



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@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

January 19, 2018

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

Re: Application # 2017-0149.001
State Route 73
Borough of Berlin, Waterford Township & Winslow Township

Dear Ms. Fairfax:

The Commission staff has completed its review of this application for road improvements within the State Route 73 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 February 9, 2018 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, Borough of Berlin Planning Board (via email)
- Borough of Berlin Construction Code Official (via email)
- Secretary, Waterford Township Planning Board (via email)
- Waterford Township Construction Code Official (via email)
- Waterford Township Environmental Commission (via email)
- Secretary, Winslow Township Planning Board (via email)



Winslow Township Construction Code Official (via email)
Winslow Township Environmental Commission (via email)
Secretary, Camden County Planning Board (via email)



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PUBLIC DEVELOPMENT APPLICATION REPORT

January 19, 2018

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

Application No.: 2017-0149.001
State Route 73
Borough of Berlin, Waterford Township & Winslow Township

This application proposes road improvements within the State Route 73 right-of-way in the Borough of Berlin, Waterford Township and Winslow Township.

The application proposes the installation of additional guiderail to meet current safety standards along a seven mile section of State Route 73 between Braddock Avenue in Winslow Township and the New Jersey Transit Bridge in the Borough of Berlin. In addition, the application proposes to install concrete sidewalks at five intersections within that same seven mile section of State Route 73.

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(a), 5.26(b)10 & 5.28(a))

The proposed road improvements are located in the Pinelands Village of Blue Anchor, a Pinelands Rural Development Area and a Pinelands Regional Growth Area. The proposed road improvements are permitted uses in these Pinelands management areas.

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

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

The CMP permits roads (linear improvements) and accessory improvements to roads, such as guiderails and sidewalks, 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 road improvements are 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 developed areas and grassed 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 road improvements 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 6, 2017. The Commission's public comment period closed on January 12, 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 17 sheets, prepared by the New Jersey Department of Transportation, all sheets dated November 9, 2017.
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 at the Commission office no later than 5:00 PM on February 6, 2018 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.