



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 06

TITLE: Approving With Conditions an Application for Public Development (Application Number 1987-1058.060)

Commissioner Galletta moves and Commissioner Brown 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:

1987-1058.060

Applicant:	Egg Harbor Township Municipal Utilities Authority
Municipality:	Egg Harbor Township
Management Area:	Pinelands Military/Federal Installation Area
Date of Report:	February 19, 2015
Proposed Development:	Construction of a 551 square foot sanitary sewer pump station and the installation of 140 linear feet of sanitary sewer force main.

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 1987-1058.060 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

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

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

Date: March 13, 2015
Mark S. Lohbauer
Mark S. Lohbauer
Chairman



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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

Mark S. Lohbauer
 Chairman

Nancy Wittenberg
 Executive Director

February 19, 2015

Elaine Super
 Egg Harbor Township Municipal Utilities Authority
 3515 Bargaintown Road
 Egg Harbor Township, NJ 08234

Re: Application # 1987-1058.060
 Block 101, Lot 9
 Egg Harbor Township

Dear Ms. Super:

The Commission staff has completed its review of this application for the construction of a 551 square foot sanitary sewer pump station and the installation of 140 linear feet of sanitary sewer force main. Enclosed is a copy of an Amended 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 March 13, 2015 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 Township Planning Board (via email)
- Egg Harbor Township Construction Code Official (via email)
- Egg Harbor Township Environmental Commission (via email)
- Atlantic County Department of Regional Planning and Development (via email)
- Vincent J. Polistina





Chris Christie
Governor

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Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

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

AMENDED PUBLIC DEVELOPMENT APPLICATION REPORT

February 19, 2015

Elaine Super
Egg Harbor Township Municipal Utilities Authority
3515 Bargaintown Road
Egg Harbor Township, NJ 08234

Application No.: 1987-1058.060

Location: Block 101, Lot 9
Egg Harbor Township

This application is for the construction of a 551 square foot sanitary sewer pump station and the installation of 140 linear feet of sanitary sewer force main on the above referenced 2,380 acre lot in Egg Harbor Township. The William J. Hughes Technical Center, the Atlantic City International Airport and the New Jersey National Guard station are located on the lot.

On November 12, 2010, the Commission approved an application for the construction of a 330 square foot sanitary sewer pump station and the installation of 2,614 linear feet of sanitary sewer main on the above referenced lot (App. No. 1987-1058.060). Due to soil contamination in the vicinity of the previously approved pump station, the applicant has proposed to relocate the proposed pump station to avoid contaminated areas.

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. 7:50-5.29(b))

The proposed development is located in a Military and Federal Installation Area. As required by the CMP, the proposed development will be located in the Pinelands Protection Area and does not require any development in the Preservation Area District or a Pinelands Forest Area. The proposed development is a permitted land use in a Military and Federal Installation Area.

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

There are wetlands located on the above referenced lot. The CMP requires up to a 300 foot buffer to wetlands. A 45 linear foot portion of the proposed sanitary sewer force main will be located in the required buffer to wetlands. Linear improvements are a permitted use 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 a 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 45 linear foot portion of the proposed sanitary sewer force main that will be located in the required buffer to wetlands is necessary to connect to an existing sanitary sewer force main. The existing sanitary sewer force main is located in wetlands and the required buffer to wetlands. The applicant has demonstrated that the need for the proposed sewer main 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 be located within an existing maintained grassed area and within 350 square feet of forest. The proposed clearing and 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. To stabilize disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

PUBLIC COMMENT

The application was designated as complete on the Commission's website on January 20, 2015. The Commission's public comment period closed on February 13, 2015. No public comments regarding this application were submitted to the Pinelands Commission.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of five sheets, prepared by Polistina Associates, LLC and dated as follows:
 - Sheet 1 - May 2014
 - Sheet 2 - July 14, 2011; revised to December 19, 2014
 - Sheet 3 - July 14, 2011
 - Sheet 4 - July 22, 2009; revised to December 19, 2006
 - Sheet 5 - October 29, 2007; revised to May 10, 2010
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.



Chris Christie
Governor

Kim Guadagno
Lt. Governor

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

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 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 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.