



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-15- 03

**TITLE:** Approving With Conditions an Application for Public Development (Application Number 1994-0336.004)

Commissioner Galletta moves and Commissioner Earlen seconds the motion that:

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

1994-0336.004  
**Applicant:** Egg Harbor City  
**Municipality:** Egg Harbor City  
**Management Area:** Pinelands Town  
 Pinelands Forest Area  
**Date of Report:** February 2, 2015  
**Proposed Development:** Construction of a 352 square foot public fishing pier at the Egg Harbor City Lake.

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

WHEREAS, the Pinelands Commission hereby adopts the Conclusion of the Executive Director for the proposed development; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms 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 Number 1994-0336.004 for public development is hereby approved subject to the conditions recommended by the Executive Director.

**Record of Commission Votes**

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS			
Ashmun	X			Galletta	X			Prickett	X		
Avery	X			Jackson	X			Quinn	X		
Brown	X			Jannarone	X			Rohan Green	X		
DiBello	X			Lloyd	X			Witt			X
Earlen	X			McGlinchey			X	Lohbauer	X		

Adopted at a meeting of the Pinelands Commission

Date: Feb. 13, 2015

Nancy Wittenberg  
Nancy Wittenberg  
Executive Director

Mark S. Lohbauer  
Mark S. Lohbauer  
Chairman



State of New Jersey  
THE PINELANDS COMMISSION  
PO Box 359  
NEW LISBON, NJ 08064  
(609) 894-7300  
www.nj.gov/pinelands



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)  
Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)

Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

February 2, 2015

Lisa Jiampetti, Mayor  
Egg Harbor City  
500 London Avenue  
Egg Harbor, NJ 08215

Re: Application # 1994-0336.004  
Block 954, Lot 1  
City of Egg Harbor City

Dear Mayor Jiampetti:

The Commission staff has completed its review of this application for the construction of a 352 square foot public fishing pier at the Egg Harbor City Lake. On January 26, 2015, we mailed a cover letter and a Public Development Application Report for this application. Enclosed, please find a revised copy of the Report, dated February 2, 2015, which corrects the Pinelands Management Area information. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 13, 2015 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, City of Egg Harbor City Planning Board (via email)  
City of Egg Harbor City Construction Code Official (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Timothy Michel, P.P.





State of New Jersey  
 THE PINELANDS COMMISSION  
 PO Box 359  
 NEW LISBON, NJ 08064  
 (609) 894-7300  
 www.nj.gov/pinelands



Chris Christie  
 Governor  
 Kim Guadagno  
 Lt. Governor

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

Mark S. Lohbauer  
 Chairman  
 Nancy Wittenberg  
 Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**  
 (Corrected Copy – Page 1, para. 4 Pinelands Management Area)

February 2, 2015

Lisa Jampetti, Mayor  
 Egg Harbor City  
 500 London Avenue  
 Egg Harbor, NJ 08215

Application No.: 1994-0336.004  
 Location: Block 954, Lot 1  
 City of Egg Harbor City

This application proposes the construction of a 352 square foot public fishing pier on the above referenced 400 acre lot in the City of Egg Harbor City. The proposed pier is 30 feet in length. There is an existing municipal park, campground and the Egg Harbor City Lake located on the lot.

Soil stockpiles were placed within a 1.63 acre portion of an existing field on the above referenced lot without application to the Commission in violation of the application requirements of the City of Egg Harbor City land use ordinance and the Pinelands Comprehensive Management Plan (CMP). The applicant has indicated that the soil stockpiles were placed on the lot by a third party and that the City will address the violations by removing and lawfully disposing of the soil stockpiles by June 15, 2015. Thereafter, the City will allow the area to naturally revegetate.

**STANDARDS**

The Commission staff has reviewed the proposed development for consistency with all standards of the CMP. The following reviews the CMP standards that are relevant to this application:

Land Use (N.J.A.C. 7:50-5.23(a)6)

The lot is located partially in a Pinelands Town Management Area (35.2 acres) and partially in a Pinelands Forest Area (364.8 acres). The proposed fishing pier will be located in the Pinelands Forest Area portion of the lot. The proposed fishing pier meets the CMP requirements to qualify as a low intensity recreational use and is, therefore, a permitted land use in a Pinelands Forest Management Area.

