



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 28

TITLE: Approving With Conditions Applications for Public Development (Application Numbers 2006-0054.004, 2010-0080.001 & 2016-0001.001)

Commissioner Galletta moves and Commissioner Lohbauer 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 applications for Public Development be approved with conditions:

- | | |
|---|---|
| <p>2006-0054.004
 Applicant:
 Municipality:
 Management Area:
 Date of Report:
 Proposed Development:</p> | <p>Buena Vista Township
 Buena Vista Township
 Pinelands Village
 August 19, 2016
 Reconstruction of a previously existing retail commercial building;</p> |
| <p>2010-0080.001
 Applicant:
 Municipality:
 Management Area:

 Date of Report:
 Proposed Development:</p> | <p>Medford Township
 Medford Township
 Pinelands Regional Growth Area
 Pinelands Rural Development Area
 August 19, 2016
 Bicycle path along Himmelein and Stokes Roads; and</p> |
| <p>2016-0001.001
 Applicant:
 Municipality:
 Management Area:
 Date of Report:
 Proposed Development:</p> | <p>Buena Vista Township
 Buena Vista Township
 Pinelands Village
 August 19, 2016
 Resubdivision of a 3.4 acre parcel resulting in two lots and the development of one single family dwelling.</p> |

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 Conclusion of the Executive Director for each of the proposed developments; and

WHEREAS, the Pinelands Commission hereby determines that each of the proposed public developments conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed; and

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

NOW, THEREFORE BE IT RESOLVED that Application Numbers 2006-0054.004, 2010-0080.001 & 2016-0001.001 for public development are hereby approved subject to the conditions recommended by the Executive Director.

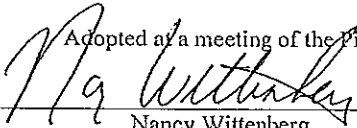
Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun			X	DiBello			X	McGlinchey			X
Avery	X			Galletta	X			Prickett	X		
Barr	X			Jannarone	X			Quinn			X
Brown			X	Lloyd	X			Rohan Green			X
Chila	X			Lohbauer	X			Earlen	X		

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 9, 2016


 Nancy Wittenberg
 Executive Director


 Sean W. Earlen
 Chairman



State of New Jersey
 THE PINELANDS COMMISSION
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Chris Christie
 Governor

Kim Guadagno
 Lt. Governor

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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

August 19, 2016

Katherine Burger, Township Manager
 Medford Township
 17 North Main Street
 Medford, NJ 08055

Re: Application # 2010-0080.001
 Stokes & Himmelein Roads
 Block 4101, Lot 1
 Medford Township

Dear Ms. Burger:

The Commission staff has completed its review of this application for development of a bicycle path along Himmelein and Stokes Roads and on the above referenced 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 September 9, 2016 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, Medford Township Planning Board (via email)
 Medford Township Construction Code Official (via email)
 Medford Township Environmental Commission (via email)
 Secretary, Burlington County Planning Board (via email)
 Christopher J. Noll, P.E.





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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

August 19, 2016

Katherine Burger, Township Manager
Medford Township
17 North Main Street
Medford, NJ 08055

Application No.: 2010-0080.001

Location: Stokes and Himmelein Roads
Block 4101, Lot 1
Medford Township

This application proposes development of a bicycle path within the Himmelein Road and Stokes Road rights-of-way and on the above referenced 157 acre parcel in Medford Township.

To accommodate a proposed five foot wide bicycle path, the north side of Himmelein Road will be widened by a maximum of five feet for a distance of 2,040 linear feet between Stokes Road and Mill Street. The application also proposes to construct 4,205 linear feet of six foot wide bicycle path within the Stokes Road right-of-way and on Block 4101, Lot 1.

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. 7:50-5.26(b)10 and 5.28(a))

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

Wetlands Protection Standards (N.J.A.C. 7:50-6.6, 6.13 & 6.14)

There are wetlands located within the project area. The CMP prohibits most development in wetlands and requires a buffer of up to 300 feet to wetlands.

Of the 6,245 linear feet of bicycle path proposed in this application, approximately 1,900 linear feet will be located in wetlands. The concerned wetlands are located in an agricultural field. The proposed bicycle path will also be partially located in the required buffer to wetlands.

The CMP permits linear improvements, such as bicycle paths, in wetlands and the required buffer to wetlands provided an applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative for the proposed development that does not involve development in wetlands and the required buffers to wetlands or that will result in a less significant adverse impact to wetlands. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions recommended below, all practical measures will be taken to mitigate the impact on the required buffer to wetlands. The proposed bicycle path will disturb approximately 0.26 acres of agricultural field wetlands. The applicant has indicated that the proposed bicycle path location is necessary to provide for a safe corridor for bicycle traffic. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the concerned wetlands.

The application also proposes a 483 square foot gazebo and a stormwater infiltration basin on Block 4101, Lot 1. The proposed gazebo will be located 50 feet from an isolated wetland area. The proposed stormwater management basin will be located 300 feet from a second wetlands area. Both wetland areas are located in an agricultural field. The applicant has demonstrated that the proposed gazebo and stormwater infiltration basin will not result in a significant adverse impact on the concerned wetland areas.

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

The proposed development will be located in a maintained grass road shoulder and an agricultural field. 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 the disturbed areas, the applicant proposes to utilize a seed mixture which meets that recommendation.

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 of the CMP. To meet the stormwater management standards, the application proposes to construct a stormwater infiltration basin and swale.

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

A cultural resource survey submitted for a prior Commission development application identified a significant cultural resource (two prehistoric sites) adjacent to Himmelein Road. The current applicant submitted cultural resource information demonstrating that no significant cultural resources eligible for Pinelands designation were located within the area to be disturbed by the proposed bicycle path.

