



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands



PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

May 10, 2019

Brenna Fairfax
New Jersey Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

Re: Application # 2011-0075.002
State Route 50
Upper Township

Dear Mr. Fairfax:

Enclosed is a copy of the Resolution adopted by the Pinelands Commission at its meeting on May 10, 2019. The Commission approved construction of an electronic traffic advisory sign within the State Route 50 right-of-way and associated development subject to the conditions recommended by the Executive Director.

You may appeal the decision of the Pinelands Commission to the Appellate Division of Superior Court. Such an appeal must be filed within 45 days.

If you have any questions, please do not hesitate to call.

Sincerely,

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

Enclosure: Resolution and Public Development Application Report, dated 4/18/2019

c: Secretary, Upper Township Planning Board
Upper Township Construction Code Official
Secretary, Cape May County Planning Board



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 17

TITLE: Approving With Conditions Applications for Public Development (Application Numbers 1982-2560.004, 2011-0075.002 & 2017-0191.001)

Commissioner Lohbauer moves and Commissioner Prickett seconds the motion that:

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

1982-2560.004

Applicant: Buena Vista Township
Municipality: Buena Vista Township
Management Area: Pinelands Village
Pinelands Rural Development Area
Date of Report: April 18, 2019
Proposed Development: Construction of three miles of nature trails;

2011-0075.002

Applicant: New Jersey Department of Transportation
Municipality: Upper Township
Management Area: Pinelands Rural Development Area
Date of Report: April 18, 2019
Proposed Development: Construction of an electronic traffic advisory sign within the State Route 50 right-of-way and associated development ; and

2017-0191.001

Applicant: NJ Department of Transportation
Municipality: Upper Township
Management Area: Pinelands Forest Area
Date of Report: April 18, 2019
Proposed Development: Construction of an electronic traffic advisory sign with associated development .

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.

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NOW, THEREFORE BE IT RESOLVED that Application Numbers 1982-2560.004, 2011-0075.002 & 2017-0191.001 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

* A = Abstained / R = Reused

	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*	AYE	NAY	NP	A/R*
Asmunn					X							
Avery	X				X							
Barr	X				X							
Christy	X				X							
Howell	X				X							
Pilkolycky					X							
Irick					X							
Jannarone	X				X							
Lloyd	X				X							
Lobbauer	X				X							
Rohan Green							X					
Earlen								X				
Prickett					X							
Quinn									X			

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg
Executive Director

Nancy Wittenberg

Sean W. Earlen
Chairman

Sean W. Earlen

Date: May 10, 2017



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Application Specific Information: AppInfo@pinelands.nj.gov

April 18, 2019

Brenna Fairfax (via email)
New Jersey Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

Re: Application # 2011-0075.002
State Route 50
Upper Township

Dear Ms. Fairfax:

The Commission staff has completed its review of this application for construction of an electronic traffic advisory sign within the State Route 50 right-of-way and associated development. 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 May 10, 2019 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, Upper Township Planning Board (via email)
Upper Township Construction Code Official (via email)
Secretary, Cape May County Planning Board (via email)



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PUBLIC DEVELOPMENT APPLICATION REPORT

April 18, 2019

Brenna Fairfax (via email)
New Jersey Department of Transportation
1035 Parkway Avenue
Trenton, NJ 08625

Application No.: 2011-0075.002
State Route 50
Upper Township

This application proposes construction of an electronic traffic advisory sign with associated development within the State Route 50 right-of-way in Upper Township.

The proposed development associated with the traffic advisory sign includes the construction of 165 linear feet of guiderail, equipment cabinets, a maintenance vehicle paver pad and the installation of fiber optic cable. The applicant indicates that the proposed development will be utilized to inform motorists of traffic congestion and to assist the New Jersey Department of Transportation with emergency management and congestion mitigation.

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. 7:50-5.26(b)10)

In the area of the proposed development, State Route 50 is the boundary between the State regulated Pinelands Area and the Pinelands National Reserve. In this area, the entire State Rt. 50 right-of-way is located in the Pinelands Area.

The majority of the proposed development is located in the Pinelands Area. A small portion of the proposed development is located outside the State Route 50 right-of-way in the Pinelands National Reserve.

The proposed development in the Pinelands Area is located in a Pinelands Rural Development Area. The proposed development is a permitted use in a Pinelands Rural Development Area.



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Dear Ms. Fairfax:

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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, Upper Township Planning Board (via email)
Upper Township Construction Code Official (via email)
Secretary, Cape May County Planning Board (via email)

The proposed development in the Pinelands National Reserve is not subject of this application.

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

There are wetlands located within 300 feet of the proposed development. The proposed development will be located in the required buffer to wetlands.

The CMP permits roads (linear improvement) and accessory structures to roads such as road signs and guiderails, in the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. The applicant has demonstrated that there is no feasible alternative to 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. 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 represented that the proposed development is necessary to improve the safety of the existing roadway. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetlands.

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

The proposed development will be located within existing maintained grassed road shoulders. 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 replant non-native lawn grasses along the maintained road shoulder.

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 March 28, 2019. The Commission's public comment period closed on April 12, 2019. 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 four sheets, prepared by Michael Baker International, Inc., all sheets dated December 6, 2018.
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.



Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

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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 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 at the Commission office no later than 4:00 PM on May 7, 2019 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.