearing for the entire length of the proposed trails to identify and flag any potential existing nest cavity trees. The routing of the proposed walking and biking trail shall be modified in the field to avoid removal of any identified potential existing nest cavity trees.
7. Prior to clearing of the approximately 3.5 acres for the parking area, playground and pavilion, the applicant shall stake the proposed limits of clearing in the field. A qualified ornithologist, retained by the applicant and approved by the Commission's Executive Director, shall inspect the area to identify and flag any potential existing nest cavity trees. The applicant shall redesign the improvements within the 3.5 acre area and adjacent existing cleared area to avoid removal of any identified potential existing nest cavity trees. Any proposed redesign shall not isolate any identified potential existing nest cavity tree. Any proposed redesign within the limits of the approved 3.5 acre development area or adjacent existing cleared areas may be approved in writing by the Commission's Executive Director. Any proposed redesign outside the limits of the approved 3.5 acre development area or adjacent existing cleared areas shall require an amended approval by the Commission.

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.

AppInfo - Gerard and Lisa Gilroy of 826 Adams Ave., Requesting an Appiontment with Pinelands Commission's office for inspection OF Pinelands Application No. 2005

From: Lisa Coppola <lisatkoppola@yahoo.com>
To: "AppInfo@njpines.state.nj.us" <AppInfo@njpines.state.nj.us>, me me <lisatkoppola@yahoo.com>, gerry gilroy <whistlerloop@yahoo.com>
Date: 10/28/2016 6:24 PM
Subject: Gerard and Lisa Gilroy of 826 Adams Ave., Requesting an Appiontment with Pinelands Commission's office for inspection OF Pinelands Application No. 2005

Dear Office of Pinelands Commission's Office ,Today is October 28,2016 . Per my letter from van-note Harvey, my Husband and I are requesting a copy of the Executive Director's findings and conclusion with RE: to VNHA#41760-400-21 Pinelands Application No. 2005-0162.004 Woodbine Open Space Eco-Park- Public Development Application 801Webster Street and Various Parcels. We would also like to request an appointment to review and voice our concerns .We would like the appointment to be locally held in Woodbine preferable .We really think this is a wonderful Idea . We just would like to know exactly what is the detailed plan proposed .One Concern that we have, Without Knowing, So please forgive me .We do not want any Vehicles to have access from Adams Ave., Woodbine . So we would like an appportunity to be involved with our community's planning . We are very optimistic about the said plan and are hoping for a amicable neighborly Plan. Thank you for your time.

Looking Forward,
Yours Truly,

Gerard and Lisa Gilroy
826 Adams Ave, Woodbine
NJ.08270
Gerard : 856-300-3271
Lisa : 610-348-1545
lisatkoppola@yahoo.com
Whistlerloop@yahoo.com

From: Bradley Rosenthal <rosenthalbt@cmcmua.com>
To: <Appinfo@njpines.state.nj.us>
Date: 10/24/2016 12:02 PM
Subject: Application No 2005-0162.004

When completed, I would like to receive a copy of the Executive Director's findings and conclusion for Application Number 2005-0162.004 - Woodbine Open Space Eco-Park. Thank You - Brad

--
Brad Rosenthal
Executive Assistant
Cape May County Municipal Utilities Authority
P.O. Box 610 | 1523 U.S. Route 9 North | Cape May Court House, N.J. 08210
609.465.9026 ext. 1210
rosenthalbt@cmcmua.com



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

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 5:00 PM on October 31, 2017 and 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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Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

October 13, 2017

Daniel Teefy, Mayor
Monroe Township
125 Virginia Avenue
Williamstown, NJ 08094

Re: Application # 2017-0166.001
Block 11603, Lot 6
Monroe Township

Dear Mayor Teefy:

The Commission staff has completed its review of this application for demolition of a duplex dwelling. 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 November 3, 2017 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, Monroe Township Planning Board (via email)
Monroe Township Construction Code Official (via email)
Monroe Township Environmental Commission (via email)
Secretary, Gloucester County Planning Board (via email)
John Helbig





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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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

October 13, 2017

Daniel Teefy, Mayor
 Monroe Township
 125 Virginia Avenue
 Williamstown, NJ 08094

Application No.: 2017-0166.001
 Block 11603, Lot 6
 Monroe Township

This application proposes demolition of a duplex dwelling located on the above referenced 0.23 acre parcel in Monroe Township. The Township owns the parcel.