A cultural resource survey was also submitted for a prior Commission development application on Block 4101, Lot 1. That survey identified a potentially significant cultural resource (historic site) on Block 4101, Lot 1. The current applicant submitted additional cultural resource survey information

demonstrating that no significant cultural resources eligible for Pinelands designation were located within the area to be disturbed by the proposed bicycle path.

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 July 22, 2016. Newspaper public notice was completed on June 24, 2016. The application was designated as complete on the Commission's website on July 30, 2016. The Commission's public comment period closed on August 12, 2016. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of six sheets, prepared by Environmental Resolutions, Inc. and dated as follows:

Sheets 1-3, 5 & 6 dated March 16, 2006 and last revised November 12, 2013; and
Sheet 4 dated March 16, 2006 and last revised November 30, 2015.
2. 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.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
4. 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.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
6. The proposed gazebo shall be located at least 50 feet from wetlands and the proposed stormwater management basin shall be located at least 300 feet from wetlands.

CONCLUSION

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



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

Sean W. Earlen
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 at the Commission's office no later than 5:00 PM on September 6, 2016 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.



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Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

August 19, 2016

Buena Vista Township
890 Harding Highway
Buena, NJ 08310

Re: Application # 2016-0001.001
Block 4502, Lots 2, 3 & 5
Block 4503, Lots 1-5
Buena Vista Township

Dear Township Official:

The Commission staff has completed its review of this application for resubdivision of the above referenced 3.4 acre parcel resulting in two lots and the development of one single family dwelling. 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 September 9, 2016 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, Buena Vista Township Planning Board (via email)
Buena Vista Township Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)
Atlantic County Division of Public Health (via email)
David S. Scheidegg, P.E.





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Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

August 19, 2016

Buena Vista Township
 890 Harding Highway
 Buena, NJ 08310

Application No.: 2016-0001.001

Location: Block 4502, Lots 2, 3 & 5
 Block 4503, Lots 1-5
 Buena Vista Township

This application proposes resubdivision of the above referenced 3.4 acre parcel resulting in two lots and the development of one single family dwelling in Buena Vista Township. Buena Vista Township owns Block 4502, Lots 2, 3 and 5 and Block 4505, Lots 1, 2, 4 and 5.

There is an existing single family dwelling on 0.1 acre Block 4503, Lot 3. The proposed re-subdivision will eliminate a property line encroachment and increase the area of Block 4503, Lot 3 to 0.24 acres. The proposed re-subdivision will also create a 3.2 acre lot for the proposed single family dwelling.

STANDARDS

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

Land Use (N.J.A.C. 7:50-5.27)

The parcel is located in the Pinelands Village of Richland. The proposed resubdivision and the development of the proposed single family dwelling are permitted in a Pinelands Village.

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

The proposed development will be located within a forested area. The proposed dwelling will result in the clearing of approximately 1.0 acre of forest. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

The proposed single family dwelling will be located on a proposed 3.2 acre lot and be serviced by an onsite septic system. The existing single family dwelling is currently located on a 0.11 acre parcel. As a result of the proposed re-subdivision, the existing single family dwelling will be located on a 0.24 acre parcel.

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 July 7, 2016. The Commission's public comment period closed on August 12, 2016. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 1 sheet, prepared by Schaeffer Nassar Scheidegg Consulting Engineers, dated December 16, 2015 and last revised August 17, 2016.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
4. Each septic system shall be located where the seasonal high water table is at least five feet below the natural ground surface.

CONCLUSION

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



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Sean W. Earlen
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 at the Commission's office not later than 5:00 PM on September 6, 2016 and include the following information:

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

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



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Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

August 19, 2016

Buena Vista Township
 890 Harding Highway
 P.O. Box 605
 Buena, NJ 08310

Re: Application # 2006-0054.004
 Block 4527, Lot 4
 Buena Vista Township

Dear Township Official:

The Commission staff has completed its review of this application for reconstruction of a commercial retail building. 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 September 9, 2016 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

- Encls. (5):
 Appeal Procedure
 7/28/16 Public comment
 8/5/16 Public comment
 8/8/16 Public comment
 8/12/16 Public comment

- c: Secretary, Buena Vista Township Planning Board
 Buena Vista Township Construction Code Official



Atlantic County Department of Regional Planning and Development
David Scheidegg, PE
Mark Demitroff



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Sean W. Earlen
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Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

August 19, 2016

Buena Vista Township
890 Harding Highway
P.O. Box 605
Buena, NJ 08310

Application No.: 2006-0054.004

Location: Block 4527, Lot 4
Buena Vista Township

This application proposes reconstruction of a previously existing retail commercial building located on the above referenced 0.5 acre parcel in Buena Vista Township.

On March 10, 2006, the Pinelands Commission approved the demolition of an existing 1,551 square foot single family dwelling, 50 years old or older, on the above referenced parcel (App. No. 2006-0054.001). The single family dwelling was not demolished.

On November 13, 2009, the Pinelands Commission approved a change of use of the same existing 1,551 square foot single family dwelling on the above referenced parcel, originally approved by the Commission to be demolished, to a retail commercial use (App. No. 2006-0054.002). The retail commercial use was subsequently established.

The applicant represents that the 1,551 square foot retail commercial building was demolished in August of 2015 based upon the presence of mold and structural concerns. The demolition of the building was previously approved in App. No. 2006-0054.001. The current application proposes the reconstruction of a 1,500 square foot retail commercial building.

On May 8, 2015, the Commission approved the development of a tourist railroad station, including railroad track, a stone parking area, a boarding platform and a ticket booth on a 13.82 acre parcel (App. No. 2009-0089.001). App. No. 2009-0089.001 also proposed a 156 linear foot stone access driveway and eight parking spaces on Block 4527, Lot 4. App. No. 2009-0089.001 further proposed a stormwater management swale partially located on Block 4527, Lot 4 and partially located on contiguous Block 4527, Lot 2.

