



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-14- 04

TITLE: Approving With Conditions an Application for a Public Development, (Application Number 1988-0706.017)

Commissioner Ficcaglia moves and Commissioner Prickett seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following application for a Public Development be approved with conditions:

App. No. 1988-0706.017 Applicant: TOWN OF HAMMONTON

Municipality: Town of Hammonton
Management Area: Pinelands Town
Proposed Development: Construction of a 21.8 acre underground recharge system for the infiltration of treated wastewater (Date of Report: January 27, 2014).

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

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director; 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 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.

NOW, THEREFORE BE IT RESOLVED that the following application for Public Development is hereby approved subject to the conditions recommended by the Executive Director.

App. No. 1988-0706.017 Applicant: TOWN OF HAMMONTON

Municipality: Town of Hammonton
Management Area: Pinelands Town
Proposed Development: Construction of a 21.8 acre underground recharge system for the infiltration of treated wastewater (Date of Report: January 27, 2014).

Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg
Nancy Wittenberg
Executive Director

Date: February 21, 2014

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

Mark S. Lohbauer
 Chairman

Nancy Wittenberg
 Executive Director

January 27, 2014

Stephen DiDonato, Mayor
 Town of Hammonton
 100 Central Avenue
 Hammonton, NJ 08037

Re: Application # 1988-0706.017
 Block 4204, Lots 8 & 13-17
 Town of Hammonton

Dear Mayor DiDonato:

The Commission staff has completed its review of this application for the construction of an underground recharge system for the infiltration of treated wastewater on the above referenced parcel. The existing Town of Hammonton's Boyer Avenue land application site for treated wastewater is located on the parcel. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 14, 2014 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, 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)
- John Helbig





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

January 27, 2014

Stephen DiDonato, Mayor
 Town of Hammonton
 100 Central Avenue
 Hammonton, NJ 08037

Application No.: 1988-0706.017

Location: Block 4204, Lots 8 & 13-17
 Town of Hammonton

This application proposes the construction of an underground recharge system for the infiltration of treated wastewater on 21.8 acres of the above referenced 156 acre parcel. The Town of Hammonton's existing Boyer Avenue land application site for treated wastewater, including one existing wastewater storage lagoon and five infiltration trenches, is located on the parcel. There are also existing municipal recreational fields located on the parcel.

The proposed underground recharge system will be located under existing recreational fields. Four inch diameter infiltration piping will be installed at depths of 8 inches and 36 inches below the existing ground surface. The 8 inch deep system piping will be utilized during the growing season and the 36 inch deep system piping will be utilized during the non-growing season. A pump station will be located within a proposed 400 square foot building. Treated wastewater will be pumped into the proposed underground recharge system from the existing treated wastewater storage lagoon. The applicant represents that the proposed underground recharge system will permit the infiltration of approximately 434,000 gallons of treated wastewater per day.

The Boyer Avenue land application site accepts treated wastewater from Hammonton's wastewater treatment facility. Although designed to accommodate 1.6 million gallons of treated wastewater per day, the land application site has generally been accommodating approximately 807,000 gallons of treated wastewater per day. As a result of the current limitation on the quantity of wastewater that can be infiltrated at the Boyer Avenue facility, treated wastewater continues to be discharged into Hammonton Creek. In a 33 month period between December 2010 and August 2013, wastewater was discharged into Hammonton Creek during 15 of those months. Discharge to Hammonton Creek during those 15 months ranged from 152,000 gallons per day to 1,153,000 gallons per day. Such discharges constitute a violation of the water quality standards of the Town of Hammonton Land Use Ordinance and the Pinelands Comprehensive Management Plan (CMP).

On February 10, 2011, the Commission approved an increase in the total potable water allocation for the Town of Hammonton (App. No. 1993-10011.004). To address the continued discharge of wastewater to Hammonton Creek, that approval required Hammonton to prepare and the Commission to approve, a Long Term Wastewater Management Plan ("Wastewater Plan") by December 10, 2013. A condition of approval of App. No. 1993-10011.004 required that, unless the Commission approved a Wastewater Plan by December 10, 2013, the Commission staff would "call up" for review all development approvals in Hammonton that were proposed to be served by public sanitary sewer. By letter dated December 3, 2013, the Commission staff advised Hammonton that because a Wastewater Plan had yet to be approved by the Commission, the Commission staff would call up for review all such approvals.

