



914-905
P750

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: AppInfo@npjines.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

January 15, 2015

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

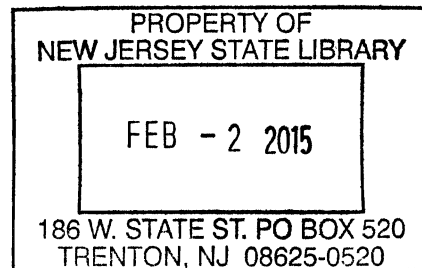
Dear Mr. Lupp:

Enclosed are the Pinelands Commission meeting minutes for December 12, 2014 for your information.

Sincerely,

Melody A. Wood,
Receptionist

PC1
Enclosure: Minutes



PC2-95

PINELANDS COMMISSION MEETING¹
Richard J. Sullivan Center
Terrence D. Moore Conference Room
15 Springfield Road
New Lisbon, New Jersey

MINUTES

December 12, 2014

Commissioners Present

Candace Ashmun, Alan W. Avery Jr., Bill Brown, Sean Earlen, Ed Lloyd, Paul E. Galletta, Richard Prickett, Robert Jackson, Ed McGlinchey, Fran Witt and Chairman Mark Lohbauer. Also present were Executive Director Nancy Wittenberg, Governor's Authorities Unit Liaison Amy Herbold and Deputy Attorney General Kristen Heinzerling and Assistant Attorney General David Apy.

Commissioners Absent

Joe DiBello, Jane Jannarone, Gary Quinn and D'Arcy Rohan Green.

Chairman Lohbauer called the meeting to order at 9:34 a.m.

DAG Heinzerling read the Open Public Meetings Act Statement.

Ms. Wittenberg called the roll and announced the presence of a quorum. (There were 11 Commissioners present.)

The Commission and public in attendance pledged allegiance to the Flag.

¹ Please note that all attachments are maintained with the original minutes, but are not attached to copies. For information about attachments, please contact the office.

PC2-96

Minutes

Chairman Lohbauer presented the minutes (open and closed session) from the November 14, 2014 Commission meeting. Commissioner Jackson moved the adoption of the minutes. Commissioner Prickett seconded the motion.

The minutes of the November 14, 2014 Commission meeting were adopted by a vote of 11 to 0.

Other

Chairman Lohbauer presented Dawn Rago with a certificate for 10 years of service. Ms. Rago works as a Purchasing Specialist at the Commission.

Chairman Lohbauer said an Open Public Records Act request filed by the Pinelands Preservation Alliance revealed a series of emails related to the proposed Board of Public Utilities Memoranda of Agreement (MOA) that were issued by Commission staff. He said that he felt the emails revealed a part of the process that he was not familiar with. He suggested that the Policy and Implementation Committee look at the policy behind the practice of entering into MOAs and create a guidance document for staff to utilize when reviewing future MOAs.

Commissioner Ashmun said one of the many recommendations of Plan Review was to look at the MOA processes and standards.

Committee Chairs' Reports

Personnel & Budget Committee

Vice Chairman Avery updated the Commission on the December 2, 2014 Personnel and Budget (P&B) Committee meeting.

The Committee adopted the minutes from the August 26, 2014 meeting.

Nancy Wittenberg and Jessica Lynch reviewed the financial statements and the September and October Check Registers, electronic disbursements and application fees. Michelle Russell provided an update on employee actions. The draft P&B meeting schedule for 2015 was distributed. It was proposed to hold a meeting every other month instead of monthly since many meetings have light agendas or are canceled. There was agreement that Commissioners be given the Check Register on a monthly basis.

The Committee and staff discussed options for filling a vacant position. They also discussed the potential purchase of a generator to provide additional power in the event of an emergency.

The Committee met in Closed Session.

PC2-97

Policy & Implementation Committee

Chairman Lohbauer said the Policy and Implementation Committee meeting scheduled for November 21, 2014 was canceled.

Executive Director's Reports

Ms. Wittenberg updated the Commission on the following:

- At the November Pinelands Municipal Council meeting, Ed Wengrowski presented the Rapid Landfill Assessment results. Many of the municipalities in attendance were interested in the study results and found the presentation helpful.
- Meetings continue with the New Jersey Department of Environmental (NJDEP) Protection to resolve any misunderstandings regarding forestry application requirements. Currently, the Commission is reviewing a forestry stewardship plan at Double Trouble State Park.
- Paul Leakan continues to work on the Commission's new website initiative. Archived minutes and resolutions from 2012 through 2014 were uploaded to the website.

