



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-24- 11

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1990-0445.028 & 1990-0450.008)

Commissioner Irick moves and Commissioner Asselta 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:

1990-0445.028

Applicant:	New Jersey Department of Transportation
Municipality:	Pemberton Township
Management Area:	Pinelands Preservation Area District
Date of Report:	May 22, 2024
Proposed Development:	Realignment of the County Route 530 and State Route 70 intersection; and

1990-0450.008

Applicant:	NJ Turnpike Authority
Municipality:	Lacey Township
Management Area:	Pinelands Garden State Parkway Overlay District
Date of Report:	May 23, 2024
Proposed Development:	Construction of a 2,000 square foot State Police barracks and a 3,844 square foot helicopter pad at the Celia Cruz Service Area

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 1990-0445.028 and 1990-0450.008 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*
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: June 14, 2024



Susan R. Grogan
Executive Director



Laura E. Matos
Chair



State of New Jersey

THE PINELANDS COMMISSION

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PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

May 22, 2024

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

Re: Application # 1990-0445.028
Burlington County Route 530 and State Route 70
Pemberton Township

Dear Mr. Brock:

The Commission staff has completed its review of this application proposing the realignment of the Burlington County Route 530 and State Route 70 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 14, 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, Pemberton Township Planning Board (via email)
Pemberton Township Construction Code Official (via email)
Pemberton Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (via email)



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Application Specific Information: AppInfo@pinelands.nj.gov

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

May 22, 2024

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

Application No.: 1990-0445.028
Burlington County Route 530 and State Route 70
Pemberton Township

This application proposes the realignment of the Burlington County Route 530 and State Route 70 intersection located within the above referenced rights-of-way in Pemberton Township.

Burlington County Route 530 currently intersects State Route 70 at an angle which creates safety concerns and difficulty turning for larger vehicles. The proposed realignment will create an intersection angle closer to 90 degrees to improve vehicle safety. The proposed development will result in the removal of 14,805 square feet of existing impervious surfaces. The applicant proposes to revegetate that area with native Pinelands 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 (N.J.A.C. 7:50-5.2(b))

The proposed development is located in the Pinelands Preservation Area District. The CMP limits the development of new public service infrastructure, including roads, in the Pinelands Preservation Area District to that infrastructure necessary to serve only the needs of Preservation Area District uses.

The existing road intersection predates the January 14, 1981 effective date of the Commission's regulations. The Commission's regulations permit up to a 50 percent expansion of the area of a nonconforming use, including roads, that existed prior to January 14, 1981. The intersection improvement proposed in this application results in an overall reduction of the area of the intersection existing as of January 14, 1981. Therefore, the proposed intersection improvement is permitted by the CMP.

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

No development is proposed in wetlands. The CMP requires a buffer of up to 300 feet to wetlands.

There is a wetland area located to the north of the existing intersection of Burlington County Route 530 and State Route 70. The existing intersection is located within 115 feet of this wetland area. The proposed development will be located no closer to this wetland area than the existing intersection. The application proposes to remove 14,805 square feet of existing road pavement that is located within the 300 feet of this wetland area.

There is a second wetland area located approximately 290 feet to the west of the existing intersection. The proposed development will be located approximately 85 feet from this wetland area. The proposed development will be located within the required buffer to wetlands for this wetlands area. The CMP permits linear improvements, including roads and road intersections, in the required buffer to wetlands provided certain CMP specified conditions are met. Those CMP conditions include demonstrating that there is no feasible alternative to the proposed development which will result in a less significant adverse impact to wetlands and 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 of the proposed development on the required buffer to wetlands. The proposed development within the required buffer to wetlands is necessary to improve traffic safety. The applicant has demonstrated that the need for the proposed 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 be located within existing paved areas and grassed road shoulders. All 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 which meets that recommendation.

Threatened and Endangered Species Standards (N.J.A.C. 7:50-6.27 & 6.33)

The applicant performed a threatened and endangered plant survey for the presence of American chaffseed and Slender rattlesnake root. The results of the threatened and endangered plant survey indicated that no threatened or endangered plant species were present on or in the vicinity of the proposed development.

The applicant has demonstrated that the proposed development will not have an irreversible adverse impact on local populations of American chaffseed and Slender rattlesnake root or on any other local populations of threatened or endangered plant species.

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

The application proposes to remove 14,805 square feet of existing pavement. The application proposes 5,544 square feet of new pavement and a 1,161 square foot concrete traffic island. The proposed development will result in a decrease of 8,100 square feet of impervious surface. There will be no

increase in the volume and rate of stormwater runoff after the development than occurred prior to the proposed development. The proposed development is consistent with the CMP stormwater standards.