In January of 2014, Hammonton submitted a "Long Term Comprehensive Plan for Treatment and Disposal of Wastewater from the Town of Hammonton." That plan includes a 26.18 acre overland drip infiltration system approved by the Commission on August 9, 2013 (App. No.1988-0706.018) and the underground recharge system subject of the current application. It is anticipated that the Commission will consider the plan at its March 2014 monthly meeting.

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. 7:50-5.27(a))

The parcel is located in 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 clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

PUBLIC COMMENT

This applicant has provided the requisite public notices. Newspaper public notice was completed on December 10, 2013. Public notice to required land owners within 200 feet of the above referenced parcel was completed on December 11, 2013. The application was designated as complete on the Commission's website on December 31, 2013. The Commission's public comment period closed on January 10, 2014. No public comments regarding this application were submitted to the Pinelands Commission.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of two sheets, prepared by Adams, Rehmann & Heggan Associates,

Inc., both sheets dated December 3, 2013.

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. On a monthly basis, the applicant shall submit a report to the Commission documenting the amount of treated wastewater that has been recharged by the proposed underground recharge system.

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



Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

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

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 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. PC4-14- 05

TITLE: Approving With Conditions Applications for Public Development (Application Numbers 2013-0150.001, 2013-0152.001 & 2013-0153.001)

Commissioner Ficcapiglia moves and Commissioner Jackson seconds the motion that:

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

App. No. 2013-0150.001 Applicant: PEMBERTON TOWNSHIP

Municipality: Pemberton Township
Management Area: Regional Growth
Proposed Development: Demolition of a single family dwelling, 50 years old or older (Date of Report: January 27, 2014);

App. No. 2013-0152.001 Applicant: PEMBERTON TOWNSHIP

Municipality: Pemberton Township
Management Area: Regional Growth
Proposed Development: Demolition of a single family dwelling, 50 years old or older (Date of Report: January 27, 2014); and

App. No. 2013-0153.001 Applicant: PEMBERTON TOWNSHIP

Municipality: Pemberton Township
Management Area: Regional Growth
Proposed Development: Demolition of a single family dwelling, 50 years old or older (Date of Report: January 27, 2014).

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 proposed developments; 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 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 Executive Director are imposed.

NOW, THEREFORE BE IT RESOLVED that the following applications for public development are hereby approved subject to the conditions recommended by the Executive Director.

App. No. 2013-0150.001 Applicant: PEMBERTON TOWNSHIP

Municipality: Pemberton Township
Management Area: Regional Growth
Proposed Development: Demolition of a single family dwelling, 50 years old or older (Date of Report: January 27, 2014);

App. No. 2013-0152.001 Applicant: PEMBERTON TOWNSHIP

Municipality: Pemberton Township
 Management Area: Regional Growth
 Proposed Development: Demolition of a single family dwelling, 50 years old or older (Date of Report: January 27, 2014); and

App. No. 2013-0153.001 Applicant: PEMBERTON TOWNSHIP

Municipality: Pemberton Township
 Management Area: Regional Growth
 Proposed Development: Demolition of a single family dwelling, 50 years old or older (Date of Report: January 27, 2014).

Record of Commission Votes

AYE NAY NP ABS				AYE NAY NP ABS				AYE NAY NP ABS			
Ashmun	X			Ficcaglia	X			Prickett			X
Avery	X			Galletta	X			Quinn	X		
Brown		X		Jackson	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: *February 21, 2014*

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

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

January 27, 2014

David Benedetti
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Re: Application # 2013-0150.001
Block 293, Lots 17 & 18
Pemberton Township

Dear Mr. Benedetti:

The Commission staff has completed its review of this application for the demolition of a single family dwelling, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 14, 2014 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, Pemberton Township Planning Board (via email)
Pemberton Township Construction Code Official (via email)
Pemberton Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (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

PUBLIC DEVELOPMENT APPLICATION REPORT

January 27, 2014

David Benedetti
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Application No.: 2013-0150.001

Location: Block 293, Lots 17 & 18
Pemberton Township

This application proposes the demolition of a dilapidated single family dwelling, 50 years old or older, located on the above referenced 0.09 acre parcel in Pemberton Township. The Township owns the parcel.

