



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-12- 27

TITLE: Approving With Conditions Applications for **Public Development** (Application Numbers 1983-5250.012, 1987-0887.003, 2008-0108.001, 2011-0077.001 & 2011-0125.001)

Commissioner Haas moves and Commissioner Ficcoaglia 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:

- 1983-5250.012 ATLANTIC CAPE COMMUNITY COLLEGE, Hamilton Township, Regional Growth Area, construction of a 44,000 square foot, two story educational building (Date of Report: July 24, 2012);
- 1987-0887.003 BOROUGH OF LAKEHURST, Borough of Lakehurst, Pinelands Town, replacement/enlargement of Lake Horicon dam spillway (Date of Report: July 19, 2012);
- 2008-0108.001 EGG HARBOR CITY, Egg Harbor City, Pinelands Town, placement of an existing 1,224 s.f. building on a parcel (Date of Report: July 19, 2012);
- 2011-0077.001 WATERFORD TOWNSHIP, Waterford Township, Agricultural Production Area, reconstruction of approximately 565 l.f. of Pestletown Road (Date of Report: July 19, 2012); and
- 2011-0125.001 EGG HARBOR CITY, Egg Harbor City, Pinelands Town, development of a sanitary sewer pump station within the Goethe Street right-of-way (Date of Report: July 19, 2012).

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.

- 1983-5250.012 ATLANTIC CAPE COMMUNITY COLLEGE, Hamilton Township, Regional Growth Area, construction of a 44,000 square foot, two story educational building (Date of Report: July 24, 2012);
- 1987-0887.003 BOROUGH OF LAKEHURST, Borough of Lakehurst, Pinelands Town, replacement/enlargement of Lake Horicon dam spillway (Date of Report: July 19, 2012);

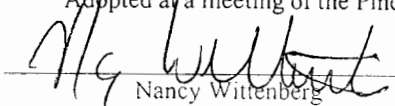
- 2008-0108.001 EGG HARBOR CITY, Egg Harbor City, Pinelands Town, placement of an existing 1,224 s.f. building on a parcel (Date of Report: July 19, 2012);
- 2011-0077.001 WATERFORD TOWNSHIP, Waterford Township, Agricultural Production Area, reconstruction of approximately 565 l.f. of Pestletown Road (Date of Report: July 19, 2012); and
- 2011-0125.001 EGG HARBOR CITY, Egg Harbor City, Pinelands Town, development of a sanitary sewer pump station within the Goethe Street right-of-way (Date of Report: July 19, 2012).

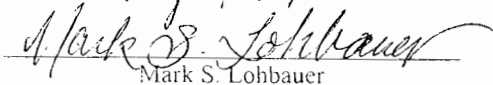
Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission

Date: August 10, 2012


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

Mark S. Lohbauer
 Chairman

Nancy Wittenberg
 Executive Director

**REPORT ON AN APPLICATION FOR
 MAJOR PUBLIC DEVELOPMENT**
 (Corrected Copy – Lot Number)

July 24, 2012

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 August 10, 2012 meeting.

FINDINGS OF FACT

This application is for the construction of a 44,000 square foot, two story educational 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). This application proposes to reconfigure both the development “footprint” of the previously approved 44,000 square foot educational building and a stormwater infiltration basin. This application also proposes to eliminate two of the previously approved stormwater infiltration basins.

The proposed educational building will be located within the same development footprint as the previously approved educational building. The proposed building will be located over existing maintained grass and paved areas. The development will disturb approximately 30,000 square feet of sparsely wooded areas. The wooded areas are primarily located between existing tennis courts and



buildings. The proposed clearing and soil disturbance appears to be 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. To stabilize disturbed areas around the perimeter of the proposed development, the applicant proposes to utilize grass species that do not meet that recommendation. The areas to be revegetated are currently maintained grassed areas or paved areas.

There are no wetlands located within 300 feet of the proposed building.

The proposed building will be serviced by public sanitary sewer.

The applicant has demonstrated that the proposed development is consistent with the stormwater regulations contained in the CMP. The applicant will be constructing a stormwater infiltration basin.

