RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-21

TITLE: Approving With Conditions an Application for Public Development (Application Number 1990-1140.003)

Commissioner Avery moves and Commissioner Lohbauer seconds the motion that:

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

1990-1140.003

Applicant: Maurice River Township
Municipality: Maurice River Township
Management Area: Pinelands Village
Date of Report: May 20, 2022
Proposed Development: Construction of a 1,337 linear foot school bus driveway to serve the Maurice River Township Elementary School.

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

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Acting Executive Director for the proposed development; and

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1990-1140.003 for public development is hereby approved subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

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* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: June 10, 2022

Susan R. Grogan
Acting Executive Director

Laura E. Matos
Chair
Denise Peterson (via email)
Maurice River Township
P.O. Drawer D
Port Elizabeth NJ 08348

Re: Application # 1990-1140.003
Block 230, Lots 10 & 30
Maurice River Township

Dear Ms. Peterson:

The Commission staff has completed its review of this application for construction of a 1,337 linear foot school bus driveway to serve the Maurice River Township Elementary School. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission’s Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its June 10, 2022 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure
Public Comments

c: Secretary, Maurice River Township Planning Board (via email)
Maurice River Township Construction Code Official (via email)
Secretary, Cumberland County Planning Board (via email)
Cormac Morrissey, PE, PP, CME (via email)
John Cecil, Director, NJDEP Parks and Forestry (via email)
Judith Yeany, NJDEP (via email)
Valerie & Joseph Piper (via email)
Frank E. Davis, Sr. (via email)
Mrs. Reeves c/o Terance J. Bennett, Esq. (via email)
PUBLIC DEVELOPMENT APPLICATION REPORT

May 20, 2022

Denise Peterson (via email)
Maurice River Township
P.O. Drawer D
Port Elizabeth NJ 08348

Application No.: 1990-1140.003
Block 230, Lots 10 & 30
Maurice River Township

This application proposes construction of a 1,337 linear foot school bus driveway to serve the Maurice River Township Elementary School on the above referenced 20.5 acre parcel. The school is located on Block 230, Lot 10.

Block 230, Lot 10 is owned by the Maurice River Township Board of Education. Block 230, Lot 30 is owned by Maurice River Township.

Block 230, Lot 30 was acquired by the Township in 2003 and contains a former manufacturing foundry. This application also proposes to establish a Township equipment storage building in an existing one-story 5,199 square foot masonry garage located on Block 230, Lot 30. The application further proposes the demolition of three frame buildings, each 50 years old or older, located on Block 230, Lot 30.

Maurice River Township is conducting a preliminary assessment and site investigation for soil and groundwater contamination at the former manufacturing foundry located on Block 230, Lot 30. The manufacturing foundry operations ceased in 1993. There are known soil and groundwater contaminants on Block 230, Lot 30. The school bus driveway proposed in this application is not located within the identified potential soil and groundwater contamination “Areas of Concern” located on Block 230, Lot 30. The existing one-story 5,199 square foot masonry garage proposed to be utilized as a Township equipment storage building is located within the identified potential soil and groundwater contamination “Areas of Concern” located on Block 230, Lot 30. This Public Development Application Report includes a condition to address the proposed use of the existing one-story 5,199 square foot masonry garage. The preliminary assessment and site investigation for soil and groundwater contamination on the lot is ongoing.

Block 230, Lot 30 is also subject of a March 21, 2003 Deed of Conservation Easement between Maurice River Township and the New Jersey Department of Environmental Protection (NJDEP). The conservation easement prohibits some or all of the development proposed in this application on Block 230, Lot 30. By email dated August 24, 2021, the NJDEP, Director of Parks and Forestry authorized the
Pinelands Commission to approve the development proposed in this application on Block 230, Lot 30 provided any such approval was conditioned upon NJDEP modifying the conservation easement to allow for the proposed development on Block 230, Lot 30. This Public Development Application Report includes such a condition.

**STANDARDS**

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

**Land Use (N.J.A.C. 7:50-5.27)**

The parcel is in the Pinelands Village of Port Elizabeth-Bricksboro. The proposed development is a permitted land use in a Pinelands Village.

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

The proposed development will be located within a maintained grassed area and a forested area. Approximately 0.25 acres of forest will be cleared to accommodate the proposed development.

