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MEMORANDUM OF AGREEMENT BETWEEN THE
NEW JERSEY EXPRESSWAY AUTHORITY
AND THE
NEW JERSEY PINELANDS COMMISSION

WHEREAS, the New Jersey Expressway Authority (hereinafter "Authority"), a body corporate and politic of the State of New Jersey, owns and operates the Atlantic City Expressway (hereinafter "Expressway"); and

WHEREAS, the New Jersey Pinelands Commission (hereinafter "Commission") is a public body, corporate and politic which was established to prepare and administer the Pinelands Comprehensive Management Plan to protect the resources of the Pinelands area of the State of New Jersey; and

WHEREAS, in the course of operating and maintaining the Atlantic City Expressway, the Authority finds it necessary to undertake public development for the construction, renovation and maintenance of facilities necessary to the proper operation of the Expressway; and

WHEREAS, the Pinelands Comprehensive Management Plan provides that the Commission may enter into Memoranda of Agreement with public agencies regarding specified development activities that relieve such agencies of applying to the Commission for formal development approvals; and

WHEREAS, the Authority and the Commission desire to facilitate the review of Authority activities within the Pinelands Area in order to delineate those development projects which may be undertaken by the Authority without formal Commission approval, and those which will continue to require the formal submission of the development applications and Commission approvals;

NOW, THEREFORE, the Authority and the Commission hereby mutually agree as follows:

1. **Existing and Future Development Projects.** The Authority represents that the list of projects annexed hereto as Exhibit A constitutes all of the Authority's proposed or anticipated projects within the Pinelands Area pursuant to the Authority's five year plan. The Authority agrees to update Exhibit A within 30 days of each revision or amendment to its five year plan.

2. **Purpose of Memorandum of Agreement.** This Memorandum of Agreement is entered into pursuant to N.J.A.C. 7:50-4.52 in order to delineate those smaller projects for which no application for approval is required by the Commission, and to outline the procedure to be followed by the Authority in submitting such development projects to the Commission staff for expeditious review. Additionally, this memorandum seeks to establish a working relationship between the Authority and the Commission.

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3. Projects Not Requiring Formal Application for Commission Approval.

a. The parties agree that the following general classes of development will not require the authority to make formal application for Commission approval:

1. Development that will create less than 1,000 square feet of new impervious surfaces and would disturb an area of no more than 5,000 square feet within the Pinelands area.

2. The repair or replacement of existing culverts.

b. For all proposed projects that meet the criteria listed in paragraph a above, the Authority shall submit the following information to the Commission at least forty-five (45) days prior to the commencement of any development:

- (1) A narrative description of the proposed activity;
- (2) A copy of a U.S.G.S. quadrangle (or a portion thereof on which the location of the proposed development has been indicated); and
- (3) A copy of plans for the proposed development.

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- c. Within thirty (30) days of receipt of the information submitted pursuant to paragraph b above, the Commission staff will provide comments regarding the consistency of the proposal with the requirements of the Pinelands Comprehensive Management Plan.
- d. If any portion of a development proposal submitted pursuant to paragraph b is found to be inconsistent with the requirements of the Comprehensive Management Plan, the Authority agrees that the plans of such development proposal will be modified until the Commission staff determines that the proposed development is consistent with the requirements of the Comprehensive Management Plan.
- e. The Commission will not require the Authority to obtain formal approval for the following specific development projects unless any such project is inconsistent with paragraph a above:
- (1) Farley Plaza high mast lighting;
 - (2) Reconfiguration of parking at Farley Service Plaza;
 - (3) Installation of electronic message signs along the Atlantic City Expressway;
 - (4) Supplemental highway lighting; and
 - (5) Renovation of the farmer's market structure at Farley Service Plaza.

These projects shall be submitted for review by the Pinelands Commission in accordance with the procedures set forth in paragraphs b-d above.

4. **Farley Service Plaza.**

a. The parties agree that the area known as the Farley Service Plaza shall, pursuant to this Memorandum of Agreement, consist of the following facilities:

- (1) Restaurant and Tourist Information Center containing a total of 12,300 square feet;
- (2) Service station containing a total of 1,800 square feet and gasoline tanks;
- (3) Administration building containing a total of 11,014 square including the 1,720 square foot addition referenced in (b) below;
- (4) Farm market building containing a total of 2,196 square feet;
- (5) Proposed police barracks containing a total of 11,430 square feet subject to approval of an application previously submitted to the Commission pursuant to (c) below; and
- (6) Existing sewer building containing a total of 860 square feet.

b. The Commission agrees that Authority shall have the right to expand the existing administration building by a total of 1,720 square feet for the express purpose of expanding the board room and areas immediately adjacent thereto in order to create a more functional entrance and public area adjacent to the board room, and to create a larger and more functional board room for Authority meetings. An application for the administration building expansion shall be submitted to the Pinelands Commission for its review. The expansion will be approved by the Pinelands Commission if it meets all the requirements of Subchapter 6 of the Comprehensive Management Plan other than N.J.A.C. 7:50-6.84 (a) 2.