STANDARDS

The Commission staff has reviewed the proposed demolition 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. 7:50-5.21)

The parcel is located in a Pinelands Regional Growth Area. The demolition of a building is permitted in the Pinelands Area.

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

The evidence of cultural activity on the parcel, including the existing building, lacks any potential for designation as a historic resource. Based upon this determination, a cultural resource survey was not required.

PUBLIC COMMENT

The CMP defines the proposed demolition as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on October 2, 2017. The Commission’s public comment period closed on October 13, 2017. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
2. Prior to any demolition, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

As the proposed demolition 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 demolition subject to the above conditions.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

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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 5:00 PM on October 31, 2017 and 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. PC4-17- 40

TITLE: Approving With Conditions an Application for Public Development (Application Number 1987-0914.004)

Commissioner Galletta moves and Commissioner Lehner 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:

1987-0914.004

Applicant: Burlington County
Municipality: Evesham Township
Management Area: Pinelands Rural Development Area
Date of Report: October 13, 2017
Proposed Development: Widening of Taunton Lakes 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 1987-0914.004 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	Jannarone			X	Quinn	X		
Avery	X			Lloyd			X	Rohan Green			X
Barr	X			Lohbauer	X			Earlen	X		
Chila	X			McGlinchey	X						
Galletta	X			Prickett			R				

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: November 3, 2017

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Sean W. Earlen
Sean W. Earlen
Chairman



State of New Jersey

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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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

October 13, 2017

Joseph Brickley, P.E.
Burlington County Board of Chosen Freeholders
P.O. Box 6000
Mt. Holly, NJ 08060

Re: Application # 1987-0914.004
Taunton Lakes Road
Evesham Township

Dear Mr. Brickley:

The Commission staff has completed its review of this application for the widening of Taunton Lakes 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 November 3, 2017 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, Evesham Township Planning Board (via email)
- Evesham Township Construction Code Official (via email)
- Evesham Township Environmental Commission (via email)
- Secretary, Burlington County Planning Board (via email)
- Lisa Dunne (via email)
- Bruce Easterly, PE





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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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

October 13, 2017

Joseph Brickley, P.E.
Burlington County Board of Chosen Freeholders
P.O. Box 6000
Mt. Holly, NJ 08060

Application No.: 1987-0914.004
Taunton Lakes Road
Evesham Township

This application proposes to widen approximately 5,200 linear feet of Taunton Lakes Road from Tomlinson Mill Road to Kings Grant Drive in Evesham Township. The roadway will be widened from an existing paved width of 23 feet to a proposed paved width of 40 feet.

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)

The development is located in a Pinelands Rural Development Area. The proposed development is a permitted land use in a Pinelands Rural Development Area.

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

There are wetlands located within 300 feet of the proposed development. The proposed widening will require the disturbance of 1.388 acres of wetlands and will also be located in the required buffer to wetlands.

The CMP permits road improvements (linear improvements) in wetlands and 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 wetlands or that will result in a less significant adverse impact to wetlands. 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 wetlands. The applicant has represented that the concerned roadway has a high number of motor vehicle accidents,

including fatalities. The proposed road improvements are necessary to improve the safety of the existing roadway. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetlands.

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

The proposed development will be located within existing developed areas, grassed shoulders and forested areas. 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 proposes to construct a stormwater infiltration basin at the Taunton Lakes Road and Tomlinson Mill Road intersection to collect and infiltrate stormwater runoff from the proposed road improvements. The proposed infiltration basin will store and infiltrate approximately 57% (16,022 cubic feet) of the stormwater volume required to meet the CMP stormwater management standard.