As required by the CMP (N.J.A.C. 7:50-6.23(a)), all clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The CMP (N.J.A.C. 7:50-6.23(b)) also provides that, where practical, all clearing and soil disturbance associated with the proposed development shall avoid forested areas. Approximately 0.25 acres of forest area will be cleared to accommodate the proposed school bus driveway. The applicant has indicated that the location of the proposed bus driveway is necessary for public safety.

The Landscaping and Revegetation guidelines of the CMP (N.J.A.C. 7:50-6.26(a)4) recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The application does not propose revegetation.

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

The applicant has demonstrated that the proposed development is consistent with CMP stormwater management standards. To meet the stormwater management standards, the applicant will be constructing a stormwater infiltration basin.

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

A cultural resource survey was completed for the proposed development. That survey discovered significant historic and pre-historic artifacts within a 0.4 acre portion of an area that was previously proposed to be disturbed by the school bus driveway. The proposed school bus driveway was realigned to avoid the 0.4 acre area. Additional cultural resource survey work was completed in the new area proposed to be disturbed by the realigned school bus driveway. No artifacts were recovered within the limits of the area proposed to be disturbed by the redesigned school bus driveway. No cultural resources eligible for Pinelands designation were identified by the cultural resource survey.
PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required landowners within 200 feet of the above referenced parcel was completed on April 7, 2021. Newspaper public notice was completed on April 9, 2021. The application was designated as complete on the Commission’s website on May 2, 2022. The Commission’s public comment period closed on May 13, 2022. The Commission received written public comments (attached) from three individuals regarding this application.

Commenter #1: The commenter expressed concern that the proposed development would be detrimental to their neighborhood due to loss of woodland buffer and the introduction of thru-traffic. The commenter also expressed concern with potential disturbance to rich wildlife habitat where they have observed many species, including the threatened Northern pine snake.

Staff Response: The Commission staff appreciates the commenter’s interest in and concern for the Pinelands. Our review determined that the proposed development meets all CMP regulations, including those regulations applicable to vegetation clearing and threatened and endangered species protection. The CMP does not regulate traffic. The commenter may wish to discuss their traffic concerns with an appropriate Board of Education or Township official.

Commenter #2: Commenter #2 submitted two separate emails. The commenter expressed concern regarding the potential increase in traffic, impact to wildlife, loss of trees, remediation activities at the former manufacturing foundry, noise, gasoline fumes, provision of storm drains, mosquitos, lack of sidewalks and introduction of trash into the neighborhood. The commenter also expressed concerns regarding personnel and property safety because the proposed drive increases accessibility to their property. The commenter further expressed concern that Civil War graves may not be recognized in the general area of Port Elizabeth.

Staff Response: The Commission staff appreciates the commenter’s interest in and concern for the Pinelands. Our review determined that the proposed development meets all CMP regulations, including those regulations applicable to threatened and endangered species protection and stormwater management. The CMP does not regulate traffic, noise, mosquitos, trash, address personnel and property safety or require the provision of sidewalks. The commenter may wish to discuss these concerns with an appropriate Board of Education or Township official.

Maurice River Township is conducting a preliminary assessment and site investigation for soil and groundwater contamination at the former manufacturing foundry located on Block 230, Lot 30. The proposed school bus driveway is not located within the identified potential soil and groundwater contamination “Areas of Concern.” The preliminary assessment and site investigation for soil and groundwater contamination is ongoing.

The applicant completed a cultural resource survey for the proposed development. No Civil War grave sites were located. Available information indicates that the concerned grave sites may be located on an adjacent parcel.
Commenter #3: The commenter expressed concern that the proposed development would result in a loss of woodland and wildlife habitat, and concerns regarding school taxes, litter, noise, traffic, trash and vehicle emissions.

Staff Response: The Commission staff appreciates the commenter’s interest in and concern for the Pinelands. Our staff determined that the proposed development meets all CMP regulations, including vegetation clearing and threatened and endangered species protection. The CMP does not regulate school taxes, litter, noise, traffic, trash or vehicle emissions. The commenter may wish to discuss these concerns with an appropriate Board of Education or Township official.

**CONDITIONS**

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

   - Sheets 1, 3 & 4 - January 15, 2021; revised to April 29, 2022
   - Sheet 2 - January 15, 2021; revised to February 17, 2022

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.

3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.

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

5. No development subject of this application shall occur on Block 230, Lot 30 until NJDEP modifies the conservation easement to accommodate the development proposed in this application on Block 230, Lot 30.