Mr. Larry Liggett provided an update on the following:

- The Water Supply Advisory Committee has contracted Dr. Dan Van Abs to conduct a study that will look at water demand in the year 2014. Staff will sit in on a discussion group meeting next week.
- Litigation continues on the Council on Affordable Housing's (COAH) latest regulations. There is new legislation proposing to eliminate COAH and let the responsibility of affordable housing fall on the municipalities.

Mr. Chuck Horner provided an update on the following:

- A private application has been submitted for a proposed commercial development on a site. An existing landfill on the site was recently capped with a "permeable cap." The CMP typically requires an "impermeable cap." The staff is working to address and resolve this matter.
- Two sand mines in Lacey Township are ceasing operation. The owner of the two mines is in discussion with the State to acquire the sites as additions to Double Trouble State Park. The mining areas must be restored in accordance with the Township land use ordinance and the CMP.
- Staff attended a site meeting at the request of Southampton municipal officials. The issues stemmed from a property owner who cleared wetlands and wetland buffers on their residential lot.

Commissioner Ashmun requested a copy of the Landfill study that Mr. Wengrowski presented to the Pinelands Municipal Council.

Commissioner Ashmun asked what agency issues water allocation permits.

Mr. Horner said NJDEP grants water allocation permits. He said if it is in the Pinelands Area and the applicant is a public entity such as a municipality, the Commission would issue a Public Development approval for the water allocation permit.

A short discussion took place on whether or not water allocation permits expire. It was noted that private water allocation permits are reviewed by the Regulatory Programs staff who then issue Certificates of Filing. The Commission does not directly approve private applications.

Public Development Projects and Other Permit Matters

Chairman Lohbauer said there are two resolutions approving an assortment of Public Development applications.

Commissioner Earlen moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 1983-5837.057, 1984-0314.016, 2010-0047.002 & 2014-0112.001) (See Resolution # PC4-40). Commissioner Galletta seconded the motion.

Commissioner Ashmun noted that the Egg Harbor Township application (# 1984-0314.016) was to resolve a violation.

The Commission adopted the resolution by a vote of 11 to 0. All voted in favor.

Commissioner Avery moved the adoption of a resolution Approving With Conditions Applications for Public Development (Application Numbers 1985-0252.004 & 1987-1159.055) (See Resolution # PC4-41). Commissioner Earlen seconded the motion.

Commissioner Ashmun noted that the creation of the wetlands mitigation area (# 1985-0252.004) was also a violation, because it was done without application to the Commission.

Commissioner Prickett asked if fiber logs are permitted under the CMP.

Mr. Horner explained that the fiber logs are a type of material used to help with siltation and are not addressed in the CMP. However, the fiber logs are a permitted material for the development activity.

Ms. Rhonda Ward added that the actual name is coir fiber logs.

Commissioner Ashmun asked who is permitted to do mitigation in the Pinelands.

Mr. Horner said that there is a misconception of the Commission's rules with regard to mitigation not being permitted. He said mitigation activities are permitted in all upland areas greater than 300 feet from wetlands.

He said a number of years ago the Commission's rules were amended to include two additional provisions for mitigation: wetland areas where invasive species are present and/or in a fallow farm field.

PC2-99

Commissioner Ashmun asked if mitigation is permitted in the Pinelands for development that takes place outside of the Pinelands.

Mr. Horner said it is permitted.

Ms. Wittenberg said the Commission permits the mitigation but NJDEP approves and accepts the location of the mitigation site.

Ms. Roth briefly described the wetlands mitigation regulations. She said the rules regulate where the mitigation can occur, and that first preference is onsite. She said the next best scenario is adjacent to the site and it goes from there until a preferred site is found.

Commissioner Prickett asked if there will be reporting provided to the Commission to confirm whether or not the mitigation has been successful.

Mr. Horner said condition #6 in the public development report requires monitoring of the mitigation site.

The Commission adopted the resolution by a vote of 11 to 0. All voted in favor.

Public Comment on Agenda Items and Pending Public Development Applications

No one from the public offered comment.

Commissioner Ashmun asked if application #1982-2787.002 which will be acted on at the January 16, 2014 meeting, complies with the Commission's cell tower plan.

Mr. Horner said that the proposed tower location is in a Regional Growth Area, which allows for communications towers, exceeding 35 feet in height without the need for a plan.