Wetlands Standards (N.J.A.C. 7:50-6.12)

The proposed fishing pier will be located within the open water of the Egg Harbor City Lake. The CMP defines a lake as a wetland. Public piers (water dependent recreational facilities) are authorized in

wetlands provided, among other conditions, there is a demonstrated need for the facility that cannot be met by existing facilities and the facility will not result in a significant adverse impact on wetlands. The applicant has demonstrated that the proposed development will meet all conditions of N.J.A.C. 7:50-6.12.

### PUBLIC COMMENT

The CMP defines the proposed development 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 23, 2014. The Commission's public comment period closed on January 16, 2015. 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 prepared by Remington, Vernick and Walberg Engineers and dated December 3, 2014.
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. All of the soil stockpiles on the lot shall be removed and lawfully disposed of by June 15, 2015. Thereafter, the City shall allow the area to naturally revegetate.

### 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.



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

## State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

[www.nj.gov/pinelands](http://www.nj.gov/pinelands)

General Information: [Info@njpines.state.nj.us](mailto:Info@njpines.state.nj.us)  
Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)



Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
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 within eighteen days of the date of the Executive Director's determination and must 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. PC4-15- 04

**TITLE:** Approving With Conditions Applications for Waivers of Strict Compliance (Application Numbers 1995-1379.001 & 2005-0257.001)

Commissioner Llazel moves and Commissioner Brown seconds the motion that:

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

**App. No. 1995-1379.001 Applicant: Michael Kelly**

Municipality: Hamilton Township  
Management Area: Regional Growth  
Proposed Development: Single family dwelling (Date of Report: January 26, 2015); and

**App. No. 2005-0257.001 Applicant: Anthony Jacobs**

Municipality: Town of Hammonton  
Management Area: Pinelands Town  
Proposed Development: Single family dwelling (Date of Report: January 26, 2015).

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 Findings of Fact and Conclusion of the Executive Director for each of the requested Waivers of Strict Compliance; 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; and

WHEREAS, the Pinelands Commission hereby determines that the requested Waivers conform 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 Executive Director are imposed.

**NOW, THEREFORE BE IT RESOLVED** that the following applications for a Waiver of Strict Compliance are hereby approved subject to the conditions recommended by the Executive Director:

**App. No. 1995-1379.001 Applicant: Michael Kelly**

Municipality: Hamilton Township  
Management Area: Regional Growth  
Proposed Development: Single family dwelling (Date of Report: January 26, 2015); and

App. No. 2005-0257.001 Applicant: Anthony Jacobs

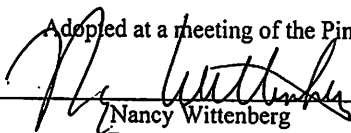
Municipality: Town of Hammonton  
 Management Area: Pinelands Town  
 Proposed Development: Single family dwelling (Date of Report: January 26, 2015).

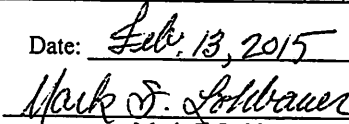
Record of Commission Votes

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS				
Ashmun	<input checked="" type="checkbox"/>			Galletta			<input checked="" type="checkbox"/>	Prickett	<input checked="" type="checkbox"/>			
Avery	<input checked="" type="checkbox"/>			Jackson	<input checked="" type="checkbox"/>			Quinn	<input checked="" type="checkbox"/>			
Brown	<input checked="" type="checkbox"/>			Jannarone	<input checked="" type="checkbox"/>			Rohan Green	<input checked="" type="checkbox"/>			
DiBello	<input checked="" type="checkbox"/>			Lloyd	<input checked="" type="checkbox"/>			Witt			<input checked="" type="checkbox"/>	
Earlen	<input checked="" type="checkbox"/>			McGlinchey	<input checked="" type="checkbox"/>			Lohbauer	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>

Adopted at a meeting of the Pinelands Commission

Date: Feb. 13, 2015

  
 Nancy Wittenberg  
 Executive Director

  
 Mark S. Lohbauer  
 Chairman



State of New Jersey  
 THE PINELANDS COMMISSION  
 PO Box 359  
 NEW LISBON, NJ 08064  
 (609) 894-7300  
 www.nj.gov/pinelands



Chris Christie  
 Governor

Kim Guadagno  
 Lt. Governor

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

Mark S. Lohbauer  
 Chairman

Nancy Wittenberg  
 Executive Director

**REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE**

January 26, 2015

Michael Kelly  
 Quality Modular Homes, LLC  
 1409 Route 50  
 Mays Landing, NJ 08330

Re: Application # 1995-1379.001  
 Block 1135.01, Lot 5  
 Hamilton Township

Dear Mr. Kelly:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 13, 2015 meeting.

