



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22- 16

TITLE: **Approving With Conditions Applications for Public Development** (Application Numbers 2018-0163.001 & 2021-0284.001)

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:

2018-0163.001

Applicant: **Weston Solutions, Inc. on behalf of the United States Army Corps of Engineers**
Municipality: Borough of Lakehurst
Management Area: Manchester Township
Pinelands Town
Pinelands Regional Growth Area
Date of Report: March 18, 2022
Proposed Development: Installation of 2,200 linear feet of water main; and

2021-0284.001

Applicant: **New Jersey Department of Transportation**
Municipality: Town of Hammonton
Management Area: Pinelands Town
Date of Report: March 15, 2022
Proposed Development: Installation of 534 linear feet of four-foot-wide sidewalk within the Route 30 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 2018-0163.001 & 2021-0284.001 for public development are hereby **approved** subject to the conditions recommended by the Acting Executive Director.

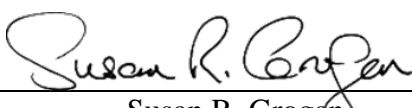
Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Jannarone			X		Meade	X			
Christy			X		Lettman	X				Pikolycky	X			
Higginbotham			X		Lloyd			X		Quinn			X	
Holroyd	X				Lohbauer	X				Matos	X			
Irick	X				McCurry	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: April 8, 2022



Susan R. Grogan
Acting Executive Director



Laura E. Matos
Chair



State of New Jersey
 THE PINELANDS COMMISSION
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PHILIP D. MURPHY
 Governor
 SHEILA Y. OLIVER
 Lt. Governor

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

LAURA E. MATOS
 Chair
 SUSAN R. GROGAN
 Acting Executive Director

March 18, 2022

Elizabeth Bolt (via email)
 Weston Solutions, Inc.
 1400 Weston Way, Building 5-1
 West Chester, PA 19380

Re: Application # 2018-0163.001
 Block 66, Lot 1 & State Route 70
 Borough of Lakehurst
 Ridgeway Boulevard
 Borough of Lakehurst & Manchester Township

Dear Ms. Bolt:

The Commission staff has completed its review of this application for installation of 2,200 linear feet of water main within the Route 70 and Ridgeway Boulevard rights-of-way. Enclosed is a copy of a 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 April 8, 2022 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, Borough of Lakehurst Planning Board (via email)
 Borough of Lakehurst Construction Code Official (via email)
 Secretary, Manchester Township Planning Board (via email)
 Manchester Township Construction Code Official (via email)
 Manchester Township Environmental Commission (via email)
 Secretary, Ocean County Planning Board (via email)



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LAURA E. MATOS
 Chair
 SUSAN R. GROGAN
 Acting Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

March 18, 2022

Elizabeth Bolt (via email)
 Weston Solutions, Inc.
 1400 Weston Way, Building 5-1
 West Chester, PA 19380

Application No.: 2018-0163.001
 Block 66, Lot 1 & State Route 70
 Borough of Lakehurst
 Ridgeway Boulevard
 Borough of Lakehurst & Manchester Township

This application proposes installation of 2,200 linear feet of water main within the Borough of Lakehurst and Manchester Township.

Approximately 217 linear feet of water main will be located within the Route 70 right-of-way in the Borough of Lakehurst. Approximately 1,874 linear feet of water main will be located within the Ridgeway Boulevard right-of-way in the Borough of Lakehurst and Manchester Township. Approximately 109 linear feet of water main will be located within a utility easement on Block 66, Lot 1 in the Borough of Lakehurst.

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 & 5.28)

The proposed development is located in the Pinelands Town of Lakehurst and in a Pinelands Regional Growth Area in Manchester Township. The proposed development is a permitted land use in a Pinelands Town and a Pinelands Regional Growth Area.

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

The CMP prohibits most development in wetlands and requires up to a 300 foot buffer to wetlands.

An approximately 50 foot section of the proposed water main will be located in wetlands associated with a stream (Manapaqua Branch). An approximately 500 foot section of the proposed water main will be located within the required 300 foot buffer to wetlands. This 500 foot section of the water main will be installed within the maintained grass shoulder of Ridgeway Boulevard.

The applicant proposes to install a total of 250 linear feet of the water main via horizontal directional drilling (HDD). Of that 250 feet, a 50 foot section of the water main will be installed under wetlands associated with the Manapaqua Branch; a 100 foot section will be installed in the required 300 foot buffer to wetlands; and a 100 foot section will be installed under a paved parking area that is located outside of wetlands and the required buffer to wetlands.