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 May 17, 2012. Notice to required land owners within 200 feet of the above referenced lot was completed on May 14, 2012. The application was designated as complete on the Commission's website on June 5, 2012. The Commission's public comment period closed on July 13, 2012. 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 seven sheets, prepared by B&G Engineering, LLC, all sheets dated July 13, 2011 and last revised on December 23, 2011.
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. The previously approved 25,500 square foot science and technology building, solar

panels and other improvement not subject of this amended application shall be developed in accordance with the Commission's August 13, 2010 approval.

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.

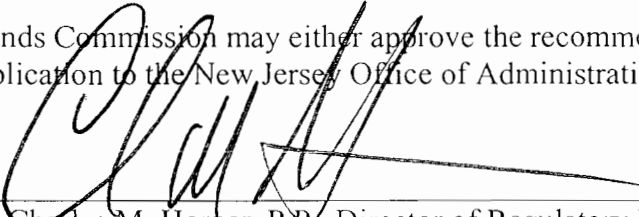
APPEAL

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

ED/CMH

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



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Chris Christie
 Governor
 Kim Guadagno
 Lt. Governor

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

Mark S. Lohbauer
 Chairman
 Nancy Wittenberg
 Executive Director

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

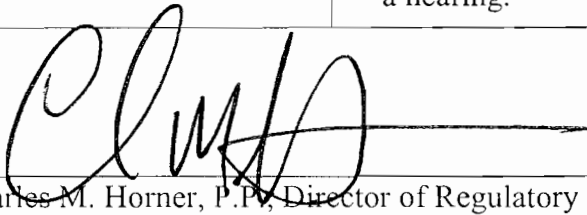
July 19, 2012

Norbert MacLean, Borough Administrator
 Borough of Lakehurst
 5 Union Avenue
 Lakehurst, NJ 08733

Application Information:	App. No. 1987-0887.003 Area of Parcel: 63.7 Acres Block 47, Lot 22 Borough of Lakehurst
Proposed Development:	Replacement/Enlargement of Lake Horicon Dam Spillway
Management Area:	Pinelands Town of Lakehurst
Relevant Facts:	<ul style="list-style-type: none"> The plan, containing five sheets, was prepared by Remington, Vernick & Vena Engineers and dated as follows: Sheets 1 & 3-5: October 6, 2011, Sheet 2: October 6, 2011 and last revised January 16, 2012 The proposed spillway will be approximately 40 feet by 25 feet. The proposed development will disturb 0.009 acres of wetlands and requires an NJDEP Freshwater Wetlands Permit.
Public Notice:	<ul style="list-style-type: none"> Public notice not required by the Pinelands Comprehensive Management Plan (CMP). On June 20, 2012, the application was designated as complete on the Commission's website. No public comments received through the close of public comment period on July 13, 2012.
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 August 10, 2012 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 Lakehurst Planning Board
Ocean County Planning Board
Alan B. Dittenhofer
Rhonda Ward



State of New Jersey

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

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

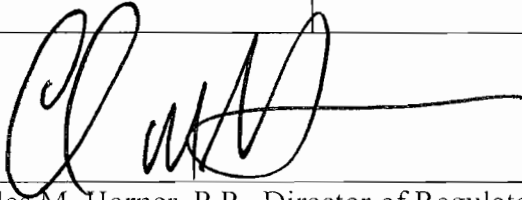
July 19, 2012

Mayor Joseph A. Kuehner, Jr.
Egg Harbor City
500 London Avenue
Egg Harbor City, NJ 08215

Application Information:	App. No. 2008-0108.001 Area of Parcel: 0.55 Acre Block 327, Lots 24 & 26 City of Egg Harbor
Proposed Development:	Placement of an existing 1,224 s.f. building on the parcel. The building is proposed in association with an existing recreational use on an adjacent parcel.
Management Area:	Pinelands Town of Egg Harbor City
Relevant Facts:	<ul style="list-style-type: none"> The plan was prepared by Remington, Vernick & Walberg Engineers and dated June 15, 2012. The proposed development will maintain an appropriate buffer to wetlands.
Public Notice:	<ul style="list-style-type: none"> Public notice not required by the Pinelands Comprehensive Management Plan (CMP). On June 28, 2012, the application was designated as complete on the Commission's website. No public comments received through the close of public comment period on July 13, 2012.
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 August 10, 2012 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.
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Charles M. Horner, P.P., Director of Regulatory Programs

- c. Secretary, Egg Harbor City Planning Board
Atlantic County Department of Regional Planning and Development
Edward Walberg, Remington, Vernick and Walberg Engineers
Timothy Michel
Rhonda Ward



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Mark S. Lohbauer
 Chairman
 Nancy Wittenberg
 Executive Director

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

July 19, 2012

Mayor Maryann Merlino
 Waterford Township
 2131 Auburn Avenue
 Atco, NJ 08004-1900

Re: Application #: 2011-0077.001
 Block 278, Lots 10 & 16
 Block 281, Lot 18
 Pestletown Road
 Waterford Township

Dear Mayor Merlino:

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 August 10, 2012 meeting.

