



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-16- 19

**TITLE:** Approving With Conditions Applications for Public Development (Application Numbers 2015-0058.001 & 2016-0033.001)

Commissioner Boac moves and Commissioner Bian seconds the motion that:

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

**2015-0058.001**

**Applicant:** Dennis Township  
**Municipality:** Dennis Township  
**Management Area:** Pinelands Rural Development Area  
**Date of Report:** May 23, 2016  
**Proposed Development:** Realignment of the Academy Road and Fidler Road intersection; and

**2016-0033.001**

**Applicant:** Monroe Township  
**Municipality:** Monroe Township  
**Management Area:** Pinelands Regional Growth Area  
**Date of Report:** May 19, 2016  
**Proposed Development:** Demolition of a 5,562 square foot former library building, 50 years old or older.

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

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

WHEREAS, 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; 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 Numbers 2015-0058.001 & 2016-0033.001 for public development are hereby approved subject to the conditions recommended by the Executive Director.

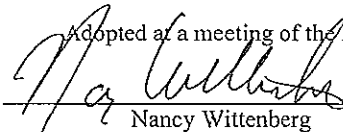
Record of Commission Votes

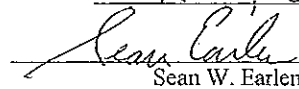
	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun	X				DiBello	X				McGlinchey	X			
Avery	X				Galletta			X		Prickett	X			
Barr	X				Jannarone	X				Quinn	X			
Brown	X				Lloyd			X		Rohan Green			X	
Chila	X				Lohbauer	X				Earlen	X			

\* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: June 10, 2016

  
 Nancy Wittenberg  
 Executive Director

  
 Sean W. Earlen  
 Chairman



State of New Jersey  
 THE PINELANDS COMMISSION  
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Chris Christie  
 Governor

Kim Guadagno  
 Lt. Governor

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

Sean W. Earlen  
 Chairman

Nancy Wittenberg  
 Executive Director

May 23, 2016

John C. Gibson, P.E., Township Engineer  
 Dennis Township  
 P.O. Box 204  
 Dennisville, NJ 08214

Re: Application # 2015-0058.001  
 Academy Road and Fidler Road  
 Block 70, Lot 1  
 Dennis Township

Dear Mr. Gibson:

The Commission staff has completed its review of this application for realignment of the Academy Road and Fidler Road intersection. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its June 10, 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, Dennis Township Planning Board (via email)
- Dennis Township Construction Code Official (via email)
- Dennis Township Environmental Commission (via email)
- Secretary, Cape May County Planning Board (via email)





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Governor

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Lt. Governor

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

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

## PUBLIC DEVELOPMENT APPLICATION REPORT

May 23, 2016

John C. Gibson, P.E., Township Engineer  
Dennis Township  
P.O. Box 204  
Dennisville, NJ 08214

Application No.: 2015-0058.001

Location: Academy Road and Fidler Road  
Block 70, Lot 1  
Dennis Township

This application proposes to realign the existing Academy Road and Fidler Road intersection in Dennis Township.

The proposed realignment of approximately 100 linear feet of the existing Academy Road right-of-way will result in a "T" intersection with Fidler Road. Approximately 270 linear feet of paving will be removed from the existing Academy Road right-of-way and the concerned area will be re-vegetated with native Pinelands trees and grasses.

### 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 Standard (N.J.A.C. 7:50-5.26)

The proposed development is located in a Pinelands Rural Development Area. The proposed road improvement (public service infrastructure) is a permitted land use in a Pinelands Rural Development Area.

#### Wetlands Protection Standards (N.J.A.C. 7:50-6.6, 6.13 & 6.14)

The CMP prohibits most development in wetlands and requires a buffer to wetlands of up to 300 feet. No development is proposed in wetlands. Portions of the proposed development will be located within 300 feet of wetlands.

The CMP permits road improvements (linear improvements) within the required buffer to wetlands provided the applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative for the proposed realignment of the existing road intersection that does not involve development in the required buffer to wetlands or that will result in a less significant adverse impact to the required buffer to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the required buffer to wetlands. The applicant has indicated that the proposed development will improve traffic safety. The applicant has demonstrated that the need for the proposed road development overrides the importance of protecting the required buffer to wetlands.

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

The proposed development will disturb approximately 0.18 acres of forested land. 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 that meets that recommendation.