The CMP permits the installation of linear improvements (water mains) in wetlands and 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 wetlands or the required buffer to wetlands that will result in a less significant adverse impact to wetlands. To mitigate impact to wetlands, the application proposes to install a 50 linear foot section of the water main under the wetland associated with the Manapaqua Branch via HDD. Based upon the proposed water main being located at least four feet below the bottom of the stream channel and the provision of a Horizontal Directional Drilling Contingency Plan to address any potential break outs of drilling fluid, the proposed development will not result in a substantial impairment of the resources of the Pinelands. The water main is proposed to provide potable water to existing development with contaminated potable water wells in the Borough of Lakehurst and Manchester Township. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetlands and the required buffer to wetlands.

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

Other than the 50 feet under the Manapaqua Stream, the proposed water main will be located within a maintained grass road shoulder and under paved surfaces. The proposed soil disturbance is limited to that which is necessary to accommodate the development.

The Landscaping and Re-vegetation 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.

PUBLIC COMMENT

The CMP defines the proposed development as “minor.” The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on February 28, 2022. The Commission’s public comment period closed on March 11, 2022. 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 26 sheets, prepared by Weston Solutions, Inc., all sheets dated August 12, 2020 and revised to January 6, 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.
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.
6. The applicant shall engage an independent licensed professional engineer with proven experience in Horizontal Directional Drilling (HDD) to be present at all times HDD activities are being undertaken. The independent engineer shall:
 - a. Ensure that all HDD activities are conducted in accordance with all approved plans;
 - b. Ensure that appropriate measures, such as installation of silt fence, hay bales, inflatable berm, etc. are taken during HDD activities to prevent the discharge of drilling fluid to wetlands, streams or any other water body or beyond the immediate confines of the drill site;
 - c. Monitor drill hole pressures and walk the area in which HDD activities are being conducted to identify any potential break outs of drilling fluid; and
 - d. Be responsible for immediate implementation of the Horizontal Directional Drilling Contingency Plan should a break out of drilling fluid occur and require the immediate cessation of all HDD activities. The applicant shall within 24 hours notify the Pinelands Commission's Acting Executive Director via email at info@pinelands.nj.gov of the location of the break out and advise as to the response actions being taken to address the break out in accordance with the Horizontal Directional Drilling Contingency Plan.

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.



State of New Jersey

THE PINELANDS COMMISSION

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Acting 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 April 5, 2022 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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Lt. Governor

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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Acting Executive Director

March 15, 2022

Brenna Fairfax (via email)
New Jersey Department of Transportation
P.O. Box 600
Trenton, NJ 08625

Re: Application # 2021-0284.001
U.S. Route 30
Town of Hammonton

Dear Ms. Fairfax:

The Commission staff has completed its review of this application for installation of 534 linear feet of four foot wide sidewalk within the Route 30 right-of-way. Enclosed is a copy of a 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 April 8, 2022 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, Town of Hammonton Planning Board (via email)
Town of Hammonton Construction Code Official (via email)
Town of Hammonton Environmental Commission (via email)
Atlantic County Department of Regional Planning and Development (via email)



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Lt. Governor

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Acting Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

March 15, 2022

Brenna Fairfax (via email)
New Jersey Department of Transportation
P.O. Box 600
Trenton, NJ 08625

Application No.: 2021-0284.001
U.S. Route 30
Town of Hammonton

This application proposes installation of 534 linear feet of four foot wide sidewalk within the Route 30 right-of-way in the Town of Hammonton. The proposed 534 linear feet of sidewalk is comprised of five non-contiguous sections of sidewalk within the Route 30 right-of-way between Central Avenue and Moss Mill Road.

The applicant proposes the repaving of portions of Route 30 and the installation of traffic signage. The repaving of portions of Route 30, provided no increase in the paved width occurs, does not require application to the Pinelands Commission in accordance with the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.1(a)11). The installation of traffic signs does not require application to the Pinelands Commission in accordance with the CMP (N.J.A.C. 7:50-4.1(a)4).

The applicant also proposes the replacement of guiderail. The in-kind replacement of existing guardrails does not require application to the Pinelands Commission.

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))

The proposed development is located within the Pinelands Town of Hammonton. The proposed development is a permitted land use in a Pinelands Town.

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

The proposed development will be located within existing maintained grassed areas. 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 applicant proposes to utilize a seed mixture which meets that recommendation.

PUBLIC COMMENT

The CMP defines the proposed development as “minor.” The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on February 9, 2022. The Commission’s public comment period closed on March 11, 2022. 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 seven sheets, prepared by HNTB Corporation, all sheets dated December 20, 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.

