



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

State of New Jersey
THE PINELANDS COMMISSION
PO Box 359
NEW LISBON, NJ 08064
(609) 894-7300
www.nj.gov/pinelands



SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

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

January 11, 2019

Brendan Brock
New Jersey Department of Transportation
951 Parkway Ave.
Trenton, NJ 08625

Re: Application # 2017-0052.001
U.S. Routes 40 & 22
Egg Harbor and Hamilton Townships

Dear Mr. Brock:

Enclosed is a copy of the Resolution adopted by the Pinelands Commission at its meeting on January 11, 2019. The Commission approved installation of a traffic control system within the combined U.S. Route 40/322 right-of-way in Hamilton and Egg Harbor Townships 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 12/20/2018

c: Secretary, Egg Harbor Township Planning Board
Egg Harbor Township Construction Code Official
Egg Harbor Township Environmental Commission
Secretary, Hamilton Township Planning Board
Hamilton Township Construction Code Official
Atlantic County Department of Regional Planning and Development





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19- 01

TITLE: Approving With Conditions Applications for Public Development (Application Numbers 2017-0052.001 & 2018-0096.001)

Commissioner Barr moves and Commissioner Jannerone 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:

2017-0052.001

Applicant:	New Jersey Department of Transportation
Municipality:	Egg Harbor Township Hamilton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	December 20, 2018
Proposed Development:	Installation of a traffic control system within the combined U.S. Route 40/322 right-of-way in Hamilton and Egg Harbor Townships; and

2018-0096.001

Applicant:	Medford Township
Municipality:	Medford Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	December 20, 2018
Proposed Development:	Installation of potable water and sanitary sewer mains within the Route 70 & Medford-Evesboro Road rights-of-way.

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 2017-0052.001 & 2018-0096.001 for public development are hereby approved subject to the conditions recommended by the Executive Director.

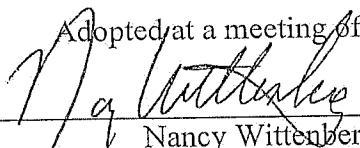
Record of Commission Votes

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

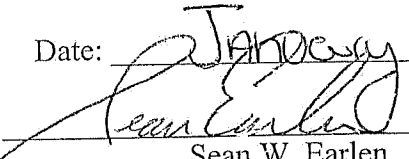
*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: January 11, 2019



 Nancy Wittenberg
 Executive Director



 Sean W. Earlen
 Chairman



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General Information: Info@pinelands.nj.gov
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SEAN W. EARLEN
 Chairman
 NANCY WITTENBERG
 Executive Director

December 20, 2018

Brendan Brock (via email)
 New Jersey Department of Transportation
 951 Parkway Ave.
 Trenton, NJ 08625

Re: Application # 2017-0052.001
 U.S. Routes 40 & 322
 Egg Harbor and Hamilton Townships

Dear Mr. Brock:

The Commission staff has completed its review of this application for the installation of a traffic control system within the combined U.S. Route 40/322 right-of-way in Hamilton and Egg Harbor Townships. 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 January 11, 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, Egg Harbor Township Planning Board (via email)
 Egg Harbor Township Construction Code Official (via email)
 Egg Harbor Township Environmental Commission (via email)
 Secretary, Hamilton Township Planning Board (via email)
 Hamilton Township Construction Code Official (via email)
 Atlantic County Department of Regional Planning and Development (via email)
 Amanda Mendoza (via email)





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PUBLIC DEVELOPMENT APPLICATION REPORT

December 20, 2018

Brendan Brock (via email)
New Jersey Department of Transportation
951 Parkway Ave.
Trenton, NJ 08625

Application No.: 2017-0052.001
U.S. Routes 40 & 322
Egg Harbor and Hamilton Townships

This application proposes the installation of a traffic control system within the combined U.S. Route 40/322 right-of-way in Hamilton and Egg Harbor Townships.

The proposed development includes the installation of 14 traffic detectors and four camera surveillance systems mounted on 16 poles. The poles are up to 25 feet in height. The proposed detectors and cameras will be located along a six mile stretch of the combined U.S. Route 40/322 right-of-way between the Garden State Parkway and the intersection of U.S. Route 40 with U. S. Route 322. The proposed development will be connected to the New Jersey statewide communication network by a proposed fiber optic communication line along the road right-of-way. The system will be utilized by the New Jersey Department of Transportation to improve traffic flow and safety at existing signalized intersections.

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. 7:50-5.28(a))

The proposed development is located in a Pinelands Regional Growth Area. The proposed development is a permitted land use in a Pinelands Regional Growth Area.

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

There are wetlands located within 300 feet of the proposed development. No development is proposed in wetlands. The CMP requires up to a 300 foot buffer to wetlands. Sections of the underground fiber optic communication line will be located within the required buffer to wetlands.

The CMP permits linear improvements (fiber optic communications lines) in the required buffer to wetlands provided the applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in wetland buffers or that will result in a less significant adverse impact to wetland buffers. 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 wetland buffers. The applicant has indicated that the proposed development will improve traffic safety and reduce traffic congestion. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetland buffer.

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

The proposed development will be located within existing paved areas and maintained grass 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. To stabilize disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

PUBLIC COMMENT

The CMP defines the proposed traffic control system 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 December 3, 2018. The Commission’s public comment period closed on December 14, 2018. 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 36 sheets, prepared by WSP USA Inc. and dated as follows:
 Sheet 1 - November 29, 2018
 Sheets 2-36 - November 28, 2018
2. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 50 sheets, prepared by Advantage Engineering Associates, P.C., all sheets dated November 24, 2018.
3. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of four sheets, prepared by Greenman-Pedersen, Inc., all sheets dated July 14, 2018.
4. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
5. 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.

6. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
7. 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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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 and received at the Commission office no later than 4:00 PM on January 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.