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

The proposed road improvement will result in an overall decrease in impervious surfaces. The applicant has demonstrated that there will be no increase in the volume and rate of stormwater runoff from the project after development than occurred prior to the proposed development.

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

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

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Newspaper public notice was completed on December 16, 2015. The application was designated as complete on the Commission's website on April 4, 2016. The Commission's public comment period closed on May 12, 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 4 sheets, prepared by John C. Gibson, all sheets dated December 3, 2015 and last revised February 16, 2016.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP.

Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.

4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

#### 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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Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)

Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

**PINELANDS COMMISSION**  
**APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made 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.



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Sean W. Earlen  
 Chairman  
 Nancy Wittenberg  
 Executive Director

May 19, 2016

Kevin Heydel, Business Administrator  
 Monroe Township  
 125 Virginia Avenue  
 Williamstown, NJ 08094

Re: Application # 2016-0033.001  
 Block 3205, Lot 5  
 Monroe Township

Dear Mr. Heydel:

The Commission staff has completed its review of this application for demolition of a 5,562 square foot former library building, 50 years old or older. 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 June 10, 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 demolition, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

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

- Enc (2): Appeal Procedure  
 3/20/16 Public Comment
- c: Secretary, Monroe Township Planning Board (via email)  
 Monroe Township Construction Code Official (via email)  
 Monroe Township Environmental Commission (via email)  
 Secretary, Gloucester County Planning Board (via email)  
 John Helbig  
 Angie Matese







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Sean W. Earlen  
Chairman  
Nancy Wittenberg  
Executive Director

## PUBLIC DEVELOPMENT APPLICATION REPORT

May 19, 2016

Kevin Heydel, Business Administrator  
Monroe Township  
125 Virginia Avenue  
Williamstown, NJ 08094

Application No.: 2016-0033.001

Location: Block 3205, Lot 5  
Monroe Township

This application proposes demolition of a 5,562 square foot former library building, 50 years old or older, located on the above referenced 0.25 acre parcel in Monroe Township.

### STANDARDS

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

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

The parcel is located in a Pinelands Regional Growth Area. The proposed building demolition is permitted in the Pinelands Area.

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

Based on a review of information available to the Commission staff, it was determined that a cultural resource survey was not required for the proposed demolition.

### PUBLIC COMMENT

This applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced lot was completed on March 16, 2016. Newspaper public notice was completed on March 16, 2016. The application was designated as complete on the Commission's website on April 28, 2016. The Commission's public comment period closed on May 12, 2016. The Commission received one written public comment (enclosed) regarding this application.

Public Comment One: The commenter expressed concern regarding the proposed demolition. Specifically, the commenter questioned how the building would be demolished and the plan for the removal and disposal of the demolition debris. The commenter also questioned the future use of the site.

Staff Response: The Commission appreciates the interest of the commenter in the Pinelands. The method of demolition is not regulated by the Commission. With respect to disposal of demolition debris, Condition 1. below, requires that construction debris be disposed of at an appropriately licensed facility. The future use of the site is unknown. The commenter may wish to discuss the method of demolition and the future use of the site with an appropriate Township official.

### CONDITIONS

1. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
2. This application is for the proposed demolition only. Any other future development of the above-referenced parcel shall be governed by Monroe Township's certified land use ordinance and the CMP.
3. Prior to demolition, the applicant shall obtain any other necessary permits and approvals.

### CONCLUSION

As the proposed demolition 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 demolition subject to the above conditions.



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

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



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-16- 20

**TITLE:** To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2017 at the Same Level of Expenditures as Fiscal Year 2016 until the Adoption of the Fiscal Year 2017 Budgets

Commissioner Avery moves and Commissioner Lehbauer seconds the motion that:

WHEREAS, pursuant to the Pinelands Protection Act, the Pinelands Commission is charged with continuing implementation and monitoring of the Pinelands Comprehensive Management Plan; and

WHEREAS, it is anticipated that the New Jersey Legislature will appropriate \$2,499,000 to support the Commission's operations during Fiscal Year 2017; 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 actions shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director is authorized to continue to expend funds during Fiscal Year 2017 at the same level of expenditures as Fiscal Year 2016 until the Commission's adoption of the Fiscal Year 2017 Budgets.

**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		X		Rohan Green			X
Chila	X			Lohbauer	X			Earlen	X		

\* A = Abstained / R = Recused

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

Date: June 10, 2016  
Sean W. Earlen  
Sean W. Earlen  
Chairman