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. 7:50-5.28)

The parcel is located in a Pinelands Regional Growth Area. The demolition of a dwelling is permitted by the CMP.

PUBLIC COMMENT

The CMP defines the proposed demolition 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 31, 2013. The Commission's public comment period closed on January 10, 2014. No public comments regarding this application were submitted to the Pinelands Commission.

CONDITIONS

1. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.

2. Prior to demolition of the single family dwelling, the applicant shall obtain any other necessary permits and approvals.
3. Reconstruction of a single family dwelling within five years of its demolition does not require an application to the Commission. After five years, reconstruction of the concerned dwelling requires application to the Commission.
4. Any reconstructed dwelling shall be located at least 300 feet from wetlands or no closer to wetlands than previously existing structures.

CONCLUSION

As the proposed demolition 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 demolition subject to the above conditions.



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 Wicitenberg
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.



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

January 27, 2014

David Benedetti
 Pemberton Township
 500 Pemberton Browns Mills Road
 Pemberton, NJ 08068

Re: Application # 2013-0152.001
 Block 351, Lots 9 - 11
 Pemberton Township

Dear Mr. Benedetti:

The Commission staff has completed its review of this application for the demolition of a single family dwelling, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 14, 2014 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, Pemberton Township Planning Board (via email)
- Pemberton Township Construction Code Official (via email)
- Pemberton Township Environmental Commission (via email)
- Secretary, Burlington County Planning Board (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

PUBLIC DEVELOPMENT APPLICATION REPORT

January 27, 2014

David Benedetti
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Application No.: 2013-0152.001

Location: Block 351, Lots 9 - 11
Pemberton Township

This application proposes the demolition of a dilapidated single family dwelling, 50 years old or older, located on the above referenced 0.14 acre parcel in Pemberton Township. The Township owns the parcel.

STANDARDS

The Commission staff has reviewed the proposed demolition 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. 7:50-5.28)

The parcel is located in a Pinelands Regional Growth Area. The demolition of a dwelling is permitted by the CMP.

PUBLIC COMMENT

The CMP defines the proposed demolition 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 31, 2013. The Commission's public comment period closed on January 10, 2014. No public comments regarding this application were submitted to the Pinelands Commission.

CONDITIONS

1. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.

2. Prior to demolition of the single family dwelling, the applicant shall obtain any other necessary permits and approvals.
3. Reconstruction of a single family dwelling within five years of its demolition does not require an application to the Commission. After five years, reconstruction of the concerned dwelling requires application to the Commission.
4. Any reconstructed dwelling shall be located at least 300 feet from wetlands or no closer to wetlands than previously existing structures.

CONCLUSION

As the proposed demolition 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 demolition 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

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



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@njpinelands.state.nj.us
Application Specific Information: ApplInfo@njpinelands.state.nj.us

Mark S. Lohbauer
Chairman

Nancy Wittenberg
Executive Director

January 27, 2014

David Benedetti
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Re: Application # 2013-0153.001
Block 146, Lots 1 - 5 & 60 - 64
Pemberton Township

Dear Mr. Benedetti:

The Commission staff has completed its review of this application for the demolition of a single family dwelling, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 14, 2014 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, Pemberton Township Planning Board (via email)
Pemberton Township Construction Code Official (via email)
Pemberton Township Environmental Commission (via email)
Secretary, Burlington County Planning Board (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: ApplInfo@njpines.state.nj.us

Mark S. Lohbauer
 Chairman

Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

January 27, 2014

David Benedetti
 Pemberton Township
 500 Pemberton Browns Mills Road
 Pemberton, NJ 08068

Application No.: 2013-0153.001

Location: Block 146, Lots 1 - 5 & 60 - 64
 Pemberton Township

This application proposes the demolition of a dilapidated single family dwelling, 50 years old or older, located on the above referenced 0.46 acre parcel in Pemberton Township. The Township owns the parcel.

STANDARDS

The Commission staff has reviewed the proposed demolition 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. 7:50-5.28)

The parcel is located in a Pinelands Regional Growth Area. The demolition of a dwelling is permitted by the CMP.