Mr. Liggett added that this particular site was not part of the recently approved Comprehensive Public Safety Tower Plan.

Ordinances Not Requiring Commission Action

Chairman Lohbauer said there were no ordinances to report on this month.

Other Resolutions

Chairman Lohbauer presented a resolution to adopt the 2015 meeting schedule.

Commissioner Jackson moved the adoption of a resolution Setting Pinelands Commission Meeting Dates for 2015 (See Resolution # PC4-14-42). Commissioner Galletta seconded the motion.

PC2-100

The Commission adopted the resolution by a vote of 11 to 0. All voted in favor.

Public Comment on Any Matter Relevant to the Commission's Statutory Responsibilities

Cidnie Richards said she has been a resident of Tabernacle since 1978 and started attending meetings at the Commission in October 2013. She expressed her appreciation of the staff and Commissioner's work. She said she passed out a handout on the PennEast gas pipeline (Attached). She said she wanted to inform the Commissioner of the PennEast pipeline because New Jersey is a fully-integrated state and this is a bipartisan issue. She said the main goal is to protect the pristine nature of the Pines and volume and quality of New Jersey's water.

Closed Session Resolution

DAG Heinzerling read a resolution to retire into closed session to discuss potential litigation regarding Tuckahoe Turf Farms and the status of collective bargaining.

Commissioner Lloyd moved to retire into closed session. Commissioner Prickett seconded the motion. The Commission agreed to retire into closed session by a vote of 11 to 0, beginning at 10:15 a.m.

Return to Open Session

Commissioner Jackson made a motion to return to open session. Commissioner Lloyd seconded the motion. The meeting resumed at 11:29 a.m. Commissioner Witt and Commissioner Earlen left the meeting.

DAG Heinzerling said the collective bargaining agreement and potential litigation regarding Tuckahoe Turf Farms were discussed in closed session.

She said no formal action was taken on any matters.

Public Comment on Any Matter Relevant to the Commission's Statutory Responsibilities

Dave Pringle said he agrees that soccer should not be happening at Tuckahoe Turf Farms and he is opposing the legislation. He said he was pleased that the South Jersey Gas documents that PPA requested via OPRA had been brought to the Commissioner's attention. He said the documents displayed inappropriate coordination between the Commission staff and South Jersey Gas on the pipeline matter.

Commissioner McGlinchey said he reviewed the documents that PPA requested through OPRA, he asked if it was possible to see the un-redacted version of the emails.

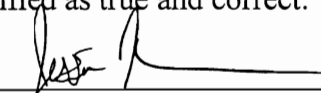
PC2-101

Adjournment

Chairman Lohbauer wished everyone a happy holiday. He said the Policy and Implementation Committee will meet on January 6, 2015.

Commissioner Avery moved to adjourn the meeting. Commissioner Prickett seconded the motion. The Commission agreed to adjourn at 11:35 a.m.

Certified as true and correct:



Jessica Noble, Executive Assistant

Date: December 19, 2014



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-14- 40

TITLE: Approving With Conditions Applications for Public Development (Application Numbers 1983-5837.057, 1984-0314.016, 2010-0047.002 & 2014-0112.001)

Commissioner Earlen moves and Commissioner Walter 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:

1983-5837.057

South Jersey Transportation Authority

Egg Harbor Township

Pinelands Military/Federal Installation Area

Improvements to an existing aircraft taxiway at the Atlantic City International Airport

Date of Report: November 24, 2014;

1984-0314.016

Egg Harbor Township

Egg Harbor Township

Pinelands Regional Growth Area

Construction of a 2,123 square foot partially enclosed deck at an existing golf course clubhouse

Date of Report: November 24, 2014;

2010-0047.002

Egg Harbor City

City of Egg Harbor City

Pinelands Town

Installation of 2,315 linear feet of sidewalk, four feet in width and 2,906 linear feet of curbing within the Havana Avenue and Claudius Street rights-of-way and associated drainage

improvements on Block 614, Lot 1 and Block 532, Lot 16

Date of Report: November 24, 2014; and

2014-0112.001

Medford Township

Medford Township

Pinelands Regional Growth Area

Installation of 355 linear feet of guiderail within the Chapel Avenue right-of-way

Date of Report: November 24, 2014.

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

WHEREAS, the Pinelands Commission hereby determines that each of the proposed public developments conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed.

