

**MEMORANDUM OF AGREEMENT
BETWEEN THE NJ PINELANDS COMMISSION
AND THE TOWNSHIP OF PEMBERTON**

I. PURPOSE

This Memorandum of Agreement between the Township of Pemberton (hereinafter "Pemberton Township") and the New Jersey Pinelands Commission (hereinafter "Commission") is intended to facilitate the review of projects undertaken by Pemberton Township in the Pinelands Area. In accordance with N.J.A.C. 7:50-4.52(c), the Commission "may enter into intergovernmental memoranda of agreement with any agency of the federal, state or local government which authorize such agency to carry out specified development activities without securing individual development approval from the Commission" under the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-1 et. seq).

II. MUTUAL AGREEMENTS

A. The Commission and Pemberton Township agree that:

- 1) the following activities will not require the filing of a formal application for the approval of the Commission:
 - a) the resurfacing of a right-of-way constructed of an impervious material which will not result in an increase in the width of the existing impervious surface.
 - b) activities normally associated with the maintenance of drainage ditches as defined in the following manner: a linear excavation below the natural ground surface that is designed and maintained to convey stormwater runoff.
- 2) The Pemberton Township Engineer shall notify the Commission 15 days in advance of the undertaking of those activities defined in (A.1.) by providing the Commission with the following:
 - a) a narrative description of the proposed activity;
 - b) a copy of a U.S.G.S. quadrangle on which the location of the activity has been indicated.

- 3) Within 15 days of the receipt of the notice provided for in (A.2), the Commission will notify the Pemberton Township Engineer if the proposed activity is consistent with the terms of this Memorandum of Agreement.
- 4) If it has been determined by the Commission that the proposed activity does not meet the criteria established in (A.1.), Pemberton Township agrees to file an application for the development and it understands that no development may occur until formal approval from the Commission has been obtained.

B. The Commission and Pemberton Township agree that:

- 1) the following general classes of development will not require the filing of a formal application for the approval of the Commission:
 - a) the replacement-in-type of any bridge which involves less than 5,000 square feet of disturbance;
 - b) the replacement of existing culverts meeting the following criteria:
 - i. the area of disturbance associated with the project will not exceed 2000 square feet;
 - ii. the culvert will be replaced with one of the same diameter or size as the culvert being replaced;
 - iii. any lengthening of the culvert will not cause the area of disturbance to exceed 2000 square feet.
 - c) the construction of drainage structures involving the following:
 - i. the piping of existing drainage ditches that have been designed and maintained as stormwater conveyance structures provided that:
 - aa. The pipe will conform to the existing alignment of the ditch as much as possible; and

- bb. the pipe will be constructed at a location that will not vary more than two feet measured horizontally from the existing limits of the ditch; and
 - cc. the pipe invert will not extend more than six inches below the existing bottom of the ditch; and
 - dd. any pavement widening proposed in conjunction with the pipeline shall not exceed 3000 square feet.
- ii. the installation of stormwater infiltration inlets and pipes for the infiltration of runoff from existing roadway pavement provided that the results of soil borings are submitted with an estimation of elevation of the seasonal high water table.
 - iii. the extension of existing stormwater drainage systems along existing roadways provided that:
 - aa. no new discharges to wetlands or wetland buffers are proposed; and
 - bb. where feasible, the proposed stormwater drainage systems will provide adequate infiltration volume to accommodate at least 1-1/4 inches of runoff from the paving surfaces draining to the system.
- d) Roadway intersection improvements, involving 3000 square feet or less of additional paving and involving disturbance of less than 5000 square feet of non-impervious surfaces.
 - e) The replacement of existing impervious sidewalks (i.e. sidewalk, bikepath and pathways) provided that the new walkway shall conform to the existing alignment of the replaced walkway to the maximum extent possible.

- f) The construction of walkways within the public right-of-way for the purpose of providing a safe route for pedestrians provided that the width of the walkway does not exceed five feet.
- 2) for all proposed projects defined in (B.1), the Pemberton Township Engineer shall submit the following information to the Commission at least forty-five (45) days prior to the commencement of any of these activities:
 - a) a narrative description of the proposed activity;
 - b) a copy of a U.S.G.S. quadrangle on which the location of the proposed development has been indicated;
 - c) a copy of any plans for the project.
 - 3. Within thirty (30) days of receipt of the information submitted pursuant to (2), the Commission staff will provide comments regarding the consistency of the proposal with the requirements of the Pinelands Comprehensive Management Plan.
 - 4. If any portion of a project proposal submitted pursuant to (2) is found to be inconsistent with the requirements of the Comprehensive Management Plan, Pemberton Township agrees that the project will be modified until the Commission staff determines that the proposed development is consistent with the standards of the Pinelands Comprehensive Management Plan. No development shall occur until the Commission staff determines the development is consistent. If Pemberton Township disagrees with a determination of inconsistency by the Commission staff, it may submit a formal application pursuant to paragraph (C) below.
- C. Pemberton Township understands that:
- 1) any activity not identified in (II.A.1 or II.B.1) will require an application to the Commission; and
 - 2) in accordance with N.J.A.C. 7:50-4.52(b), the proposed development may not occur until an application has been completed and the Commission has approved the project.

D. With regard to the cultural resources standards of the Pinelands Comprehensive Management Plan:

- 1) Pemberton Township agrees to provide a list of all projects contained within their annual road improvement plans.
- 2) Within 120 days of the receipt of the list of projects, the Commission will determine if a cultural resource survey will be required for each project.
- 3) Pemberton Township understands that the Commission's determination in (D.2) will be independent of the determination made in accordance with (II.B) above.
- 4) Pemberton Township understands that any activity requiring a cultural resource survey can not occur until the Commission has either issued a Certificate of Appropriateness for the project or it has determined that no Certificate of Appropriateness is necessary based on the results of the cultural resource survey.

E. The Commission and Pemberton Township agree to meet annually to discuss the status of projects that are included in the annual roadway improvement plan.

III. EFFECTIVE DATE AND DURATION

- A. This Memorandum of Agreement shall take effect upon approval by the authorized representative of both parties and subsequent to the Governor's review for a period of ten (10) days.
- B. This agreement shall remain in effect until otherwise amended or terminated by either party upon sixty (60) days written notice.

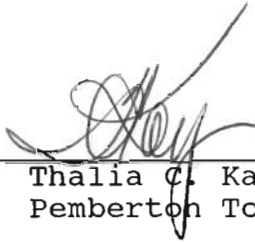
IV. SIGNATURES



Terrence D. Moore, Executive Director
NJ Pinelands Commission

4/11/95

Date

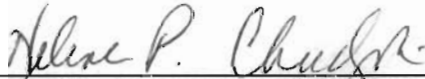


Thalia C. Kay, Mayor
Pemberton Township

3/28/95

Date

Approved as to form by:



Deputy Attorney General
State of New Jersey

5/26/95

Date

3/22/95