Portions of the proposed development subject of the tourist railroad station application were developed without application to the Commission in violation of the application requirements of the Buena Vista Township land use ordinance and the Pinelands Comprehensive Management Plan (CMP). Commission approval of the tourist railroad station application on May 8, 2015 addressed the outstanding violations

that were subject of App. No. 2009-0089.001.

By letter dated July 18, 2016, the applicant advised that the municipality anticipates advertising for bids in the middle of August 2016 and constructing the stormwater improvements on the 13.82 acre tourist railroad station parcel subject of App. No. 2009-0089.001 concurrently with the retail commercial building subject of the current application (App. No. 2006-0054.004).

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 Village of Richland. The proposed reconstruction of a previously existing retail commercial building is a permitted land use in a Pinelands Village Management Area.

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

The proposed development will be located in a maintained grass area. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

The proposed retail commercial building will be serviced by an existing onsite septic system.

The CMP (N.J.A.C. 7:50-6.84(a)4.viii) requires the use of New Jersey Department of Environmental Protection (NJDEP) sanitary sewage flow values for non-residential development utilizing a septic system to determine consistency with the CMP groundwater quality (septic dilution) standard.

The CMP (N.J.A.C. 7:50-5.2(c)2) provides that a change in an existing use to a new use is required to meet the groundwater quality (N.J.A.C. 7A:50-6.84(a)4) standards unless a new septic system is not required, the proposed use will not degrade surface or groundwater quality and the new use meets the minimum NJDEP water quality and potable water standards. The proposed retail commercial building will be served by an existing onsite septic system and meets the other requirements of this CMP provision (N.J.A.C. 7:50-5.2(c)2).

On November 13, 2009, the Pinelands Commission approved a change of use of the existing single family dwelling serviced by an existing onsite septic system on the above referenced parcel to a retail commercial use serviced by an existing onsite septic system (App. No. 2006-0054.002). That change in use resulted in a reduction in nitrogen concentration at the property line from 9.69 ppm generated by the existing single family dwelling to 5.28 ppm generated by the proposed retail commercial use.

The currently proposed reconstructed 1,500 square foot retail commercial building will further reduce the nitrogen concentration at the property line previously generated by the 1,551 square foot retail commercial building.

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 July 23, 2016. The Commission's public comment period closed on August 12, 2016.

The Commission received four written comments (enclosed) from the same individual regarding this application. The same individual offered verbal comments at the Commission's August 12, 2016 meeting regarding this application.

Comments:

The commenter provided 24 pages of comments. The comments included observations, pictures, questions, excerpts of development plans and copies of Commission issued documents and information provided on the Commission's website. The commenter questioned the time frame for posting of the application on the Commission's website for public comment. The commenter also questioned how an existing septic system disposal bed on the parcel could be used by a prior Commission application for stormwater management then be proposed in the current application for use as a septic system for the disposal of wastewater. The submitted comments discuss the requirements of other agencies regarding septic systems. The submitted comments also discuss Commission assignment of application numbers, cultural resources and stormwater management. The commenter's verbal comments reiterated the submitted written comments.

Staff Response:

The Commission staff appreciates the commenter's interest in the Pinelands. It is important to note that the development proposed in this application is defined by the CMP as minor development. Minor public development is not required to provide public notice. The Commission established public comment practice exceeds the requirements of the regulations contained in the CMP and provided the commenter and the public with the opportunity to submit both written and verbal public comments regarding the application.

An existing septic system disposal field on this parcel was not utilized by a prior application to the Commission to manage stormwater. A stormwater management area was proposed in a prior Commission application in proximity to what is identified as the "approximate location of existing septic" on the plan submitted for the current application. By letter dated August 17, 2016, the Township Engineer represented that, based upon their subsurface soil investigation, no portion of the concerned existing septic system is located within the stormwater management area proposed in a prior application. The applicant proposes to connect the reconstructed building to this existing septic system. Importantly, the Atlantic County Division of Public Health administers the requirements for septic system location, design and use in Atlantic County. This recommended approval includes a condition that the applicant must secure any other required permits and approvals.

It is the Commission staff's opinion that the proposed development is consistent with all of the standards of the CMP, including the stormwater management and cultural resource protection standards.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, prepared by Schaeffer Nassar Scheidegg Consulting Engineers and dated June 13, 2016.
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. The proposed stormwater management facilities approved in App. No 2009-0089.001 shall be constructed by January 1, 2017.

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
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Executive Director

PINELANDS COMMISSION APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received at the Commission's office not later than 5:00 PM on September 6, 2016 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.

AppInfo - Fwd: Attn: Rhonda Ward – Comment to File #8000.44 (#2009.0089.001) and/or #8000.102[or ...104 SNS?] (2006.0054.001[or ...004 SNS?])

From: Mark Demitroff <mark@buckhorn-gsi.com>
To: <AppInfo@njpines.state.nj.us>
Date: 7/28/2016 3:37 PM
Subject: Fwd: Attn: Rhonda Ward – Comment to File #8000.44 (#2009.0089.001) and/or #8000.102[or ...104 SNS?] (2006.0054.001[or ...004 SNS?])
Attachments: MD to PC Replacement 07:28:16.pdf

Hi Rhonda,

I saw a small grammar error in my opening sentence, so please replace the July 27 version with the July 28 version. Sorry for the trouble!

Kind regards,

Mark

----- Forwarded Message -----

Subject: Attn: Rhonda Ward – Comment to File #8000.44 (#2009.0089.001) and/or #8000.102[or ...104 SNS?] (2006.0054.001[or ...004 SNS?])
Date: Wed, 27 Jul 2016 18:41:58 -0400
From: Mark Demitroff <mark@buckhorn-gsi.com>
To: AppInfo@njpines.state.nj.us

Rhonda,

Please provide responses to my concerns over BVT's structure replacement application.