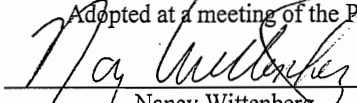
NOW, THEREFORE BE IT RESOLVED that the applications for public development are hereby approved subject to the conditions recommended by the Executive Director.

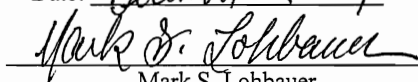
Record of Commission Votes

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS			
Ashmun	X			Galletta	X			Prickett	X		
Avery	X			Jackson	X			Quinn			X
Brown	X			Jannarone			X	Rohan Green			X
DiBello			X	Lloyd	X			Witt	X		
Earlen	X			McGlinchey	X			Lohbauer	X		

Adopted at a meeting of the Pinelands Commission

Date: December 12, 2014


 Nancy Wittenberg
 Executive Director


 Mark S. Lohbauer
 Chairman



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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

November 24, 2014

Tim Kroll
South Jersey Transportation Authority
P.O. Box 351
Hammonton, NJ 08037

Re: Application # 1983-5837.057
Atlantic City International Airport
Block 101, Lot 9
Egg Harbor Township

Dear Mr. Kroll:

The Commission staff has completed its review of this application for improvements to an existing aircraft taxiway at the Atlantic City International Airport. 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 December 12, 2014 meeting.

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

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

Sincerely

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

Enc: Appeal Procedure

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





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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

November 24, 2014

Tim Kroll
South Jersey Transportation Authority
P.O. Box 351
Hammonton, NJ 08037

Application No.: 1983-5837.057

Location: Atlantic City International Airport
Block 101, Lot 9
Egg Harbor Township

This application proposes improvements to an existing aircraft taxiway at the Atlantic City International Airport on the above referenced 2,381.05 acre lot in Egg Harbor Township.

Taxiway K is an existing 300 foot long by 105 foot wide aircraft taxiway. The applicant proposes to widen the taxiway to an average width of 130 feet to meet current Federal Aviation Administration safety requirements.

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. 7:50-5.29(a))

The project is located in a Military and Federal Installation Area. The proposed development is a permitted land use in a Military and Federal Installation Area.

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

The proposed development will be located over existing impervious surfaces and within maintained grassed areas. 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.

The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

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 constructing a stormwater infiltration basin.

PUBLIC COMMENT

The applicant has provided the required public notice. Newspaper public notice was completed on July 23, 2014. The application was designated as complete on the Commission's website on November 3, 2014. The Commission's public comment period closed on November 14, 2014. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 15 sheets, prepared by Michael Baker Jr., Inc. and dated as follows:

Sheet 1 - August 29, 2014
Sheets 2-8, 11-13 & 15 - June 13, 2014
Sheet 9 - June 13, 2014; revised to October 31, 2014
Sheets 10 & 14 - June 13, 2014; revised to July 2, 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.

CONCLUSION

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



State of New Jersey
THE PINELANDS COMMISSION
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: AppInfo@npjines.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION APPEAL PROCEDURE

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

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

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



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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

November 24, 2014

James McCullough, Mayor
Egg Harbor Township
3515 Bargaintown Road
Egg Harbor Township, NJ 08234

Re: Application # 1984-0314.016
McCullough's Emerald Links Golf Course
Block 6201, Lot 66
Egg Harbor Township

Dear Mayor McCullough:

The Commission staff has completed its review of this application for the construction of a 2,123 square foot partially enclosed deck at an existing golf course clubhouse. 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 December 12, 2014 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

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





State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

November 24, 2014

James McCullough, Mayor
Egg Harbor Township
3515 Bargaintown Road
Egg Harbor Township, NJ 08234

Application No.: 1984-0314.016

Location: McCullough's Emerald Links Golf Course
Block 6201, Lot 66
Egg Harbor Township

This application proposes the construction of a 2,123 square foot deck at an existing clubhouse at the McCullough's Emerald Links Golf Course on the above referenced 29.91 acre lot in Egg Harbor Township.

On January 12, 2001, the Commission approved the development of an 18 hole municipal golf course (App. No. 1984-0312.011) on a parcel that included the above referenced lot. That approval included the construction of a 5,000 square foot clubhouse. The applicant constructed a 2,123 square foot partially enclosed deck to provide dining area for the clubhouse. That development occurred without application to the Commission in violation of the application requirement of the Egg Harbor Township land use ordinance and the Pinelands Comprehensive Management Plan (CMP). This application addresses and resolves that violation.