**FINDINGS OF FACT**

This application is for the development of a single family dwelling served by a conventional onsite septic system on the above referenced 4.3 acre parcel in Hamilton Township. The parcel is located in a Pinelands Regional Growth Area and in Hamilton Township's GA-I zoning district. In this zoning district, a dwelling served by a conventional onsite septic system requires a minimum lot size of 3.2 acres in accordance with Hamilton Township's certified land use ordinance.

The parcel has been inspected by two members of the Commission staff. In addition, the appropriate resource capability maps and data available to the staff have been reviewed.

A development application for the proposed dwelling was completed with the Commission and a Certificate of Filing (Inconsistent) was issued on December 2, 1996. The Certificate of Filing noted that the proposed development was inconsistent with the buffer to wetlands requirement of the Hamilton Township land use ordinance and the Pinelands Comprehensive Management Plan (CMP).

There are wetlands as defined in the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-6.5(a)) on and within 300 feet of the parcel. Any development of the parcel would be located within 300 feet of these 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 of Strict Compliance (Waiver) from the buffer to wetlands requirements 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 wetlands.

Information available to the Commission staff indicates the potential presence of threatened and endangered animal species or habitat critical to their survival and populations of threatened and endangered plant species on and in the vicinity of the parcel. The applicant proposes to locate all development on the 4.3 acre parcel within a proposed 0.74 acre development envelope. The applicant proposes to impose a deed restriction on the remaining 3.56 acres of the parcel to prohibit any further development, including clearing or land disturbance, unless a threatened and endangered species survey is undertaken demonstrating consistency with the threatened and endangered species protection standards of the Hamilton Township land use ordinance and the CMP. With the conditions recommended below the applicant has demonstrated that the proposed development is designed to avoid irreversible adverse impacts on habitat that is critical to the survival of any local population of threatened or endangered animal species or to any local population of threatened or endangered plant species in accordance with N.J.A.C. 7:50-6.33 and 6.34.

The parcel subject of this Waiver application 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 entire contiguous parcel. The development of a single family dwelling on the parcel will not require any lot area or residential density variances pursuant to Hamilton 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.

Only if the parcel is developed in accordance with the conditions below will the adverse impacts on wetlands be minimized.

### **PUBLIC COMMENT**

The applicant has provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on September 29, 2014. Newspaper public notice was completed on October 8, 2014. The application was designated as complete on the Commission's website on December 16, 2014. The Commission's public comment period closed on January 16, 2015. No public comment was submitted to the Pinelands Commission regarding this application.

### **CONCLUSION**

The CMP (N.J.A.C. 7:50-4.62) sets forth the standards that 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) have been met.

N.J.A.C. 7:50-4.63(a) sets forth 5 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 specified development. One of the specified categories of development is as follows:

- v. A single family dwelling on a parcel within a Pinelands Regional Growth Area, Pinelands Town or Pinelands Village which is at least 20,000 square feet (0.46 acres), excluding road rights of way, in size and is not served by a centralized waste water treatment system.

This application is only for a Waiver from the buffer to wetlands standard contained in N.J.A.C. 7:50-6. The applicant is seeking to develop a single family dwelling served by an onsite septic system on a 4.3 acre parcel within a Pinelands Regional Growth Area. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1 v.

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. Hamilton Township's master plan and land use ordinances have been certified by the Pinelands Commission. The certified land use ordinances do not require a municipal lot area or residential density variance. 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. 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 the 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).

The CMP (N.J.A.C. 7:50-4.62(d)1.iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the applicant is obtaining a Waiver from the buffer to wetlands requirements contained in

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.

With the conditions recommended below, the applicant meets the requirements contained in N.J.A.C.-7:50-4.62(d).

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 plot plan prepared by Bernard Surveying LLC, dated April 16, 2012 and revised to December 4, 2014.
2. All development, including clearing and land disturbance, shall be located within the proposed development envelope as depicted on the above referenced plan.
3. The proposed septic system shall be located in an area where the seasonal high water table is at least five feet beneath the natural ground surface.
4. Prior to Commission issuance of a letter advising that any municipal or county approval or permit may take effect, a copy of a recorded deed restriction proposed by the applicant must be submitted to the Commission prohibiting any development, including clearing and land disturbance, outside of the designated development envelope on the above referenced plan unless a threatened and endangered species survey is undertaken demonstrating consistency with the threatened and endangered species protection standards.
5. 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.
6. 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.
7. Sufficient dry wells or a comparable alternative shall be installed to contain all stormwater runoff from the house.
8. The driveway shall be constructed of crushed stone or other permeable material.
9. Prior to Commission issuance of a letter advising that any municipal or county permit or approval 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.
10. This Waiver shall expire February 13, 2020 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 February 13, 2020 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.

11. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to Commission issuance of a letter advising that any submitted municipal or county permit or approval may take effect. The deed shall specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance approved by the Pinelands Commission on February 13, 2015 for App. No. 1995-1379.001. The deed shall also indicate that the conditions are enforceable by the Pinelands Commission, the Atlantic County Division of Public Health, Hamilton Township and any other party of interest.

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

Since the applicant meets the provisions 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 of Strict Compliance subject to the above conditions.

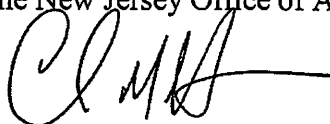
### APPEAL

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 within eighteen days of the date of this Report and must 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 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, Hamilton Township Planning Board (via email)  
 Hamilton Township Construction Code Official (via email)  
 Hamilton Township Environmental Commission (via email)  
 Atlantic County Department of Regional Planning and Development (via email)  
 Atlantic County Division of Public Health (via email)



State of New Jersey  
 THE PINELANDS COMMISSION  
 PO Box 359  
 NEW LISBON, NJ 08064  
 (609) 894-7300  
 www.nj.gov/pinelands



Chris Christie  
 Governor  
 Kim Guadagno  
 Lt. Governor

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

Mark S. Lohbauer  
 Chairman  
 Nancy Wittenberg  
 Executive Director

**REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE**

January 26, 2015

Anthony Jacobs  
 144 Maple Street  
 Hammonton, NJ 08037

Re: Application # 2005-0257.001  
 Block 3505, Lot 11  
 Town of Hammonton

Dear Mr. Jacobs:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 13, 2015 meeting.

**FINDINGS OF FACT**

This application is for the development of a single family dwelling served by public sanitary sewer on the above referenced 2.4 acre parcel in the Town of Hammonton. The parcel is located in the Pinelands Town of Hammonton and in Hammonton's R-1 zoning district. The R-1 zoning district permits one dwelling per 12,500 square feet when served by public sanitary sewer in accordance with Hammonton's certified municipal land use ordinance.

An application for a Waiver of Strict Compliance (Waiver) for the development of a single family dwelling served by public sanitary sewer on the above referenced parcel was approved by the Pinelands Commission on March 10, 2006. A development application for the proposed dwelling was subsequently completed with the Commission and a Certificate of Filing was issued on May 26, 2006. However, all necessary construction permits were not received for the proposed development. Therefore, pursuant to the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.70(c)), the Waiver expired on March 10, 2011, five years after Commission approval of the Waiver.

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 Commission staff have been reviewed.

There are wetlands as defined in the CMP (N.J.A.C. 7:50-6.5(a)) on and within 300 feet of the parcel which continue onto adjacent lands. Any development of the parcel would be located within 300 feet of



these 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 requirements contained in 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 Town Management 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 wetlands.

The parcel subject of this Waiver application 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 entire contiguous parcel. The development of a single family dwelling on the parcel will not require any lot area or residential density variances pursuant to Hammonton's certified land use ordinance. A single family dwelling can be developed on the parcel without violating any of the criteria contained in N.J.A.C. 7:50 4.65(b) if the conditions recommended below are imposed.

Only if the parcel is developed in accordance with the conditions recommended below will the adverse impacts on wetlands be minimized.

### PUBLIC COMMENT

The applicant has provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on September 26, 2014. Newspaper public notice was completed on October 1, 2014. The application was designated as complete on the Commission's website on December 10, 2014. The Commission's public comment period closed on January 16, 2015. The Pinelands Commission received one written public comment (attached) regarding the application.

Public Comment: The commenter is concerned that the development of the proposed dwelling will result in damage to their property from flooding and inquires whether there is a plan to redirect stormwater runoff.

Staff Response to Comment: In the absence of proposed road improvements, the Commission's regulations do not require stormwater management for the development of one single family dwelling. This application proposes the development of one dwelling. The commenter may wish to discuss stormwater management concerns with an appropriate municipal official as part of the municipal construction permit application.

### 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. N.J.A.C. 7:50-4.62(a) requires that for an 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) have been met.

N.J.A.C. 7:50-4.63(a) sets forth 5 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 specified development. One of the specified categories of development is as follows:

- iv. A single family dwelling on a parcel within a Regional Growth Area, Pinelands Town or Pinelands Village which will be served by a centralized waste water treatment system.