Based upon the proximity of wetlands to the existing road, the applicant has indicated that it is not feasible to construct additional stormwater facilities within the project area to meet the CMP stormwater management standards. The CMP (N.J.A.C. 7:50-6.84(a)6vi(4)) provides that if an applicant for public development demonstrates that the stormwater management standards cannot be met for a proposed project, the Commission may grant an exception to the standards. To grant such an exception, the Commission must find that the applicant proposes alternative stormwater management measures within the Pinelands Area and within the same drainage area as the proposed development and that the proposed stormwater management measures are sufficient to offset the granting of the exception.

As an alternative stormwater measure, the applicant also proposes to remove 27,878 square feet of pavement from the Taunton Lakes Road right-of-way between Tomlinson Mill Road and Westcott Roads. The pavement proposed to be removed is located within the Pinelands National Reserve, immediately adjacent to, but outside of the Pinelands Area. The pavement is located within the same drainage area as the proposed road improvements. Stormwater runoff from the pavement to be removed drains into the Pinelands Area.

The proposed stormwater infiltration basin and pavement removal will provide 95 percent of the volume of stormwater runoff required to be stored and infiltrated to meet the CMP stormwater standard for the proposed road improvement.

The applicant also proposes to connect two stormwater treatment devices to existing stormwater collection pipes serving Taunton Lakes Road, Taunton Boulevard and Hopewell Road. The stormwater treatment devices will be located approximately 6,000 linear feet from the proposed improvement to Taunton Lakes Road. The proposed treatment devices will result in improved water quality by removing sediment, debris and oils in stormwater currently being directly discharged to wetlands (Blue Lake Run). The two stormwater treatment devices will be located within the Pinelands Area and within the same drainage area as the proposed road improvement.

The proposed alternative stormwater management measures are sufficient to offset the granting of the stormwater management exception.

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

The applicant prepared a cultural resource survey for the proposed development. The survey determined that no cultural resources eligible for Pinelands designation were found within the project area.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on March 3, 2017. The application was designated as complete on the Commission's website on September 27, 2017. The Commission's public comment period closed on October 13, 2017. 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 Road Reconstruction Plan, consisting of 13 sheets, prepared by Taylor, Wiseman & Taylor and dated as follows:

Sheets 1 & 3-12 - June 2008; revised to March 10, 2016

Sheet 2 - July 2008; revised to March 10, 2016

Sheet 13 - June 2008; revised to June 28, 2016

Except as modified by the below conditions, the proposed development shall adhere to the Pavement Removal Plan prepared by Taylor, Wiseman & Taylor and dated August 2017.

Except as modified by the below conditions, the proposed development shall adhere to the Stormwater Treatment Device Plan prepared by the Burlington County Engineering Office and dated July 2016.

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. Prior to the construction of any portion of the proposed development which will result in the disturbance of any wetland area, a Freshwater Wetland Permit shall be obtained pursuant to the New Jersey Freshwater Wetlands Protection Act.
6. 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.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

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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 5:00 PM on October 31, 2017 and 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. PC4-17- 41

TITLE: Approving With Conditions an Application for Public Development (Application Number 1989-0349.019)

Commissioner Avery moves and Commissioner Quinn 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:

1989-0349.019

Applicant:	Burlington County
Municipality:	Pemberton Township
Management Area:	Pinelands Agricultural Production Area Pinelands Regional Growth Area
Date of Report:	October 13, 2017
Proposed Development:	Construction of a 200 foot high wireless communication tower and a 4,900 square foot accessory equipment compound.

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 1989-0349.019 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*
			X				X		X		
X											
X				X				X			
X				X					X		
X							R				

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Nancy Wiitenberg
Nancy Wiitenberg
Executive Director

Date: November 3, 2017

Sean W. Earlen
Sean W. Earlen
Chairman



State of New Jersey

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Chris Christie
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Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

October 13, 2017

Eve A. Cullinan, Administrator
Burlington County
PO Box 600
Westampton, NJ 08060-6000

Re: Application # 1989-0349.019
Block 812, Lot 9.01
Pemberton Township

Dear Ms. Cullinan:

The Commission staff has completed its review of this application for construction of a 200 foot high wireless communication tower and a 4,900 square foot accessory equipment compound. 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 November 3, 2017 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)
- Dominic Villecco (via email)





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Chris Christie
Governor

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Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

October 13, 2017

Eve A. Cullinan, Administrator
Burlington County
PO Box 600
Westampton, NJ 08060-6000

Application No.: 1989-0349.019
Block 812, Lot 9.01
Pemberton Township

This application proposes construction of a 200 foot high wireless communication tower and a 4,900 square foot accessory equipment compound located on the above referenced 351.92 acre parcel in Pemberton Township.