c. The Commission acknowledges that the Authority has submitted an application for development of a new police barracks at the Farley Service Plaza which is hereby authorized to be located at the Farley Service Plaza provided that the plans submitted to the Commission by the Authority are consistent with the management standards contained in Subchapter 6 of the Pinelands Comprehensive Management Plan. Said police barracks shall be expressly subject to review and approval by the Pinelands Commission. It is understood that the approval will be granted by the Commission if the building will not exceed 11,430 square feet (7,750 square feet of barracks and 3,680 square feet of

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garage/maintenance space); that the existing state police barracks, containing a total of 4,077 square feet, at the Hammonton maintenance yard will be utilized for storage purposes only after occupancy of the proposed Farley Service Plaza police barracks; that after occupancy of the new police barracks the existing 3,540 square foot maintenance garage at the Hammonton maintenance yard shall be utilized for parking of Authority vehicles only and all vehicle maintenance shall be performed at the facility that will be part of the new police barracks at Farley Service Plaza; that the existing maintenance facility in Hammonton will not be increased beyond the current 23,274 square feet (which includes all existing buildings except the existing 72 foot diameter salt dome); that no increase in office space shall occur at the Hammonton maintenance facility; that the occupancy of the police barracks at the Farley Service Plaza will not occur until the force main that will serve all development at the Farley Service Plaza is connected to the "Coastal Interceptor" and that line is operational, and that the police barracks will conform to all management standards contained in Subchapter 6 of the Pinelands Comprehensive Management Plan.

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d. The Commission agrees that the existing farm market, gas station and restaurant may be renovated in accordance with the terms and conditions of this Memorandum of Agreement.

e. In consideration of the Commission's agreement to allow the expansion of the Authority's board room and construction of the police barracks as above set forth, the Authority agrees that it will not undertake any further expansion of the Farley Service Plaza.

5. **Major Development Projects.** For any present and contemplated or future projects which are major in nature, such as the construction of a third westbound lane within the Pinelands area, the Authority agrees that it will submit a development application in accordance with the requirements of the Pinelands Comprehensive Management Plan and will seek formal Commission approval for all such major projects. All such projects will be consistent with the requirements of Subchapters 5 and 6 of the Pinelands Comprehensive Management Plan. The Authority will prepare a detailed evaluation of mass transit alternatives before proposing any widening of the Expressway.

6. **Development Projects Not Previously Classified.** Where the Authority proposes a development project which may not be a major project requiring Commission approval, the Authority agrees that it will submit the following:

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- (1) A narrative description of the proposed activity;
- (2) A copy of U.S.G.S. quadrangle map on which the location of the proposed development has been indicated;
- (3) A copy of plans for the proposed development

Upon receipt and review by the Commission staff, the Commission staff shall determine within 30 days whether the proposed project may be reviewed and approved by the Commission staff, or whether such project requires formal Commission approval.

7. **Administrative Resolution of Disputes.** In the event of a dispute between the Authority and the Commission staff regarding the issue of whether development activity proposed by the Authority not requiring formal Commission approval pursuant to this agreement is inconsistent with the requirements of the Comprehensive Management Plan, the parties agree that the Authority may request that such dispute be submitted to the Office of Administrative Law as a contested case for a hearing before an administrative law judge pursuant to N.J.A.C. 7:50-4.91, the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq. and the procedures established by the Office of Administrative Law. For development activity requiring Commission approval, the applicant retains the right to request a hearing on a staff recommendation pursuant to N.J.A.C. 7:50-4.91.

8. Future Review Meetings. The Authority and the Commission agree that, in order to identify, discuss and resolve policy and interpretation inconsistencies, and in order to promote the cooperation which this Memorandum of Agreement is designed to create between the agencies, designated representatives of the Authority and Pinelands Commission staff shall meet periodically at a time and location to be mutually agreed upon, to discuss development review coordination, specific policies and their interpretation, prospective revisions to its 5 year plan including projects not contemplated by the Authority at the time this agreement was entered into, and such other matters of mutual interest as may be appropriate. A report of each such meeting shall be prepared for review by the Executive Director of the Authority and the Executive Director of the Pinelands Commission.

9. Revisions or Termination. The Executive Director of the Authority and the Executive Director of the Commission may jointly propose revisions to the terms, conditions and procedures of this Memorandum of Agreement from time-to-time. This agreement may be terminated at any time by agreement of the parties, and may be terminated by either party alone by giving sixty (60) days notice in writing to the other party.

10. **Effective Date.** This Memorandum of Agreement shall take effect upon approval by the Commissioners of the New Jersey Expressway Authority and approval of the Pinelands Commission, and execution by both parties, and subsequent to the Governor's review for a period of ten (10) days.

