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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@npjines.state.nj.us
Application Specific Information: ApplInfo@npjines.state.nj.us

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

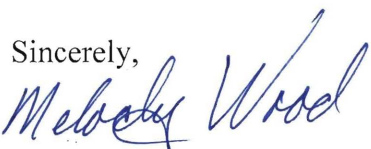
May 17, 2016

Mr. Robert Lupp
State Library – NJ Reference Section
185 West State Street
P.O. Box 520
Trenton, New Jersey 08625



Dear Mr. Lupp:

Enclosed are the Pinelands Commission meeting minutes for April 8, 2016 for your information.

Sincerely,

Melody A. Wood
Receptionist

PC1
Enclosure: Minutes



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 12

TITLE: Approving an Application for a Waiver of Strict Compliance (Application Number 1993-0732.012)

Commissioner Avery 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:

1993-0732.012

Applicant:

Stafford Township

Municipality:

Stafford Township

Management Area:

Pinelands Forest Area

Pinelands Regional Growth Area

Date of Report:

March 21, 2016

Proposed Development:

Development of a stormwater management basin.

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 compelling public need as set forth in N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.64 and N.J.A.C. 7:50-4.65; 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 1993-0732.012 for a Waiver of Strict Compliance is hereby **approved**.

Record of Commission Votes

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

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Date:

April 8, 2016
Sean W. Earlen
Sean W. Earlen
Chairman



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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

**REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE BASED
UPON A COMPELLING PUBLIC NEED**

March 21, 2016

James Moran, Township Administrator
Stafford Township
200 East Bay Avenue
Manahawkin, New Jersey 08050

Re: Application # 1993-0732.012
State Route 72
Block 26, Lot 10
Block 44.129, Lot 1.01
Stafford Township

Dear Mr. Moran:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application at its April 8, 2016 meeting.

This application proposes construction of an approximately seven acre stormwater management basin ("proposed basin") on the south side of State Route 72 in Stafford Township.

The proposed basin will be connected by two proposed culverts beneath State Route 72 to an existing approximately five acre existing stormwater basin, known as Neptune Basin. Neptune Basin is located on the north side of State Route 72, directly across State Route 72 from the proposed basin. The proposed basin will serve existing residential development located in a Pinelands Regional Growth Area on the north side of State Route 72.

The proposed basin is located in a Pinelands Forest Area. The proposed basin is not a permitted land use in a Pinelands Forest Area (N.J.A.C. 7:50-5.23). The applicant is requesting a Waiver of Strict Compliance (Waiver) based upon a compelling public need from the permitted land use standards in a Pinelands Forest Area contained in the Pinelands Comprehensive Management Plan (CMP).

CMP REQUIREMENTS FOR A WAIVER BASED UPON A COMPELLING PUBLIC NEED

The CMP (N.J.A.C. 7:50-4.61 through 4.70) sets forth the standards and requirements that must be met before the Commission can approve a Waiver.



The CMP (N.J.A.C. 7:50-4.64(a)1) specifies that an applicant shall be deemed to have established a compelling public need if the applicant demonstrates based upon specific facts, and the Pinelands Commission verifies, that the proposed development will serve an essential health or safety need of the municipality and:

1. The public health and safety require the requested Waiver;
2. The public benefits from the proposed use are of a character that override the importance of the protection of the Pinelands as established in the Pinelands Protection Act or the National Parks and Recreation Act of 1978;
3. The proposed use is required to serve existing needs of the residents of the Pinelands; and
4. No feasible alternative exists outside the Pinelands Area to meet the established public need and that no better alternatives exist within the Pinelands Area.

FINDINGS OF FACT

There is an existing approximately five acre stormwater management basin, known as Neptune Basin, located adjacent to Neptune Drive in Ocean Acres, Stafford Township. Ocean Acres is a large existing residential development located in both Stafford and Barnegat Townships.

Neptune Basin has a drainage area of approximately 350 acres. There are approximately 1,500 existing residential dwellings located in the 350 acre drainage area. Those dwellings are primarily located in Ocean Acres, Stafford Township. A small, mostly undeveloped portion of the 350 acre drainage area, is located in Ocean Acres, Barnegat Township. Stormwater runoff is collected within the 350 acre drainage area and discharged to Neptune Basin. Collected stormwater runoff is then discharged under State Route 72 via two existing pipes to an unnamed tributary of Mill Run.

Based upon existing conditions, approximately 3,600,000 cubic feet of stormwater storage would be required to accommodate the stormwater runoff from a 100 year storm event within the 350 acre drainage area. Neptune Basin has a capacity to store approximately 1,000,000 cubic feet of stormwater runoff before stormwater overtops the basin at elevation 77 feet.

Stormwater flooding currently occurs on Neptune Drive, adjacent to the Neptune Basin. When the stormwater elevation in Neptune Basin rises above a elevation of 74.4 feet, stormwater runoff is discharged back through the existing stormwater collection system piping and out of the existing stormwater inlets located upstream of Neptune Basin in Neptune Drive. Flooding begins to occur once Neptune Basin stores approximately 600,000 cubic feet of stormwater runoff. As stormwater runoff flooding increases, existing roadways and dwellings on and in the vicinity of Neptune Drive experience flooding.

The proposed basin will store approximately 1,000,000 cubic feet of stormwater runoff. The proposed basin will act in unison with Neptune Basin. The proposed basin will store approximately 685,000 cubic feet of stormwater runoff before reaching elevation 74.4 feet. At elevation 74.4 feet, stormwater runoff will continue to be discharged back through the existing stormwater collection system piping and out of the existing stormwater inlets located upstream of Neptune Basin in Neptune Drive. The increased

stormwater storage capacity provided by the proposed basin will reduce the extent of flooding that currently occurs.

The existing stormwater collection piping system in Ocean Acres Stafford does not have sufficient capacity to convey the 100 year storm event to Neptune Basin. When the capacity of the stormwater collection system piping is exceeded, existing road surfaces in Ocean Acres function as a stormwater conveyance system and transport the stormwater via overland flow to Neptune Basin.

The Township has in the past undertaken certain efforts in an attempt to address the concerned flooding. In 2004, the Township adopted an ordinance requiring that roof leaders from all new dwellings be connected to individual subsurface stormwater infiltration systems. In 2007, the Township installed 36 inch subsurface infiltration piping in 10 roads that contribute stormwater runoff to Neptune Basin. This project was undertaken in an effort to reduce overland stormwater runoff flows reaching Neptune Basin. The reduction in stormwater flow was minor in comparison to the runoff generated in the 350 acre drainage area and the cost of the project was \$1.4 million. In 2012, the Township completed certain improvements to Neptune Basin, including installation of native vegetation plantings to improve water quality downstream of the basin.

The proposed basin will be located on a parcel currently owned by Stafford Township. The applicant estimates the proposed construction cost of the basin will be \$2.5 million. The Township applied to the New Jersey Department of Environmental Protection for financial assistance under the New Jersey Environmental Infrastructure Financing Program. The Township has received a loan under that Program, including 50% principal forgiveness, to finance the proposed basin.

The proposed basin will improve, but not completely resolve, the existing stormwater flooding. The following table indicates the existing flooding conditions and the extent of flooding that will occur in Neptune Drive and surrounding roads in the immediate vicinity of Neptune Basin after development of the proposed basin:

| Storm (year) | Existing Condition | Proposed Condition |
|--------------|----------------------|----------------------|
| 2 | No flooding | No flooding |
| 5 | 1.6 feet of flooding | No flooding |
| 10 | 3.0 feet of flooding | 0.6 feet of flooding |
| 25 | 4.4 feet of flooding | 2.7 feet of flooding |
| 100 | 6.5 feet of flooding | 5.1 feet of flooding |

The proposed basin will decrease flooding from all storm events and eliminate flooding up to the 10 year storm event. The applicant indicates that under existing conditions, 40 dwellings are impacted by the 100 year storm event. The proposed basin will limit flooding to existing streets and impact three homes during the 100 year storm. Based upon available information, the three impacted homes will have slightly less than one foot of flood water in their garages, but the raised living area of the three dwellings should remain dry. The applicant indicates that the proposed basin will improve the existing flooding problem sufficient to address public health and safety.