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. 7:50-5.24 and 5.28)

The parcel is located partially in a Pinelands Regional Growth Area (101.92 acres) and partially in a Pinelands Agricultural Production Area (250 acres). The proposed development is located in the portion of the parcel located in a Pinelands Regional Growth Area. The proposed wireless communication tower 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. The wetlands consist of maintained lawn areas and successional wooded wetlands. The proposed communications tower and equipment compound will maintain a greater than 300 foot buffer to wetlands. The proposed underground electrical and telephone service lines extending from the proposed tower to Pemberton-Browns Mill Road will maintain a 50 foot buffer to existing lawn wetland areas. The proposed development will not result in a significant adverse impact on the wetlands.

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

The proposed development will be located in an existing grassed area. All 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 applicant does not propose any revegetation.

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on October 2, 2017. The Commission’s public comment period closed on October 13, 2017. 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 15 sheets, prepared by VCOMM Telecommunications Engineering, all sheets dated September 22, 2015 and revised to September 25, 2017.
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 proposed development shall be located at least 50 feet from all maintained lawn wetlands.

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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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 5:00 PM on October 31, 2017 and 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. PC4-17- 42

TITLE: Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1989-0139.003)

Commissioner Bess moves and Commissioner McGlinchey seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed each of the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following application for Waiver of Strict Compliance be approved with conditions:

1989-0139.003

Applicant: Robert Smith
Municipality: Monroe Township
Management Area: Pinelands Regional Growth Area
 Pinelands Rural Development Area

Date of Report: October 13, 2017
Proposed Development: Single family dwelling.

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 Findings of Fact and Conclusion of the Executive Director for the requested Waiver of Strict Compliance; 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; 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 1989-0139.003 for a Waiver of Strict Compliance 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	Jannarone				X	Quinn	X			
Avery	X				Lloyd				X	Rohan Green			X	
Barr	X				Lohbauer	X				Earlen	X			
Chila	X				McGlinchey	X								
Galletta	X				Prickett	X								

*A = Abstained / R = Recused

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

Date: November 3, 2017
Sean W. Earlen
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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

October 13, 2017

Robert Smith (via email)
18 Steeplechase Drive
Turnersville, NJ 08012

Re: Application # 1989-0139.003
Block 9801, Lot 30
Monroe Township

Dear Mr. Smith:

The Commission staff has completed its review of this application for a Waiver of Strict Compliance (“Waiver”) proposing the development of one single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission’s Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its November 3, 2017 meeting.

FINDINGS OF FACT

This application is for the development of a single family dwelling served by an onsite septic system on the above referenced 44.27 acre parcel in Monroe Township. The parcel is located partially in a Pinelands Rural Development Area (44.08 acres) and partially in a Pinelands Regional Growth Area (0.19 acres). The Pinelands Rural Development Area portion of the parcel is located in Monroe Township’s RD-A zoning district. The Pinelands Regional Growth Area portion of the parcel is located in Monroe Township’s RG-MR zoning district. The proposed single family dwelling will be located within the Pinelands Rural Development Area portion of the parcel. In the Township’s RD-A zoning district, a single family dwelling requires a minimum lot size of 8 acres in accordance with Monroe Township’s certified land use ordinance.

A portion of the parcel is wetlands as defined in the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-6.5(a)). The wetland continues onto adjacent lands. Any development of the parcel would be located within 300 feet of these wetlands. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetlands. As there will be a significant adverse impact on wetlands located within 300 feet of the proposed development, the applicant is requesting a Waiver from the buffer to wetlands requirements contained in the N.J.A.C. 7:50-6.14.