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Acting 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 by the Commission's office no later than 5:00 PM on April 4, 2022 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. PC4-22-17

TITLE: **Approving** With Conditions an Application for a **Waiver of Strict Compliance** (Application Number 2020-0238.001)

Commissioner Lohbauer moves and Commissioner Holroyd seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed each of the Findings of Fact, Conclusion and the recommendation of the Acting Executive Director that the following application for Waiver of Strict Compliance be approved with conditions:

2020-0238.001

Applicant: Malkiel David
Municipality: Jackson Township
Management Area: Pinelands Regional Growth Area
Date of Report: March 15, 2022
Proposed Development: Single family dwelling.

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

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Acting Executive Director for the requested Waiver of Strict Compliance; and

WHEREAS, the Pinelands Commission hereby determines that the requested Waiver conforms to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65 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 Number 2020-0238.001 for a Waiver of Strict Compliance is 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		Meade	X			
Christy			X		Lettman	X				Pikolycky	X			
Higginbotham			X		Lloyd			X		Quinn			X	
Holroyd	X				Lohbauer	X				Matos	X			
Irick	X				McCurry	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: April 8, 2022

Susan R. Grogan
Acting Executive Director

Laura E. Matos
Chair



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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Acting Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

March 15, 2022

Malkiel David (via email)
0 Cannon Road, LLC
15 America Avenue
Suite 301A
Lakewood, NJ 08701

Re: Application # 2020-0238.001
Block 20601, Lot 4
Jackson Township

Dear Mr. David:

The Commission staff has completed its review of this application for a Waiver of Strict Compliance (“Waiver”) proposing the development of one single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission’s Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its April 8, 2022 meeting.

FINDINGS OF FACT

This application is for the development of one single family dwelling, serviced by an alternate design onsite septic system, on the above referenced 2.35 acre parcel in Jackson Township. The parcel is located in a Pinelands Regional Growth Area and in Jackson Township’s RG-2 zoning district. In this zoning district, Jackson Township’s certified land use ordinance establishes a minimum lot size of 1.0 acre to develop a single family dwelling serviced by an alternate design onsite septic system.

The parcel has been site inspected by a member of the Commission’s staff. In addition, the appropriate resource capability maps and data available to the staff have been reviewed.

The Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-6.14) requires that the development proposed in this application maintain a 300 foot buffer to wetlands unless the applicant demonstrates that a lesser buffer to wetlands will not result in a significant adverse impact on wetlands. A portion of the parcel is wetlands as defined in the CMP (N.J.A.C. 7:50-6.5(a)2). The wetlands continue onto adjacent lands. Any development of the parcel would be located within 300 feet of these wetlands. The applicant has submitted no information to demonstrate that the proposed development will not cause a significant adverse impact on the wetlands. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetlands. As there

will be a significant adverse impact on wetlands located within 300 feet of the proposed development, the applicant is requesting a Waiver from the buffer to wetlands standard contained in the CMP (N.J.A.C. 7:50-6.14).

The CMP (N.J.A.C. 7:50-4.65(b)6) requires that for an applicant to qualify for a Waiver to develop a single family dwelling in a Pinelands Regional Growth Area, it must be demonstrated that no development, including clearing and land disturbance, will be located on wetlands. The applicant has demonstrated that no development, including clearing and land disturbance, will be located on or within 175 feet of wetlands.

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the parcel. The development of a single family dwelling on the parcel will not require any lot area or residential density variances pursuant to Jackson Township's certified land use ordinance. A single family dwelling can be developed on the parcel without violating any criteria contained in N.J.A.C. 7:50-4.65(b) if the conditions recommended below are imposed.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on December 22, 2021. Public notice to all property owners within 200 feet of the parcel was completed on December 16, 2021. The application was designated as complete on the Commission's website on February 17, 2022. The Commission's public comment period closed on March 11, 2022. No public comment regarding this application was submitted to the Pinelands Commission.

CONCLUSION

The CMP (N.J.A.C. 7:50-4.62) sets forth the standards which must be met before a Waiver can be approved. The CMP (N.J.A.C. 7:50-4.62(a)) requires that for a Waiver application to be approved based on an extraordinary hardship, the applicant must demonstrate that the conditions of either N.J.A.C. 7:50-4.63(a) or (b) of the CMP have been met.

The CMP (N.J.A.C. 7:50-4.63(a)) sets forth five conditions which must be met for an applicant to qualify for an extraordinary hardship pursuant to that subsection.

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain development specified in N.J.A.C. 7:50-4.63(a)1. This application is only for a Waiver from the wetlands buffer standard contained in N.J.A.C. 7:50-6. One of the specified types of development in N.J.A.C. 7:50-4.63(a)1 is a single family dwelling on a parcel within a Pinelands Regional Growth Area which is at least 20,000 square feet, excluding road rights of way, in size and will be serviced by an onsite septic system. This application proposes a single family dwelling in a Pinelands Regional Growth Area that will be serviced by an onsite septic system on a 2.35 acre (102,366 square feet) lot. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1v.