FINDINGS OF FACT

This application is for the reconstruction of approximately 565 linear feet of Pestletown Road and associated drainage improvements. The proposed development is located in a Pinelands Agricultural Production Area.

Pestletown Road is an existing two lane paved municipal road which is approximately 21 feet in width. The portion of the road proposed for reconstruction crosses over Clarks Branch. The application proposes installation of curbing, replacement of an existing 36" culvert, construction of headwalls with riprap and construction of 4 riprap stormwater channels. Although not requiring application to the Commission, the applicant proposes to repave approximately 565 linear feet of the existing road. No increase in the paved width of the road is proposed.

The proposed development will occur in wetlands and the required buffer to wetlands. The proposed development will result in the disturbance of 0.037 acres of wetlands. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in wetlands or that will result in a less significant adverse impact on wetlands. The applicant has indicated that



reconstruction/replacement of the existing road and culvert is necessary to provide access for over 400 residents living in the immediate surrounding area, school buses, police and emergency personnel. The proposed development includes design measures to reduce existing stormwater runoff velocities and filter runoff prior to discharge to wetlands. The applicant has indicated that four proposed rip-rap channels will be constructed north and south of the stream to eliminate an existing direct discharge of stormwater to wetlands. The proposed development will not result in substantial impairment of the resources of the Pinelands. With the recommendations below, all practical measures are being taken to mitigate impacts on wetlands. The applicant has demonstrated that the need to reconstruct the concerned portion of Pestletown Road overrides the importance of protecting the wetlands.

There will be no increase in the volume and rate of stormwater run-off from the project area after development than occurred prior to the proposed development.

The proposed road improvements will be located within maintained grass shoulders and wooded areas. The wooded areas will be disturbed as a result of the proposed rip-rap. The proposed clearing and soil disturbance appears to be limited to that which is necessary to accommodate the proposed road reconstruction. 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 use grasses that meet this recommendation.

Based upon the existing site conditions and the location of the proposed development relative to the existing development, it was determined that a survey for the presence of threatened and endangered species of plants and wildlife was not required.

A review of the Pineland Commission's cultural resource inventories did not provide sufficient evidence of a significant historic or prehistoric presence to require a full cultural resource survey.

PUBLIC COMMENT

This applicant provided the requisite newspaper public notice. Newspaper public notice was completed for the application on December 19, 2011. The application was designated as complete on the Commission's website on July 3, 2012. The Commission's public comment period closed on July 13, 2012. The Pinelands Commission has not received any public comments regarding the application.

CONCLUSION

The proposed development is a permitted use in a Pinelands Agricultural Production Area (N.J.A.C. 7:50-5.24(b)). If the following conditions are imposed, the proposed development will be consistent with the management standards contained in Subchapters 5 and 6 of the CMP and Waterford 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 six sheets, prepared by Adams, Rehmann & Heggan Associates, and dated as follows:

Sheets 1-5	June, 2011; revised December 6, 2011
Sheet 6	June 2011; revised February 16, 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. 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.
5. Prior to any development in wetlands, the applicant shall obtain any necessary New Jersey Freshwater Wetlands Permits.
6. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

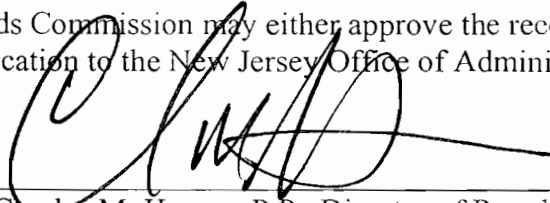
APPEAL

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, Waterford Township Planning Board
Waterford Township Environmental Commission
Camden County Planning Board
John Helbig