The applicant has submitted information documenting the occurrence of flooding events in the area that threaten public health and safety. The applicant has also submitted information documenting that the proposed stormwater basin will address the existing need of the residents of Ocean Acres who are residents of the Pinelands.

The National Parks and Recreation Act of 1978 (Sec.471.(b)(2)) directs the State to develop a comprehensive management plan for the Pinelands Area to assure orderly public and private development. The Pinelands Protection Act (13:18A-9b.) specifies that the goals of the Pinelands Comprehensive Management Plan shall be to protect, preserve and enhance the significant resources of the Pinelands Area. The Pinelands Protection Act (13:18A-10c.) specifically authorizes the Commission to waive strict compliance with any standard upon a finding that such Waiver is necessary to satisfy a compelling need, is consistent with the purposes and provisions of the Pinelands Protection Act and would not result in substantial impairment of the resources of the Pinelands Area. The Pinelands Protection Act further required the Commission to adopt rules and regulations which specify the standards for determining a compelling public need. The review of this application was based upon those regulations. The applicant submitted information documenting that the public benefits of the proposed basin, health and safety, are of a character that override the importance of the protection of the Pinelands as established in the Pinelands Protection Act or the National Parks and Recreation Act of 1978.

The applicant has addressed whether any feasible alternative exists outside the Pinelands Area to meet the established public need. The stormwater flooding problem is an existing problem located in the Pinelands Area. There are no feasible alternatives located outside the Pinelands Area to address the established public need in the Pinelands Area.

The applicant evaluated the following alternatives and concluded that no better alternatives to the proposed stormwater basin exist within the Pinelands Area:

1. The feasibility of acquiring and constructing a stormwater basin on approximately eight acres of vacant lands located to the immediate northwest of Neptune Basin. This area could accept stormwater runoff redirected from Neptune Basin. Due to the concerned lands being located approximately 10 to 20 feet higher in elevation than the bottom of Neptune Basin, a pump station and piping would be required to transfer collected stormwater runoff from Neptune Basin to this alternative basin. The applicant indicated that managing stormwater runoff via a pump station is complex and costly. The U.S Department of Transportation, Federal Highway Administration states in Hydraulic Engineering Circular No. 24, dated February 2001, that "...the use of stormwater pumping stations is recommended only where no other practicable alternative is available." This alternative would require the acquisition of approximately eight acres of privately held lands. The applicant indicates that acquisition of these privately owned lands could require protracted negotiations with the property owner(s) with no guarantee of success, and no way to control cost.
2. The applicant also evaluated whether the alternative basin on approximately eight acres of vacant lands located to the immediate northwest of Neptune Basin could be constructed and rely solely on capturing overland stormwater runoff without installing piping or a pump station to deliver stormwater runoff from Neptune Basin. This alternative would still require the acquisition of approximately eight acres of privately held lands. The applicant indicates that acquisition of these privately owned lands could require protracted negotiations with the property owner(s) with no guarantee of success, and no way to control cost. This alternative basin would only intercept about 16% of the stormwater runoff from the overall 350 acre drainage area. If 16% of the stormwater runoff from the drainage area is subtracted from the volume of stormwater runoff required to be managed, Neptune Basin would continue to fail.

3. Whether the Township could increase infiltration in the Ocean Acres residential development via installation of perforated recharge pipes in existing roads. To create the equivalent storage of the proposed stormwater basin, the Township would require 200,000 linear feet of 36 inch perforated pipe. The applicant indicated that considering only the cost of the piping, this alternative would not be cost effective.
4. Whether the Township could adopt additional ordinances regulating impervious coverage and stormwater runoff to address the flooding issue. Such ordinances would only reduce the volume of future stormwater runoff and would not address the volume of stormwater runoff currently flowing to Neptune Basin.
5. The expansion of Neptune Basin through acquisition of adjacent land. This alternative considered the feasibility of acquiring six existing residentially developed lots immediately adjacent to Neptune Basin to enlarge the basin. This alternative would increase the storage capacity of Neptune Basin by 300,000 cubic feet providing approximately 30 % of the overall storage provided by the proposed basin. Neptune Basin would continue to fail. This alternative would also require the acquisition of privately held lands. The applicant indicates that acquisition of these privately owned lands could require protracted negotiations with the property owner(s) with no guarantee of success, and no way to control cost.
6. The feasibility of redirecting stormwater runoff to the adjacent Ocean Acres residential development in Barnegat Township. The Ocean Acres Barnegat portion of the 350 acre drainage area that flows to the existing Neptune Basin is located at the high point of the drainage area. Based upon topography and minimum required pipe slope, redirecting an appreciable amount of stormwater runoff from the 350 acre drainage area across a drainage ridge line to the portion of Ocean Acres located in Barnegat Township would require stormwater piping to be buried nearly 40 feet underground. The applicant represents that burying stormwater pipe that deep is unsafe and not considered good engineering practice.
7. The feasibility of siting multiple smaller stormwater basins throughout Ocean Acres. The Township identified 25 vacant lots upstream of Neptune Basin. This alternative would require the acquisition of privately held lands. Utilizing certain design assumptions, the applicant estimated that individual stormwater basins on the 25 lots could provide approximately 68% of the storage provided by the proposed stormwater basin. Neptune Basin would continue to fail. This alternative would also require the acquisition of privately held lands. The applicant indicates that acquisition of these privately owned lands could require protracted negotiations with the property owner(s) with no guarantee of success, and no way to control cost.

The Commission staff retained the services of Najarian Associates, Consulting Engineers to review the Township's engineering analysis and alternatives to the proposed stormwater basin on the south side of State Route 72. In a Report dated December 2013, last revised August 22, 2014, Najarian Associates concluded on page 18 that "we concur with the Township of Stafford, that the proposed basin expansion, located on the south side of Route 72 is the best option to reduce flooding upstream of the existing Neptune Basin."

Neptune Basin currently discharges through two existing pipes under State Route 72 to an unnamed tributary of Mill Run. The applicant proposes several special measures as part of the application to demonstrate that the proposed development will result in an overall improvement to the resources of the Pinelands Area. The proposed stormwater basin will reduce the stormwater surge currently discharging from Neptune Basin through the two existing discharge pipes under State Route 72 to the unnamed tributary and the resulting soil erosion and sedimentation. By providing temporary storage and detention of stormwater runoff, the proposed basin will reduce the transport of contaminants to the unnamed tributary and improve surface water quality in the unnamed tributary. The Township also proposes as a special measure to acquire and redeem 2.0 Pinelands Development Credits (PDCs) from the Pinelands Preservation Area District to further Pinelands conservation efforts. At a minimum, the 2.0 PDCs must conserve at least 78 acres in the Pinelands Preservation Area District that are not currently subject to an existing PDC or other conservation deed restriction.

The Commission staff believes that identifying lands that are allocated 2.0 PDCs in accordance with the above paragraph and redeeming those PDCs may be administratively challenging for the Township. As an alternative to identifying lands that may be allocated 2.0 PDCs in accordance with the above paragraph, the applicant may choose to contribute to the Pinelands Conservation Fund. The Pinelands Conservation Fund is a program administered by the Pinelands Commission to acquire lands in the Pinelands Area for conservation purposes. The applicant could contribute the equivalent dollar value of acquiring 78 acres that are not currently subject of a conservation deed restriction in the Pinelands Preservation Area District. The average Pinelands Conservation Fund acquisition price in the Pinelands Preservation Area District is \$2,067 per acre that is not currently subject of a conservation deed restriction. The applicant could contribute \$161,226 (78 acres x \$2,067) to the Pinelands Conservation Fund. The applicant also reserves the right to independently deed restrict for conservation purposes that acreage in the Pinelands Preservation Area District that would be allocated at least 2.0 PDCs. The deed restricted land must total at least 78 acres.

The applicant has demonstrated that the proposed stormwater basin meets all environmental standards of Subchapter 6 the CMP (N.J.A.C. 7:50-6).

