RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 05

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 2010-0047.005)

Commissioner Lohbauer **moves and Commissioner** Barr **seconds the motion that:**

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

2010-0047.005	
Applicant:	**Egg Harbor City**
Municipality:	Egg Harbor City
Management Area:	Pinelands Town
Date of Report:	January 25, 2016
Proposed Development:	Improvement to 1,325 linear feet of Diesterweg Street.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 2010-0047.005 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: 2/12/16

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman

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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

January 25, 2016

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

Re: Application # 2010-0047.005
Diesterweg Street
Block 710, Lot 16
Egg Harbor City

Dear Mayor Jiampetti:

The Commission staff has completed its review of this application for improvement to 1,325 linear feet of Diesterweg Street between New Orleans and Bremen Avenues. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 12, 2016 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Egg Harbor City Planning Board (via email)
Egg Harbor City Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)
Ryan A. McGowan, PP, PE, CME (via email)

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

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Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

January 25, 2016

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

Application No.: 2010-0047.005

Location: Diesterweg Street
Block 710, Lot 16
Egg Harbor City

This application proposes improvement to 1,325 linear feet of Diesterweg Street between New Orleans and Bremen Avenues in Egg Harbor City.

The portion of Diesterweg Street proposed for improvement is an existing maintained gravel road. The existing gravel road varies between 12 and 22 feet in width. The road will be paved to a uniform width of 27 feet. This application also proposes the installation of sidewalk and curbing within the Diesterweg Street right-of-way between New Orleans and Bremen Avenues. A stormwater management basin to serve the proposed improvements will be located on Block 710, Lot 16 in Egg Harbor City.

STANDARDS

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

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

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

Wetlands and Linear Improvement Standards (N.J.A.C. 7:50-6.6, 6.13 & 6.14)

There are wetlands located immediately adjacent to a portion of the proposed road improvements. A 267 linear foot portion of the proposed linear road improvements will be located immediately adjacent to wetlands in the required buffer to wetlands. The CMP permits linear improvements, such as roads, in the required buffer to wetlands provided an applicant demonstrates that certain conditions are met.

The applicant has demonstrated that there is no feasible alternative for the proposed development that does not involve development in the required buffer to wetlands or that will result in a less significant adverse impact to the required buffer to wetlands. The 267 linear foot portion of the proposed linear road improvements that will be located in the required buffer to wetlands is necessary to connect an existing paved portion of Diesterweg Street to the existing paved Breman Avenue. These improvements will allow for safe travel of vehicles and pedestrians from the surrounding residential neighborhood to the nearby Egg Harbor City Community School. The applicant has demonstrated that the need for the proposed road improvements overrides the importance of protecting the required buffer to wetlands. The proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions recommended below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands.

The proposed stormwater management basin and associated vegetation clearing and land disturbance will maintain the required 110 foot buffer to wetlands.

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

The proposed road improvements will be located over an existing gravel roadway and disturbed road shoulders. The proposed stormwater management basin will be located in an existing forested area. The proposed stormwater management basin will result in the clearing of approximately 0.49 acres of forested area. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

The applicant has demonstrated that the proposed development is consistent with the CMP stormwater management standards. The applicant will be constructing a stormwater management basin on Block 710, Lot 16.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on December 22, 2015. Newspaper public notice was completed on December 29, 2015. The application was designated as complete on the Commission's website on January 5, 2016. The Commission's public comment period closed on January 15, 2016. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 9 sheets, prepared by Remington, Vernick & Walberg Engineers and dated as follows:

Sheets 1-4 & 6-9 dated October 29, 2014; revised to September 2, 2015; and Sheet 5 dated October 29, 2014; revised to December 23, 2015.

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

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. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

5. The proposed stormwater management basin and associated vegetation clearing and land disturbance, located on Block 710, Lot 16, shall be located at least 110 feet from wetlands.

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.

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Chairman

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Executive Director

PINELANDS COMMISSION
APPEAL PROCEDURE

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

1. the name and address of the person requesting the appeal;

2. the application number;

3. the date on which the determination to be appealed was made;

4. a brief statement of the basis for the appeal; and

5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

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