The second condition is that the parcel includes all contiguous land in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. Since the parcel includes all such contiguous land, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)2.

The third condition is that the proposed use will be the sole principal use on the entire contiguous parcel, except as expressly provided in N.J.A.C. 7:50-5.1(c). As the proposed single family dwelling will be the sole principal use on the parcel, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)3.

The fourth condition is that all necessary municipal lot area and residential density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Jackson Township's master plan and land use ordinances have been certified by the Pinelands Commission. In the RG-2 zoning district, Jackson Township's certified land use ordinance establishes a minimum lot size of 1.0 acre to develop a single family dwelling serviced by an alternate design onsite septic system. This application proposes to develop a single family dwelling serviced by an alternate design onsite septic system on a 2.35 acre lot. No municipal lot area or density variance is required to develop the proposed single family dwelling. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

The fifth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which permits a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not result in a substantial impairment of the resources of the Pinelands Area. The CMP (N.J.A.C 7:50-4.65(b)) sets forth the circumstances which do not comply with N.J.A.C 7:50-4.65(a). With the conditions recommended below, the proposed development will not violate any of the circumstances contained in N.J.A.C. 7:50-4.65(b). As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)5.

Since the applicant meets all five conditions set forth in N.J.A.C. 7:50-4.63(a), the applicant has demonstrated that an extraordinary hardship exists pursuant to N.J.A.C. 7:50-4.62(a).

As required by N.J.A.C. 7:50-4.62(b), the proposed dwelling will not result in substantial impairment of the resources of the Pinelands or be inconsistent with the provisions of the Pinelands Protection Act, the Federal Act or the CMP in accordance with the criteria set forth in N.J.A.C. 7:50-4.65.

As required by N.J.A.C. 7:50-4.62(c), and with the conditions recommended below, the proposed dwelling will not involve trespass or create a public or private nuisance by being materially detrimental or injurious to other property or improvements in the area in which the parcel is located, increase the danger of fire or endanger public safety.

The CMP (N.J.A.C. 7:50-4.62(d)) requires that the Waiver only grant the minimum relief necessary to relieve the extraordinary hardship. The proposed single family dwelling is the minimum relief necessary to relieve the extraordinary hardship which has been shown to exist.

The CMP (N.J.A.C. 7:50-4.62(d)1iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits (PDCs) whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the application is obtaining a Waiver from the minimum buffer to wetlands standard (N.J.A.C. 7:50-6.14), a condition is included in this Report to require the applicant to purchase the requisite 0.25 Pinelands Development Credits.

To meet the requirements of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65, the Pinelands Commission staff has determined that the parcel must be developed in accordance with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the plan prepared by Haler Consulting, dated August 7, 2021.
2. The septic system shall be located in an area where the seasonal high water table is at least 5 feet below the natural ground surface and in the area shown on the above referenced plan.
3. Appropriate measures shall be taken prior to 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.
4. Sufficient dry wells or a comparable alternative shall be installed to contain all stormwater runoff from the house.
5. The driveway shall be constructed of crushed stone or other permeable material.
6. The septic system shall be located at least 220 feet from all wetlands. All other development, including clearing and land disturbance, shall be located at least 175 feet from all wetlands. No development, including clearing and land disturbance, shall occur except as shown on the above referenced plan.
7. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.
8. Prior to Commission issuance of a letter advising that any county or municipal approval or permit may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 Pinelands Development Credits have been acquired and submitted to the Pinelands Development Credit Bank for redemption.
9. This Waiver shall expire April 8, 2027 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after April 8, 2027, or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
10. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to completing an application for development. The deed shall also specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance referring to the application number. The deed shall state that the conditions are enforceable by the Pinelands Commission, Jackson Township, the Ocean County Health Department, and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver from the requirements of N.J.A.C. 7:50-6.14 of the CMP.

Since the applicant meets the CMP Waiver requirements of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65 for the development of one single family dwelling on the parcel, it is recommended that the Pinelands Commission **APPROVE** the requested Waiver subject to the above conditions.

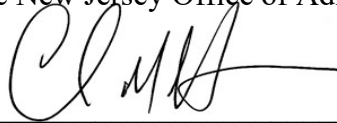
APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation 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 April 4, 2022 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. 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.

If no appeal is received, the Pinelands Commission may either approve the determination of the Acting Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Recommended for Approval by: _____



Charles M. Horner, P.P., Director of Regulatory Programs

- c: Secretary, Jackson Township Planning Board (via email)
 Jackson Township Construction Code Official (via email)
 Jackson Township Environmental Commission (via email)
 Secretary, Ocean County Planning Board (via email)
 Ocean County Health Department (via email)
 Eric Halpert (via email)