STANDARDS

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

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

The lot is located in a Pinelands Regional Growth Area. The proposed development is 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 an existing maintained grassed area. No revegetation is proposed.

The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on October 21, 2014. The Commission’s public comment period closed on November 14, 2014. The Pinelands Commission received one oral public comment regarding the application.

Public Comment: The commentor noted that the proposed development was completed by the Township without approval from the Commission. The commentor indicated that municipal officials should be held to a higher standard than other applicants and that there should be consequences for the Township violating the Commission’s application requirements.

Staff Response: The staff appreciates and understands the commentor’s concerns.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, prepared by Mott Associates, LLC and dated October 6, 2014.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
4. The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. If any revegetation is proposed, where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.

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



Mark S. Lohbauer
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.



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

November 24, 2014

Lisa Jiampetti, Mayor
City of Egg Harbor City
500 London Avenue
Egg Harbor City, NJ 08215

Re: Application # 2010-0047.002
Havana Avenue & Claudius Street
Block 614, Lot 1
Block 532, Lot 16
City of Egg Harbor City

Dear Mayor Jiampetti:

The Commission staff has completed its review of this application for the installation of 2,315 linear feet of four foot wide sidewalk and 2,906 linear feet of curbing within the Havana Avenue and Claudius Street rights-of-way. This application also proposes certain stormwater piping and inlet improvements on Block 614, Lot 1 and Block 532, Lot 16, immediately adjacent to the existing intersection of Havana Avenue and Claudius Street, to address uncontrolled road flooding at that intersection. 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 December 12, 2014 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, City of Egg Harbor City Planning Board (via email)



City of Egg Harbor City Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)
Ryan McGowan, Remington, Vernick & Walberg Engineers



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



Chris Christie
Governor
Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman
Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

November 24, 2014

Lisa Jampetti, Mayor
City of Egg Harbor City
500 London Avenue
Egg Harbor City, NJ 08215

Application No.: 2010-0047.002

Location: Havana Avenue and Claudius Street
Block 614, Lot 1
Block 532, Lot 16
City of Egg Harbor City

This application proposes the installation of 2,315 linear feet of four foot wide sidewalk and 2,906 linear feet of curbing within the Havana Avenue right-of-way and the Claudius Street right-of-way. The improvements to Havana Avenue are located between Diesterweg and Campe Streets. The improvements to Claudius Street are located between Havana and San Francisco Avenues. This application also proposes certain stormwater piping and inlet improvements on Block 614, Lot 1 and Block 532, Lot 16, immediately adjacent to the existing intersection of Havana Avenue and Claudius Street, to address uncontrolled road flooding at that intersection.

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 proposed development is located in the Pinelands Town of Egg Harbor City. The proposed development is a permitted land use in a Pinelands Town.

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

There are wetlands located within 300 feet of the proposed development. The CMP requires up to a 300 foot buffer to wetlands. The proposed sidewalks, curbing and stormwater piping (linear improvements) are a permitted use in the required buffer to wetlands provided the applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed

development that does not involve development in the required buffer to wetlands or that will result in a less significant adverse impact to the required buffer to wetlands. In addition, the proposed development will not result in substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands. The applicant has indicated that the proposed improvements are necessary for traffic and pedestrian safety.

Stormwater piping and inlet improvements are proposed at the intersection of Havana Avenue and Claudius Street. These drainage improvements are intended to resolve a flooding issue that arises from uncontrolled road flooding at the concerned intersection. Currently, stormwater overflows from a wetland located in the northeast quadrant of the concerned intersection, crosses over the intersection and then discharges into another wetland located in the southwest quadrant of the intersection. As required by the CMP, the proposed stormwater piping improvements will not result in either an increase in the rate or volume of runoff directed into wetlands.

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

The proposed development will be located in existing maintained grassed areas. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

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

The applicant proposes to manage stormwater for the proposed sidewalk and curbing improvements in a stormwater management basin proposed in a separate application to the Commission (App. No. 2010-0047.005). That application, which proposes the improvement of Diesterweg Street between New Orleans and Bremen Avenues in Egg Harbor City, is currently under review by the Commission staff. The alternative stormwater measures proposed in App. No 2010-0047.005 are located in the Pinelands Area and within the same drainage area as App. No. 2010-0047.002. The proposed stormwater management measures in App. No 2010-0047.005 are located approximately 900 linear feet from the proposed sidewalk and curbing proposed in App. No. 2010-0047.002. The alternative stormwater management measures proposed in App. No 2010-0047.005 are sufficient to warrant granting the exception for App. No 2010-0047.002.