Sincerely,

Mark D,

----- Forwarded Message -----

Subject: Attn: Mr Homer,
Date: Mon, 04 May 2015 15:41:19 -0400
From: Mark Demitroff <mark@buckhorn-gsi.com>
To: AppInfo <appinfo@njpines.state.nj.us>
CC: hanni_karen@aclink.org

Mr. Homer,

Thank you for taking my call today, Monday afternoon, May 4. As I pointed out in earlier correspondence, stormwater basin 13 appears to be associated with the septic system for the Toy Store. I was surprised to learn that one of your staff members, Brian Szura, suggested that this structure be used for stormwater catchment.

The submitted public notice indicates that the parcels which are the subject of this application are Block 4527 Lots 2, 3, 4 and 5 and Block 700, Lots 15, 16 and 17. As suggested by Brian Saura of your office, the existing depression which straddles the property line of Block 4527 Lots 2 and 4 was incorporated into the drainage design for the overall project. This depression is to be improved so that it functions as a retention basin in accordance with Pinelands requirements. Since this basin is contained on both Block 4527 Lot 2 and Block 4527 Lot 4 we have included both of these parcels in the public notice. Furthermore, the revised plans and stormwater management calculations indicate the addition of a few parking spaces within Lot 4 and the continuation of the on-site driveway to connect to the existing stone access way on Lot 3.

You indicated that it was the responsibility of the BVT engineer to insure the depression's suitability, and you would perform due-diligence by asking SNS if this is in actuality the remains of the Toy Store's septic system.

There appears to be no record of this depression being a "small pre-existing stormwater basin" as alleged. My exhaustive OPRA with BVT asking for any records that this was a stormwater basin produced no responsive documents that would substantiate the notion that this was a pre-existing stormwater basin. In absence of provenance, it would be inappropriate, even deceptive, for BVT to refer to it in this manner for an engineering application.

Stormwater Management Standards (N.J.A.C. 7:20-6.34(a))

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards of the CMP. To meet the stormwater management standards, the application proposes to modify a small existing stormwater basin located on the parcel and construct an approximately two acre stormwater basin on the parcel.

Please respond in writing as to the results of your communication with the engineer. It's odd that earlier OPRA requests failed to produce the January 19, 2015 letter between SNS and the PC.

As correspondence related to Application #2009-0089.01 has been cc'd to the Atlantic County Division of Public Health in the past, I have extended this courtesy as the issue appears to be in their bailiwick. If stormwater is being diverted over this structure as shown in the application, that action could result in serious public health risks.

Kind regards,
Mark Demitroff



Excerpt from:

MARK DEMITROFF
822 MAIN AVENUE, VINELAND (RICHLAND), NJ 08360-9346

RE: APP #2004-0319.001 &
APP #2009-0089.001

April 17, 2015
NJ Pinelands Commission
PO Box 359
15 Springfield Road
New Lisbon, NJ 08064

Right to Appeal

Dear Pinelands Staff,

BVT appears to reinvent, then modify, an existing septic system into a stormwater basin.

Stormwater basins must be located at some distance from a septic system, I think 50-feet away minimum by law.

It appears that on this application BVT's existing stormwater basin is one and the same as the septic system for the Toy Store.

records violates OPRA. In repair I reserve the right to make public comments on aspects of this application after I am provided true copies of application sheets #s 1-4. Review documents for public applications must be made available for public review at the municipal hall, not an hour-and-a-half away at the PC office as now done. I shouldn't have to OPRA public application documents like this.

MARK DEMITROFF
822 MAIN AVENUE, VINELAND (RICHLAND), NJ 08360-9346

RE: REPLACEMENT OF STRUCTURE
FILES #8000.44 & 8000.102
APP# 2006.0054.001
APP# 2009.0089.001

July 28, 2016
Rhonda Ward, Environmental Specialist
The Pinelands Commission
PO Box 359
New Lisbon, NJ 08064

Ms. Ward,

I am submitting comments to address concerns over Buena Vista Township's (BVT) application to the Pinelands Commission (PC) regarding a structure replacement. I ask that you answer each concern.

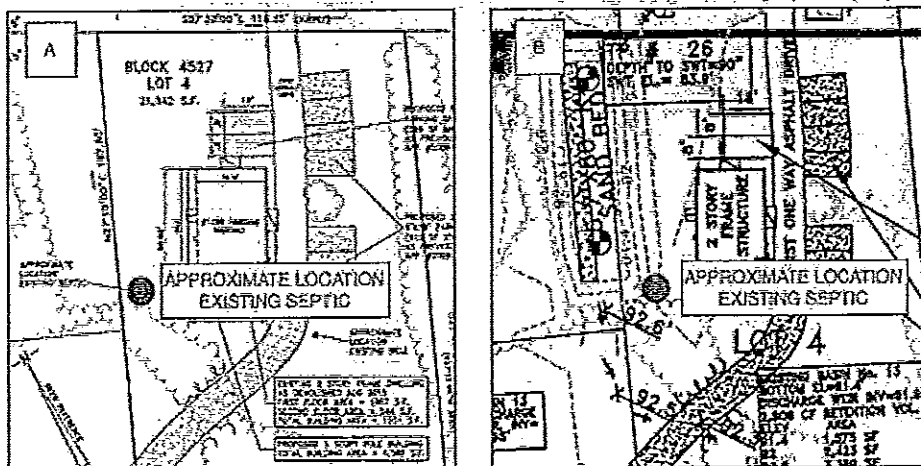
- 1) This application was received at the PC on June 02, 2016 yet was withheld from your Public Status Report until July 26. I view this as a review obstruction and more evidence of special treatment in support of unlawful Pinelands redevelopment. The PC exclusion foments suspicion and only builds my resolve.