This application is only for a Waiver from the buffer to wetlands standard contained in N.J.A.C. 7:50-6. The applicant is seeking to develop a single family dwelling, served by public sanitary sewer, on a parcel located in the Pinelands Town of Hammonton. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1iv.

The second condition is that the parcel includes all contiguous land in common ownership on or after January 14, 1981, including all 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. Hammonton's land use ordinances have been certified by the Pinelands Commission. The certified land use ordinances do not require a lot area variance. 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. 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 the 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).

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

With the conditions recommended below, the applicant meets the requirements contained in N.J.A.C. 7:50-4.62(d).

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 plot plan prepared by Peterman Engineering, LLC dated September 1, 2005 and last revised December 8, 2005.
2. The proposed dwelling shall be served by public sanitary sewer.
3. No development, including clearing and land disturbance, shall extend beyond the "proposed wetlands buffer" as depicted on the above referenced plan.
4. 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.
5. Sufficient dry wells or comparable alternative shall be installed to contain all storm water run-off from the house.
6. The driveway shall be constructed of crushed stone or other permeable material.
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 municipal or county permit or approval 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 February 13, 2020 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 February 13, 2020 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 Commission issuance of a letter advising that any submitted municipal or county permit or approval may take effect. The deed shall specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance approved by the Pinelands Commission on February 13, 2015 for App. No. 2005-0257.001. The deed shall also indicate that the conditions previously required by Commission approval of a Waiver on March 10, 2006, now expired, are superseded by the conditions required by the February 13, 2015 Waiver approval. The deed shall state that the conditions are enforceable by the Pinelands Commission, the Town of Hammonton and any other party of interest.

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



Since the applicant meets the provisions 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 a single family dwelling on the parcel, it is recommended that the Pinelands Commission **APPROVE** the requested Waiver of Strict Compliance subject to the above conditions.

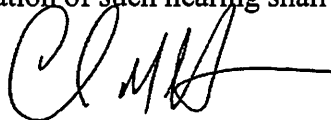
### APPEAL

The CMP (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 within eighteen days of the date of this Report and must 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.

Recommended for Approval by: \_\_\_\_\_



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

Attach. 9/30/14 Public Comment Letter

c: Secretary, Hammonton Planning Board (via email)  
 Hammonton Construction Code Official (via email)  
 Hammonton Environmental Commission (via email)  
 Junetta Dix  
 Robert & Louise Geiling



## RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-15- 05

**TITLE:** Issuing an Order to Certify Ordinance 2014-23, Amending Chapter 55 (Land Use) of the Code of Barnegat Township

Commissioner Ashmun moves and Commissioner Earlen seconds the motion that:

**WHEREAS**, on April 8, 1983, the Pinelands Commission fully certified the Master Plan and codified Land Use Ordinances of Barnegat Township; and

**WHEREAS**, Resolution #PC4-83-29 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and codified Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, Resolution #PC4-83-29 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

**WHEREAS**, on October 20, 2014, Barnegat Township adopted Ordinance 2014-23, amending Chapter 55 (Land Use) of the Township's Code by adding mixed use development as a conditional use in that portion of the C-N (Neighborhood Commercial) Zone located in the Pinelands Regional Growth Area; and

**WHEREAS**, the Pinelands Commission received a certified copy of Ordinance 2014-23 on October 27, 2014; and

**WHEREAS**, by letter dated October 29, 2014, the Executive Director notified the Township that Ordinance 2014-23 would require formal review and approval by the Pinelands Commission; and

**WHEREAS**, a public hearing to receive testimony on Ordinance 2014-23 was duly advertised, noticed and held on November 19, 2014 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

**WHEREAS**, the Executive Director has found that Ordinance 2014-23 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 2014-23 is in conformance with the Pinelands Comprehensive Management Plan; and

**WHEREAS**, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Ordinances 2014-23 be certified; and

**WHEREAS**, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 2014-23 and has reviewed the Executive Director's report; and

**WHEREAS**, the Pinelands Commission accepts the recommendation of the Executive Director; and

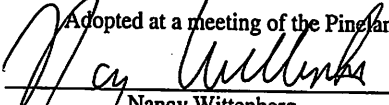
**WHEREAS**, pursuant to N.J.S.A. 13:18A-5H, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