The parcel has been inspected by a member of the Commission staff. In addition, the appropriate resource capability maps and data available to the staff have been reviewed.



The CMP (N.J.A.C. 7:50-4.65(b)6) requires that for an applicant to qualify for a Waiver to develop a single family dwelling in a Pinelands Rural Development Area, it must be demonstrated that no development, including clearing and land disturbance, will be located on or within 50 feet of wetlands. The applicant has demonstrated that no development, including clearing and land disturbance, will be located on or within 170 feet of wetlands.

Information available to the Commission staff indicates the potential presence of threatened and endangered (T&E) animal species or habitat critical to their survival and populations of T&E plant species on and in the vicinity of the parcel. The applicant proposes to locate all development on the 44.27 acre parcel within a proposed 0.405 acre development envelope fronting on an existing road. The applicant proposes to impose a deed restriction on the remaining 43.87 acres of the parcel to prohibit any further development, including clearing or land disturbance, unless a T&E species survey is undertaken demonstrating consistency with the T&E species protection standards of the Monroe Township land use ordinance and the CMP. With the conditions recommended below the applicant has demonstrated that the proposed development is designed to avoid irreversible adverse impacts on habitat that is critical to the survival of any local population of T&E animal species or to any local population of T&E plant species in accordance with N.J.A.C. 7:50-6.27 and 6.33.

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the parcel. The development of a single family dwelling on the parcel will not require any lot area or residential density variances pursuant to Monroe Township's certified land use ordinances. A single family dwelling can be developed on the parcel without violating any of the criteria contained in N.J.A.C. 7:50-4.65(b) if the conditions recommended below are imposed.

Only if the parcel is developed in accordance with the conditions recommended below will the adverse impacts on the wetlands be minimized.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on April 19, 2017. Newspaper public notice was completed on July 27, 2017. The application was designated as complete on the Commission's website on September 8, 2017. The Commission's public comment period closed on October 13, 2017. No public comments regarding this application were submitted to the Pinelands Commission.

CONCLUSION

The CMP (N.J.A.C. 7:50-4.62) sets forth the standards which must be met before a Waiver can be approved. The CMP (N.J.A.C. 7:50-4.62(a)) requires that for an application to be approved based on extraordinary hardship the applicant must demonstrate that the conditions of either N.J.A.C. 7:50-4.63(a) or (b) have been met.

N.J.A.C. 7:50-4.63(a) sets forth five conditions which must be met for an applicant to qualify for an extraordinary hardship pursuant to that subsection.

The first condition is that the only relief sought is from one or more of the standards contained in the CMP (N.J.A.C. 7:50-6) for certain specified development. One of the specified categories of development is as follows:

- vii. A single family dwelling on a parcel within a Pinelands Rural Development Area that complies with the density and lot area standards set forth in N.J.A.C. 7:50-5.26(a) and (c);

This application is only for a Waiver from the wetlands buffer requirements. The applicant is seeking to develop a single family dwelling on a lot within a Pinelands Rural Development Area that complies with the residential density and lot area standards set forth in N.J.A.C. 7:50-5.26(a) and (c). The proposed single family dwelling on the 44.27 acre parcel that meets the residential density and lot area standards established in this portion of the Pinelands Rural Development Area in Monroe Township's certified land use ordinances. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1vii.

The second condition is that the parcel includes all contiguous land in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. Since the parcel includes all such contiguous land, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)2.

The third condition is that the proposed use will be the sole principal use on the entire contiguous parcel, except as expressly provided in N.J.A.C. 7:50-5.1(c). As the proposed single family dwelling will be the sole principal use on the parcel, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)3.

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Monroe Township's master plan and land use ordinances have been certified by the Pinelands Commission. The certified ordinances do not require any municipal lot area or density variances. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

The fifth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which permits a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not result in a substantial impairment of the resources of the Pinelands Area. N.J.A.C. 7:50-4.65(b) sets forth the circumstances which do not comply with N.J.A.C. 7:50-4.65(a). With the conditions recommended below, the proposed development will not violate any of the circumstances contained in N.J.A.C. 7:50-4.65(b). As a result, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)5.

