



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-13- 10

TITLE: Approving With Conditions Applications for Public Development (Application Numbers 1981-1833.065, 1983-5250.012, 1998-0487.003, 2009-0063.002 & 2012-0035.001)

Commissioner Ficco moves and Commissioner Quinn seconds the motion that:

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

- 1981-1833.065 RICHARD STOCKTON COLLEGE OF NEW JERSEY, Regional Growth Area and Rural Development Area, forestry on a 1,852 acre parcel (Date of Report: March 22, 2013);
- 1983-5250.012 ATLANTIC CAPE COMMUNITY COLLEGE, Regional Growth Area, construction of a 32,475 square foot, two story science and technology building (Date of Report: March 20, 2013);
- 1998-0487.003 BOROUGH OF FOLSOM, Forest Area, construction of a 2,400 square foot municipal public works garage and the demolition of an existing 675 square foot municipal garage 50 years old or older (Date of Report: March 22, 2013);
- 2009-0063.002 FIRE DISTRICT NO. 4 OF MAURICE RIVER TOWNSHIP, Pinelands Village, construction of a 2,800 square foot addition to an existing 2,666 square foot firehouse (Date of Report: March 20, 2013); and
- 2012-0035.001 EGG HARBOR CITY, Egg Harbor City, Pinelands Town, paving of approximately 608 linear feet of New Orleans Avenue and construction of offsite stormwater management improvements (Date of Report: March 19, 2013).

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

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for each of the proposed developments; and

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

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

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

- 1981-1833.065 RICHARD STOCKTON COLLEGE OF NEW JERSEY, Regional Growth Area and Rural Development Area, forestry on a 1,852 acre parcel (Date of Report: March 22, 2013);
- 1983-5250.012 ATLANTIC CAPE COMMUNITY COLLEGE, Regional Growth Area, construction of a 32,475 square foot, two story science and technology building (Date of Report: March 20, 2013);

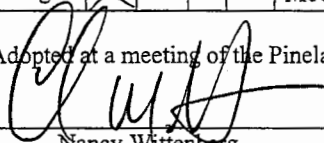
- 1998-0487.003 **BOROUGH OF FOLSOM**, Forest Area, construction of a 2,400 square foot municipal public works garage and the demolition of an existing 675 square foot municipal garage 50 years old or older (Date of Report: March 22, 2013);
- 2009-0063.002 **FIRE DISTRICT NO. 4 OF MAURICE RIVER TOWNSHIP**, Pinelands Village, construction of a 2,800 square foot addition to an existing 2,666 square foot firehouse (Date of Report: March 20, 2013); and
- 2012-0035.001 **EGG HARBOR CITY**, Egg Harbor City, Pinelands Town, paving of approximately 608 linear feet of New Orleans Avenue and construction of offsite stormwater management improvements (Date of Report: March 19, 2013).

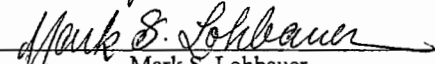
Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission

Date: April 12, 2013


 Nancy Wittenberg
 Executive Director


 Mark S. Lohbauer
 Chairman



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



Chris Christie
 Governor
 Kim Guadagno
 Lt. Governor

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

Mark S. Lohbauer
 Chairman
 Nancy Wittenberg
 Executive Director

**REPORT ON AN APPLICATION FOR
 MAJOR PUBLIC DEVELOPMENT**

March 22, 2013

Rummy Pandit
 The Richard Stockton College of New Jersey
 c/o Office of Facility Planning and Construction
 101 Vera King Farris Drive
 Galloway, New Jersey 08205

Re: Application #: 1981-1833.065
 Block 645, Lots 3, 5 & 6
 Block 663.01, Lot 55.27
 Block 681.01, Lot 10
 Block 875.04, Lots 1.01-1.08
 The Richard Stockton College of New Jersey
 Galloway Township

Dear Mr. Pandit:

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 with conditions at its April 12, 2013 meeting.

FINDINGS OF FACT

This application proposes forestry on the above referenced 1,852 acre parcel. The parcel is located partially in a Pinelands Regional Growth Area (1,038 acres) and partially in a Pinelands Rural Development Area (814 acres).

The proposed forestry is described in the "Richard Stockton College of New Jersey Forest Plan (Forest Plan)," prepared by Robert A. Williams, dated January 1, 2012 and revised April 26, 2012. Page 13 of the Forest Plan is revised to March 19, 2013.

On September 10, 2012, the Pinelands Commission approved a "Facilities Master Plan, The Richard Stockton College of New Jersey," dated April 2010. The Master Plan designated 625 acres as "Development Areas" and 1,227 acres as "Preserved Areas." "Development Areas" are areas where future development is proposed to occur. "Preserved Areas" include wetlands, wetlands buffers and



areas to be preserved to avoid irreversible adverse impacts on the survival of any threatened or endangered plant and animal species. The "Preserved Areas" are permanently protected from most types of development by a deed of conservation restriction. Types of development permitted in the "Preserved Areas" include forestry, low intensity recreational uses and fish and wildlife management.

The Forest Plan designates a "Southern Forest" and a "Northern Forest." The Southern Forest is comprised of 1,625 acre Block 875.04, Lots 1.01-1.08 and Block 645, Lots 3, 5 & 6. The Northern Forest is comprised of 227 acre non-contiguous Block 663.01, Lot 55.27 and Block 681.01, Lot 10.

The Master Plan designates both "Preserved Area" and "Development Area" in the Southern Forest. The Master Plan designates the entire 227 acre Northern Forest as "Preserved Area." This application proposes forestry in both "Development Areas" and "Preserved Areas."

As part of developing the Master Plan, the applicant completed comprehensive threatened and endangered plant and animal species surveys on the "Southern Forest." The survey documented the presence of populations of threatened and endangered plant and animal species on the "Southern Forest." As part of developing the Master Plan, the applicant demonstrated that proposed development within the "Development Areas" would not result in an irreversible adverse impact on the survival of any local populations of threatened or endangered plant species or on habitat critical to the survival of any local population of threatened or endangered animal species.

The Forest Plan provided information to demonstrate that forestry in the "Preserved Areas," both in the "Southern Forest" and the "Northern Forest," would not cause an irreversible adverse impact on the survival of any local populations of threatened or endangered plant species or on habitat critical to the survival of any local population of threatened or endangered animal species.

