



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21- 01

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 1982-3514.004)

Commissioner Lohbauer moves and Commissioner Jannarone 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:

1982-3514.004

Applicant: Pemberton Township
Municipality: Pemberton Township
Management Area: Pinelands Regional Growth Area
Date of Report: December 18, 2020
Proposed Development: Construction of recreational improvements at the Township's existing West End Park.

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 1982-3514.004 for public development is hereby **approved** subject to the conditions recommended by the Executive Director.

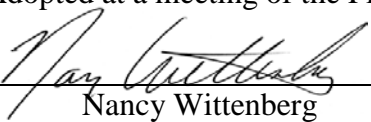
Record of Commission Votes

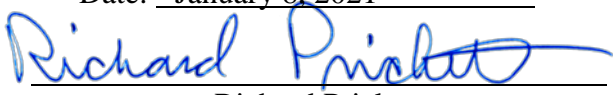
	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Irick			X		Pikolycky	X			
Christy	X				Jannarone	X				Quinn			X	
Higginbotham	X				Lloyd	X				Rohan Green			X	
Howell	X				Lohbauer	X				Prickett	X			

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: January 8, 2021


 Nancy Wittenberg
 Executive Director


 Richard Prickett
 Chairman



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

December 18, 2020

David A. Patriarca, Mayor (via email)
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Re: Application # 1982-3514.004
Block 827.01, Lots 7.03 & 7.04
Block 827.03, Lot 1
Block 1111, Lot 5.01
Block 1112, Lot 1
Block 1113, Lot 1
Block 1114, Lot 1
Block 1115, Lot 1
Pemberton Township

Dear Mayor Patriarca:

The Commission staff has completed its review of this application for construction of recreational improvements at the Township's existing West End Park. 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 January 8, 2021 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
7/6/18 public comment

- 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)
- Marianne Risley (via email)
- Bob Fanucci (via email)



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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

December 18, 2020

David A. Patriarca, Mayor (via email)
Pemberton Township
500 Pemberton Browns Mills Road
Pemberton, NJ 08068

Application No.: 1982-3514.004
Block 827.01, Lots 7.03 & 7.04
Block 827.03, Lot 1
Block 1111, Lot 5.01
Block 1112, Lot 1
Block 1113, Lot 1
Block 1114, Lot 1
Block 1115, Lot 1
Pemberton Township

This application proposes construction of recreational improvements at the Township's existing West End Park located on the above referenced 41.14 acre parcel in Pemberton Township.

The proposed improvements include the construction of four multipurpose athletic fields, a 440 square foot concession building, a 600 square foot gazebo, a 26 space paved parking lot, a 41 space expansion of an existing paved parking lot, 7,480 linear feet of six to ten foot wide paved walking paths and 1,510 linear feet of eight and ten foot wide elevated wooden walkways.

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 proposed development is located in a Pinelands Regional Growth Area. The proposed development is a permitted land use in a Pinelands Regional Growth Area.

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

There are wetlands located on the above referenced parcel.

This application proposes the development of approximately 1,510 linear feet of elevated wooden walkway over wetlands. The concerned wetlands are a fallow farm field. The application also proposes to develop approximately 277 linear feet of paved walking paths utilized as approaches to the elevated wooden walkway in the required buffer to wetlands.

The CMP permits the proposed elevated wooden walkway and paved walking paths (linear improvements) in wetlands and the required buffer to wetlands provided the applicant demonstrates that certain CMP specified conditions are met. To reduce proposed impacts to wetlands, the applicant has proposed to elevate the 1,510 linear feet of wooden walkway by installing support pilings. The support pilings for the proposed wooden walkway will disturb a total of 1,110 square feet of wetlands. All practical measures are being taken to mitigate the impact on the wetlands and the required buffer to wetlands. The proposed development will not result in substantial impairment of the resources of the Pinelands. The applicant has represented that the proposed walkways are necessary to provide safe walking conditions for pedestrians utilizing the recreational area. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in wetlands and the required buffer to wetlands or that will result in a less significant adverse impact to the wetlands and the required buffer to wetlands. The applicant has demonstrated that the need for the proposed elevated wooden walkway and paved walking paths overrides the importance of protecting the wetlands.