The proposed stormwater basin is the only development proposed in the application to satisfy the compelling public need.

PUBLIC COMMENT AT COMMISSION MEETING AND PUBLIC HEARING

The applicant provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on October 26, 2015. Newspaper public notice was completed on October 26, 2015. The application was designated as complete on the Commission's website on December 23, 2015.

The Pinelands Commission appreciates the interest of all commenters in the Pinelands. Below, the Commission staff has summarized public comment on the application and offered responses to those comments that are not either directly addressed within this Report on an Application for a Waiver of Strict Compliance or constitute opinions of the commenter.

The Commission received the following three public comments at the January 15, 2016 meeting:

Public Commenter One (Theresa Lettman): The commenter indicated that the proposed stormwater basin might reduce the flooding problem, but it will not completely address the ongoing flooding

problem. The commenter indicated the Waiver should not be approved. The commenter believes that no one is addressing stormwater for newly proposed development. The commenter indicated that the total drainage area for the project includes acreage in Barnegat Township that must be considered in the application. The commenter indicated that stormwater runoff is also flowing from existing undeveloped areas to Neptune Basin. The commenter also indicated that the stormwater in Neptune Basin could be pumped to a new alternative basin location. The commenter indicated that any proposed stormwater basin should solve the entire flooding problem. The commenter indicated that the proposed purchase of PDCs is not sufficient to offset the Waiver. The commenter further indicated that the proposed basin will impact a known population of Swamp Pink.

Commission Staff Response to Public Commenter One: The Commission staff ensures that all proposed future development in the Pinelands Area meets CMP stormwater management standards. The CMP does not require stormwater management for applications for “minor” residential development. Minor residential development is typically four or fewer homes. The Township has adopted a municipal ordinance requiring that roof downspouts from all proposed dwellings be tied into drywells. With respect to Swamp pink, the proposed development is located greater than 300 feet from wetlands. The proposed basin will not discharge to wetlands. Stormwater will continue to be discharged from two existing stormwater pipes located in the existing basin. The rate of stormwater discharge will be no greater than the rate currently discharged to wetlands on the south side of State Route 72. Based upon the proposed design, the Commission staff concluded that the proposed development would not result in an irreversible impact on any local population of Swamp pink located in the unnamed tributary to Mill Run. By letter dated January 10, 2014, the USF&W Service also concluded that the proposed basin would not adversely affect Swamp pink. The remaining comments are directly responded to within this Report on an Application for a Waiver of Strict Compliance.

Public Commenter Two (Mathew and Pamela Nuzzo): The commenters submitted written public comments dated April 6, 2013 (enclosed) indicating that the proposed basin will not fully resolve the flooding issue. In addition, the commenter indicates that getting the stormwater runoff to Neptune Basin is the real issue.

Commission Staff Response to Public Commenter Two: Improvements are proposed on the north side of State Route 72 to ensure that stormwater will reach Neptune Basin and, therefore, the proposed stormwater basin. The remaining comments are directly responded to within this Report on an Application for a Waiver of Strict Compliance.

Public Commenter Three (Doug O'Malley): The commenter indicated that the proposed stormwater basin constitutes impairment of the resources of the Pinelands. The commenter also indicated that the proposed stormwater basin would impact Swamp pink. The commenter indicated that there were feasible alternatives to the proposed basin and that cost of alternatives should not be a consideration. The commenter indicated that the Waiver application was precedent setting. The commenter believed that the Najarian Report, page 17, prepared on behalf of the Commission, concluded that there were slightly better alternatives available to the proposed basin. The commenter indicated that weather conditions would worsen going forward. The commenter believes the Township wants the cheapest alternative.

Commission Staff Response to Public Commenter Three: Please see the Commission staff response to public comment above regarding Swamp pink. The Najarian Report, page 17, indicates that “(A)although other alternatives exist to reduce the flooding upstream of the basin, such schemes will be limited by site dimensions (e.g.lack of open space), infrastructure constraints (e.g. under-sized culverts),

downstream impacts and costs.” The Commission staff did not rely on cost of alternatives as a determining factor. Rather, the Commission staff used cost to inform its decision of whether a feasible alternative existed outside of the Pinelands Area or a better alternative existed within the Pinelands Area. The remaining comments are directly responded to within this Report on an Application for a Waiver of Strict Compliance.

A public hearing was conducted on the application for a Waiver of Strict Compliance based upon a compelling public need on January 20, 2016 at 7 PM at the Stafford Township Municipal Building. Public newspaper notice for this public hearing was published on January 8, 2016. Public notice for this public hearing was provided to all landowners within 200 feet of the concerned parcel on January 6, 2016.

The Commission received the following public comments at the January 20, 2016 public hearing:

Public Hearing Commenter One (Sal Sorce): The commenter requested that someone ensure that the proposed stormwater design resolves the flooding problem. In particular, it was suggested that the municipality post a performance bond with someone to ensure that the proposed stormwater design accomplishes its intended purpose.

Commission Staff Response to Public Hearing Commenter One: The CMP does not provide a regulatory basis for the Commission to impose a performance bonding requirement on proposed stormwater improvements. The remaining comment is directly responded to within this Report on an Application for a Waiver of Strict Compliance.

Public Hearing Commenter Two (Theresa Lettman): The commenter indicated that the proposed development does not resolve the flooding problem. The commenter indicates that no one is addressing stormwater management for new development in the drainage area. The commenter indicated that there are feasible alternative sites for the proposed stormwater management basin within Pineland Regional Growth Areas. The commenter also indicated that the Township did not evaluate all alternative locations for the siting of the proposed stormwater basin. The commenter submitted written comments (enclosed) dated January 20, 2016

Commission Staff Response to Public Hearing Commenter Two: The comments are responded to earlier in the Commission Staff Response to Public Commenter One section of this Waiver Report or directly responded to within this Report on an Application for a Waiver of Strict Compliance.

Public Hearing Commenters Three through Thirteen (Matt Berstein, Frank Perillo, Sharon McKenna, Paul Krier, Darren and Christina Clarke, Alan Smith, Paul Marchal, Robert Kreszwikou, Bob Rossi, Brenda Poulillo and Linda Pisciotta): The commenters collectively expressed many public safety concerns associated with the existing flooding in Ocean Acres and support for the proposed stormwater basin. Those concerns included submerged automobiles, the need for rescue vehicles to extract people from vehicles, stormwater grates becoming detached from inlets and the resulting uncovered stormwater inlets posing safety concerns, flooding of dwellings, lives of residents being at risk in their own homes from flood waters, the need to turn off electric and gas utility services in dwellings when flooding occurs, reoccurring damage to homes, flooding spilling onto to State Route 72 and creating a safety hazard, school buses being unable to drop children off at their homes and the anxiety of worrying about the possibility of home flooding every time it rains.

Commission Staff Response to Public Hearing Commenter Three through Thirteen: The Commission staff recognizes and understands the public safety concerns expressed by the commenters.

Public Hearing Commenter Fourteen (Margit Meissner-Jackson): The commenter addressed the need to remove vegetative growth that was negatively impacting stormwater infiltration within Neptune Basin. The commenter also expressed the need to repair the existing Neptune Basin discharge pipe located under State Route 72. The individual stated they are opposed to the Waiver. The commenter also expressed concern that engineers allowed existing residential development to occur in inappropriate areas in Ocean Acres. The commenter was also opposed to any additional stormwater runoff being routed to Barnegat Bay.

Commission Staff Response to Public Hearing Commenter Fourteen: Township officials advised the Commission staff that the existing Neptune Basin stormwater discharge pipes located under State Route 72 were fully functional. The remaining comments are directly responded to within this Report on an Application for a Waiver of Strict Compliance.