<p>Application# 2006-0054.004 - Buena Vista Township Received on: 6/2/2016 Project: Construction of a 1,500 square foot commercial pole barn Municipality: Buena Vista Township Block: 4527 Lot: 4 (application may include additional lots) Public Notice: Not Required This application is complete and the final opportunity for oral public comment will occur at the 8/12/2016 Commission meeting. Written comments will be accepted until 5 p.m. that day or the close of the Commission meeting, whichever is later.</p> <p>Application# 2016-0001.001 - Buena Vista Township Received on: 1/5/2016 Project: Two lot re-subdivision and the development of one single family dwelling Municipality: Buena Vista Township Block: 4502 Lot: 2 (application may include additional lots) Public Notice: Not Required This application is complete and the final opportunity for oral public comment will occur at the 8/12/2016 Commission meeting. Written comments will be accepted until 5 p.m. that day or the close of the Commission meeting, whichever is later.</p>

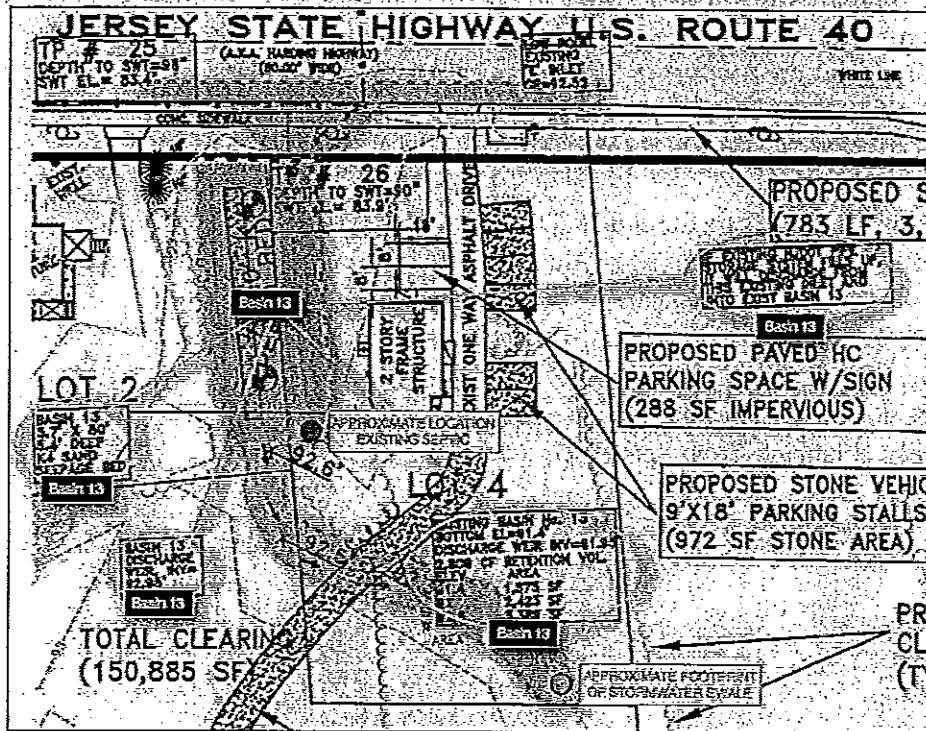
- 2) This application is in continuance of two prior and discrete filings, File #8000.44 (#2009.0089.001) and #8000.102[or ...104 SNS?] (2006.0054.001[or ...004 SNS?, as SNS and PC application numbers do not comport]). It can't be two files. BVT must either combine #8000.44 and #8000.102 or start afresh. The resultant chimera is confusing and even results in conflicting data. What is the CMP precedence for allowing dual concurrent and combined projects?

RE: **Pinelands Application**
Replacement of Structure
1260 Harding Highway - Block 4527, Lot 4
Buena Vista Township, Atlantic County, New Jersey
Application #2006-0054.004
Our File #8000.44 and 8000.102 ?

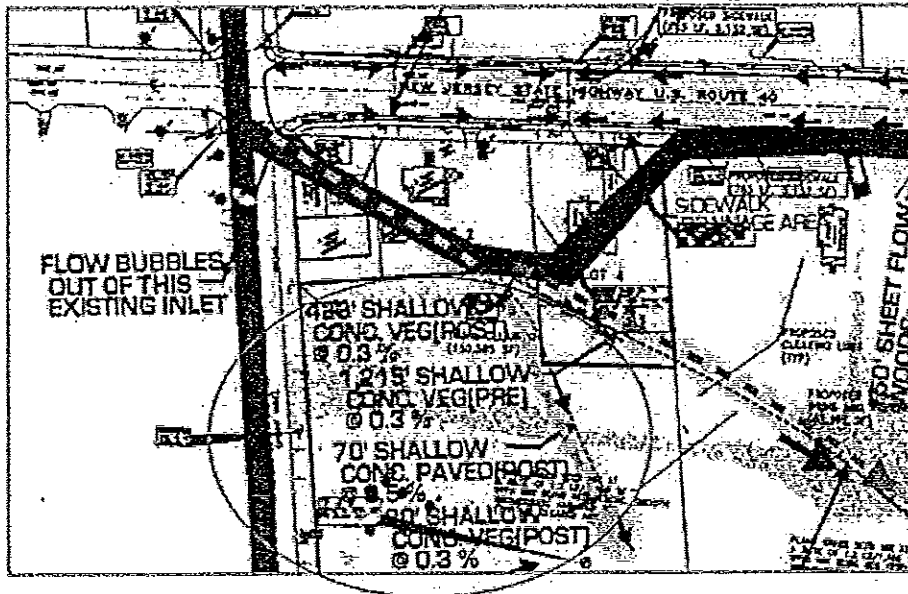
- 3) In example to point 2 (above), one file shows Stormwater Basin 13 in the same location as the to-be-used "existing septic system." I do admit that Richland redevelopment has not in the past obeyed the Laws of Physics as to time and space, but argue yet again that two objects cannot occupy the same space at the same time. Which is correct, as depicted in #8000.44 or #8000.102? Also, it is not possible that the current septic system is even remotely capable of achieving 2 ppm nitrates on a 0.5 acre parcel.