The Forest Plan proposes to sustain and increase the existing biodiversity of the forests by improving growing conditions for existing trees, improving conditions which will allow oak and pine to regenerate and protecting forest health, including taking action to reduce the possibility of Southern pine beetle infestation and reduce the possibility of catastrophic fires. To achieve these goals, the Forest Plan proposes using silvicultural practices that include single tree selection thinning and small group selection thinning and clearcutting. Twelve clearcut areas, totaling 69 acres, are proposed. These clearcut areas range from 3 to 6 acres with the exception of one proposed 15 acre clearcut.

The Forest Plan includes prescribed burning in many areas of the forest. Prescribed burning does not require application to the Pinelands Commission.

Forestry activities are proposed in both uplands and wetlands. The Pinelands Comprehensive Management Plan (CMP) permits forestry in both uplands and wetlands.

The Forest Plan proposes the use of an herbicide in a 15 acre portion of one cedar stand and in two, 3 acre clearcuts in another stand of pine/maple/cedar to promote successful regeneration. The CMP provides, among other requirements, that herbicide treatments are permitted for forestry provided that control of competitive plant species is clearly necessary and that that control of competitive plant species by other, non-chemical means is not practical. The three areas in which herbicide use are proposed involve regeneration of Atlantic white cedar. The Forest Plan provides information indicating herbicide treatment is the only practical means of controlling competitive plant species. Specifically, the Forest Plan indicates that mechanical cutting is not technically or economically practical since

mechanical cutting stimulates sprouting of woody species and would result in increased competition with the Atlantic white cedar seedlings.

In accordance with the CMP, written comments were provided from the New Jersey State Forester to confirm that the proposed forestry activities are consistent with the guidelines provided in the “New Jersey Forestry and Wetlands Best Practices Manual,” developed by the New Jersey Department of Environmental Protection, dated October 1995, as amended.

Due to the limited ground disturbance proposed, a cultural resource survey was not required.

The Pinelands Forestry Advisory Committee reviewed the Forest Plan and did not have any comments.

PUBLIC COMMENT

The applicant has provided the requisite legal notices. Newspaper notice was completed for the application on December 15, 2012. Legal notice to landowners within 200 feet of the parcel was completed on January 22, 2013. The application was designated complete on the Commission’s website on January 29, 2013. The Commission’s public comment period closed on February 8, 2013. The Commission received one written public comment (Attachment One) and one oral public comment from the same person regarding the application.

Public Comment One: The commenter indicates that 134 acres will be clearcut, resulting in more than 5% of the parcel being clearcut.

Staff Response to Public Comment One: The CMP provides that clearcutting is permitted on up to 300 acres or 5% of a parcel, whichever is greater, during any permit period. The Forest Plan references six to eight “control areas.” These “control areas” will not be clearcut, but will be used to compare to proposed clearcut areas. The commenter is including these control areas as part of the acreage to be clearcut. These control areas should not be included in the acreage to be clearcut.

In addition, on page 13, the Forest Plan referenced “a small four-acre cedar restoration and “ten, small 2 to 3 separate patch cuts.” The commenter included these areas as part of the acres to be clearcut. In response to this comment, the consulting forester has revised page 13 to delete reference to the four acre cedar restoration area the ten patch cuts. Therefore, this acreage should not be included in the acreage to be clearcut on the parcel.

Page 13 of the Forest Plan has also been revised to clarify the following clearcuts which will result in a total of 69 acres (3.7% of the parcel acreage) being subject of clearcut activities:

Stand One – six, 4 acre clearcuts
 Stand Three – six, 3 acre clearcuts
 Stand Eight – two, 3 acre clearcuts
 Stand Nine – two, 3 acre clearcuts
 Stand Fifteen – one, 15 acre clearcut

The proposed forestry is consistent with the CMP requirement that clearcutting be limited to 300 acres or five percent of a parcel, whichever is greater, during any permit period.

Public Comment Two: The commenter indicates that forestry should not be permitted on the preserved areas of the College.

Staff Response to Public Comment Two: The Commission previously approved the “Facilities Master Plan, The Richard Stockton College of New Jersey,” dated April 2010. A deed of conservation restriction was required as part of Commission approval of the Master Plan. The required deed of conservation restriction expressly permits forestry in the “Preserved Areas” provided a Forestry Plan is approved by the Pinelands Commission.

CONCLUSION

The proposed forestry is a permitted use in a Pinelands Regional Growth Area (N.J.A.C. 7:50-5.28(a)), a Rural Development Area (N.J.A.C. 7:50-5.26(a)3) and the Commission approved “Facilities Master Plan, The Richard Stockton College of New Jersey.” If the following conditions are imposed, the proposed forestry activities will be consistent with the standards contained in Subchapters 5 & 6 of the CMP.

1. The proposed forestry activities shall adhere to the “Richard Stockton College of New Jersey Forest Plan (Plan),” dated January 1, 2012, revised April 26, 2012 and page 13 revised March 19, 2013.
2. This approval shall expire on April 12, 2023.

As the proposed forestry 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 forestry development subject to the above conditions.

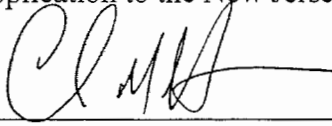
APPEAL

The CMP (N.J.A.C. 7:50-4.55) 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 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 recommendation 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

Attach. (1) Public comment

- c: Secretary, Galloway Township Planning Board
- Galloway Township Environmental Commission
- Atlantic County Department of Regional Planning and Development
- Marathon Engineering
- Theresa Lettman, Pinelands Preservation Alliance

ATTACHMENT ONE: WRITTEN PUBLIC COMMENT



PINELANDS PRESERVATION ALLIANCE

Bishop Farmstead, 17 Pemberton Road, Southampton, New Jersey 08088

Phone: 609-859-8860

Fax: 609-859-8804

E-mail: ppa@pinelandsalliance.org

Website: www.pinelandsalliance.org

Stockton Tennis Courts

- This area received an EIA score of 90%
- These Tennis Courts may not be in Master Plan which was talked about in length during the certification.
- Will these courts replace the buildings that appear to be in the Master Plan layout? (You can see from the attached were they are proposing the tennis courts)
- Will the College insist on getting the development that was in the plan and in addition the tennis courts?

Stockton Forestry Plan

This is a Forestry Plan for 1,522.80 acres.