State of New Jersey

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

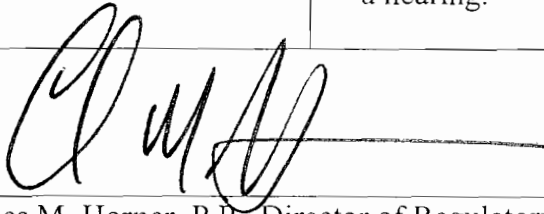
July 19, 2012

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

Application Information:	App. No. 2011-0125.001 Goethe Street City of Egg Harbor City
Proposed Development:	Development of a sanitary sewer pump station within the Goethe Street right-of-way
Management Area:	Pinelands Town of Egg Harbor City
Relevant Facts:	<ul style="list-style-type: none"> The plan, containing two sheets, Sheets 3 of 8 and 6 of 8, was prepared by Remington, Vernick & Walberg Engineers, both dated September 7, 2011 and both last revised June 20, 2012. The application proposes use of pervious pavement, a water quality swale and deed restriction of a portion of the unimproved rights-of-way of Goethe Street and Sixth Terrace as permanent open space (Egg Harbor City Resolution #94 2012). The proposed development will not result in a significant adverse impact on adjacent wetlands.
Public Notice:	<ul style="list-style-type: none"> Public notice not required by the Pinelands Comprehensive Management Plan (CMP). On July 3, 2012, the application was designated as complete on the Commission's website. No public comments received through the close of public comment period on July 13, 2012.



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 August 10, 2012 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, Egg Harbor City Planning Board
Atlantic County Department of Regional Planning and Development
Edward Walberg
Timothy Michel

The proposed oversizing of the stormwater infiltration trenches on Ashton Street and Dearborn Road is sufficient to grant an exception. The applicant has demonstrated that the road improvements proposed in this application are consistent with the stormwater management standards of the CMP.

Based on 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 species of plants and wildlife was not required.

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

PUBLIC COMMENT

This applicant provided the requisite newspaper public notice. Newspaper public notice was completed for the application on January 26, 2012. The application was designated as complete on the Commission's website on June 12, 2012. The Commission's public comment period closed on July 13, 2012. The Pinelands Commission has not received any public comments regarding the application.

CONCLUSION

The proposed road 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 and 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 ten sheets, prepared by Adams, Rehmann & Heggan Associates and dated as follows:

Sheet 1 – January 2012, last revised July 20, 2012

Sheets 6-8, 8A & 9 - January 2012, last revised April 10, 2012

Sheets 2 - 5 - November 2011, last revised July 20, 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. 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.
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:

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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/ED/KY/CH

c: Secretary, Pemberton Township Planning Board
Pemberton Township Environmental Commission
Burlington County Planning Board
John Helbig, Adams, Rehmann & Heggan
Rhonda Ward



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-12- 28

TITLE: Approving With Conditions an Application for a Public Development (Application Number 2011-0154.001)

Commissioner Galletta moves and Commissioner Lloyd 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:

2011-0154.001 **PEMBERTON TOWNSHIP**, Pemberton Township, Regional Growth Area, widening and paving of portions of Ashton Street, Sunset Street, Dearborn Road and Elm Avenue (Date of Report: July 23, 2012).

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.

2011-0154.001 **PEMBERTON TOWNSHIP**, Pemberton Township, Regional Growth Area, widening and paving of portions of Ashton Street, Sunset Street, Dearborn Road and Elm Avenue (Date of Report: July 23, 2012).

Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission

Date: August 10, 2012

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Mark S. Lohbauer
Mark S. Lohbauer
Chairman



State of New Jersey
 THE PINELANDS COMMISSION
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Chris Christie
 Governor
 Kim Guadagno
 Lt. Governor

General Information: Info@njpinels.state.nj.us
 Application Specific Information: ApplInfo@njpinels.state.nj.us

Mark S. Lohbauer
 Chairman
 Nancy Wittenberg
 Executive Director

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

July 23, 2012

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

Re: Application #: 2011-0154.001
 Ashton and Sunset Streets, Dearborn Road, and Elm Avenue
 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 August 10, 2012 meeting.