Public Hearing Commenter Fifteen (Mayor John Spodofora): The commenter noted the diligent work and many options the Township had reviewed to address the flooding problem. The commenter indicated that the Township had been working for six years to develop the plans for the proposed stormwater basin on the south side of State Route 72. The commenter indicated that the Township has cleaned the Neptune Basin discharge pipes under State Route 72. The commenter indicated that, although there will still be flooding from Neptune Basin during the 100 year storm event after development of the proposed stormwater basin, the flooding will not impact private property and should be contained within the streets and roads. The commenter further indicated that the new basin will be planted with vegetation and will result in improved water quality being discharged to an unnamed tributary of Mill Run. The commenter indicated that improving the quality of the water being discharged to Mill Run will also improve water quality in Barneget Bay. The commenter indicated that the Township is confident in the engineering design, that the proposed basin will address property damage and the difficult telephone calls Township officials receive regarding hardships to the resident impacted by the flooding. Lastly, the commenter indicated that the proposed stormwater basin met all four criteria of the CMP to qualify for a Waiver based upon a compelling public need.

Commission Staff Response to Public Hearing Commenter Fifteen: The Commission staff recognizes the significant time and effort that municipal officials have put forth in an effort to address the Neptune Basin flooding problem.

Public Hearing Commenter Sixteen (Trevor Taylor, P.E.) The commenter indicated that the proposed stormwater basin would be capable of accommodating high intensity storms of a short duration which are the typical storms that result in flooding of existing Neptune Basin.

Commission Staff Response to Public Hearing Commenter Sixteen: The Commission staff appreciates the commenter's observations regarding how the proposed basin will address the Neptune Basin flooding problem.

CONCLUSION

The CMP (N.J.A.C. 7:50-4.62(a)) sets forth the standards that must be met before a Waiver can be approved. The CMP (N.J.A.C. 7:50-4.62(a)2) requires that for an application for a Waiver to be

approved based upon a compelling public need, an applicant must demonstrate that conditions specified in the CMP (N.J.A.C. 7:50-4.64) have been met.

The CMP (N.J.A.C. 7:50-4.64(a)1) specifies that an applicant shall be deemed to have established a compelling public need if the applicant demonstrates based upon specific facts and the Pinelands Commission verifies that the proposed development will serve an essential health or safety need of the municipality. The applicant submitted information demonstrating that the proposed stormwater basin will serve an essential health or safety need of the municipality.

The CMP (N.J.A.C. 7:50-4.64(a)i) specifies that an applicant shall be deemed to have demonstrated a compelling public need if the applicant demonstrates and the Pinelands Commission verifies that existing flooding resulting from stormwater runoff in the Ocean Acres residential development poses a threat to public health and safety that requires the Waiver. The applicant submitted information demonstrating that the flooding from Neptune Basin poses a threat to public health and safety.

The CMP (N.J.A.C. 7:50-4.64(a)ii) specifies that an applicant shall be deemed to have demonstrated a compelling public need if the applicant demonstrates and the Pinelands Commission verifies that the public benefits from the proposed stormwater basin are of a character that override the importance of the protection of the Pinelands as established in the Pinelands Protection Act or the Federal Act. The applicant submitted information demonstrating that the public benefits from the proposed stormwater basin are of a character that override the importance of the protection of the Pinelands as established in the Pinelands Protection Act or the Federal Act.

The CMP (N.J.A.C. 7:50-4.64(a)iii) specifies that an applicant shall be deemed to have demonstrated a compelling public need if the applicant demonstrates and the Pinelands Commission verifies that the proposed use is required to serve existing needs of the residents of the Pinelands. The applicant submitted information demonstrating that the proposed stormwater basin is required to serve existing needs of the residents of the Pinelands.

The CMP (N.J.A.C. 7:50-4.64(a)iv) specifies that an applicant shall be deemed to have demonstrated a compelling public need if the applicant demonstrates and the Pinelands Commission verifies that no feasible alternative exists outside the Pinelands Area to meet the established public need and that no better alternatives exist within the Pinelands Area. The applicant established that no feasible alternative exists outside the Pinelands Area to address the established flooding problem located within the Pinelands Area. The applicant submitted information demonstrating that no better alternative exists within the Pinelands Area.

The CMP (N.J.A.C. 7:50-4.64(b)) further requires that the applicant must demonstrate that the development of the stormwater basin will not violate any of the criteria specified in the CMP (N.J.A.C. 7:50-4.65(b)) that constitute substantial impairment of the resources of the Pinelands Area. The application will violate one of the criteria specified in the CMP (N.J.A.C. 7:50-4.65(b)1). Specifically, the criteria require that the proposed stormwater management basin must be a permitted land use in a Pinelands Forest Area. The proposed stormwater basin is not a permitted land use in a Pinelands Forest Area.

Since the proposed development will violate one of the criteria specified in the CMP that constitute substantial impairment of the resources of the Pinelands Area, the CMP (N.J.A.C. 7:50-4.65(c)) requires that the Commission find, based upon particular facts, that the development, when evaluated in its entirety, including any special measures that are proposed as part of the application, will result in an

overall improvement of the resources of the Pinelands Area. Based upon the special measures that are proposed as part of the development application, the applicant has demonstrated that the proposed development will result in an overall improvement of the resources of the Pinelands Area.

In accordance with the requirement of the CMP (N.J.A.C. 7:50-4.65(d)), the Waiver application is only proposing development, a stormwater basin, that is necessary to satisfy the compelling public need.

The application meets the requirements set forth in N.J.A.C. 7:50-4.64(a)2. The application also meets the requirements of N.J.A.C. 7:50-4.65(c). Therefore, the applicant qualifies for a Waiver of Strict Compliance based upon a compelling public need.

As a result, it is recommended that the Pinelands Commission **APPROVE** the requested Waiver of Strict Compliance.

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.

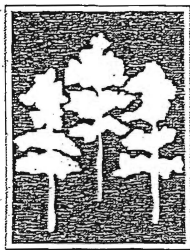
Recommended for Approval by: _____


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

Encl. (2) 4/6/13 Public comment letter
1/20/16 Public comment letter

c: Secretary, Stafford Township Planning Board (via email)
Stafford Township Construction Code Official (via email)
Stafford Township Environmental Commission (via email)
Secretary, Ocean County Planning Board (via email)
Joseph Giddings

Sal Sorce
Theresa Lettman
Matthew Beinstein
Frank Pouello
Margit Meissner-Jackson
Sunday D'Arcangelo
Albert Miller
Sharon McKenna
John Spodofora
Paul Krier
Darren Clarke
Alan Smith
Paul Marchal
Robert Kreszwikou
Bob Rossi
Brenda Poulillo
Linda Pisciotta
Matthew & Pamela Nuzzo
Doug O'Malley



PINELANDS PRESERVATION ALLIANCE

Bishop Farmstead • 17 Pemberton Road • Southampton, NJ 08088
Phone: 609-859-8860 • ppa@pinelandsalliance.org • www.pinelandsalliance.org

January 20, 2016

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

Pinelands Application #1993-0732.012, Neptune Basin, Stafford Township

Dear Mr. Deman:

The Pinelands Preservation Alliance is submitting these comments on the waiver application pending for the expansion of the stormwater basin on the southern side of Route 72 in Stafford Township.

This application should not be approved because it does not resolve the flooding problems in Ocean Acres. The problems that are existing will continue to grow for this drainage area. The application is nothing more than a band aid measure that might get Stafford Township a couple of years of less flooding on Captain and Stormy Drive while Neptune Drive and portions of Leeward will continue to flood.

Stafford Township is asking for the waiver and wants the Comprehensive Management Plan (CMP) regulations to be waived even though many of the documents they have submitted indicate the expanded basin will not solve the flooding problems. These documents are the CME Associates Inundation Maps for the 25 and 100 year storm event. Also on page 17 of the report commissioned by the Pinelands Commission done by Najarian Associates dated 2013-2014 (updated several times) it states "the proposed expansion does not completely eliminate flooding."

As more development occurs within the drainage area and rain events get heavier the flooding will be back to the levels that currently exist today. No one is addressing the new development that can occur in the drainage area or proposing a basin that will infiltrate all the water for the drainage area.

If you look at GIS mapping you can see the entire drainage area. The upper portions of the drainage area are in Barnegat Township and are not yet developed. This area is not within the Conservation Zone but is in the developable area of the Barnegat Ocean Acres subdivision. Some of these lots may be developed at a smaller size than the 10,000 square feet if the applicant uses the deed restrictions of conservation lots.