PUBLIC COMMENT

This applicant has provided the requisite public notices. Newspaper public notice was completed on October 30, 2014. Public notice to required land owners within 200 feet of the above referenced lot was completed on October 31, 2014. The application was designated as complete on the Commission's website on November 3, 2014. The Commission's public comment period closed on November 14, 2014. 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 9 sheets, prepared by Remington, Vernick & Walberg Engineers, all sheets dated May 14, 2014 and revised to October 10, 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. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
6. The stormwater management basin proposed in App. No. 2010-0047.005 (improvements to Diesterweg Street) shall be constructed within 6 months of initiation of construction of the curbing and sidewalk proposed in App. No. 2010-0047.002.

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



Mark S. Lohbauer
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.



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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

November 24, 2014

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

Re: Application # 2014-0112.001
Chapel Avenue
Medford Township

Dear Mr. Schultz:

The Commission staff has completed its review of this application for the installation of 355 linear feet of guiderail within the Chapel Avenue right-of-way. 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 December 12, 2014 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, Medford Township Planning Board (via email)
Medford Township Construction Code Official (via email)
Medford Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)
Dante Guzzi, P.E.





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



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

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

PUBLIC DEVELOPMENT APPLICATION REPORT

November 24, 2014

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

Application No.: 2014-0112.001

Location: Chapel Avenue
Medford Township

This application proposes the installation of 355 linear feet of guiderail within the Chapel Avenue right-of-way in Medford Township. The guiderail will be installed on both sides of the Chapel Avenue right-of-way, approximately 80 feet south of Branin Road. The applicant has indicated that the proposed guiderail is intended to improve traffic safety.

STANDARDS

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

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

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

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

There are wetlands located within 300 feet of the proposed development. The CMP requires up to a 300 foot buffer to wetlands. The proposed guiderail (linear improvements) is a permitted use in the required buffer to wetlands provided an applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in a required buffer to wetlands or that will result in a less significant adverse impact to the required buffer to wetlands. In addition, the proposed guiderail will not result in substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands. The applicant has indicated that the proposed guiderail will improve traffic safety. The applicant has demonstrated that the need for the proposed

guides overrides the importance of protecting the required buffer to wetlands.

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

The proposed development will be located within an existing maintained grassed area. No revegetation is proposed.

The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

PUBLIC COMMENT

The CMP defines the proposed development as "minor" development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission's website on October 23, 2014. The Commission's public comment period closed on November 14, 2014. 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, prepared by Dante Guzzi Engineering Associates, dated October 7, 2014 and revised to October 20, 2014.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
4. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
5. The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. If any revegetation is proposed, where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.

CONCLUSION

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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands

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



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION APPEAL PROCEDURE

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

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-14- 41

TITLE: Approving With Conditions Applications for **Public Development** (Application Numbers 1985-0252.004, 1987-1159.055)

Commissioner Avery moves and Commissioner Earlen 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:

1985-0252.004
Ocean County
 Jackson Township
 Pinelands Forest Area
 Creation of a 2.21 acre wetland mitigation area
 Date of Report: November 24, 2014; and

1987-1159.055
Ocean County
 Stafford Township
 Pinelands Regional Growth Area
 Construction of a 4,725 square foot storage building accessory to the existing Ocean County Recycling Facility
 Date of Report: November 24, 2014.

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

WHEREAS, the Pinelands Commission hereby determines that each of the proposed public developments conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed.

NOW, THEREFORE BE IT RESOLVED that the applications for public development are hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS				
Ashmun	<input checked="" type="checkbox"/>			Galletta	<input checked="" type="checkbox"/>			Prickett	<input checked="" type="checkbox"/>			
Avery	<input checked="" type="checkbox"/>			Jackson	<input checked="" type="checkbox"/>			Quinn			<input checked="" type="checkbox"/>	
Brown	<input checked="" type="checkbox"/>			Jannarone			<input checked="" type="checkbox"/>	Rohan Green			<input checked="" type="checkbox"/>	
DiBello			<input checked="" type="checkbox"/>	Lloyd	<input checked="" type="checkbox"/>			Witt	<input checked="" type="checkbox"/>			
Earlen	<input checked="" type="checkbox"/>			McGlinchey	<input checked="" type="checkbox"/>			Lohbauer	<input checked="" type="checkbox"/>			