The August 30, 2010 Pinelands Commission certification of the Master Plan for Richard Stockton College states:

- The 2010 Master Plan increases the size of the College's sewer development area by approximately 453 acres and proposes the permanent protection of more than 1,257 other acres, both on the College campus and off-site.
- The 1,257-acres of permanently protected land include 1,066 acres of wetlands and wetlands buffers as well as 191 acres of developable land.
- With the assistance of the Pinelands Commission, additional sensitive lands were identified and incorporated into the plan to protect the rare species by, among other things, establishing forested corridors of high ecological integrity. These corridors and associated lands will be permanently protected.

Of the 1,257 acres 1,066 acres are wetlands and wetland buffers with the remaining 191 being uplands. With all the other Pinelands "deed restricted" or conservation restricted land there is a provision that says "All such forestry practices shall comply with all relevant federal, state and local law and regulations, including the Plan, and shall not result in more than five percent of the property being cleared." I totaled all the clear cut areas, and only the clear cut prescriptions, and got 134 acres. This is much more than 5%. The 134 acres (see below) is too much for a forest that received a 90% EIA score.

(page 10 – Eight 3 to 6 acre clear cuts = 48 acres; **page 13** – 10 small 2 to 3 acre separate patch cuts = 30 acres; **page 35** – planned to complete six separate, irregularly shaped clear cut patch contoured harvests = 24 acres; **page 36** – one 4 acre contoured irregularly shaped clear cut = 4 acres; **page 41**- Six 3 acre irregularly contoured clear cut patches = 18 acres; **page 56** – two irregularly shaped three acre patches that retain a 150 foot mature stand between them = 6 acres and lastly there is reference to a 4 acre cedar cut in the plan)

Theresa Lettman



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

**REPORT ON A SECOND AMENDMENT TO AN APPLICATION FOR
 MAJOR PUBLIC DEVELOPMENT**

March 20, 2013

Mark Streckenbein
 Atlantic Cape Community College
 5100 Black Horse Pike
 Mays Landing, NJ 08330

Re: Application #: 1983-5250.012
 Block 996, Lot 26
 Hamilton Township

Dear Mr. Streckenbein:

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 with conditions at its April 12, 2013 meeting.

FINDINGS OF FACT

This application is for the construction of a 32,475 square foot, two story science and technology building at the Atlantic Cape Community College on the above referenced 312.7 acre lot. The lot is located in a Pinelands Regional Growth Area.

On August 13, 2010, the Commission approved an application for the construction of a 25,500 square foot, two story science and technology building, a 44,000 square foot, two story educational building, 2.71 acres of elevated solar panels over three existing paved parking lots and five stormwater infiltration basins (App. No. 1983-5250.012).

On August 10, 2012, the Commission approved an amended application for the reconfiguration of both the 44,000 square foot educational building and one of the five previously approved stormwater infiltration basins (App. No. 1983-5250.012).

This application proposes to increase the square footage of the previously approved science and technology building from 25,500 square feet to 32,475 square feet. The application also proposes to reconfigure the remaining four previously approved stormwater infiltration basins.



The proposed development will be located in a developed portion of the campus, primarily within the same development footprint as the previously approved 25,500 square foot, two story science and technology building and the site improvements associated with that building. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed building.

The Landscaping and Revegetation guidelines of the Pinelands Comprehensive Management Plan (CMP) recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The proposed development will be located within an existing maintained lawn area.

There are wetlands located on and within 300 feet of the lot. There is existing development, including buildings and paved roadways, located closer to the wetlands than the proposed building.

The proposed building will be serviced by public sanitary sewer.

The applicant has demonstrated that the proposed development will be consistent with the stormwater management standards of the CMP. The applicant will be constructing four stormwater infiltration basins.

Based upon the existing conditions, the location of proposed development relative to existing development and a review of information available to the Commission staff, it was determined that a survey for the presence of threatened and endangered species of plants and animals was not required.

Information available to the Commission staff did not provide sufficient evidence of significant cultural resources to require a full cultural survey.

PUBLIC COMMENT

The applicant provided the requisite public legal notices. Newspaper public notice was completed for the application on October 11, 2012. Notice to required land owners within 200 feet of the above referenced lot was completed on October 11, 2012. The application was designated as complete on the Commission's website on February 20, 2013. The Commission's public comment period closed on March 8, 2013. The Pinelands Commission has not received any public comments regarding the application.

CONCLUSION

The proposed building is a permitted use in a Pinelands Regional Growth Area (N.J.A.C. 7:50-5.28(a)). If the following conditions are imposed, the proposed development will be consistent with the management standards contained in Subchapters 5 & 6 of the CMP.

1. Except as modified by the below conditions, the proposed development shall adhere to the plans, consisting of thirteen sheets, prepared by Adams, Rehmann & Heggan Associates, Inc. and dated as follows:

Sheet 1 – August 31, 2012; revised November 29, 2012

Sheets 2-5, 7-10, 12 & 13 – August 31, 2012; revised April 27, 2012

Sheets 6 & 11 – August 31, 2012; revised January 10, 2013

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. All development, other than the science and technology building and site improvements subject of this Report on a Second Amendment to an Application for Major Public Development, shall be developed consistent with the Commission's August 13, 2010 and August 10, 2012 approvals for those applications.
5. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

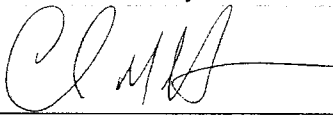
As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.