Some of the documents submitted by the Township ask you to consider some of following as reasons to allow the CMP rules to be waived. That the Township previously did an alternatives analysis. In this report they talked about a pump from the existing basin up to the open space area on the same side of Route 72, but did not suggest using the open space area as the primary basin and the existing basin the secondary one. There would be no need for a pump to take the water up to the new basin area from the existing basin. This would also take away some of the development potential when this now undeveloped open space area is purchased.

Stafford Township also highlighted that they installed nineteen infiltration systems in the roadways to address stormwater. If you walk along the streets in the Stafford Ocean Acres development during a rain event you can very easily see that these are not working. Near the undeveloped areas, close to Mermaid and Barracuda, the stormwater that flows onto the paved streets contain sediment which must clog the drains causing the infiltration pipes to fill up quickly. Only 10 of the 19 infiltration pipes that were installed by the Township are in the drainage area for the Neptune Basin. This means there was never enough capacity in them to handle the very large amount of stormwater being generated by a storm event.

The Township suggested it passed Ordinance 2004-22 to help with the stormwater of single family homes. But this ordinance was enacted long after all the development in Ocean Acres was completed and could have made a difference with the with stormwater in the subdivision.

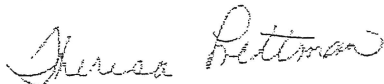
The Township also states that due to climate change, rainfall intensity increased over the years. Yes we agree but do the Pinelands regulations have to be waived for every problem or climate change issue? If so how long will the Pinelands ecology survive?

Rainfall intensity and volume is expected to increase as is development in the Ocean Acres subdivision. The Township should be looking at ways now to deal with the even more increases that will be coming. If they are currently admitting not all the flooding will be deposited in the new two basin system. How long will it be before this new system will fail?

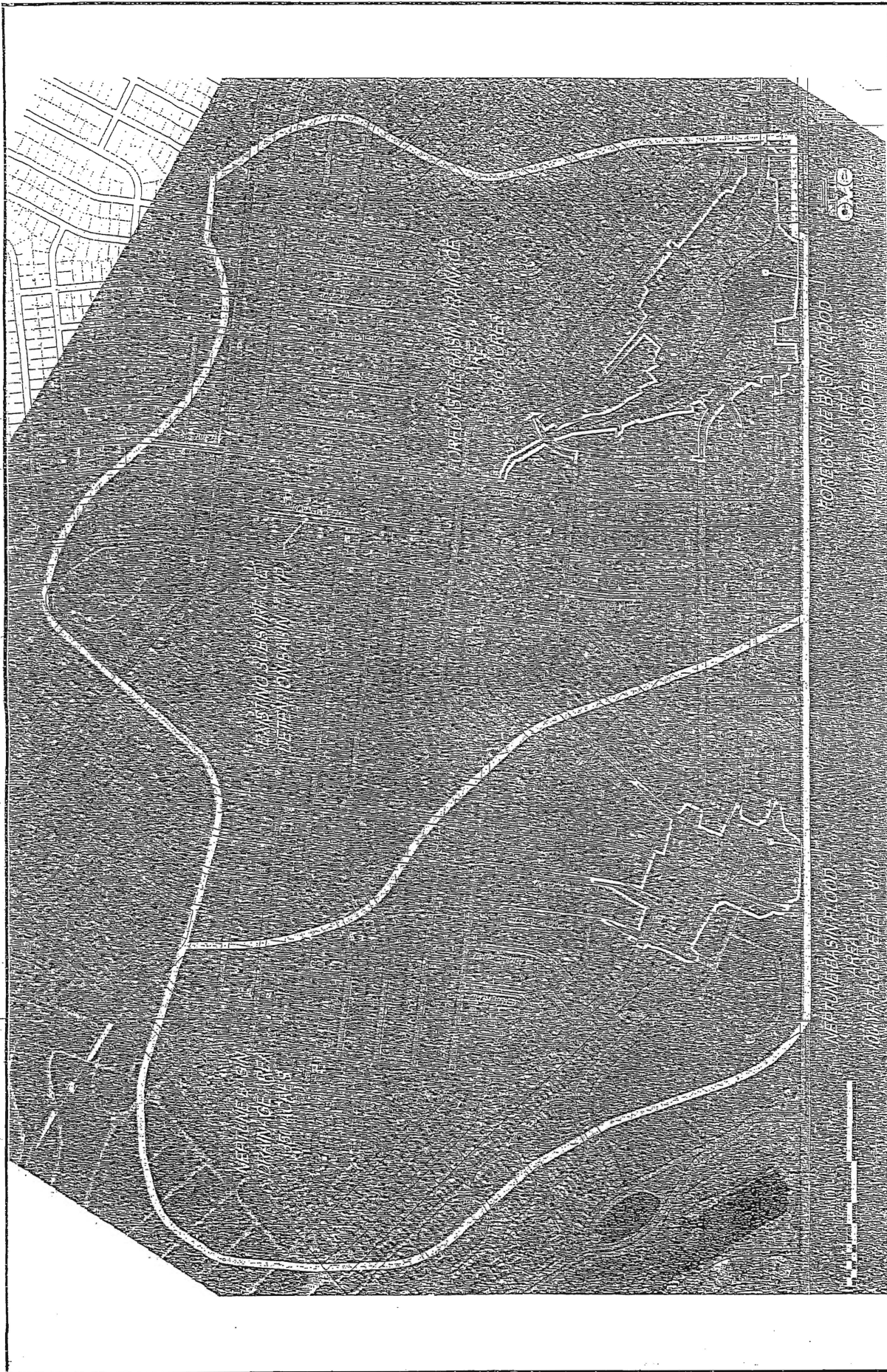
Stafford Township wants the waiver because it is the cheaper way and it will postpone dealing with the bigger problem. State NJEIF dollars that are going to Stafford Township will be wasted. There is no cheap solution for the drainage problems in Ocean Acres. Only a basin big enough to infiltrate all the stormwater will solve the problem. Stafford Township contends that the purchase of land is too expensive but when more building occurs and rain events increase, the cost to buy out the land with homes, will also increase in price.

Along with the continued flooding this new basin in the Pinelands Forest Management area will eventually overflow. The stormwater overflow will now be even closer to the swamp pink population making the "offset" Stafford Township is giving, 2 Pinelands Development Credits, no overall improvement to the resources of the Pinelands.

Respectfully submitted,



Theresa Lettman
Director of Monitoring Programs



Matthew and Pamela Nuzzo

April 6, 2013

369 Leeward Road

Manahawkin, NJ 08050

(609) 698-1984

APP# 19930732.012
Doc Type 100

APR 10 2013

To Whom It May Concern:

Scanned ✓

This letter is in response to the application submitted by Stafford Township for the construction of an additional storm water basin to supplement the existing Neptune basin.

Info Rec
4/10/13
✓

Although we do not object to this addition, we feel it would not completely resolve the flooding which occurs at the intersection of Neptune Drive and Leeward Road. After residing here for 13 years and experiencing numerous storms, we feel the issue is improving the way the water gets to the Neptune basin. During heavy rains the flooding begins on Neptune Drive and the water rises in the street reaching half way up our lawn at the corner of Neptune and Leeward prior to any water reaching the basin. Instead of the water traveling through the drainage pipes under the street, it rises in the street and travels over our property and enters the basin like a waterfall. Evidence of this was seen during the last storm when all the newly planted trees in the area where the water enters the basin were uprooted due the surge of the water. We have pictures of the water traveling over the curb and rising on our property when the basin was still empty. The additional basin will provide relief once the Neptune basin is full. Getting the water to the Neptune basin is the real issue.

Thank you for your time and consideration in this matter.