PUBLIC COMMENT

The CMP defines the proposed demolition 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 31, 2013. The Commission’s public comment period closed on January 10, 2014. No public comments regarding this application were submitted to the Pinelands Commission.

CONDITIONS

1. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.

2. Prior to demolition of the single family dwelling, the applicant shall obtain any other necessary permits and approvals.
3. Reconstruction of a single family dwelling within five years of its demolition does not require an application to the Commission. After five years, reconstruction of the concerned dwelling requires application to the Commission.
4. Any reconstructed dwelling shall be located at least 300 feet from wetlands or no closer to wetlands than previously existing structures.

CONCLUSION

As the proposed demolition 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 demolition subject to the above conditions.



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

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. PC4-14- 06

TITLE: Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 2011-0140.001)

Commissioner McGlinchey moves and Commissioner Galletta seconds the motion that:

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

App. No. 2011-0140.001 Applicant: William Gresham

Municipality: Stafford Township
Management Area: Regional Growth
Proposed Development: Single family dwelling served by an alternate design onsite septic system (Date of Report: December 20, 2013).

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

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director; 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 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 Executive Director are imposed.

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

App. No. 2011-0140.001 Applicant: William Gresham

Municipality: Stafford Township
Management Area: Regional Growth
Proposed Development: Single family dwelling served by an alternate design onsite septic system (Date of Report: December 20, 2013).

Record of Commission Votes

	AYE	NAY	NP	ABS		AYE	NAY	NP	ABS		AYE	NAY	NP	ABS
Ashmun	X				Ficcaglia	X				Prickett	X			
Avery	X				Galletta	X				Quinn	X			
Brown			X		Jackson	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: February 21, 2014

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
 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

December 20, 2013

William Gresham
 39 Vardon Road
 Brigantine, NJ 08203

Re: Application # 2011-0140.001
 Block 44.218, Lot 19
 Stafford Township

Dear Mr. Gresham:

The Commission staff has completed its review of the above referenced application for a Waiver of Strict Compliance (Waiver) to develop one single family dwelling. 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 Waiver application with conditions at its January 10, 2014 meeting.

FINDINGS OF FACT

This application proposes to develop one single family dwelling served by an alternate design onsite septic system on the above referenced 0.64 acre (27,696 square foot) parcel in Stafford Township. The parcel is located in a Pinelands Regional Growth Area.

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

A portion of the parcel is a cedar swamp, a wetland as defined in the CMP (N.J.A.C. 7:50-6.5(a)1). The parcel also abuts a lake, a wetland as defined in the CMP (N.J.A.C. 7:50-6.5(a)6). 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 requirement contained in the CMP (N.J.A.C. 7:50-6.14).



With limited exceptions, the CMP (N.J.A.C. 7:50-4.65(b)5. and 6.) requires that to qualify for a Waiver to develop a dwelling in a Pinelands Regional Growth Area, no development shall be located in wetlands. The wetlands within 300 feet of the proposed development are located in a Pinelands Regional Growth Area. The applicant has demonstrated that no development will be located in wetlands.

As no Commission approved alternate design onsite septic system will result in an average nitrogen concentration in the groundwater at the property line of a parcel of this size of no more than 2 ppm, the applicant is also requesting a Waiver from the water quality requirements contained in the CMP (N.J.A.C. 7:50-6.84(a)5iv).

The CMP (N.J.A.C. 7:50-4.65(b)) requires that to qualify for a Waiver to develop a single family dwelling, any residential use to be served by an onsite septic system must be located on a parcel at least 20,000 square feet in size, excluding road rights of way. The parcel subject of this application contains 27,696 square feet, excluding road rights of way.

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The CMP (N.J.A.C. 7:50-5.1(c)) requires that not more than one principal use shall be located on one parcel, except for, among other uses, forestry, agriculture and horticulture. The single family dwelling proposed in this application will be the sole principle use of the entire contiguous parcel.

The development of a single family dwelling on the 0.64 acre parcel requires a lot area or density variance pursuant to Stafford Township's certified land use ordinances. The applicant has received a lot area variance from Stafford Township for the proposed dwelling.