6. Prior to the use of the existing 5,199 square foot masonry garage located on Block 230, Lot 30 as a Township equipment storage building, the applicant shall obtain a written determination from NJDEP or other authorized entity that the use of the building raises no concerns with the ongoing soil and groundwater contamination investigation and with public health.

**CONCLUSION**

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.
The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission’s office no later than 5:00 PM on June 7, 2022 and include the following information:

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

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

Dear Sirs:

I represent Linda Cox Reeves of Fox Street, Port Elizabeth. In response to notice sent by Dixon Associates Engineering, LLC on April 7, 2021, Mrs. Reeves would like to register a comment on the above-referenced Application.

Specifically, Mrs. Reeves is of the position that the construction of a "bus and emergency access drive" will be detrimental to her neighborhood due to the loss of the current woodland buffer and the introduction of thru-traffic onto what is currently a dead-end residential street.

Further, the proposed access drive would disturb what Mrs. Reeves knows firsthand to be rich wildlife habitat, where she regularly observes many species of indigenous animals, including the threatened northern pine snake.

For these reasons, Mrs. Reeves objects to the Township’s proposal, and requests that the Pinelands Commission deny the Application.

- Terance J. Bennett, Esq.
3431 Route 47
PO Drawer 520
Port Elizabeth, NJ 08348
(856) 506-8102
TerryBenet@yahoo.com
Commenter # 2:

Subject: [EXTERNAL] RE: Pinelands Application #1990-1140.003, Maurice River Township BOE
Attachments: Port Elizabeth Map.pdf

Good Afternoon – Please find attached a map dated from the 1800’s of Port Elizabeth – the general area that is looking to be used for Bus Traffic/Roads, Public Works Storage or whatever planned for the future. It needs to be recognized there are Civil War Graves in that area. I hope this is taken serious. Thank you for your time.

Frank E Davis Sr
49 Port Elizabeth Cumberland Rd
Port Elizabeth, NJ
April 15, 2021

Pinelands Commission
PO Box 359
New Lisbon, NJ 08064

Re: My Comment/Objections - Pinelands Application NO. 1990-1140.003

As a property owner whose property backs up to the proposed Bus and Emergency Route, I object to traffic, noise, fumes, trash and problems in my back yard.

I feel this driveway makes it even more accessible to "problems" after dark for unwanted activity, and that is a safety issue to myself and my property. This area has had theft from vehicles, garage locks tampered with and property stolen - should a Driveway be constructed it makes it easier to enter and exit our properties and/or it "welcomes problems" to the back of our properties. If the area is lighted, it makes it more welcoming to problems and would destroy my ability to star watch.

Who is regularly going to maintain the area for cleanliness - when the trash blows over my fence? Will a special fence be constructed so that I do not hear School Buses rambling down this driveway; would a Sound Barrier fence be constructed? We are sure, passenger vehicles will be using this Driveway in addition to the buses, is a person going to be stationed at the School to control that it's only a "Bus Exit"?

Should this access drive be constructed, where will the storm drains be placed, another catch basin to accumulate mosquito larvae and add to the mosquito problem? Or will the Storm Drains drain into our properties? Our water table is high enough, we do not need additional water problems.

Will this 20' Access Road include sidewalks? one sidewalk? Will this Access Road take property from the Homeowners of Fox Street. Their front yards are tiny enough. Who is supposed to maintain those sidewalks for snow and ice? The elderly Homeowners that live on Fox Street? Who is going to clean up the additional trash from this new "Route", the elderly Homeowners that live on Fox Street?

Continued on Page 2
I'm shocked if the Pinelands Commission would allow destruction of an area that is home to Wild Turkey, Deer, Fox, Hawk, Eagles, Owls and a multitude of amphibians, recently I discovered Ground Skinks in those woods, which are a threatened species, aren't they? Isn't this area considered “Pinelands” and to be protected however concrete and pavement is going to replace some of our Woods.

I have lived on the property for 57 years and have enjoyed the wildlife that visits my yard, the peace and quiet. Why disrupt my backyard when easily a Crossing Guard could be hired for 2 hours a day, for the School year - to assist Bus Traffic exiting the School property onto Route 47 OR possibly make exiting the school driveway onto Route 47 a "No Left Turn" which directs Buses and Passenger Cars to travel North on Route 47 to make rights onto Broadway or Quaker Street to travel South on Port Elizabeth Cumberland Road to the Traffic Signal, allowing safe travel South onto Route 47.