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Attest:

Mary Ann Iulucci

Date: December 18, 1990

MARYANN IULUCCI

Notary Public of New Jersey

My Commission Expires Sept. 14, 1995

Attest:

Valerie S. Young

Date: January 15, 1991

Approved as to form by:

By: J.M. Van Dal

Deputy Attorney General
State of New Jersey

Date: 1/8/91

NEW JERSEY EXPRESSWAY AUTHORITY

By: [Signature]
Executive Director

PINELANDS COMMISSION

By: [Signature]
Executive Director

EXHIBIT A

INTRODUCTION

The enclosed list of projects has been prepared for the purpose of beginning negotiations between the New Jersey Expressway Authority and the New Jersey Pinelands Commission on a Memorandum Of Agreement between the two state agencies.

The Expressway Authority utilizes a Five Year Plan for planning of capital and major maintenance projects which is updated yearly. The projects have therefore been grouped into three tiers which reflects a descending order of the likelihood that they will actually be constructed in the foreseeable future.

Tier 1 - Short range projects currently under consideration for the 1991 budget. These projects are currently in the Authority's Five Year Plan and are therefore most likely to appear in the 1991 budget which is being prepared this fall.

Tier 2 - Medium range projects that are desirable but have not been budgeted for in the Five Year Plan. These projects were formerly included in the Five Year Plan but have been removed from the latest revision due to anticipated budgetary constraints.

Tier 3 - Long range projects beyond the scope of the Five Year Plan. These projects have never before appeared in the Plan or are projects for which the exact scope and timetable are uncertain at this time.

EXHIBIT A

SHORT RANGE PROJECTS CURRENTLY UNDER CONSIDERATION FOR THE 1991 BUDGET

1) Scour Rehabilitation

Scour rehabilitation and stream stabilization of Penny Pot Stream, milepost 30.1, by the construction of gabions.

2) CMP Culvert Repairs

Rehabilitation of the corrugated metal pipe culvert at milepost 16.1 that has deteriorated.

3) Administration Building

Expansion of the board room is necessary to accommodate State and public participation in the Authority's regular business meetings.

4) Central Maintenance Forcemain

The existing treatment plant onsite can no longer meet NJDEP effluent limitations. An onsite pumping station and forcemain is proposed which will convey the waste water to the Hammonton Township municipal sewer system.

5) Farley Plaza Wastewater Transmission Line

The existing treatment plant onsite can no longer meet NJDEP effluent limitations. A pumping station and forcemain system will convey the wastewater to the Atlantic County Utilities Authority sewer system for treatment. (Approved)

6) State Police Barracks

Construction of a New Jersey State Police Barracks will centralize the administrative services at the Farley Plaza, replacing the current facility in Hammonton. (Pending Approval)

7) Concrete Storage Pad

Construction of a concrete storage pad at the Central Maintenance Facility for short term storage of possibly spill contaminated soils.

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EXHIBIT A

LONG RANGE PROJECTS BEYOND THE SCOPE OF THE 5 YEAR PLAN.

1) Third Lane Westbound

A third lane westbound will become necessary from milepost 7 to 31 when demand exceeds the capacity of the present two lanes.

2) Central Maintenance Truck Shed

An open pole barn style truck shed would be utilized to park vehicles out of inclement weather to extend their service life.

3) Farley Plaza Gasoline Station

The leasee who operates the gasoline station may wish to modernize the station in the future.

4) Farley Plaza Farmers Market

The leasee who operates the market may wish to modernize the building in the future.

5) Egg Harbor Plaza Parking Lot Expansion

Expansion of parking lot is necessary to accommodate the changing of the toll collector shifts.

6) Egg Harbor Plaza Expansion

A single toll lane westbound will be needed at some time in the future to accommodate the anticipated demand.

7) Egg Harbor Toll Plaza Reconstruction

The existing plaza and administration building may have to be reconstructed to accommodate the new toll collection technology that will be instituted under the Five Year Plan to obtain the maximum benefits from the new collection system.

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MEDIUM RANGE PROJECTS THAT ARE DESIRABLE BUT HAVE NOT BEEN BUDGETED FOR IN THE 5 YEAR PLAN.

1) Farley Service Plaza Highmast Lighting

Installation of high mast lighting at the Farley Service Plaza will improve the safety and comfort of the public at this facility which is used 24 hours per day.

2) Farley Service Plaza Parking

Reconfiguration of the existing parking lot is desirable to better accommodate the peak hour usage.

3) Electronic Message Signs

A system of variable message signs capable of communicating changing driving conditions to the traveling public.

4) Mays Landing Toll Building Expansion

This project is currently on hold pending the outcome of the Atlantic County Beltway. (Approved)

5) Highway Lighting

Supplemental roadway lighting primarily at interchanges to enhance safety