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 recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Recommended for Approval by: 
 Charles M. Horner, P.P., Director of Regulatory Programs

c: Secretary, Hamilton Township Planning Board
 Hamilton Township Environmental Commission
 Atlantic County Department of Regional Planning and Development
 Kevin Dixon



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

**REPORT ON AN APPLICATION FOR
 MINOR PUBLIC DEVELOPMENT**

March 22, 2013

Borough of Folsom
 1700 12th Street
 Folsom, NJ 08037

Application Information:	App. No. 1998-0487.003 Area of Parcel: 16.5 Acres Block 1102, Lot 3 Borough of Folsom
Proposed Development:	Construction of a 2,400 square foot municipal public works garage and the demolition of an existing 675 square foot municipal garage 50 years old or older.
Management Area:	Pinelands Forest Area
Relevant Facts:	<ul style="list-style-type: none"> The plan, consisting of three sheets, was prepared by Polistina & Associates, LLC and dated as follows: Sheet 1 – October 18, (no year); revised January 7, 2013 Sheet 2 – October 18, 2012; revised March 6, 2013 Sheet 3 – October 18, 2012; revised February 6, 2013 Basis for garage being a permitted land use in a Pinelands Forest Area: The area of the existing maintenance yard use as of 1/14/81 was 1.5 acres. The Commission approved an application for a maintenance building on the lot in 1999. That application resulted in the expansion of the area of the maintenance yard to 1.75 acres. The proposed 2,400 square foot garage is for the storage of existing maintenance equipment. The proposed garage will not result in an increase in the area or capacity of the maintenance yard use. The proposed garage is a permitted land use because it constitutes a less than 50 percent expansion of the area of the existing maintenance facility use as of 1/14/81 (N.J.A.C. 7:50-5.2. (b.)). The existing and proposed development will be serviced by an existing on-site system.



Public Notice:	<ul style="list-style-type: none"> Public notice is not required by the Pinelands Comprehensive Management Plan (CMP) for “minor” development. On February 25, 2013, the application was designated as complete on the Commission’s website. No public comments received through the close of public comment period on March 8, 2013.
Conclusion	<ul style="list-style-type: none"> The proposed development is consistent with the standards contained in the CMP.
Recommendation:	<ul style="list-style-type: none"> On behalf of the Commission’s Executive Director, I recommend that the Pinelands Commission approve this application at its April 12, 2013 meeting.
Appeal of Recommendation:	<p>The CMP (N.J.A.C. 7:50-4.91) provides that parties who meet the legal requirement to qualify as an “interested party,” the right to appeal this recommendation. Any appeal must be made in writing to the Commission within 18 days of the date of this Report and include the information specified in the CMP (N.J.A.C. 7:50-4.91). Any valid appeal will be forwarded to the New Jersey Office of Administrative Law for a hearing.</p>



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

c: Secretary, Borough of Folsom Planning Board
 Borough of Folsom Environmental Commission
 Atlantic County Department of Regional Planning and Development
 Vincent Polistina



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

**REPORT ON AN APPLICATION FOR
MINOR PUBLIC DEVELOPMENT**

March 20, 2013

Barry Fisher
Fire District No. 4 of Maurice River Township
PO Box 823
Millville, NJ 08332

Application Information:	App. No. 2009-0063.002 Area of Parcel: 1.37 Acres Block 116, Lot 28 Maurice River Township
Proposed Development:	Construction of a 2,800 square foot addition to an existing 2,666 square foot firehouse
Management Area:	Pinelands Village of Cumberland-Hesstown
Relevant Facts:	<ul style="list-style-type: none"> The plan was prepared by Dixon Associates Engineering, LLC and dated August 20, 2012. The proposed addition will be located over existing impervious surfaces. The existing and proposed development will be serviced by an existing on-site septic system.
Public Notice:	<ul style="list-style-type: none"> Public notice is not required by the Pinelands Comprehensive Management Plan (CMP) for "minor" development. On February 26, 2013, the application was designated as complete on the Commission's website. No public comments received through the close of public comment period on March 8, 2013.
Conclusion	<ul style="list-style-type: none"> The proposed development is consistent with the standards contained in the CMP.
Recommendation:	<ul style="list-style-type: none"> On behalf of the Commission's Executive Director, I recommend that the Pinelands Commission approve this



	application at its April 12, 2013 meeting.
Appeal of Recommendation:	The CMP (N.J.A.C. 7:50-4.91) provides that parties who meet the legal requirement to qualify as an "interested party," the right to appeal this recommendation. Any appeal must be made in writing to the Commission within 18 days of the date of this Report and include the information specified in the CMP (N.J.A.C. 7:50-4.91). Any valid appeal will be forwarded to the New Jersey Office of Administrative Law for a hearing.



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

c: Secretary, Maurice River Township Planning Board
Maurice River Township Environmental Commission
Cumberland County Planning Board
Cormac Morrissey



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 Wirttenberg
 Executive Director

**REPORT ON AN APPLICATION FOR
 MAJOR PUBLIC DEVELOPMENT**

March 19, 2013

Edward D. Dennis, Sr., Council President
 Egg Harbor City
 500 London Ave.
 Egg Harbor City, NJ 08215

Re: Application #: 2012-0035.001
 Block 614, Lots 16, 18 & 19
 New Orleans Avenue &
 Diesterweg Street
 City of Egg Harbor City

Dear Mr. Dennis:

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 with conditions at its April 12, 2013 meeting.

FINDINGS OF FACT

This application is for the paving of approximately 608 linear feet of New Orleans Avenue between Duerer Street and Diesterweg Street. The application also proposes to install curbing and sidewalk along the same portion of New Orleans Avenue and construct certain offsite stormwater management improvements. The proposed development is located in the Pinelands Town of Egg Harbor City.

The portion of the New Orleans Avenue right-of-way located between Duerer and Diesterweg Streets is an existing gravel road ranging in width between 45 feet and 65 feet. The application proposes to pave the concerned portion of New Orleans Avenue to a width of 36 feet.

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards of the Pinelands Comprehensive Management Plan (CMP). To meet the CMP stormwater management standards, the application proposes to enlarge an existing 0.3 acre stormwater management basin located on Block 614, Lot 16, in Egg Harbor City. The existing stormwater basin will be enlarged by 0.45 acres. The proposed enlarged basin will be located on Block 614, Lots 16, 18 and 19. The application proposes to install approximately 316 linear feet of 18" stormwater pipe in the



Diesterweg Street right-of-way. The proposed stormwater pipe will convey stormwater from the improvement to New Orleans Avenue and direct it to the proposed expanded basin.

The proposed paving of New Orleans Avenue will be located within the limits of the existing gravel road. Enlargement of the existing offsite stormwater basin proposed on Block 614, Lots 16, 18 & 19 will be located in maintained grass and sparsely wooded areas. The proposed stormwater conveyance pipe will be installed beneath existing road pavement in the Diesterweg Street right-of-way. The proposed clearing and soil disturbance appears to be limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation Guidelines of the Pinelands Comprehensive Management Plan (CMP) recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant is proposing to utilize grasses that meet this recommendation.