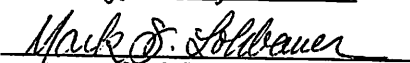
**NOW, THEREFORE BE IT RESOLVED that**

1. An Order is hereby issued to certify that Ordinance 2014-23, amending Chapter 55 (Land Use) of the Code of Barnegat Township, is in conformance with the Pinelands Comprehensive Management Plan.
2. Any additional amendments to Barnegat Township's certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

**Record of Commission Votes**

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS						
Ashmun	<input checked="" type="checkbox"/>				Galletta	<input checked="" type="checkbox"/>				Prickett	<input checked="" type="checkbox"/>			
Avery	<input checked="" type="checkbox"/>				Jackson	<input checked="" type="checkbox"/>				Quinn	<input checked="" type="checkbox"/>			
Brown	<input checked="" type="checkbox"/>				Jannarone	<input checked="" type="checkbox"/>				Rohan Green	<input checked="" type="checkbox"/>			
DiBello	<input checked="" type="checkbox"/>				Lloyd	<input checked="" type="checkbox"/>				Witt				<input checked="" type="checkbox"/>
Earlen	<input checked="" type="checkbox"/>				McGlinchey	<input checked="" type="checkbox"/>				Lohbauer	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>

Adopted at a meeting of the Pinelands Commission  
  
 Nancy Wittenberg  
 Executive Director

Date: Feb 13, 2015  
  
 Mark S. Lohbauer  
 Chairman



State of New Jersey  
 THE PINELANDS COMMISSION  
 PO Box 359  
 NEW LISBON, NJ 08064  
 (609) 894-7300  
 www.nj.gov/pinlands



Chris Christie  
 Governor

Kim Guadagno  
 Lt. Governor

General Information: [Info@nipines.state.nj.us](mailto:Info@nipines.state.nj.us)  
 Application Specific Information: [AppInfo@nipines.state.nj.us](mailto:AppInfo@nipines.state.nj.us)

Mark S. Lohbauer  
 Chairman

Nancy Wittenberg  
 Executive Director

**REPORT ON ORDINANCE 2014-23, AMENDING CHAPTER 55  
 (LAND USE) OF THE CODE OF BARNEGAT TOWNSHIP**

January 30, 2015

Barnegat Township  
 900 West Bay Avenue  
 Barnegat, NJ 08005

**FINDINGS OF FACT**

I. Background

The Township of Barnegat is located in southern Ocean County, in the eastern portion of the Pinelands Area. Pinelands municipalities that abut Barnegat Township include the Townships of Lacey, Ocean, Stafford and Little Egg Harbor in Ocean County, and Bass River and Woodland Townships in Burlington County.

On April 8, 1983, the Pinelands Commission fully certified the Master Plan and codified Land Use Ordinances of Barnegat Township.

On October 20, 2014, Barnegat Township adopted Ordinance 2014-23, amending Chapter 55 (Land Use) of the Township's Code by adding mixed use development as a conditional use in that portion of the C-N (Neighborhood Commercial) Zone located in the Pinelands Regional Growth Area. The Pinelands Commission received a certified copy of Ordinance 2014-23 on October 27, 2014.

By letter dated October 29, 2014, the Executive Director notified the Township that Ordinance 2014-23 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following ordinance has been submitted to the Pinelands Commission for certification:

- \* Ordinance 2014-23, amending Chapter 55 (Land Use) of the Code of Barnegat Township, introduced on August 18, 2014 and adopted on October 20, 2014.

This amendment has been reviewed to determine whether it conforms with the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50 3.39 of the Pinelands Comprehensive Management Plan. The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50 3.39.

**1. Natural Resource Inventory**

Not applicable.

**2. Required Provisions of Land Use Ordinance Relating to Development Standards**

Ordinance 2014-23 amends Chapter 55 (Land Use) of the Code of Barnegat Township by adding mixed use development as a conditional use in the C-N (Neighborhood Commercial) Zone. Prior to the adoption of Ordinance 2014-23, permitted uses in the C-N Zone were limited to various retail and service uses, professional offices, self-storage facilities, churches, libraries, nursing homes and other institutional uses. According to the standards adopted by Ordinance 2014-23, mixed use development must include retail/commercial space on the first floor and age-restricted multi-family apartments on the second and third floors. The residential component of a mixed use development must be in conjunction with at least 90,000 square feet of retail/commercial space. Maximum residential density is 11 units per acre and Pinelands Development Credits must be used for 25 percent of all units in a mixed use project. In order to qualify for the conditional use, properties must be at least 13 acres in size and have a minimum frontage of 1,500 feet on a County road. Finally, Ordinance 2014-23 specifies that mixed use development is permitted only on properties in the C-N Zone that are located within a Pinelands Regional Growth Area.

