



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-24-07

**TITLE:** **Approving** With Conditions an Application for **Public Development** (Application Number 2023-0196.001)

Commissioner Irick moves and Commissioner Holroyd 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:

**2023-0196.001**

<b>Applicant:</b>	<b>New Jersey Department of Transportation</b>
Municipality:	Hammonton
Management Area:	Pinelands Town Management Area
	Date of Report: March 19, 2024
Proposed Development:	Installation of 266 linear feet of sidewalks and 898 linear feet of guiderails within the Route 54 right-of-way.

**WHEREAS**, no request for a hearing before the Office of Administrative Law regarding 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 2023-0196.001 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

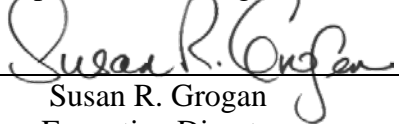
### Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Asselta	X				Lettman			X		Rittler Sanchez	X			
Avery	X				Lohbauer	X				Wallner	X			
Christy			X		Mauriello	X				Matos	X			
Holroyd	X				Meade			X						
Irick	X				Pikolycky	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: April 12, 2024

  
 \_\_\_\_\_  
 Susan R. Grogan  
 Executive Director

  
 \_\_\_\_\_  
 Laura E. Matos  
 Chair



# State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

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PHILIP D. MURPHY  
Governor

TAHESHA L. WAY  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

March 19, 2024

Robert Bird (via email)  
New Jersey Department of Transportation  
1035 Parkway Ave  
P.O. Box 600  
Trenton NJ 08625

Re: Application # 2023-0196.001  
Route 54  
Town of Hammonton

Dear Mr. Bird:

The Commission staff has completed its review of this application for the installation of 266 linear feet of sidewalks and 898 linear feet of guiderails within the Route 54 right-of-way. 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 April 12, 2024 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, Town of Hammonton Planning Board (via email)  
Town of Hammonton Construction Code Official (via email)  
Town of Hammonton Environmental Commission (via email)  
Atlantic County Department of Regional Planning and Development (via email)



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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

March 19, 2024

Robert Bird (via email)  
New Jersey Department of Transportation  
1035 Parkway Ave  
P.O. Box 600  
Trenton NJ 08625

Application No.: 2023-0196.001  
Route 54  
Town of Hammonton

This application proposes the installation of 266 linear feet of sidewalks and 898 linear feet of guiderails within the Route 54 right-of-way in the Town of Hammonton.

The applicant proposes sidewalk improvements at thirteen intersections within the Route 54 right-of-way between Route 30 and Second Road. Sidewalks are currently either missing or substandard at these thirteen intersections. This application also proposes the installation of new guiderail and the extension of guiderails in the vicinity of the Route 54 and Atlantic City Expressway intersection to improve motorist safety.

### **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 proposed development is located in the Pinelands Town of Hammonton. The proposed development is permitted in a Pinelands Town.

#### **Linear Improvement Standards (N.J.A.C. 7:50-6.13)**

The proposed guiderails will be located within 300 feet of wetlands. The CMP prohibits most development in wetlands and requires up to a 300 foot buffer to wetlands.

The CMP permits the installation of linear improvements such as guiderails in the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The

applicant has demonstrated there is no feasible alternative to the proposed guardrails that does not involve development in the required buffer to wetlands that will result in a less significant adverse impact to wetlands. In addition, the proposed guardrails 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 guardrails proposed within the required buffer to wetlands are necessary to improve motorist safety. The applicant has demonstrated that the need for the proposed guardrails 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 maintained grass road shoulders. The proposed soil disturbance is limited to that which is necessary to accommodate the development.

The Landscaping and Re-vegetation 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.

**PUBLIC COMMENT**

The CMP defines the proposed development as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on February 8, 2024. The Commission’s public comment period closed on March 8, 2024. 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 26 sheets, prepared by McCormick Taylor, all sheets dated October 5, 2023.
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 sediment 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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LAURA E. MATOS  
Chair

SUSAN R. GROGAN  
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 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 April 8, 2024 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.