Why not use the money to create an Agricultural Program and construct a Greenhouse on school property? Why not spend the money on an educational program for kids instead of a handful of School Buses to use a driveway for 10 hours a week?

In regards to the Demolition of Buildings at the Sapello Foundry site and the same area to be used for storage, will this area be Remediated beforehand? Currently that address is listed as an “Active Site with Confirmed Contamination” (please see attached 2 pages from the NJDEP website).

We hope that a more sensible plan and expense of monies could be devised instead of cutting into our little slice of heaven in regards to our backyards.

Sincerely,

Frank E. Davis Sr
Cumberland
### Greenwich Twp

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Commenter # 3:

Pinelands Commission:

My lot joins the back of Maurice River Township School and this application and the contents within the letter received from Dixon Assoc is quite disturbing. I have attached a letter and reasons why this should not be approved. It is unnecessary and a waste of money not to mention tax payers who will be affected by increase of school taxes. We are still in a Covid pandemic where people are utilizing their backyards more than ever and such an eye sore and destruction of beautiful grounds is just disturbing. The reasoning behind this application is shady. This is not for an EMERGENCY ACCESS ROAD by far, the people of Port Elizabeth already know this. Please keep our best interests in mind and follow your own guidelines in preservation over destroying.

Thank you for your time.

Valerie and Joe Piper
41 Port Cumberland Road
Port Elizabeth, NJ 08348
DISRUPTION: My backyard is my safe haven in which many things happen. My husband and I always have a garden and the entire back is fenced for our rescue dog Angel to be free and roam. She suffers from anxiety and is frightened by large objects such as tractor trailers and loud noises. The quietness of our backyard is wonderful. There are many animals that come up from the woods into our field which include deer, foxes, wild turkeys (which come up to our birdfeeders and eat), box turtles, dragon flies, bees, butterflies, many species of birds and owls. We also have seen the fence lizard (which I have a picture of from last year) and the skink. The school field you can watch the purple martins dive bomb eating insects which is a spectacular sight. At night in summer, we take our chairs and visit the night sky and gaze and name the stars and constellations. Losing this to the sight of school buses, litter, emissions, black exhaust smoke, noise in general, and the many trees and landscape that would be demolished would be devastating, not just to the wildlife itself but to our personal lively hood. This is not an EMERGENCY ACCESS ROAD as titled in the letter we received. The board of education and Maurice River Township have been wanting this for a couple of years now. I have attended some board meetings and got the blueprint of this devious plan and this "said road" would be used on a daily basis as a one way street so the buses turning left would now hit the traffic light instead of sitting there at the main entrance trying to make a left onto Route 47 because no one can figure out a game plan for the buses to make a left hand turn.

GREED: The Board of Education is being very greedy on this dream plan. This plan is just an excuse to use grant money they can get and if not used they will lose it. Education as I know it, should be the focal point of using any money towards learning tools and to promote outside activities using the grounds you already have not for an EXIT BUS ROUTE disturbing sacred ground that has been here way before any of us. Does the Pineland Commission pick and choose on applications where they see fit or perhaps benefit from it? Could this be politically motivated? If this application passes, to me my questions will be answered.

NJ PINELAND COMMISSION: The reason for the Pineland Commission as taken from your website, "The New Jersey Pinelands Commission is an independent state agency whose mission is to "preserve, protect, and enhance the natural and cultural resources of the Pinelands National Reserve, and to encourage compatible economic and other human activities consistent with that purpose." This being said, you voted down the gas pipeline that was proposed and years ago on Weatherby Road a parcel of land being sold by Lewis Fitzgerald Sr was locked at by my husband to perhaps buy and build a home. This was shot down instantly with a big NO! its pinelands and you cannot build on it. So, stand behind your own policies and what you represent. The properties and owners that will be affected by this application need help to stop developers and businesses doing just what they intend to do which is destroy natural habitats.

CONCLUSION: The land, wildlife, properties, and the people are the reason why we need the Pineland Commission to say NO to this application. Who else is going to protect this parcel of land and the wildlife and joy that it brings? As I am the voice of our rescue dog Angel, the Pineland Commission becomes the voice for the land and for the many species of wildlife found in it. Another reason to say NO comes from results of the Covid pandemic which has pretty much left people finding their backyards again. Would you want your backyard with a large driveway installed and school buses going by .. I don't think so. This virus is not going away anytime soon. The people who are behind this application do not see the wonderful wildlife it brings along with the peacefulness of it all.