FINDINGS OF FACT

This application is for the widening and paving of portions of the Ashton Street, Sunset Street, Dearborn Road, and Elm Avenue in Pemberton Township. The four concerned roads serve existing residential development in the Browns Mills area of the Township. The applicant has represented that the proposed road improvements are necessary to improve access for regular and emergency vehicles to the surrounding residential areas. The proposed development is located in a Pinelands Regional Growth Area.

Ashton Street is an existing paved and gravel road that ranges in width from 11 to 21 feet. The applicant proposes to widen and pave approximately 782 linear feet of the road to a width ranging between 18 to 22 feet between Pemberton-Browns Mills Road and Dearborn Avenue.

Dearborn Avenue is an existing paved and gravel road that ranges in width from 12 to 18 feet. The applicant proposes to widen and pave approximately 284 linear feet of the road to a width of 16 feet between Ashton Street and Berkshire Street.



Sunset Street is an existing gravel road that ranges in width from 12 to 20 feet. The applicant proposes to widen and pave approximately 577 linear feet of the road to a width of 18 feet between East Lakeshore Drive and South Brynwood Avenue.

Elm Avenue is an existing gravel road that ranges in width from 11 to 15 feet. The applicant proposes to widen and pave approximately 588 linear feet of the road to a width of 18 feet between East Lakeshore Drive and Chatham Street.

The proposed development will be located primarily within existing paved and gravel areas. Some minor tree clearing is necessary for the proposed road improvements. The proposed clearing and soil disturbance appears to be limited to that which is necessary to accommodate the proposed road improvements. 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 use grasses that meet this recommendation.

The proposed improvements to Sunset Street will be located within 50 feet of wetlands. No development will be located in wetlands. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in wetland buffers or that would result in a less significant adverse impact on wetlands. The proposed development is a modification of an existing road. The applicant has demonstrated that 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 impacts on wetlands. The applicant has represented that the proposed road improvements are necessary to improve access for regular and emergency vehicles to the surrounding residential areas. The applicant has demonstrated that the need for the proposed road improvement of Sunset Street overrides the importance of protecting the wetlands. Therefore, in accordance with the CMP (N.J.A.C. 7:50-6.13), the proposed road improvements are permitted in wetland buffers.

The applicant is proposing the installation of stormwater infiltration trenches along Ashton Street and Dearborn Road to meet the stormwater management standards of the Pemberton Township land use ordinance and the CMP.

The stormwater management standards of the Township land use ordinance and the CMP require a minimum separation of two feet between the bottom of stormwater management facilities and the seasonal high water table and that the total runoff volume generated from the net increase in impervious surfaces by a 10-year, 24 hour storm shall be retained and infiltrated onsite. Due to the depth to seasonal high water table, the applicant has indicated that these requirements cannot be met for the proposed improvements to Sunset Street and Elm Avenue.

The CMP (N.J.A.C. 7:50-6.84(a)6.vi.(4)) provides that the Commission may grant an exception to the CMP stormwater management standards if an applicant demonstrates that the stormwater management standards cannot be met at a particular site. For the Commission to grant such an exception, the CMP requires that stormwater measures be proposed elsewhere in the Pinelands Area and within the same drainage area. The application proposes oversized stormwater infiltration trenches along Ashton Street and Dearborn Road to accommodate the required volume of stormwater generated by the net increase in impervious surfaces from Sunset Street and Elm Avenue. The oversized stormwater infiltration trenches are located in the same drainage area.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-12- 29

TITLE: To Accept the Fiscal Year 2011 Audit Report

Commissioner Lloyd moves and Commissioner Ficcaglia seconds the motion that:

WHEREAS, the audit of the Pinelands Commission Fiscal Year 2011 Financial Statements, Notes to the Financial Statements and Schedules of Federal and State Assistance was performed by the Office of the State Auditor; and

WHEREAS, the FY 2011 audit was conducted by the Office of the State Auditor and a draft Audit Report was presented to the Pinelands Commission Audit Committee on June 29, 2012 in accordance with Executive Order #41 (Codey); and

WHEREAS, the attached FY 2011 Audit Report contains no findings or recommendations; 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 hereby accepts the attached Audit Report for Fiscal Year 2011 and directs that it be included as a publication available through the Pinelands Commission's website.

Record of Commission Votes

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

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

Date: August 10, 2012
Mark S. Lohbauer
Mark S. Lohbauer
Chairman