- 4) Let's argue that both #8000.44 and #8000.102 are somehow both correct, then the current septic system is part of Stormwater Basin 13. By law a septic system must be at least 50-feet away from a stormwater retention basin. If by some bizarre loophole the two features can occupy the same space at the same time, then BVT's stormwater basin metrics must reflect additional septic contributions and BVT's septic metrics must reflect stormwater surcharge. SNS must justify how this use combination can work.



Other stormwater plan diagrams associated with this application only add to the confusion:



Where are Lot 4's portion of thousands of feet of shallow vegetation stormwater conveyances? In the above example those conveyances appear to cross the entire southern portion Lot 4. Any stormwater conveyance, especially those with easements, must be shown as I argue that currently the BVT conveyance structures are only deceitful illusions.

- 5) Stormwater conveyances (swales, basins) require easements pursuant to #2009.0089.001, yet these are not addressed in the current 2006.0054.001 [or ...004 SNS?]. BVT has not filed easement documents (e.g., with Atlantic County) as required, hence #2009.0089.001 cannot move forward as the PC indicates the easement issue must be first satisfied.

- 6) While BVT did conduct a cultural survey for 2009.0089.001, Mounier's work did not address Lot 4 – only Block 700, Lots 15 & 16 and Block 4527, Lots 3 & 5.

An Archaeological Survey of Richland Village - West
Block 700, Lots 15 and 16 and Block 4527, Lots 3 and 5
Buena Vista Township, Atlantic County, New Jersey

Pinelands Development Application
No. 2009.0089.001

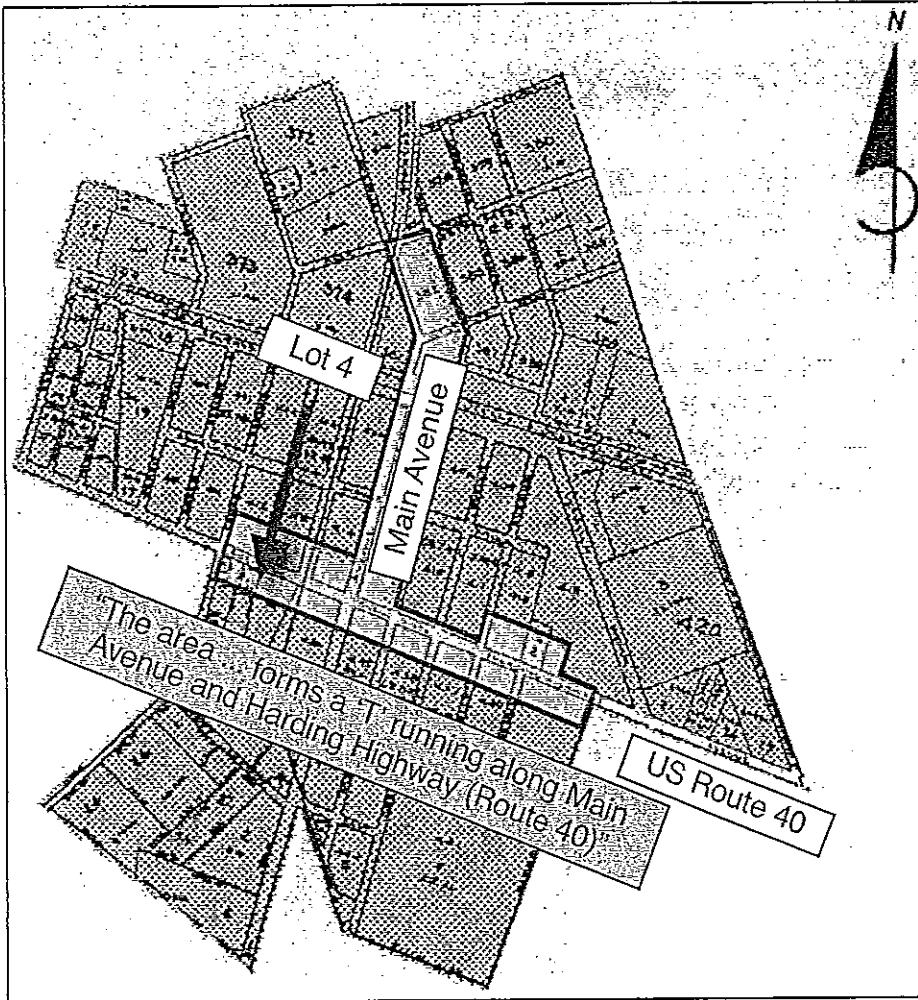
prepared for

Township of Buena Vista
c/o Schaeffer Nassar Schellberg Consulting Engineers, LLC
1425 Cantillon Boulevard
Mays Landing, NJ 08310

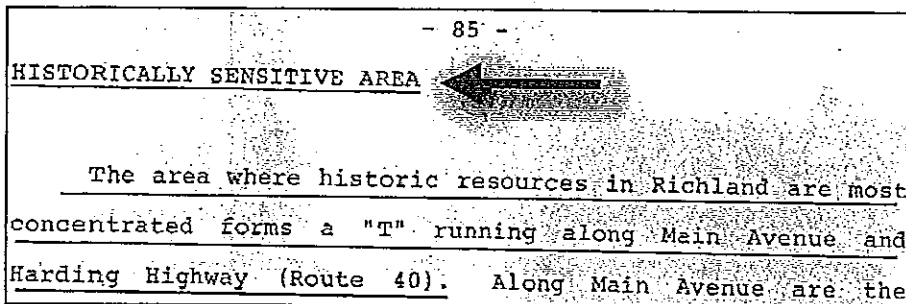
by

R. Alan Mounier, Archeologist
P.O. Box 245
Newfield, N.J. 08344

May 5, 2011



Modified excerpt of the Figure facing page 85 from the March 1988, cultural report showing the "T"-shaped culturally sensitive area in the Village of Richland. A red arrow indicates the park's location is within the historically significant corridor as determined by your staff archeologist.