There are wetlands located within 300 feet of the proposed development. No development is proposed in wetlands. It was previously demonstrated that, as part of an application (App. No. 2010-0047.001) for the existing stormwater management basin on Block 164, Lot 16, a minimum buffer of 175 feet will not result in a significant adverse impact on the concerned wetland. The proposed enlargement of the existing stormwater management basin proposed in this application will maintain the required 175 foot buffer to wetlands.

The proposed road improvements (paving, curbing, sidewalks) will be located in the required buffer to wetlands. The CMP (N.J.A.C. 7:50-6.13) permits road improvements in the required buffer to wetlands provided the following conditions are met:

1. There is no feasible alternative to the proposed road improvements that will result in a less significant adverse impact on wetlands;
2. The need for the proposed road improvements cannot be met by existing facilities or a modification thereof;
3. The need for the proposed road improvements will provide for safe travel and pedestrian conditions, which override the importance of protection the wetlands;
4. Development of the proposed road improvements include all practical measures to mitigate the adverse impact on the wetlands; and
5. The proposed road improvements will not result in substantial impairment of the resources of the Pinelands.

The applicant has represented that the proposed road improvements will provide for safe travel and pedestrian conditions to and from the adjacent Egg Harbor City Middle School. The applicant has demonstrated that the proposed road improvements meet the above conditions. Based upon this demonstration, the proposed road improvements are a permitted use in the required buffer to wetlands.

Based upon the existing conditions, the location of the proposed development relative to existing development and a review of information available to the Commission staff, it was determined that a survey for the presence of threatened and endangered species of plants and animals was not required.

The Pinelands Commission's cultural resource inventories did not provide sufficient evidence of a significant resource to require a full cultural resource survey.

PUBLIC COMMENT

This applicant provided the requisite legal notices. Legal notice to required land owners within 200 feet of the above referenced parcel was completed on February 25, 2013. Newspaper public notice was completed for the application on February 26, 2013. The application was designated as complete on the Commission's website on February 26, 2013. The Commission's public comment period closed on March 8, 2013. The Pinelands Commission has not received any public comments regarding the application.

CONCLUSION

The proposed development is a permitted use in a Pinelands Town (N.J.A.C. 7:50-5.27(a)1). If the following conditions are imposed, the proposed development will be consistent with the management standards contained in Subchapters 5 & 6 of the CMP and Egg Harbor City's certified master plan and land use ordinance.

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of eleven sheets, prepared by Remington, Vernick & Walberg Engineers and dated as follows:

Sheets 1, 2, 4-9 & 11 – February 24, 2012; revised February 7, 2013;
Sheets 3 & 10 – February 24, 2012; revised February 25, 2013
2. 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.
3. The development of the proposed stormwater management basin expansion shall maintain a minimum buffer to wetlands of 175 feet.
4. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
5. Silt fencing, hay bales or other appropriate measures shall be installed prior to construction to preclude sediment from entering freshwater wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
6. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

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.

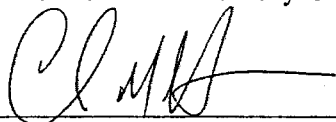
APPEAL

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 recommendation 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

RLW/KY/CH

c: Secretary, Egg Harbor City Planning Board
Atlantic County Department of Regional Planning and Development
Ryan McGowan, Remington, Vernick & Walberg Engineers
Rhonda Ward



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-13- 11

TITLE: Approving With Conditions an Application for a **Public Development** (Application Number 1988-0473.003)

Commissioner McGlinchey moves and Commissioner Brown seconds the motion that:

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

1988-0473.003 **PEMBERTON TOWNSHIP**, Regional Growth Area, reconstruction of the Bayberry Street Dam and road improvements within a 353 linear foot portion of the Bayberry Street right-of-way that crosses the dam (Date of Report: March 22, 2013).

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that the following application for Public Development is hereby **approved** subject to the conditions recommended by the Executive Director.

1988-0473.003 **PEMBERTON TOWNSHIP**, Regional Growth Area, reconstruction of the Bayberry Street Dam and road improvements within a 353 linear foot portion of the Bayberry Street right-of-way that crosses the dam (Date of Report: March 22, 2013).

Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission

Date: 4/12/2013

Nancy Wittenberg
Executive Director

Mark S. Lohbauer
Chairman

Coastace M Ashmun



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

**REPORT ON AN APPLICATION FOR
 MAJOR PUBLIC DEVELOPMENT**

March 22, 2013

David A. Patriarca, Mayor
 Pemberton Township
 500 Pemberton-Browns Mills Road
 Pemberton, NJ 08068

Re: Application #: 1988-0473.003
 Block 947.01, Lot 1
 Block 947.02, Lot 1
 Bayberry Street
 Pemberton Township

Dear Mayor Patriarca:

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 with conditions at its April 12, 2013 meeting.

FINDINGS OF FACT

This application is for the reconstruction of the Bayberry Street Dam located on the above referenced 29.04 acre parcel. The application also proposes road improvements within a 353 linear foot portion of the Bayberry Street right-of-way that crosses the dam. The proposed development is located in a Pinelands Regional Growth Area.

On December 13, 1996, the Commission approved the replacement of the Bayberry Street Dam (App. No. 1988-0473.002). The existing dam was constructed in 2000. The applicant has indicated that Bayberry Street Dam sustained significant damage during and after storm events in 2010 and 2011, which comprised the structural integrity of the dam. The existing dam ranges between 32 and 38 feet in width for its entire 353 foot length. The dam is proposed to be widened to 38 feet for its entire length. Concrete block, rip rap and permanent sheeting are proposed to be installed to provide slope stabilization around the dam structure.



The existing 353 linear foot portion of Bayberry Street that is located over the existing dam is currently paved to a width between 27 and 30 feet. The road will be widened to a uniform width of 30 feet. 302 linear feet of six foot wide sidewalk will also be installed within the Bayberry Street right-of-way.

Freshwater wetlands are located on the parcel. The proposed dam improvements will occur in wetlands and the required buffer to wetlands. The restoration of Bayberry Street dam will result in the disturbance of 0.397 acres of wetlands. The applicant has indicated that the improvements to the dam have been designed to maintain the normal water elevation and are necessary to comply with NJDEP Dam Safety standards. The applicant has demonstrated that, in accordance with the wetlands protection standards of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-6.13), the proposed development is permitted in wetlands and the required buffer to wetlands. The proposed development in wetlands requires a Freshwater Wetlands Permit pursuant to the New Jersey Freshwater Wetlands Protection Act.