Adopted at a meeting of the Pinelands Commission

Date: December 12, 2014

Nancy Wittenberg
 Nancy Wittenberg
 Executive Director

Mark S. Lohbauer
 Mark S. Lohbauer
 Chairman



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

November 24, 2014

C. Roberts Mulloy, P.E., P.P., C.F.M.
Ocean County Engineer's Office
129 Hooper Avenue
P.O. Box 2191
Toms River, NJ 08754

Re: Application # 1985-0252.004
Block 17101, Lot 27
Jackson Township

Dear Mr. Mulloy:

The Commission staff has completed its review of this application for the creation of a 2.21 acre wetland mitigation area. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its December 12, 2014 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, Jackson Township Planning Board (via email)
Jackson Township Construction Code Official (via email)
Jackson Township Environmental Commission (via email)
Secretary, Ocean County Planning Board (via email)
Bill Romaine, Amy S. Greene Environmental Consultants





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

Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

November 24, 2014

C. Roberts Mulloy, P.E., P.P., C.F.M.
Ocean County Engineer's Office
129 Hooper Avenue
P.O. Box 2191
Toms River, NJ 08754

Application No.: 1985-0252.004

Location: Block 17101, Lot 27
Jackson Township

This application proposes the creation of a 2.21 acre wetland mitigation area on the above referenced 37.87 acre lot in Jackson Township. The lot contains an existing nursery that is used for the cultivation of plants by the Ocean County Department of Parks and Recreation.

The proposed 2.21 acre wetland mitigation area is proposed to be located on 2.21 acres of inactive farmland adjacent to Maple Root Branch. Creation of the wetland mitigation area involves the excavation of two to three feet of soil in an existing early successional field and placement of fiber logs along the banks of Maple Root Branch within the concerned area. The proposed wetland mitigation area will be planted with native Pinelands vegetation to create a forested wetland.

The wetland mitigation area is proposed as a condition of a New Jersey Department of Environmental Protection (NJDEP) issued Individual Freshwater Wetland and Flood Hazard Area permits (DLUR #1511-07-0021.1) for the realignment of a section of Ocean County Route 571. The concerned portion of Ocean County Route 571 is located outside of the Pinelands Area.

The creation of the wetland mitigation area is defined as development by the Pinelands Comprehensive Management Plan (CMP) and requires application to the Commission. The development was undertaken without application to the Commission. This application addresses and resolves that violation.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.23(b)9)

The lot is located in a Pinelands Forest Area. The proposed wetlands management is a permitted use in a Forest Area.

Wetlands Standards (N.J.A.C. 7:50-6.10)

Wetlands are located on the lot. No wetlands will be disturbed by the proposed development. The wetlands management standards of the CMP (N.J.A.C. 7:50-6.10(a)) permit the establishment of a characteristic wetland on inactive farmland provided certain conditions, such as protection of threatened and endangered plants and animals, are met. This application has demonstrated that all of the CMP specified conditions for the establishment of a characteristic wetland on inactive farmland have been met.

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

The proposed development will be located on inactive farmland. The applicant proposes to utilize native shrubs and trees to revegetate the proposed wetlands mitigation area.

The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

A cultural resource survey was submitted for this application. No cultural resources eligible for Pinelands designation were found within the project area.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced lot was completed on June 23, 2014. Newspaper notice was completed on June 25, 2014. The application was designated as complete on the Commission's website on October 31, 2014. The Commission's public comment period closed on November 14, 2014. The Pinelands Commission has not received any public comments regarding the application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of four sheets (Sheets 76-79), prepared by Stantec Consulting Services, Inc., all sheets dated March 2012.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
6. A copy of the monitoring report required by the NJDEP Freshwater Wetland and Flood Hazard Area Individual Permits shall be submitted to the Commission by December 31st of each full monitoring year for five full growing seasons beginning the year after the mitigation project has been completed.