Sincerely,

Matthew and Pamela Nuzzo



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 13

TITLE: Approving with Conditions an Application for Public Development (Application Number 1993-0732.012)

Commissioner Avery moves and Commissioner Galletta 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:

1993-0732.012

| | |
|-----------------------|---|
| Applicant: | Stafford Township |
| Municipality: | Stafford Township |
| Management Area: | Pinelands Forest Area |
| | Pinelands Regional Growth Area |
| Date of Report: | March 21, 2016 |
| Proposed Development: | Development of a stormwater management basin. |

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 has approved a Waiver of Strict Compliance based upon a compelling public need for the proposed development; and

WHEREAS, based upon the Pinelands Commission approval of a Waiver of Strict Compliance, 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 1993-0732.012 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 | | DiBello | | X | | McGlinchey | X | | |
| Avery | X | | | Galletta | X | | | Prickett | | X | |
| Barr | X | | | Jannarone | X | | | Quinn | | | X |
| Brown | X | | | Lloyd | | X | | Rohan Green | | X | |
| Chila | X | | | Lohbauer | | X | | Earlen | X | | |

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Date: April 8, 2016

Sean W. Earlen
Sean W. Earlen
Chairman



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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

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

March 21, 2016

James Moran, Township Administrator
Stafford Township
260 East Bay Avenue
Manahawkin, NJ 08050

Re: Application # 1993-0732.012
State Route 72
Block 26, Lot 10
Block 44.129, Lot 1.01
Stafford Township

Dear Mr. Moran:

The Commission staff has completed its review of this application for development of a stormwater management basin. Enclosed is a copy of a Public Development Application Report. Prior to the Commission acting on this application, the Commission must first act on the Township's application for a Waiver of Strict Compliance based upon a compelling public need.

If the Commission approves the application for a Waiver of Strict Compliance based upon a compelling public need at their April 8, 2016 meeting, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission also approve this application for the development of a stormwater management basin, with conditions, at its April 8, 2016 meeting.

If the Commission does not approve the application for a Waiver of Strict Compliance based upon a compelling public need at their April 8, 2016 meeting, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission deny this application for development of a stormwater management basin at its April 8, 2016 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

c: Secretary, Stafford Township Planning Board (via email)
Stafford Township Construction Code Official (via email)
Stafford Township Environmental Commission (via email)
Secretary, Ocean County Planning Board (via email)
Joseph Giddings
Sal Sorce
Theresa Lettman
Matthew Beinstein
Frank Pouello
Margit Meissner-Jackson
Sunday D'Arcangelo
Albert Miller
Sharon McKenna
John Spodofora
Paul Krier
Darren Clarke
Alan Smith
Paul Marchal
Robert Kreszwikou
Bob Rossi
Brenda Poulillo
Linda Pisciotta
Matthew & Pamela Nuzzo
Doug O'Malley



Chris Christie
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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

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

PUBLIC DEVELOPMENT APPLICATION REPORT

March 21, 2016

James Moran, Township Administrator
Stafford Township
260 East Bay Avenue
Manahawkin, NJ 08050

Application No.: 1993-0732.012

Location: State Route 72 & Neptune Drive
Block 26, Lot 10
Block 44.129, Lot 1.01
Stafford Township

This application proposes development of a stormwater management basin on 7.19 acre Block 26, Lot 10 in Stafford Township. There is an existing stormwater basin, known as Neptune Basin, located on 5.86 acre Block 44.129, Lot 1.01 in Stafford Township.

The proposed stormwater basin will be connected to Neptune Basin by two proposed 145 foot long box culverts. The culverts will be installed on the above referenced lots and within the State Route 72 right-of-way. The proposed basin will act in unison with Neptune Basin. The two basins will discharge stormwater runoff under State Route 72 through two existing outlet structures located in the existing basin.

This application also proposes the installation of 50 linear feet of trench drain and 47 linear feet of drainage piping on Block 44.129, Lot 1.01 and within the Neptune Drive right-of-way. These improvements will facilitate overland stormwater runoff contained within Neptune Drive reaching the existing and proposed stormwater basins.

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. 7:50-5.23 & 7:50-5.28)

The proposed stormwater basin is located in a Pineland Forest Area. The proposed stormwater basin is not a permitted land use in a Pinelands Forest Area. For the proposed stormwater basin to be authorized in a Pinelands Forest Area, the Commission must first approve an application for a Waiver of Strict

Compliance based upon a compelling public need.

Certain additional stormwater management improvements are proposed in a Pinelands Regional Growth Area. These improvements are a permitted land use in a Pinelands Regional Growth Area.

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

The proposed development will be located within a wooded area, grassed area and under existing pavement. The proposed development will disturb approximately seven acres of forested lands. 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 grass species which meet that recommendation.

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

The applicant completed a threatened and endangered species survey for Northern pine snake and Barred owl on the above referenced parcel. The survey did not locate either of the concerned species on or in the vicinity of the parcel. The proposed development is consistent with the CMP threatened and endangered species protection standards.

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

The applicant has demonstrated that the proposed stormwater basin will maintain the required two foot separation between the bottom of the basin and the seasonal high water table and that the basin will be sited in soils with suitable permeability as required by the CMP. In addition, the proposed development will not result in an increase in the volume or rate of stormwater runoff after development than occurred prior to the proposed development.

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 26, 2015. Newspaper public notice was completed on October 26, 2015. The application was designated as complete on the Commission's website on December 23, 2015.

A public hearing was conducted on the application for a Waiver of Strict Compliance based upon a compelling public need on January 20, 2016 at 7 PM at the Stafford Township Municipal Building. Public newspaper notice for this public hearing was published on January 8, 2016. Public notice for this public hearing was provided to all landowners within 200 feet of the concerned parcel on January 6, 2016.

The Commission received a total of 19 public comments regarding this application. Please refer to the Commission staff's March 18, 2016 Report on an Application for a Waiver of Strict Compliance based upon a compelling public need for public comment offered at the Commission's January 15, 2016 monthly Commission meeting and the January 20, 2016 public hearing on this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 43 sheets, prepared by CME Associates and dated as follows:

Sheets 1, 4, 6 & 43 - February 2014; revised to September 2, 2015
Sheets 2, 3, 5, 7-12 & 29-42 - February 2014; revised to March 23, 2015
Sheets 13-28 - February 2014; revised to January 17, 2014
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. In accordance with the Commission's April 8, 2016 approval of a Waiver of Strict Compliance based upon a compelling public need, the Township shall:
 - a. Acquire and redeem 2.0 Pinelands Development Credits (PDCs) from the Pinelands Preservation Area District conserving at least 78 acres that are not currently subject to an existing PDC or other conservation deed restriction; or
 - b. Contribute to the Pinelands Conservation Fund the equivalent dollar value of 78 acres of lands not subject to a conservation restriction in the Pinelands Preservation Area District. The average Pinelands Conservation Fund acquisition price for such lands in the Pinelands Preservation Area District is \$2,067 per acre. The applicant shall contribute \$161,226 (78 acres x \$2,067) to the Pinelands Conservation Fund; or
 - c. Independently deed restrict for conservation purposes acreage in the Pinelands Preservation Area District that would be allocated at least 2.0 PDCs. The deed restricted lands must total at least 78 acres.

Prior to development, the Commission must receive documentation from the Pinelands Development Credit Bank that 2.0 PDCs have been acquired and submitted to the PDC Bank for redemption in accordance with 5.a., above or documentation must be provided that the applicant has contributed \$161,226 to the Pinelands Conservation Fund for the purposes of acquiring lands in the Pinelands Preservation Area District in accordance with 5.b., above or documentation must be provided by the applicant that acreage has been independently deed restricted in accordance with 5.c., above.
6. Northern long-eared bat is listed as a threatened species under the Endangered Species Act by the United States Fish and Wildlife Service (USFWS). Prior to any proposed tree clearing, it is recommended that the applicant consult with the USFWS regarding Northern long-eared bat. The Northern long-eared bat is not designated as a threatened or endangered species by the CMP (N.J.A.C. 7:50-6.33).

CONCLUSION

If the Commission first approves an application for a Waiver of Strict Compliance based upon a compelling public need at its April 8 2016 meeting, the proposed development will otherwise conform to the standards set forth in N.J.A.C. 7:50-4.57 and it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.

If the Commission does not approve an application for a Waiver of Strict Compliance based upon a compelling public need at its April 8 2016 meeting, the proposed development will not conform to the standards set forth in N.J.A.C. 7:50-4.57 and it is recommended that the Pinelands Commission **DENY** the proposed development.