The C-N Zone in the Regional Growth Area is located along West Bay Avenue, immediately to the north of Ocean Acres (see Exhibit #1). Based on the Township's analysis, there is one approximately 15-acre parcel in the C-N Zone that could satisfy the new conditional use standards for mixed use development. Ordinance 2014-23 therefore creates the potential for approximately 165 new units in the C-N Zone, all of which would be age-restricted apartments. The purchase of PDCs would be necessary for 25 percent, or 42, of these potential units.

The standards adopted by Ordinance 2014-23 for mixed use development are appropriate for a Regional Growth Area. In addition, the ordinance provides a new opportunity for residential development within Barnegat's Regional Growth Area in a manner that achieves an appropriate balance between "base" units and those requiring the use of Pinelands Development Credits. Therefore, Ordinance 2014-23 is consistent with the land use and development standards of the Comprehensive Management Plan and this standard for certification is met.

**3. Requirement for Certificate of Filing and Content of Development Applications**

Not applicable.

**4. Requirement for Municipal Review and Action on All Development**

Not applicable.

**5. Review and Action on Forestry Applications**

Not applicable.

**6. Review of Local Permits**

Not applicable.

**7. Requirement for Capital Improvement Program**

Not applicable.

**8. Accommodation of Pinelands Development Credits**

Ordinance 2014-23 amends Chapter 55 (Land Use) of Barnegat Township's Code by adding mixed use development as a conditional use in the Regional Growth Area portion of the C-N (Neighborhood Commercial) Zone. Based on the standards adopted by Ordinance 2014-23, mixed use developments will contain a residential component in the form of age-restricted apartments. Such apartments are to be permitted at a maximum density of 11 units per acre, with the use of Pinelands Development Credits required for 25 percent of all units.

N.J.A.C. 7:50-3.39(a)8 specifies that in order to be certified by the Commission, municipal land use ordinances must provide for sufficiently residentially zoned property in the Regional Growth Area to be eligible for an increase in density to accommodate Pinelands Development Credits as provided for in N.J.A.C. 7:50-5.28(a)3. By allowing mixed use development as a conditional use in the C-N (Neighborhood Commercial) Zone, Ordinance 2014-23 increases the amount of land available for residential development in Barnegat Township's Regional Growth Area by approximately 15 acres. In order to comply with N.J.A.C. 7:50-5.28(a)3, Ordinance 2014-23 requires that PDCs be acquired and redeemed for 25 percent of all residential units in any mixed use development in the C-N Zone (one right for every four units). Based on the 11 unit per acre maximum density established for the new conditional use, the PDC requirements adopted by Ordinance 2014-23 will result in an opportunity for the use of 42 rights (10.5 full Credits).

While the 25 percent requirement for mixed use developments in the C-N Zone is not as high a number as would be provided through the more traditional zoning approach where PDCs would account for 33 percent of the total number of permitted units, it is important to remember that the traditional base density/bonus density approach utilized throughout the Pinelands Area only provides an *opportunity* for the use of PDCs. There is no requirement under the traditional approach that any PDCs be used in any particular development project. Ordinance 2014-23 *guarantees* that PDCs will be purchased and redeemed as part of the approval of any mixed use development within the C-N Zone, regardless of the density or number of units which are

ultimately built. Given the greater certainty provided by this approach, the Executive Director believes that the 25 percent PDC requirement adopted by Ordinance 2014-23 should be viewed as being consistent with Comprehensive Management Plan standards.

This standard for certification is met.

**9. Referral of Development Applications to Environmental Commission**

Not applicable.

**10. General Conformance Requirements**

Ordinance 2014-23, amending Chapter 55 (Land Use) of the Code of Barnegat Township, is consistent with standards and provisions of the Pinelands Comprehensive Management Plan.

This standard for certification is met.

**11. Conformance with Energy Conservation**

Not applicable.

**12. Conformance with the Federal Act**

Ordinance 2014-23, amending Chapter 55 (Land Use) of the Code of Barnegat Township, is consistent with standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

**13. Procedure to Resolve Intermunicipal Conflicts**

Not applicable.

**PUBLIC HEARING**

A public hearing to receive testimony concerning Barnegat Township's application for certification of Ordinance 2014-23 was duly advertised, noticed and held on November 19, 2014 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which no testimony was received.

Written comments on Ordinance 2014-23 were accepted through November 25, 2014; however, none were received.