Based upon the location of existing development on the parcel, the fact that the majority of the wetlands on the parcel are a fallow farm field and the condition of the remaining wetlands, the application proposes a 50 foot wetlands buffer for the remainder of the proposed recreational improvements. The applicant has demonstrated that a 50 foot buffer to wetlands for the remainder of the proposed recreational improvements will not result in a significant adverse impact on the wetlands.

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

The proposed development will occur within maintained grassed and wooded areas. The proposed vegetation 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. The applicant proposes to plant grasses suitable for an athletic field. The Commission staff has not required applicants to meet this CMP grass guideline for athletic fields. The applicant proposes to utilize a seed mixture which meets the recommendation for the remaining portions of the proposed development.

Water Quality Standard (N.J.A.C. 7:50-6.83)

The proposed development will be serviced by public sanitary sewer.

Stormwater Management Standards (N.J.A.C. 7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be constructing nine stormwater infiltration basins.

Cultural Resource Standards (N.J.A.C. 7:50-6.151)

A cultural resource survey was prepared for the above referenced parcel. The cultural resource survey determined that no significant cultural resources exist on the parcel.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on June 11, 2018 and December 4, 2020. Newspaper public notice was completed on June 15, 2018 and December 4, 2020. The application was designated as complete on the Commission's website on December 1, 2020. The Commission's public comment period closed on December 11, 2020. The Commission received one public written comment (enclosed) on July 6, 2018 regarding this application.

Comment: The commenter inquired as to whether there was a site plan available to be reviewed.

Staff Response: The staff responded by letter dated July 26, 2018 informing the commenter that the site plan was available for review at the Commission's office and provided information on how to schedule a file review. The commenter did not request to review the site plan. The commenter is copied on this Public Development Application Report containing the Executive Director's findings.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 11 sheets, prepared by Adams, Rehmann & Heggan Associates, Inc., all sheets dated May 2018 and revised to October 9, 2020.
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. Except for the approximately 277 linear feet of proposed paved walkways in the required buffer to wetlands and the approximately 1,510 linear feet of elevated wooden walkway in wetlands, all other proposed development shall be located at least 50 feet from wetlands.
6. Prior to the construction of any portion of the proposed development which will result in the disturbance of any wetland area, a Freshwater Wetland Permit shall be obtained pursuant to the New Jersey Freshwater Wetlands Protection Act.
7. Appropriate measures shall be taken during construction to preclude sedimentation from

entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

CONCLUSION

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.

Public Comment

|
From: Bob Fanucci <bfanucci@comcast.net>

Sent: Friday, July 06, 2018 7:38 AM

To: ApplInfo, PC

Subject: Pinelands Application # 1982-3514.004 West End Park Expansion

Hello. Where can I find out more about this? Is there a site plan available? Thank you.



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RICHARD PRICKETT
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 the by Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on January 5, 2021 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. the date on which the determination to be appealed was made;
4. a brief statement of the basis for the appeal; and
5. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

Within 15 days following receipt of a notice of valid appeal, the Executive Director shall initiate the procedures for assignment of an Administrative Law Judge to preside at the hearing pursuant to the Administrative Procedures Act, N.J.S.A. 52:14B-1 et seq., and the procedures established by the Office of Administrative Law. The time, date and location of such hearing shall be designated by the Office of Administrative Law.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-21- 02

TITLE: **Approving** With Conditions an Application for a **Waiver of Strict Compliance** (Application Number 1989-0219.001)

Commissioner Lohbauer moves and Commissioner Lloyd 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 application for Waiver of Strict Compliance be approved with conditions:

1989-0219.001

Applicant: Steven R. King
Municipality: Shamong Township
Management Area: Pinelands Regional Growth Area
Date of Report: December 18, 2020
Proposed Development: Single family dwelling.