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.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 14

TITLE: Approving With Conditions Applications for **Public Development** (Application Numbers 2015-0016.001 & 2015-0150.001)

Commissioner Lohbauer moves and Commissioner Barr seconds the motion that:

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

2015-0016.001

Applicant: Mullica Township
Municipality: Mullica Township
Management Area: Pinelands Forest Area
Date of Report: March 21, 2016
Proposed Development: Proposed improvements to Indian Cabin Road; and

2015-0150.001

Applicant: Shamong Township
Municipality: Shamong Township
Management Area: Pinelands Village
Date of Report: March 17, 2016
Proposed Development: Two lot subdivision and no further development.

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 2015-0016.001 & 2015-0150.001 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 | | | DiBello | | X | | McGlinchey | | X | |
| Avery | X | | | Galletta | X | | | Prickett | X | | |
| Barr | X | | | Jannarone | X | | | Quinn | | X | |
| Brown | X | | | Lloyd | X | | | Rohan Green | X | | |
| Chila | X | | | Lohbauer | X | | | Earlen | X | | |

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: April 8, 2016

Nancy Wittenberg
 Executive Director

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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

March 21, 2016

James Brown, Mayor
Mullica Township
4528 White Horse Pike, P.O. Box 317
Elwood, NJ 08217

Re: Application # 2015-0016.001
Indian Cabin Road
Mullica Township

Dear Mayor Brown:

The Commission staff has completed its review of this application for proposed improvements to Indian Cabin 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 April 8, 2016 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
March 11, 2016 Public Comment Letter

c: Secretary, Mullica Township Planning Board (via email)
Mullica Township Construction Code Official (via email)
Mullica Township Environmental Commission (via email)
Atlantic County Department of Regional Planning and Development (via email)
Ryan Rebozo
Donald W. Brickner





Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
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www.nj.gov/pinelands

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

March 21, 2016

James Brown, Mayor
Mullica Township
4528 White Horse Pike, P.O. Box 317
Elwood, NJ 08217

Application No.: 2015-0016.001

Location: Indian Cabin Road
Mullica Township

This application proposes improvements to 4,600 linear feet of Indian Cabin Road between Weekstown Road and Fifth Avenue in Mullica Township.

Indian Cabin Road is an existing paved road. The width of the existing pavement ranges from 20 feet to 26 feet. The road will be paved to a uniform width of 22 feet. This application also proposes the reconstruction of six existing culverts under Indian Cabin Road and the installation of rip-rap at the downstream side of each culvert.

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. 7:50-5.23(a))

The project is located in a Pinelands Forest Management Area. The proposed development is permitted in a Pinelands Forest Management Area.

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

There are wetlands located within the project area. The CMP prohibits most development in wetlands and requires a buffer to wetlands of up to 300 feet. The proposed rip-rap will disturb 410 square feet of wetlands.

The CMP permits road improvements (linear development) in wetlands and required buffers provided the applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is

no feasible alternative for the proposed development that does not involve development in wetlands and required buffers to 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 recommended below, all practical measures are being taken to mitigate the impact on wetlands and the required buffer to wetlands. The applicant has indicated that the proposed road improvements are necessary for traffic safety. The applicant has demonstrated that the need for the proposed road improvements 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 grass and gravel 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.

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

Based upon the proposed limits of disturbance, the location of existing development and a review of available information, the Commission staff determined that a survey for the presence of threatened or endangered animal species was not required.

The applicant performed a survey for Swamp pink. The results of that survey determined that the project area does not contain any local population of Swamp pink. An assessment performed by the applicant determined that the project area did not contain suitable habitat for any other CMP designated threatened or endangered plant species.

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

The proposed road improvements will result in an overall decrease in impervious surfaces. The applicant has demonstrated that there will be no increase in the volume and rate of stormwater runoff from the project after development then occurred prior to the proposed development.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on January 27, 2016. The application was designated as complete on the Commission's website on March 1, 2016. The Commission's public comment period closed on March 11, 2016. The Commission received one public comment at its March 11, 2016 meeting regarding this application. That public comment was supplemented by a letter (enclosed) dated March 11, 2016.

Public Comment: The commenter inquired whether the proposed roadwork can be performed during a timeframe that would limit potential impacts to any threatened or endangered snake species. The commenter also questioned whether the amount of time dedicated to the submitted Pine Barrens treefrog survey was sufficient.

Staff Response: All proposed land disturbance associated with the proposed road improvements will be limited to existing disturbed areas within the road right-of-way. The

Commission staff determined that there will be no irreversible adverse impact on habitats that are critical to the survival of local populations of threatened/endangered snake species regardless of what time of year the proposed roadwork occurs.

The Commission staff initially required a survey for Pine Barrens treefrog. The applicant subsequently revised the design of the proposed road improvements to propose in-kind replacement of each of the existing culverts. The new culverts are the same diameter and will have the same inverts as the existing culverts. This design will avoid impact to adjacent wetlands located upstream and downstream of the proposed road improvements. Based upon the revision to the design of the proposed road improvements, the Commission staff determined that survey work for Pine Barrens treefrog was not required.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 16 sheets, prepared by Marathon Engineering & Environmental Services, Inc., all sheets dated September 16, 2015 and last revised January 18, 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 sediment 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
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

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

PINELANDS COMMISSION APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission 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.

APP # 20150016.001
Doc Type 120

MAR 11 2016

Scanned ✓

Ryan Rebozo ryan@pinelandsalliance.org

17 Pemberton Rd. Southampton 08088

- With a Corn Snake occurrence on site and Pine Snake/Timber rattle snake occurrences within one mile, are there any proposed timeframes when work can occur to limit potential impacts with snake activity?

- I understand maintaining culvert size was suggested as an alternative to additional surveys, but are 14 min of tree frog surveys per site typically an acceptable practice?



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

March 17, 2016

Susan D. Onorato, Administrator
Shamong Township
105 Willow Grove Road
Shamong, NJ 08088

Re: Application # 2015-0150.001
Block 27.01, Lot 3
Shamong Township

Dear Ms. Onorato:

The Commission staff has completed its review of this application for two lot subdivision and no further development of the above referenced 27.44 acre lot. 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 April 8, 2016 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, Shamong Township Planning Board (via email)
Shamong Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
Colleen Carney (via email)





Chris Christie
Governor

Kim Guadagno
Lt. Governor

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

March 17, 2016

Susan D. Onorato, Administrator
Shamong Township
105 Willow Grove Road
Shamong, NJ 08088

Application No.: 2015-0150.001

Location: Block 27.01, Lot 3
Shamong Township

This application proposes a two lot subdivision and no further development of the above referenced 27.45 acre lot in Shamong Township. A single family dwelling is located on the lot. The proposed subdivision will create a 7.20 acre lot containing the existing single family dwelling and a vacant 20.25 acre 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. 7:50-5.27)

The lot is located in the Pinelands Village of Indian Mills. The proposed subdivision is permitted in a Pinelands Village Management Area. The proposed lots will meet the minimum lot size requirements of the Shamong Township certified land use ordinance.

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

There are wetlands located on and within 300 feet of the above referenced lot.

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

The existing single family dwelling is served by an onsite septic system.

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 February 24, 2016. The Commission’s public comment period closed on March 11, 2016. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed subdivision shall adhere to the plan, consisting of one sheet, prepared by Dante Guzzi Engineering Associates and dated December 16, 2015.
2. Any future development of the created lots shall be governed by Shamong Township's certified land use ordinance and the CMP.

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

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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 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. PC4-16- 15

TITLE: Approving With Conditions an Application for Public Development (Application Number 1988-0706.020)

Commissioner Avery moves and Commissioner Lohbauer seconds the motion that:

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

1988-0706.020

Applicant: Town of Hammonton

Municipality: Town of Hammonton

Management Area: Pinelands Town

Date of Report: March 21, 2016

Proposed Development: Construction of a 3,612 square foot municipal storage garage.

