



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

RICHARD PRICKETT
Chairman
SUSAN R. GROGAN
Acting Executive Director

December 13, 2021

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

Re: Application # 2006-0322.002
State Route 47
Dennis Township

Dear Ms. Fairfax:

Enclosed is a copy of the Resolution adopted by the Pinelands Commission at its meeting on December 10, 2021. The Commission approved an amended application for the construction of an electronic traffic advisory sign with associated development within the State Route 47 right-of-way subject to the conditions recommended by the Acting 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 11/15/2021

c: Secretary, Dennis Township Planning Board
Dennis Township Construction Code Official
Dennis Township Environmental Commission
Secretary, Cape May County Planning Board



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21-33

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1982-2904.003 & 2006-0322.002)

Commissioner Avery **moves and Commissioner** Lohbauer **seconds the motion that:**

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

1982-2904.003

Applicant: **Egg Harbor Township**
Municipality: Egg Harbor Township
Management Area: Pinelands Regional Growth Area
Date of Report: November 17, 2021
Proposed Development: Construction of a public recreational facility including a multi-purpose field, recreational courts and a 62 space parking lot; and

2006-0322.002

Applicant: **New Jersey Department of Transportation**
Municipality: Dennis Township
Management Area: Pinelands Forest Area
Pinelands Village
Date of Report: November 15, 2021
Proposed Development: Construction of an electronic traffic advisory sign with associated development within the State Route 47 right-of-way.

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Acting Executive Director’s recommendation has been received for any of these applications; and

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Acting 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 Acting 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 1982-2904.003 & 2006-0322.002 for public development are hereby **approved** subject to the conditions recommended by the Acting Executive Director.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Jannarone			X		Quinn			X	
Christy	X				Lloyd	X				Rohan Green			X	
Higginbotham	X				Lohbauer	X				Prickett	X			
Irick	X				Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: December 10, 2021

Susan R. Grogan
Acting Executive Director

Richard Prickett
Chairman



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RICHARD PRICKETT
Chairman
SUSAN R. GROGAN
Acting Executive Director

November 15, 2021

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

Re: Application # 2006-0322.002
State Route 47
Dennis Township

Dear Ms. Fairfax:

The Commission staff has completed its review of this amended application for construction of an electronic traffic advisory sign with associated development within the State Route 47 right-of-way. Enclosed is a copy of an Amended Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its December 10, 2021 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 Acting 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, Dennis Township Planning Board (via email)
Dennis Township Construction Code Official (via email)
Dennis Township Environmental Commission (via email)
Secretary, Cape May County Planning Board (via email)



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RICHARD PRICKETT
 Chairman
 SUSAN R. GROGAN
 Acting Executive Director

AMENDED PUBLIC DEVELOPMENT APPLICATION REPORT

November 15, 2021

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

Application No.: 2006-0322.002
 State Route 47
 Dennis Township

This application proposes construction of an electronic traffic advisory sign with associated development within the State Route 47 right-of-way in Dennis Township.

On August 9, 2019, the Commission approved this application for the construction of the electronic traffic advisory sign, the installation of 12,379 linear feet of fiber optic cable and the construction of 190 linear feet of guiderail, equipment cabinets and a paver pad for maintenance vehicle parking.

As part of that prior Commission approval, approximately 1,201 linear feet of fiber optic cable was to be installed overhead on existing utility poles for two sections of the proposed development. During construction, the applicant determined that the installation of the fiber optic cable on the existing utility poles was not feasible. The applicant now proposes to install the two sections of the fiber optic cable by trenching within the existing road shoulder.

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. 7:50-5.23(b)12 & 14 and (N.J.A.C. 7:50-5.27(a))

The proposed development is located partially in a Pinelands Forest Area and partially in the Pinelands Villages of North Dennis and Dennisville.

The proposed electronic sign is located in a Pinelands Forest Area. As a traffic directional and informational sign, the proposed electronic sign is a permitted use in a Pinelands Forest Area.

Approximately 4,600 linear feet of the proposed fiber optic cable (public service infrastructure) is located in a Pinelands Forest Area. The proposed fiber optic cable is a permitted use in a Pinelands Forest Area as it is intended to primarily serve only the needs of the Pinelands.

Approximately 7,779 linear feet of the proposed fiber optic cable (public service infrastructure) is located in the Pinelands Villages of North Dennis and Dennisville. The proposed fiber optic cable is a permitted use in a Pinelands Village.

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

There are wetlands located within 300 feet of the proposed development. A portion of the proposed fiber optic cable that is proposed under existing grassed road shoulders will be located in the required buffer to wetlands. The fiber optic cable will be located approximately 25 feet from wetlands at its closest point.

The CMP permits fiber optic cables (linear improvements) 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 buffer.

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

The proposed development will be located within an existing maintained grassed road shoulder. 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 existing grasses within the maintained road shoulder are non-native. The applicant proposes to replant non-native lawn grasses along the maintained road shoulder.

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

A cultural resource survey was prepared for this application. It was determined that there were no cultural resources eligible for Pinelands designation within the project area.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on October 27, 2021. The application was designated as complete on the Commission's website on

October 29, 2021. The Commission's public comment period closed on November 12, 2021. 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 12 sheets, prepared by Michael Baker International, Inc. and dated as follows:

Sheet 1 - December 14, 2018; revised to October 2021
Sheets 2-4, 6, 7, 10 & 12 - December 14, 2018
Sheet 5 - July 17, 2019
Sheets 8, 9 & 11 - December 14, 2018; revised to September 2021
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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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 December 3, 2021 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.