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

WHEREAS, the Pinelands Commission hereby determines that the requested Waiver conforms to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65 if the conditions recommended by the 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 1989-0219.001 for a Waiver of Strict Compliance is hereby **approved** subject to the conditions recommended by the Executive Director.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Irick			X		Pikolycky	X			
Christy	X				Jannarone	X				Quinn			X	
Higginbotham	X				Lloyd	X				Rohan Green			X	
Howell	X				Lohbauer	X				Prickett	X			

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: January 8, 2021

Nancy Wittenberg
Executive Director

Richard Prickett
Chairman



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

RICHARD PRICKETT
Chairman
NANCY WITTENBERG
Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

December 18, 2020

Steven R. King (via email)
4 Cowpath Road
Medford, NJ 08055

Re: Application # 1989-0219.001
Block 20.01, Lot 1.13 (Former Block 20.01, Lots 1.06 & 1.07)
Shamong Township

Dear Mr. King:

The Commission staff has completed its review of the above referenced application for a Waiver of Strict Compliance (“Waiver”) proposing the development of one single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission’s Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 8, 2021 meeting.

FINDINGS OF FACT

This application is for the development of one single family dwelling, serviced by an onsite septic system, on the above referenced 0.99 acre parcel in Shamong Township. The parcel is located in a Pinelands Regional Growth Area and in Shamong Township’s RGA-R zoning district. In this zoning district, Shamong Township’s certified land use ordinance establishes a minimum lot size of 2.1 acres to develop a single family dwelling that is serviced by an alternate design onsite septic system.

A Waiver for the development of a single family dwelling on the parcel was approved by the Pinelands Commission on February 9, 2007. The Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.70(c)) specifies that a Waiver expires five years after the date of Commission approval unless all necessary construction permits have been issued within the five year period, the authorized work is commenced within 12 months after issuance of the construction permits and no such permit becomes invalid after the five year period. No information was provided to the Commission staff demonstrating that a construction permit was issued by February 9, 2012, the date that the approved Waiver expired, or if any such construction permit was issued before the expiration date, that permit remained valid.

Based upon the expiration of the Waiver on February 9, 2012, the applicant has completed this second application for a Waiver for the parcel.

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

The CMP (N.J.A.C. 7:50-6.84(a)4iv) requires that a septic system be located in an area where the depth to the seasonal high water table is at least five feet below the natural ground surface. The Burlington County Soils Survey indicates that there are Jade Run and Buddtown soils on this parcel. These soils may have a seasonal high water table of less than five feet below the natural ground surface. One soil boring was performed by the applicant's consultant for the Waiver application. That soil boring confirmed a seasonal high water table of less than five feet below the natural ground surface at the location of the boring. The applicant has submitted no information to demonstrate that the septic system could be located in an area on the parcel where the seasonal high water table is at least five feet below the natural ground surface. Since available information indicates the seasonal high water table on the parcel is less than five feet below the natural ground surface, the applicant is requesting a Waiver from the seasonal high water table requirement contained in N.J.A.C. 7:50-6.84(a)4iv.

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

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The applicant has demonstrated that a proposed septic system could be located in an area on the parcel where the seasonal high water table at least two feet below the natural ground surface. 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 required a municipal lot area or density variance pursuant to the Shamong Township land use ordinance. After public meetings held on April 11, 2006 and May 9, 2006, the Shamong Township Zoning Board of Adjustment adopted a Resolution (undated) denying an application (Petition No. 26-02) for the required variance. On October 24, 2006, the variance was granted by order of the Burlington County Superior Court of New Jersey, Law Division. The Court Order contains no expiration date.

If the conditions recommended below are imposed, a single family dwelling can be developed on the parcel without violating any of the substantial impairment and consistency criteria contained in the CMP (N.J.A.C. 7:50-4.65).

PUBLIC COMMENT

The applicant provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on October 7, 2020. Newspaper public notice was completed on October 20, 2020. The application was designated as complete on the Commission's website on November 25, 2020. The Commission's public comment period closed on December 11, 2020. The Commission did not receive public comment regarding this 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. 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.

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

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain specified development. One of the specified types of development is 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, excluding road rights of way, in size and is not served by a centralized waste water treatment system. This application is for a Waiver from the minimum depth to seasonal high water table standard and the required buffer to wetlands standard contained in N.J.A.C. 7:50-6. The applicant is proposing to develop a single family dwelling serviced by an alternate design onsite wastewater treatment system on a 0.99 acre (43,124 square foot) parcel. The parcel contains more than 20,000 square feet, excluding road rights of way, and is located in 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)1v.