Since the applicant meets all the conditions set forth in N.J.A.C. 7:50-4.63(a), the applicant has demonstrated that an extraordinary hardship exists pursuant to N.J.A.C. 7:50-4.62(a).

As required by N.J.A.C. 7:50-4.62(b), the proposed dwelling will not result in substantial impairment of the resources of the Pinelands or be inconsistent with the provisions of the Pinelands Protection Act, the Federal Act or the CMP in accordance with the criteria set forth in N.J.A.C. 7:50-4.65.

The proposed dwelling will not involve trespass or create a public or private nuisance by being materially detrimental or injurious to other property or improvements in the area in which the parcel is located, increase the danger of fire or endanger public safety. With the conditions recommended below, the applicant meets the requirements contained in N.J.A.C. 7:50-4.62(c).

The CMP (N.J.A.C. 7:50-4.62(d)) requires that the Waiver only grant the minimum relief necessary to relieve the extraordinary hardship. The proposed single family dwelling is the minimum relief necessary to relieve the extraordinary hardship which has been shown to exist. The CMP (N.J.A.C. 7:50-4.62(d)1.iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits (PDCs) whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the applicant is obtaining a Waiver

from the minimum buffer to wetlands standard (N.J.A.C. 7:50-6.14), a condition is included to require the applicant to purchase the requisite 0.25 PDCs. With the conditions recommended below, the applicant meets the requirements contained in N.J.A.C. 7:50-4.62(d).

To meet the requirements 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, the Pinelands Commission staff has determined that the parcel must be developed in accordance with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan prepared by Datz Engineering & Land Surveying, dated April 26, 2015 and last revised April 22, 2017.
2. The septic system shall be located in an area where the seasonal high water table is at least 5 feet below the natural ground surface and in the area shown on the above referenced plan.
3. Prior to Commission issuance of a letter advising that any municipal or county approval or permit may take effect, a copy of a recorded deed restriction proposed by the applicant must be submitted to the Commission prohibiting any development, including clearing and land disturbance, outside of the designated development envelope on the above referenced plan unless a threatened and endangered species survey is undertaken demonstrating consistency with the threatened and endangered species protection standards.
4. Appropriate measures shall be taken prior to construction to preclude sedimentation from entering wetlands.
5. Sufficient dry wells or a comparable alternative shall be installed to contain all stormwater runoff from the house.
6. The driveway shall be constructed of crushed stone or other permeable material.
7. The septic system shall be located at least 270 feet from all wetlands. All other development, including clearing and land disturbance, shall be located at least 170 feet from all wetlands. No development, including clearing and land disturbance, shall occur except as shown on the above referenced plan.
8. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.
9. Prior to Commission issuance of a letter advising that any county or municipal approval or permit may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 Pinelands Development Credits have been acquired and submitted to the Pinelands Development Credit Bank for redemption.
10. This Waiver shall expire November 3, 2022 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after November 3, 2022, or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
11. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to completing an application for development. The deed shall also specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance referring

to the application number. The deed shall state that the conditions are enforceable by the Pinelands Commission, Monroe Township, the Gloucester County Health Department, and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver from the requirements of N.J.A.C. 7:50-6.14.

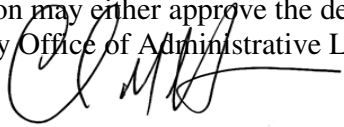
Since the applicant meets the provisions of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65 for the development of one single family dwelling on the parcel, it is recommended that the Pinelands Commission **APPROVE** the requested Waiver subject to the above conditions.

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 and received at the Commission office no later than 5:00 PM on October 31, 2017 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

- c: Secretary, Monroe Township Planning Board (via email)
 Monroe Township Construction Code Official (via email)
 Monroe Township Environmental Commission (via email)
 Secretary, Gloucester County Planning Board (via email)
 Gloucester County Health Department (via email)