The proposed development will be located over existing paved and disturbed areas and within open water. The proposed clearing and disturbance appears to be limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the Pinelands Comprehensive Management Plan (CMP) recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to utilize grasses that meet this recommendation.

Based upon review of available information, Pine Barrens treefrog (*Hyla andersonii*) and Bald Eagle (*Haliaeetus leucocephalus*) were identified as potential species of concern for this application. The applicant completed a habitat assessment for Pine Barrens treefrog and Bald Eagle. Habitat suitable for Pine Barrens treefrog was not identified within the project area. The habitat assessment determined that open water adjacent to the proposed development is potential Bald Eagle foraging habitat. The nearest documented Bald Eagle nest is located at least two miles from the project site. Based upon the location of existing development, the proposed limits of disturbance and a review of information available to the Commission staff, it was determined that the proposed development will not result in an irreversible adverse impact on habitat critical to the survival of any local population of Bald Eagle.

The applicant has proposed a self-imposed timing restriction which prohibits all development activities between December 15 and June 1 to further reduce any potential impacts on nesting Bald Eagles.

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

The Pinelands Commission's cultural resource inventories did not provide sufficient evidence of a significant resource to require a full cultural resource survey for the application.

PUBLIC COMMENT

The applicant provided the requisite legal notices. Legal notice to required land owners within 200 feet of the above referenced parcel was completed on September 19, 2012. Newspaper public notice was completed for the application on September 20, 2012. The application was designated as complete on the Commission's website on February 26, 2013. The Commission's public comment period closed on

March 8, 2013. No public comment regarding this application was submitted to the Pinelands Commission.

CONCLUSION

The proposed dam improvements are a permitted use in a Pinelands Regional Growth Area (N.J.A.C. 7:50-5.28(a)). If the following conditions are imposed, the proposed development will be consistent with the management standards contained in Subchapters 5 & 6 of the CMP and Pemberton Township's certified master plan and land use ordinance.

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 15 sheets, prepared by Adams, Rehmann & Heggan Associates and dated as follows:

Sheet 1 – January 31, 2013
Sheets 2-15 – January 2013
2. 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.
3. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
4. Silt fencing, hay bales, or other appropriate measures shall be installed prior to 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. Prior to any development, the applicant shall obtain any other necessary permits and approvals. In addition, prior to the construction of any portion of the proposed development which will result in a disturbance of wetlands, the applicant shall obtain a Freshwater Wetlands Permit pursuant to the New Jersey Freshwater Wetlands Protection Act.

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.

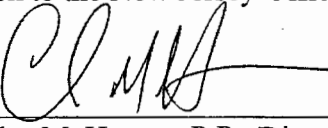
APPEAL

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 recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Recommended for Approval by: 

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

- c: Secretary, Pemberton Township Planning Board
Pemberton Township Environmental Commission
Burlington County Planning Board
John Helbig
Rhonda Ward



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-13- 12

TITLE: Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1985-0713.002)

Commissioner McGlinchey moves and Commissioner Ficcaglia seconds the motion that:

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

1985-0713.002 **ARTHUR C. ALLEN**, Southampton Township, Agricultural Production Area, 40 acre parcel, development of one single family dwelling served by an onsite septic system (Date of Report: March 22, 2013).

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

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

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

WHEREAS, the Pinelands Commission hereby determines that the requested Waiver conforms to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65 if the conditions recommended by the Executive Director are imposed.

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

1985-0713.002 **ARTHUR C. ALLEN**, Southampton Township, Agricultural Production Area, 40 acre parcel, development of one single family dwelling served by an onsite septic system (Date of Report: March 22, 2013).

Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission

Date: April 12, 2013

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

**REPORT ON AN APPLICATION FOR A
 WAIVER OF STRICT COMPLIANCE**

March 22, 2013

Arthur C. Allen
 c/o Environmental Consulting of Southern NJ
 90 North Main Street
 Medford, NJ 08055

Re: Application # 1985-0713.002
 Block 1702, Lot 26
 Southampton Township

Dear Mr. Allen:

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 with conditions at its April 12, 2013 meeting.

FINDINGS OF FACT

This application is for the development of a single family dwelling, served by an onsite septic system, on the above referenced 40 acre parcel in Southampton Township. The parcel is located in a Pinelands Agricultural Production Area.

The applicant is proposing to develop a single family dwelling accessory to an existing active berry agricultural operation on the parcel. The proposed dwelling will be occupied by an operator or an employee of the farm actively engaged in and essential to the berry agricultural operation. The applicant has submitted information demonstrating that the parcel qualifies for agricultural assessment. The applicant has submitted a farm management plan demonstrating that the parcel will be farmed as a unit unto itself. A dwelling accessory to an active agricultural operation is a permitted use in a Pinelands Agricultural Production Area pursuant to the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-5.24(a)2).

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



A Waiver of Strict Compliance (Waiver) for the development of a single family dwelling accessory to an agricultural operation on the parcel was previously approved by the Pinelands Commission on May 12, 1995. A Commission application for a Certificate of Filing to develop the dwelling authorized by that Waiver was never completed and no municipal or county permits or approvals were received for the proposed development. Therefore, the Waiver expired on May 12, 2000 in accordance with the provisions of the CMP (N.J.A.C. 7:50-4.70(c)). The applicant has completed a new application for a Waiver on the above referenced parcel.

On May 15, 1995, the Commission issued Re-Amended Letter of Interpretation (LOI) #382 allocating 0.50 Pinelands Development Credits (PDCs) to the parcel (App. No. 1985-0713.001). That LOI expired on May 15, 1997. The applicant has initiated, but not completed, an application for a new LOI for PDCs on the parcel.

An application has been completed with the Commission for proposed forestry on the parcel (App. No. 1985-0713.004). To date, the Commission has not received copies of any municipal permits/approvals for the proposed forestry.