The CMP (N.J.A.C. 7:50-4.65(a)) precludes the granting of a Waiver unless the proposed development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP. The CMP (N.J.A.C. 7:50-4.65(a)) also precludes the granting of a Waiver if the proposed development will result in substantial impairment of the resources of the Pinelands Area as defined in N.J.A.C. 7:50-4.65(b). The proposed development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act, the CMP and will not violate any of the circumstances defined 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 and water quality be minimized.

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on September 28, 2013. Public notice to all property owners within 200 feet of the parcel was completed on September 26, 2013. The application was designated as complete on the Commission's website on December 3, 2013. The Commission's public comment period closed on December 13, 2013. No public comments regarding this application were 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 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.

The CMP (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 the N.J.A.C. 7:50-6 of the CMP for certain specified development. One of the specified development categories is as follows:

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

This application is only for a Waiver from the buffer to wetlands and groundwater quality requirements when an onsite septic system is utilized contained in the CMP (N.J.A.C. 7:50-6). The applicant is seeking to develop a single family dwelling on a parcel containing more than 20,000 square feet, excluding road rights of way, located in a Regional Growth Area. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1.

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). Since the proposed single family dwelling will be the sole principal use of 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 use, 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. Stafford Township's master plan and land use ordinances have been certified by the Pinelands Commission. The applicant received a lot area variance from Stafford Township on October 23, 2013. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(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. N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver if the proposed development will result in substantial impairment of the resources of the Pinelands Area. N.J.A.C. 7:50-4.65(b) sets forth the circumstances which will result in substantial impairment of the resources of the Pinelands Area. With the conditions recommended below, the proposed development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not violate any of the circumstances contained in N.J.A.C. 7:50-4.65(b). 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 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 minimum buffer to wetlands standard (N.J.A.C. 7:50-6.14) and the water quality standard (N.J.A.C. 7:50-6.84(a)5iv), a condition is included to require the applicant to purchase and redeem the requisite 0.25 PDCs.

N.J.A.C. 7:50-4.62(d)1ii requires the acquisition and redemption of any PDCs that are otherwise required pursuant to the CMP (N.J.A.C. 7:50-5.27, 5.28 or 5.32) for any local approval that grants relief from density or lot area requirements for a proposed dwelling. The dwelling proposed in this Waiver application requires a local approval that grants relief from density or lot area requirements. However, N.J.A.C. 7:50-5.28(a)4 specifies that if a Waiver for the dwelling is approved by the Pinelands Commission, the acquisition and redemption of 0.25 PDCs for any local approval that grants relief from density or lot area requirements for the proposed dwelling will not be required.

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

To meet the requirements of the CMP (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 Commission staff has determined that the parcel must be developed in accordance with the following conditions:

1. Except as modified by the conditions below, the proposed development must adhere to the plot plan prepared by Gravatt Consulting Group, consisting of two sheets, both sheets dated June 10, 2013 and last revised August 29, 2013.
2. The septic system shall be located in an area where the seasonal high water table is at least five feet below the natural ground surface.
3. The dwelling shall use an alternate design septic system approved for use by the Pinelands Commission and the New Jersey Department of Environmental Protection.
4. All proposed development, including clearing and land disturbance, shall be located at least 25 feet from wetlands.
5. Silt fencing, hay bales or other appropriate measures shall be installed prior to construction to preclude sedimentation from entering wetlands.
6. Sufficient dry wells or comparable alternative shall be installed to contain all stormwater runoff from the dwelling.
7. The driveway shall be constructed on crushed stone or other permeable material. Since the above referenced plan proposes a paved driveway, it must be revised accordingly.
8. 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.
9. 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.

10. This Waiver shall expire January 10, 2019 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 January 10, 2019 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
11. Prior to Commission issuance of a letter advising that any county or municipal approval or permit may take effect, a copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission. The deed shall 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, Stafford Township, the Ocean County Health Department and any other party in interest.

With the above conditions, the applicant qualifies for a Waiver from the requirements of N.J.A.C. 7:50-6.14 and 6.84(a)5iv.

Since the applicant meets 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 for the development of a 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 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, Stafford Township Planning Board (via email)
- Secretary, Stafford Township Zoning Board of Adjustment (via email)
- Stafford Township Construction Code Official (via email)
- Stafford Township Environmental Commission (via email)
- Ocean County Health Department (via email)
- Bruce Jacobs