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 1988-0706.020 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 | | | | DiBello | | | X | | McGlinchey | X | | | |
| Avery | X | | | | Galletta | | | R | | Prickett | X | | | |
| Barr | X | | | | Jannarone | X | | | | Quinn | | | X | |
| Brown | X | | | | Lloyd | X | | | | Rohan Green | X | | | |
| Chila | X | | | | Lohbauer | X | | | | Earlen | X | | | |

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: April 8, 2016

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

March 21, 2016

Stephen M. DiDonato, Mayor
Town of Hammonton
100 Central Avenue
Hammonton, NJ 08037

Re: Application # 1988-0706.020
Block 3903, Lots 10-13
Town of Hammonton

Dear Mayor DiDonato:

The Commission staff has completed its review of this application for construction of a 3,612 square foot municipal storage garage. 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 April 8, 2016 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, Town of Hammonton Planning Board (via email)
Town of Hammonton Construction Code Official (via email)
Town of Hammonton Environmental Commission (via email)
Atlantic County Department of Regional Planning and Development (via email)
John Helbig, PP, AICP





Chris Christie
Governor

Kim Guadagno
Lt. Governor

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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

March 21, 2016

Stephen M. DiDonato, Mayor
Town of Hammonton
100 Central Avenue
Hammonton, NJ 08037

Re: Application # 1988-0706.020
Block 3903, Lots 10-13
Town of Hammonton

Dear Mayor DiDonato:

The Commission staff has completed its review of this application for construction of a 3,612 square foot municipal storage garage. 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 April 8, 2016 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, Town of Hammonton Planning Board (via email)
Town of Hammonton Construction Code Official (via email)
Town of Hammonton Environmental Commission (via email)
Atlantic County Department of Regional Planning and Development (via email)
John Helbig, PP, AICP





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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

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

PUBLIC DEVELOPMENT APPLICATION REPORT

March 21, 2016

Stephen M. DiDonato, Mayor
Town of Hammonton
100 Central Avenue
Hammonton, NJ 08037

Application No.: 1988-0706.020

Location: Block 3903, Lots 10-13
Town of Hammonton

This application proposes construction of a 3,612 square foot municipal storage garage located on the above referenced 7.13 acre parcel in the Town of Hammonton. The Town of Hammonton's wastewater treatment facility is located on the parcel.

The application also proposes six material storage bins and paving to provide motor vehicle circulation and access to Seagrove Avenue.

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 proposed development is located in a Pinelands Town Management Area. The proposed development is a permitted land use in a Pinelands Town Management Area.

Wetlands Standards (N.J.A.C. 7:50-6.6 & 6.14)

There are wetlands located within 300 feet of the above referenced parcel. There is existing development, including buildings, located closer to the wetlands than the proposed development.

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

The proposed development will be located primarily within a forested area, partially in a maintained

grassed area and partially over existing pavement. The proposed development will disturb approximately 0.9 acres of forested land. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

The applicant has demonstrated that the proposed development is consistent with the CMP stormwater management standards. The applicant will be expanding an existing stormwater infiltration basin.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on December 23, 2015. Notice to required land owners within 200 feet of the above referenced parcel was completed on December 24, 2015. The application was designated as complete on the Commission's website on February 23, 2016. The Commission's public comment period closed on March 11, 2016. 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 six sheets, prepared by Adams, Rehmann & Heggan Associates, Inc., all sheets dated December 16, 2015.
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 no closer to wetlands than existing development on the parcel as shown on the approved plans.

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

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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 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. PC4-16- 16

TITLE: Determining the Eligibility of a Parcel of Land for Acquisition by the Department of Environmental Protection Pursuant to the Limited Practical Use Program

Commissioner Ashmun moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Findings of Fact, Conclusion and recommendation of the Executive Director that the following parcel is eligible for acquisition under the Limited Practical Use program:

2015-0044.001 Gary Russo, Block 593, Lot 1, Hamilton Township, 5.98 ac.; Pinelands Forest Area (FA-70 zoning district); waiver application denied February 12, 2016.

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

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

WHEREAS, the Pinelands Commission hereby determines that the parcel conforms to the criteria set forth in N.J.A.C. 7:50-9.2 and 9.3 for eligibility for acquisition under the Limited Practical Use program; and

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

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission approves the acquisition of the following parcel and authorizes the Executive Director to transmit the name of this property owner to the Department of Environmental Protection for acquisition, provided that the landowner freely agrees to sell his parcel:

2015-0044.001 Gary Russo, Block 593, Lot 1, Hamilton Township, 5.98 ac.; Pinelands Forest Area (FA-70 zoning district); waiver application denied February 12, 2016.

Record of Commission Votes

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

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: April 18, 2016

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey
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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

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

**REPORT ON PROPERTY ELIGIBILITY FOR THE
PINELANDS LIMITED PRACTICAL USE PROGRAM**

March 15, 2016

Anthony E. Russo, Esq.
2000 Morris Avenue
Union, NJ 07083

Please Always Refer to
This Application Number
App. No. 2015-0044.001
Hamilton Township
Block 593; Lot 1

Dear Mr. Russo:

I am pleased to inform you that Pinelands Commission Executive Director, Nancy Wittenberg, is recommending the above referenced parcel for eligibility in the Limited Practical Use land acquisition program.

FINDINGS OF FACT

This application is for a determination of eligibility for the Pinelands Limited Practical Use Land Acquisition Program. The property is located in the Pinelands Forest Area and contains 5.98 acres. An application for a Waiver of Strict Compliance by the applicant for this parcel was denied by the Pinelands Commission on February 12, 2016.

The subject parcel contains all contiguous land in common ownership on or after January 14, 1981. There are no principal structures located on the parcel. No resource extraction operation has been approved for this parcel. No development has been approved for this parcel. There are no Pinelands Development Credits allocated to the parcel. Based on the available information, the parcel cannot be developed consistent with the requirements of the Comprehensive Management Plan. The applicant owns less than 50 acres of land in the Pinelands as of July 17, 1995.

CONCLUSION

N.J.A.C.7:50-9.2 and 7:50-9.3 set forth the standards which must be met in order for a property to be determined eligible for the Limited Practical Use Program. The first condition is that the Pinelands Commission has either denied a Waiver of Strict Compliance for the parcel in question pursuant to N.J.A.C. 7:50-4, Part V or has approved a Waiver of Strict Compliance for the parcel and granted a transferable development right to other lands in accordance with N.J.A.C.7:50-4.66(b)3 and 5.30(a). As the applicant received a Waiver denial on February 12, 2016, the applicant meets the criteria contained in N.J.A.C. 7:50-9.2(a)1.

The second condition is that the parcel contains less than 50 acres. As the parcel contains 5.98 acres, the parcel meets the criteria contained in N.J.A.C. 7:50-9.2(a) 2.

The third condition is that the standards contained in N.J.A.C. 7:50-9.3 relative to the ownership and the present and potential uses of the parcel in question have been met. The applicant has demonstrated that the parcel meets the standards contained in N.J.A.C. 7:50-9.3 so the parcel meets the criteria contained in N.J.A.C. 7:50-9.2(a)3.

The property is eligible for the Limited Practical Use acquisition program because all program eligibility criteria in N.J.A.C. 7:50-9.2 and N.J.A.C. 7:50-9.3 have been met. As a result, it is recommended that the Pinelands Commission APPROVE the application and notify the Department of Environmental Protection that the subject parcel is eligible to be acquired under the provisions of N.J.A.C. 7:50-9.

APPEAL

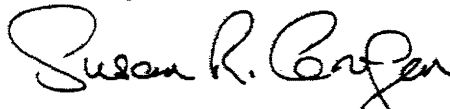
The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted 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:

- A. the name and address of the person requesting the appeal ;
- B. the application number;
- C. a brief statement of the basis for the appeal; and
- D. 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 will act on this application at its meeting on April 8, 2016. At this meeting, the Commission may either approve the determination of the Executive Director or refer the application to the Office of Administrative Law for a hearing.

If you have any questions, please contact Betsy Piner, of our staff.

Sincerely,



Susan R. Grogan, P.P., AICP
Chief Planner