**CONCLUSION**

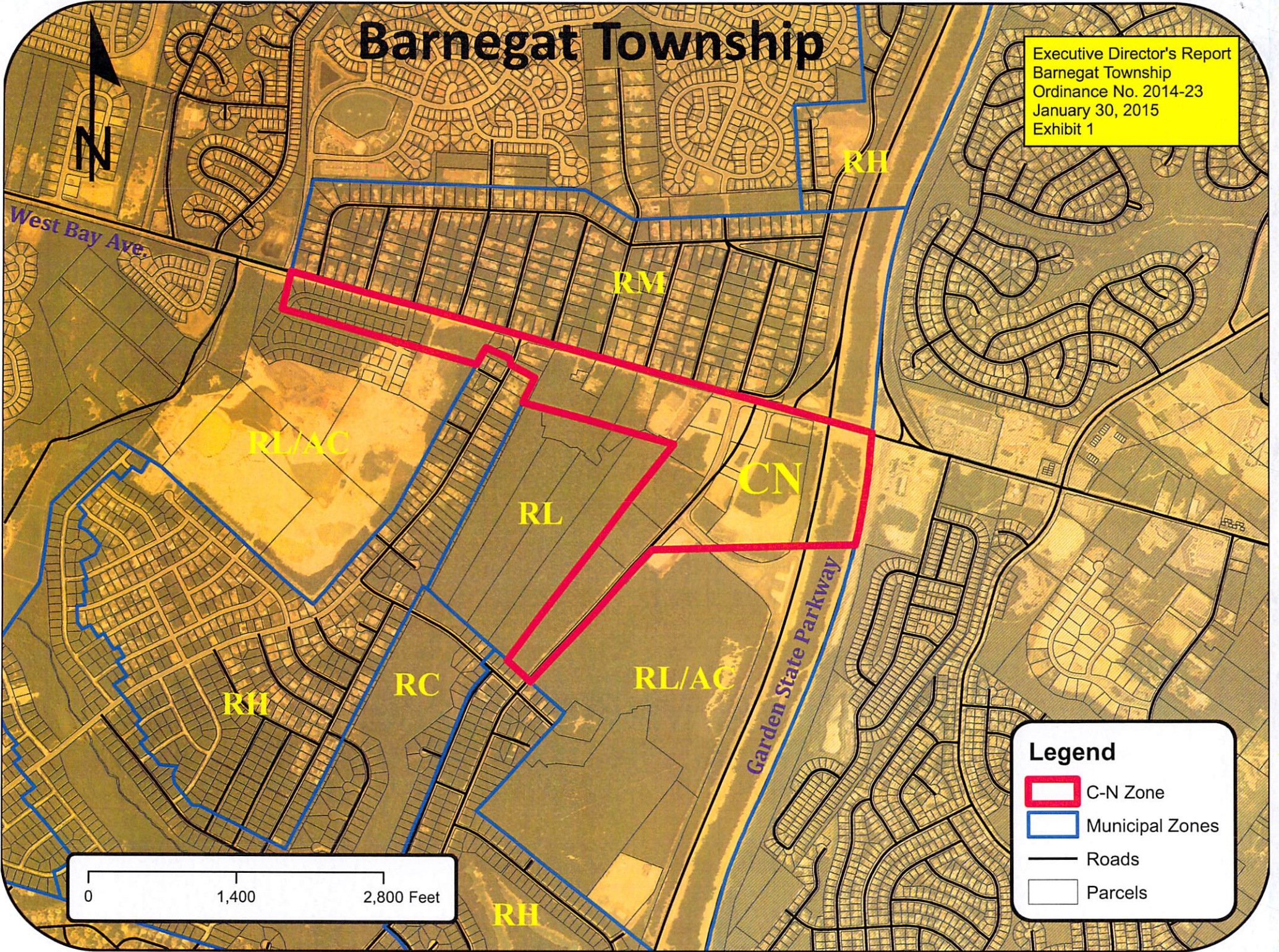
Based on the Findings of Fact cited above, the Executive Director has concluded that Ordinance 2014-23, amending Chapter 55 (Land Use) of the Code of Barnegat Township, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinance 2014-23 of Barnegat Township.

SRG/CBA  
Attachment



# Barnegat Township

Executive Director's Report  
Barnegat Township  
Ordinance No. 2014-23  
January 30, 2015  
Exhibit 1



## Legend

-  C-N Zone
-  Municipal Zones
-  Roads
-  Parcels