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

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

The fourth condition is that all necessary municipal lot area and 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. The Shamong Township certified land use ordinances required a lot area or density variance. After public meetings held on April 11, 2006 and May 9, 2006, the Shamong Township Zoning Board of Adjustment adopted a Resolution (undated) denying an application (Petition No. 26-02) for the required variance. On October 24, 2006, the variance was granted by order of the Burlington County Superior Court of New Jersey, Law Division. The Court Order contains no expiration date. 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 five conditions set forth in N.J.A.C. 7:50-4.63(a), the applicant has demonstrated that an extraordinary hardship exists pursuant to N.J.A.C. 7:50-4.62(a).

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

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

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

The CMP (N.J.A.C. 7:50-4.62(d)1iii) requires the acquisition and redemption of 0.25 Pinelands Development Credits (PDCs) whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the applicant is obtaining a Waiver from the minimum depth to seasonal high water table standard (N.J.A.C. 7:50-6.84(a)5vi) and the required buffer to wetlands standard (N.J.A.C. 7:50-6.14), a condition is included to require the applicant to purchase the requisite 0.25 PDCs.

The CMP (N.J.A.C. 7:50-4.62(d)1ii)) also requires the acquisition and redemption of any PDCs that are otherwise required pursuant to N.J.A.C. 7:50-5.27, 5.28 or 5.32. The CMP (N.J.A.C. 7:50-5.27(c)) provides that any local approval in a Pinelands Regional Growth Area which grants relief from density or lot area requirements shall require that PDCs be used for all dwelling units or lots in excess of that otherwise permitted, unless a Waiver for the dwelling unit or lot has been approved by the Commission. Since the applicant qualifies for a Waiver, PDCs are not required for any local approval.

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 Ott & Warren Land Engineering dated July 23, 2004 and last revised June 6, 2005.
2. All development, including clearing and land disturbance, shall be located as shown on the above referenced plan, with one exception. Prior to Commission issuance of a letter advising that any municipal or county approval or permit may take effect, the plan must be revised to relocate the proposed driveway and its associated clearing/land disturbance further to the west to maximize the buffer to wetlands adjacent to Tuckerton Road.
3. Sufficient drywells or comparable alternative shall be installed to contain all stormwater runoff from the house. Prior to Commission issuance of a letter advising that any municipal or county approval or permit may take effect, the plan must propose such drywells or a comparable alternative.

4. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands.
5. The driveway shall be constructed of crushed stone or other permeable material. Prior to Commission issuance of a letter advising that any municipal or county approval or permit may take effect, the plan must propose a crushed stone or permeable driveway.
6. 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 PDCs have been acquired and submitted to the PDC Bank for redemption.
7. The proposed dwelling must utilize an alternate design onsite wastewater treatment system authorized by the CMP for use on 1.0 acre parcels and approved for use by the Pinelands Commission and the New Jersey Department of Environmental Protection.
8. The septic system shall be located in an area where the seasonal high water table is at least two feet below the natural ground surface. Sufficient fill shall be placed in the area of the septic system to meet the requirements of Chapter 9A.
9. 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.
10. This Waiver shall expire January 8, 2026 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 8, 2026 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 December 18, 2020 Pinelands Commission Report on an Application for a Waiver of Strict Compliance (“Waiver Report”) for Application # 1989-0219.001. The deed shall indicate that the conditions previously required by the January 22, 2007 Waiver Report for Application # 1989-0219.001 approved by the Pinelands Commission on February 9, 2007 are superseded by the conditions required by the December 18, 2020 Waiver Report approved by the Pinelands Commission on January 8, 2021. The deed shall also indicate that the conditions are enforceable by the Pinelands Commission, Shamong Township and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver from the requirements of N.J.A.C. 7:50-6.84(a)4iv, N.J.A.C.7:50-6.84(a)5vi and 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 this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on January 5, 2021 and include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received, the Pinelands Commission may either approve the determination of the 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, Shamong Township Planning Board (via email)
 Shamong Township Construction Code Official (via email)
 Secretary, Burlington County Planning Board (via email)
 Burlington County Health Department (via email)