Lot 4 is included in the 'historically sensitive area' of Richland Village, as identified in the PC's *Pinelands Villages and Towns: Historic Area of Delineation*, prepared by the PC and dated March 1988. By PC rules, and according to the 1988 document, a cultural survey is required. No waiver is permitted.

Conclusion

This application cannot move forward until these issues are formally addressed. Most importantly, allowing BVT to combine a PC-approved stormwater retention basin with a septic system is a recipe for disaster, and permitting this to occur fatally conflicts with the PC Water Quality Standard (N.J.A.C. 7:50-6.84) and Stormwater Management Standards (N.J.A.C. 7:50-6.84[a]6).

Sincerely,
Mark Demitroff

AppInfo - Addenda - Attn: Rhonda Ward - Comment to File #8000.44 (#2009.0089.001) and/or #8000.102[or ...104 SNS?]
(2006.0054.001[or ...004 SNS?])

From: Mark Demitroff <mark@buckhorn-gsi.com>
To: <AppInfo@njpinelands.state.nj.us>
Date: 8/5/2016 3:04 PM
Subject: Addenda - Attn: Rhonda Ward - Comment to File #8000.44 (#2009.0089.001) and/or #8000.102[or ...104 SNS?]
(2006.0054.001[or ...004 SNS?])

Ms. Ward,

Please add this addenda to my July 28 comment submission.

BVT is putting a commercial store on a residential site, which is similar to (*or is*) the Toy Store. That is not a pole barn.

<p>4. The proposed structure is anticipated to contain a single stall bathroom primarily for employees. The existing well and septic system were not removed as part of the demolition and were retained to service this proposed powder room. A multi-stall community type bathroom facility is not proposed within this structure.</p> <p>5. As the exact use of the structure is not available at this time, the hours of operation also have not been determined. The use as described above will not require any more than 2</p> <p style="text-align: center;">1425 Canton Boulevard • Mays Landing • New Jersey • 08330 Phone: (609) 626-7400 • Fax: (609) 809-0253</p> <p>employees. The hours of operation would be limited and most likely be flexible for this seasonal type business, being approximately 40 hours per week on average through-out the entire year.</p>

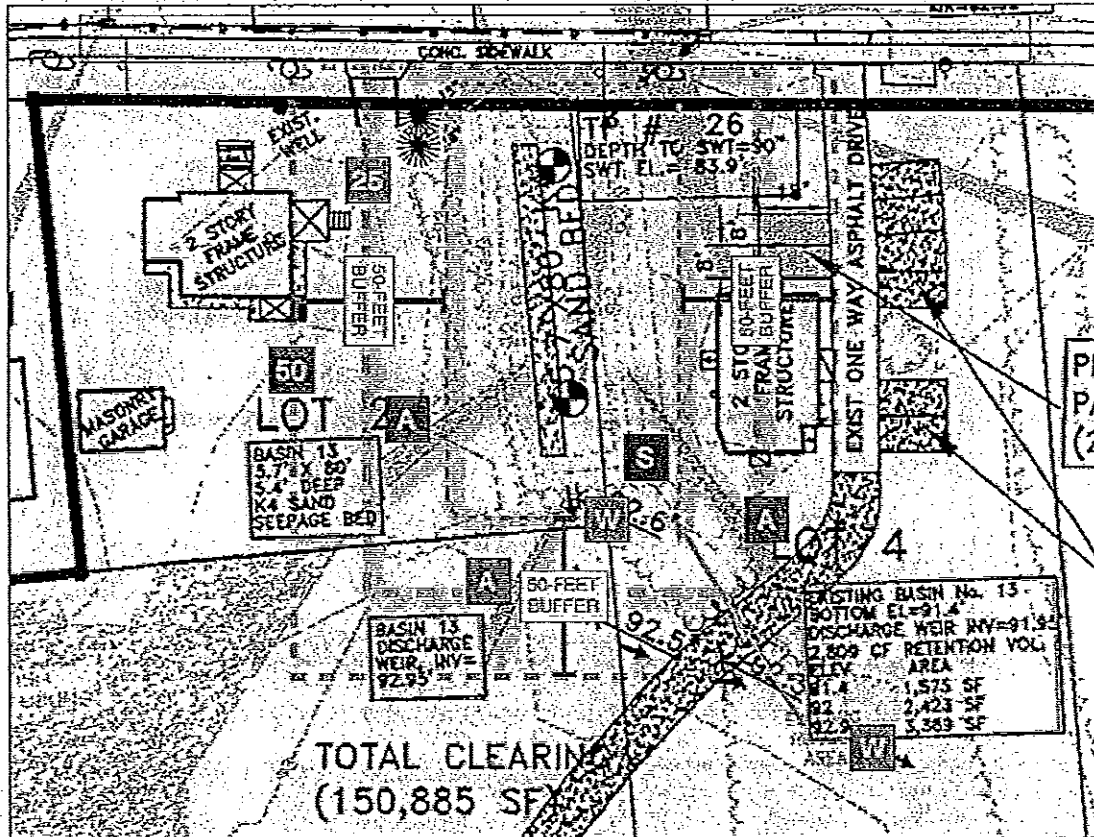
The Pinelands Commission cannot aid and abet the ongoing ruse that an old septic system could morphed into a Pinelands approved Stormwater Basin 13 then revert back to an existing septic system on the same lot. The existing septic system use evaporated with its change to a detention basin. It cannot be resurrected by the engineer as a septic system as then prior stormwater violations are no longer satisfied. Besides, each change of structure use required Pinelands approval anyway. Do you have a Pinelands Application on file for Basin 13? If, not, then this structure use was modified (addition of 7'-80' "SAND BED") for the June 09, 2914 application is present in violation of Pinelands standards (*see* 4 below). I wish to report that change of use violation.