CONCLUSION

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



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION APPEAL PROCEDURE

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

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

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



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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

November 24, 2014

Ernest Kuhlwein, Jr.
Ocean County
129 Hooper Avenue
P.O. Box 2191
Toms River, NJ 08754

Re: Application # 1987-1159.055
Ocean County Recycling Facility
Block 25, Lot 37
Stafford Township

Dear Mr. Kuhlwein:

The Commission staff has completed its review of this application for the construction of a 4,725 square foot storage building accessory to the existing Ocean County Recycling Facility located on the above referenced 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 December 12, 2014 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, 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 Koehler





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



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

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

PUBLIC DEVELOPMENT APPLICATION REPORT

November 24, 2014

Ernest Kuhlwein, Jr.
Ocean County
129 Hooper Avenue
P.O. Box 2191
Toms River, NJ 08754

Application No.: 1987-1159.055

Location: Ocean County Recycling Facility
Block 25, Lot 37
Stafford Township

This application proposes the construction of a 4,725 square foot storage building accessory to the existing Ocean County Recycling Facility on the above referenced 28.01 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. 7:50-5.28(a))

The proposed development is located in a Pinelands Regional Growth Area. The proposed development is 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 an existing cleared area. No revegetation is proposed.

The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

PUBLIC COMMENT

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on October 23, 2014. The Commission’s public comment period closed on November 14, 2014. 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 nine sheets, prepared by Hatch Mott MacDonald, and dated as follows:

Sheet 1: dated September 2014;
Sheets 2-5: dated September 11, 2014; and
Sheets 6-9: dated November 19, 2014.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. If any revegetation is proposed, where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

CONCLUSION

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



Chris Christie
Governor

Kim Guadagno
Lt. Governor

State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands

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



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

PINELANDS COMMISSION APPEAL PROCEDURE

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

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-14- 42

TITLE: Setting Pinelands Commission Meeting Dates for 2015

Commissioner Jackson moves and Commissioner Galletta seconds the motion that:

WHEREAS, the Open Public Meetings Act requires that the Pinelands Commission establish an annual schedule of regular meetings prior to January 10th of each year; and

WHEREAS, the Pinelands Commission will use the Pinelands Commission's Richard J. Sullivan Center for Environmental Policy and Education in New Lisbon, Pemberton Township, as the regular site for its meetings; and

WHEREAS, the Pinelands Commission may need to find an alternate, temporary meeting location within the Pinelands Area for its meetings throughout the year; and

WHEREAS, any meeting that will be scheduled at a location other than the Pinelands Commission's Richard J. Sullivan Center for Environmental Policy and Education, 15 C Springfield Road, New Lisbon, Pemberton Township, will be advertised in accordance with the requirements of the Open Public Meetings Act; 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 shall conduct its meetings on the following dates in 2015 beginning at the specified time at the Pinelands Commission's Richard J. Sullivan Center for Environmental Policy and Education, 15 C Springfield Road, New Lisbon, Pemberton Township, New Jersey, unless notice is otherwise provided in accordance with the Open Public Meetings Act:

- | | |
|---------------------------------------|--|
| Friday, January 16, 2015 (9:30 a.m.) | Friday, July 10, 2015 (9:30 a.m.) |
| Friday, February 13, 2015 (9:30 a.m.) | Friday, August 14, 2015 (9:30 a.m.) |
| Friday, March 13, 2015 (9:30 a.m.) | Friday, September 11, 2015 (9:30 a.m.) |
| Friday, April 10, 2015 (9:30 a.m.) | Friday, October 9, 2015 (9:30 a.m.) |
| Thursday, May 7, 2015 (6:00 p.m.) | Friday, November 13, 2015 (9:30 a.m.) |
| Friday, June 12, 2015 (9:30 a.m.) | Friday, December 11, 2015 (9:30 a.m.) |

BE IT FURTHER RESOLVED that the Executive Director is directed to publish notice of this schedule in the Commission's official newspapers, file copies of the schedule with the Secretary of State of the State of New Jersey and Pinelands county and municipal clerks, post a copy of the notice in the Commission's offices and to post the annual schedule on the Commission's web page (www.nj.gov/pinelands).

Record of Commission Votes

	AYE	NAY	NP	ABS		AYE	NAY	NP	ABS		AYE	NAY	NP	ABS
Ashmun	X				Galletta	X				Prickett	X			
Avery	X				Jackson	X				Quinn			X	
Brown	X				Jannarone			X		Rohan Green			X	
DiBello			X		Lloyd	X				Witt	X			
Earlen	X				McGlinchey	X				Lohbauer	X			

Adopted at a meeting of the Pinelands Commission

 Nancy Wittenberg
 Executive Director

Date: December 12, 2014

 Mark S. Lohbauer
 Chairman