The Burlington County Soil Survey indicates that there are Pocomoke and Klej soils on the parcel. These soils have a seasonal high water table of less than 5 feet below the natural ground surface. A total of three soil borings were previously performed by the applicant's consultant and a member of the Commission staff for the original Waiver application. Those borings revealed a seasonal high water table of less than 5 feet below the natural ground surface at the location of the borings. The applicant has submitted no information to demonstrate that the septic system could be located in an area on the parcel where the seasonal high water table is at least 5 feet below the natural ground surface. The applicant previously submitted a soil boring as part of the original Waiver application demonstrating that the seasonal high water table at the proposed location of the septic system is at least 2 feet below the natural ground surface. Since the available information indicates the seasonal high water table on the parcel is less than 5 feet below the natural ground surface, the applicant is requesting a Waiver from the seasonal high water table requirement contained in N.J.A.C. 7:50-6.84(a)4iv.

Portions of the parcel are a hardwood swamp and a pitch pine lowlands, types of wetlands, as defined in N.J.A.C. 7:50-6.5(a)2 and 3. The remainder of the parcel is an active blueberry field located in wetland soils as defined in N.J.A.C. 7:50-6.3. Any development of the parcel would be located within 300 feet of these wetlands. The applicant has submitted no information to demonstrate that the proposed development would not cause a significant adverse impact on the wetlands. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetlands. As there will be a significant adverse impact on wetlands located within 300 feet of the proposed development, the applicant is requesting a Waiver from the buffer to wetlands requirement contained in N.J.A.C. 7:50-6.14.

One of the requirements contained in the CMP (N.J.A.C. 7:50-4.65 (b)) to qualify for a Waiver to develop a dwelling is that no development, except for development otherwise permitted in wetlands and wetlands buffers by the CMP, shall be located within 50 feet of wetlands. The proposed dwelling will utilize an existing dirt driveway. That existing driveway is located in wetlands and the required buffer to wetlands. The applicant has demonstrated that all proposed development can be located at least 50 feet from wetlands.

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The CMP (N.J.A.C. 7:50-5.1(c)) provides that not more than one principal use shall be located on one parcel,

except for, among other uses, forestry, agriculture and horticulture. The existing berry agricultural operation and the dwelling proposed in this application as accessory to the agricultural operation will be the sole principle use of the entire contiguous parcel.

The development of a single family dwelling on the 40 acre parcel will not require any lot area or density variances pursuant to the Southampton Township land use ordinance. A single family dwelling can be developed on the parcel without violating any of the criteria contained in N.J.A.C. 7:50-4.65(b) if the conditions recommended below are imposed.

The CMP (N.J.A.C. 7:50-4.65(a)) precludes the granting of a Waiver unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act, the CMP and the development will not result in a substantial impairment of the resources of the Pinelands Area as defined in the CMP (N.J.A.C. 7:50-4.65(b)). The proposed development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act, the CMP and will not violate any of the circumstances defined in N.J.A.C. 7:50-4.65(b).

PUBLIC COMMENT

The applicant has provided the requisite public notice. The Pinelands Commission has not received any public comments concerning the application.

CONCLUSION

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

N.J.A.C. 7:50-4.63(a) sets forth 5 conditions which must be met for an applicant to qualify for an extraordinary hardship pursuant to that subsection.

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

- ix. A single family dwelling accessory to an active agricultural production operation in an Agricultural Production Area pursuant to the criteria contained in N.J.A.C. 7:50-5.24(a)2.

This application is only for a Waiver from the seasonal high water table and buffer to wetlands requirements contained in N.J.A.C. 7:50-6 of the CMP. The applicant is seeking to develop a single family dwelling accessory to an active agricultural operation in an Agricultural Production Area that meets all the criteria contained in N.J.A.C. 7:50-5.24(a)2. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1.ix.

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

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

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

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

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

The applicant has applied for a PDC LOI for an allocation of PDCs to this parcel. N.J.A.C. 7:50-4.62(d)1i requires the reduction, as set forth in N.J.A.C. 7:50-5.43(b)3, of any PDCs allocated to the parcel pursuant to N.J.A.C. 7:50-5.43(b). N.J.A.C. 7:50-5.43(b)3ii requires that the PDC entitlement for a parcel shall be reduced by 0.25 PDC for each dwelling unit on the parcel. N.J.A.C. 7:50-5.43(b)3iii requires that the PDC entitlement for a parcel be reduced by 0.25 PDC for each reserved right to build a dwelling unit on the parcel. The submitted PDC LOI application form reserved the right for the proposed future dwelling on the lot. A condition is included to reflect this requirement.

N.J.A.C. 7:50-4.62(d)1iii requires the acquisition and redemption of 0.25 PDCs whenever the Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the applicant is obtaining a Waiver from the seasonal high water table and minimum buffer to wetlands requirements contained in N.J.A.C. 7:50-6.84(a)4iv and 7:50-6.14, a condition is included to require the applicant to purchase the requisite 0.25 PDCs.

With the conditions recommended below, the applicant meets the requirements contained in N.J.A.C. 7:50-4.62(c).

To meet the requirements of the CMP (N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65), the Commission staff has determined that the parcel must be developed in accordance with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the site plan prepared by Environmental Consulting of Southern New Jersey, dated April 12, 2012 and last revised February 14, 2013.

2. All development associated with the single family dwelling, including clearing and land disturbance, except for the existing dirt driveway, shall maintain the maximum feasible buffer to wetlands but not less than 50 feet.
3. Silt fencing, hay bales or other appropriate measures shall be installed prior to construction to preclude sedimentation from entering wetlands.
4. Sufficient dry wells or comparable alternative shall be installed to contain all stormwater runoff from the dwelling.
5. Access to the single family dwelling shall be from the existing dirt driveway. Other than normal and customary repair and maintenance, the existing dirt driveway shall not be improved without first obtaining any necessary New Jersey Department of Environmental Protection Freshwater Wetlands Permit. Any proposed improvements to the driveway shall not result in an impermeable surface.
6. The septic system shall be located in an area where the seasonal high water table is at least 2 feet below the natural ground surface. Sufficient fill shall be placed in the area of the septic system to meet the requirements of NJDEP, Standards for Individual Subsurface Sewage Disposal Systems (N.J.A.C 7:9A).
7. Except as provided in N.J.A.C. 7:50-5.1(c), the sole principal use of the parcel shall be agriculture, forestry, and the single family dwelling proposed as accessory to the agricultural use. Any future development of the parcel shall be accessory to that sole principal use.
8. The allocation of Pinelands Development Credits to the parcel shall be reduced by 0.25 PDCs in accordance with N.J.A.C. 7:50-5.43(b)3iii.
9. Prior to the receipt of any municipal or county approvals or permits, proof of acquisition and redemption of the requisite 0.25 PDCs must be submitted to the Pinelands Commission.
10. This Waiver shall expire April 12, 2018 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after April 12, 2018 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
11. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to completing an application for development. The deed shall specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance referring to the application number. The deed shall state that the conditions are enforceable by the Pinelands Commission, the Burlington County Health Department, Southampton Township and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver from the requirements of N.J.A.C. 7:50-6.14 and 7:50-6.84(a)4iv.