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

The Commission staff reviewed available information to determine the potential for any significant cultural resources that could be affected by the proposed development. Based upon the lack of potential for significant cultural resources within the area to be developed, a cultural resource survey was not required.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on August 10, 2023. The application was designated as complete on the Commission's website on April 30, 2024. The Commission's public comment period closed on May 10, 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 four sheets, prepared by the New Jersey Department of Transportation and dated as follows:

Sheets 1-3 - April 18, 2024
Sheet 4 - February 7, 2024
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@pinelands.nj.gov

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 June 10, 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.



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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

May 23, 2024

Michael Garofalo (via email)
NJ Turnpike Authority
P.O. Box 5042
Woodbridge NJ 07095

Re: Application # 1990-0450.008
Garden State Parkway
Celia Cruz Service Area
Lacey Township

Dear Mr. Garofalo:

The Commission staff has completed its review of this application for construction of a State Police barracks and helicopter pad at the Celia Cruz Service Area. 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 14, 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, Lacey Township Planning Board (via email)
Lacey Township Construction Code Official (via email)
Lacey Township Environmental Commission (via email)
Secretary, Ocean County Planning Board (via email)
Ocean County Health Department (via email)
Elise Rodriguez (via email)



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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

May 23, 2024

Michael Garofalo (via email)
NJ Turnpike Authority
P.O. Box 5042
Woodbridge NJ 07095

Application No.: 1990-0450.008

Location: Garden State Parkway
Celia Cruz Service Area
Lacey Township

This application proposes construction of a 2,000 square foot State Police barracks and a 3,844 square foot helicopter pad at the Celia Cruz Service Area within the Garden State Parkway right-of-way in Lacey Township.

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. 7:50-5.35)

The proposed development is located in the CMP designated Parkway Overlay District and underlain by the Pinelands Preservation Area District. The proposed development constitutes accessory facilities associated with the operation of the Garden State Parkway. The proposed development is a permitted land use in the Parkway Overlay District.

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

The proposed development will be located primarily within existing maintained grassed areas and partially within a forested area. The proposed development will result in the clearing of approximately 1,000 square feet of trees. 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. The applicant proposes a seed mixture which meets that

recommendation.

Water Quality Standard (N.J.A.C. 7:50-6.83)

The existing Celia Cruz Service Area is serviced by public sanitary sewer. The proposed barracks will be serviced by public sanitary sewer.

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

The proposed development is consistent with the stormwater management standards of the CMP. To meet the stormwater management standards, the application proposes to construct a stormwater infiltration basin.

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

The Commission staff reviewed available information to determine the potential for any significant cultural resources that could be affected by the proposed development. Based upon the lack of potential for significant cultural resources within the area to be developed, a cultural resource survey was not required.

The New Jersey State Historic Preservation Office (SHPO) previously determined that the Garden State Parkway Historic District was eligible for the National Register of Historic Places. The Celia Cruz Service Area is located within the Garden State Parkway Historic District. The proposed State Police barracks will not affect any contributing resource to that National Register eligible Historic District. Therefore, no Certificate of Appropriateness is required for this application.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on December 14, 2023. The application was designated as complete on the Commission's website on April 29, 2024. The Commission's public comment period closed on May 10, 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 22 sheets, prepared by Gannett Fleming, Inc. and dated as follows:
 - Sheet 1 - undated
 - Sheets 2-19 - February 2024
 - Sheet 20 - April 2009
 - Sheets 21 & 22 - April 2009; last revised March 2022
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.

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 June 10, 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.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-24- 12

TITLE: To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2025 at the Same Level of Expenditures as Fiscal Year 2024 until the Adoption of the Fiscal Year 2025 Budgets

Commissioner Avery moves and Commissioner Irick seconds the motion that:

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

WHEREAS, based on the Governor’s proposed budget, it is anticipated that the Commission will receive an appropriation of at least \$3,749,000 to support its operations during Fiscal Year 2025; and

WHEREAS, confirmation of the State appropriation is expected in July, after which the Commission will be able to finalize and adopt its Fiscal Year 2025 budgets; 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 2025 at the same level of expenditures as Fiscal Year 2024 until the Commission’s adoption of the Fiscal Year 2025 Budgets.

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: June 14, 2024

 Susan R. Grogan
 Executive Director

 Laura E. Matos
 Chair