Since the applicant meets the provisions of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65 for the development of one single family dwelling accessory to an active agricultural use on

the lot, it is recommended that the Pinelands Commission APPROVE the requested Waiver of Strict Compliance subject to the above conditions.

APPEAL

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

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

If no appeal is received, the Pinelands Commission may either approve the determination of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Recommended for Approval by: _____



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

- c: Southampton Township Planning Board Secretary
 Southampton Township Construction Code Official
 Southampton Township Environmental Commission
 Burlington County Health Department



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-13- 13

TITLE: To Award Pinelands Conservation Fund Monies for the Acquisition of Land in Upper Township Located Outside the Pre-Approved Acquisition Locations

Commissioner Pickett moves and Commissioner Ashmun seconds the motion that:

WHEREAS, the Pinelands Commission established the Pinelands Conservation Fund on April 15, 2005 pursuant to the Commission's 2004 Memorandum of Agreement with the New Jersey Board of Public Utilities; and

WHEREAS, Resolution PC4-05-25 established policies for the use and management of the Pinelands Conservation Fund; and

WHEREAS, the Pinelands Commission revised its policies on August 14, 2009 through the adoption of Resolution PC4-09-46 in order to manage additional funds made available to the Pinelands Conservation Fund in conjunction with a 2006 amendment to the Pinelands Comprehensive Management Plan that authorized an expansion of the Cape May County Municipal Utilities Authority Landfill; and

WHEREAS, the Pinelands Commission's Permanent Land Protection Committee determined that the additional \$2.5 million made available to the Fund for land acquisition should be distributed among the "Pre-Approved Acquisition Locations" (502 Target Areas and 20 Planning Areas endorsed by the Commission; \$2 million) and contingency projects (\$500,000), with a small amount (8% of the total \$2.5 million, or \$200,000) reserved for projects located within Cape May County; and

WHEREAS, on December 11, 2009, the Pinelands Commission adopted Resolution PC4-09-69, authorizing the Executive Director to enter into a contract for a program facilitator with Conservation Resources Inc. to assist in implementing the land acquisition program of the Pinelands Conservation Fund; and

WHEREAS, this contract specifies that Conservation Resources Inc. will focus its efforts on identifying land acquisition projects within the Pre-Approved Acquisition Locations identified by the Permanent Land Protection Committee; and

WHEREAS, the contract also specifies that should Conservation Resources Inc. recommend a project for funding that is not located within the Pre-Approved Acquisition Locations, and should the Permanent Land Protection Committee determine that such project is eligible for funding through the Pinelands Conservation Fund, the Pinelands Commission must determine whether funding for the project should be awarded; and

WHEREAS, in April of 2013, Conservation Resources Inc. recommended the acquisition of a parcel in Upper Township (Block 10, Lots 72, 184 and 185) that is not located within a Pre-Approved Acquisition Area; and

WHEREAS, the parcel in question totals 267.7 acres in size, is located in a Pinelands Forest Area adjacent to the 21,000 acre Belleplain State Forest, and has been assigned an ecological integrity score of 100% (highest) for the majority of the parcel; and

WHEREAS, the project is proposed by The Nature Conservancy in cooperation with the New Jersey Department of Environmental Protection's Green Acres Program and the parcel will ultimately be owned and managed by the New Jersey Department of Environmental Protection's Division of Parks and Forestry as part of the Belleplain State Forest; and

WHEREAS, the parcel in question is located within Cape May County, for which a total of \$200,000 of the Pinelands Conservation Fund was originally reserved; and

WHEREAS, to date, only \$12,154.50 of the reserved \$200,000 in funding has been expended for the acquisition of a one-acre parcel located in Cape May County; and

WHEREAS, Conservation Resources Inc. has recommended that a Pinelands Conservation Fund allocation for this project be approved, as requested by the applicant; and

WHEREAS, the CMP Policy & Implementation Committee (which has absorbed the responsibilities of the Permanent Land Protection Committee) has reviewed the recommendation of Conservation Resources Inc. and determined that the project has sufficient merit to justify an allocation of funding through the Pinelands Conservation Fund, despite its location outside the Pre-Approved Acquisition Areas; and

WHEREAS, the CMP Policy & Implementation Committee has also determined that an allocation of the entire remaining balance of reserved Cape May County funding is appropriate for this project due to its significant ecological value and location, the past difficulty of identifying projects located in Cape May County, and the likely difficulty in finding another Cape May County project for the minimal remaining fund balance should the customary allocation of 33.3% of certified fair market value be allocated to this project; and

WHEREAS, the CMP Policy & Implementation Committee has further determined that the project is eligible for funding through the Pinelands Conservation Fund in the amount of \$187,845.50, which equates to 34.5% of the certified fair market value; and

WHEREAS, the Pinelands Commission accepts the recommendation of the CMP Policy & Implementation Committee; 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.

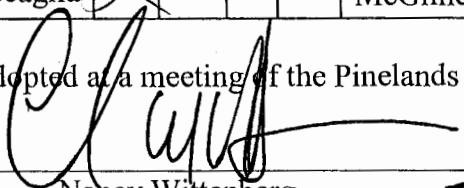
NOW, THEREFORE, BE IT RESOLVED that Pinelands Conservation Fund monies for the acquisition of a parcel in Upper Township (Block 10, Lots 72, 184 and 185) are hereby awarded in an amount not to exceed \$187,845.50.

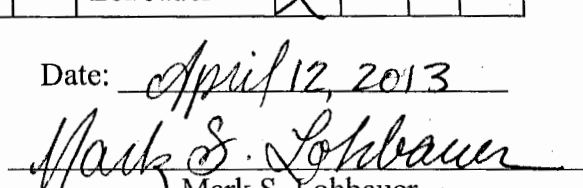
Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission

Date: April 12, 2013


 Nancy Wittenberg
 Executive Director


 Mark S. Lohbauer
 Chairman