Please note:

- 1) The proposed site is not yet fully commercial, and only when all requirements are satisfied the zoning change is complete (*e.g.*, after easement restriction). Only then BVT can come back and apply to you. That would require satisfying both active Pinelands applications associated with Lot 4 (#2009.0089.001 & 2006.0054.004)
- 2) When the above requirement are ultimately met, BVT is required with change in use to have Lot 1's septic system brought up to code, which is impossible as it exists. Their claim of septic system reuse is not lawful, so you can't use their claim in your decision. The proposed septic must meet Pinelands standards.

(e) When an existing system associated with an existing structure is to be altered for any reason, including an expansion or change in use of the structure(s) served, alterations shall meet the requirements of a new system in N.J.A.C. 7:9A-3.2 except as indicated below. If the scope of the alteration is such that it constitutes the practice of professional engineering according to N.J.S.A. 45:8-1 et seq. and the rules adopted pursuant thereto, then such alterations shall be made in conformance with plans and specifications signed and sealed by a septic system designer. Any alteration to a disposal field constitutes the practice of professional engineering.

3) The figure below illustrates the problem with the preexisting Pinelands approved stormwater management system, a system that is already in place where the intended septic system is said to be. I have modified the SNS basin plan with colored annotation.



A Location arrows indicating where stormwater basin 13 is located.

25 Outer boundary of required 25-foot stormwater basin buffer.

50 Outer boundary of required 50-foot stormwater basin buffer.

S Approximate location of proposed "existing" septic system according to current application.

W High water mark of basin, since elevation 92.9 according to SNS is accommodating stormwater discharge and the weir discharges at elevation 91.95. Water then would back-up into the basin, maybe even onto US 40, since the discharge swale below the weir is at elevation 92.5.

4) What the BVT engineer discovered was an old septic system and substituted the originally proposed Basin 13 with the septic system relic.

Dear Mr. Szura:

In response to your phone call and subsequent email, we have revised the site plan and drainage calculations as follows:

- 1) We have recognized the existence of the existing basin located on the border between Lots 2 & 4 which fronts on State Route 40. Having inspected the site, it was determined that there were several missing survey points that would have previously defined the existence of this rectangular basin with a depth of 1.5 feet. As a result, we have assigned this basin an identification number of basin 13 which replaces the previously proposed basin 13.

We have also revisited the existing NJDOT pipe / stormwater storage network of pipes that catch and store water runoff from Route 40 and the recently constructed sidewalk. It was also determined that if this pipe system were to overflow, the grades around the inlets would cause the first inlet to discharge water to be the inlet located directly adjacent to existing basin 13. While the grate elevation of the inlet at the intersection of Cedar Ave. and Route 40 is lower than the one located in front of Lot 4, the earth grades around all of the inlets will cause the discharge to emanate from the inlet at Lot 4. Therefore, the runoff from the recently constructed sidewalk is first routed to existing basin 13. The overflow from basin 13 will flow down gradient to proposed basin 18.

June 3, 2014

20070087.001
sheet 110

Mr. Wm Szura
Environmental Specialist
New Jersey Pinelands Commission
P. O. Box 228
New Canaan, NJ 07644

ES 1101

Mr. Richard V. DeGroot
Apparatus # 2019-001507 and 2004-0318301
Block 71A, Lots 15-17
Block 417, Lots 2, 3, 4
Beaumont Township, Atlantic County, New Jersey
Qty # 1100.01

5) I argue that there is no way that the "existing septic system" can ever get around the requirements of 7:9A-4.3 Distances, which has no possibility of getting around. You cannot accept at face value an impossibility. There is no usable preexisting septic system at Lot 4.

7:9A-4.3 Distances – A stormwater management basin is a watercourse, requiring 25- and 50-foot buffers from septic system components –

(12) For the purposes of this section, the setback distance for a water course shall apply to a stormwater management basin. The setback distance from a stormwater management basin shall be measured from the elevation contour that is coincident with the high water mark.

Table 4.3 Minimum Required Separation Distances (feet)

Component	Reservoir, Well or Suction Line	Water Service Line, Pressure	Water Course (1,12)	Occupied Building	Property Line (15)	Disposal Field	Existing Seepage Pit or Cesspool	In-ground Swimming pool
Building Sewer	25(2)	1						
Septic Tank	50(2)	10	25(2,5)	10(6)	5			10
D-Box (14)	50(2)	10	25(2,5)	10	5			10
Disposal Field (11)	100(2,4)	10	50(2,3,5)	25(7)	10	50(8)	50	20
Seepage Pit (9)	150/100 (13)	25	100(2,5)	50(7)	20	50	50(10)	30
Dry Well	50					50	50	

7:9A-4.3 Distances – No agency, not even the Pinelands Commission, can knowingly permit or waive the sewer system/stormwater basin setbacks listed above.

7:9A-4.3 Distances

The minimum separation distance between the various components of the system and the other features listed shall conform to and be maintained in accordance with Table 4.3 below. The location of a new well must be in conformance with the requirements of N.J.A.C. 7:9D. No permit or waiver issued outside of this Chapter by any local, State or Federal entity shall be construed to permit deviation from or a waiver of the separation distances requirements listed in the Table 4.3 below.

6) Please note that I brought up many of these points during App #2009.0089.001 (e.g., email M. Demitroff to C. Horner 05/06/15). I don't want you replying back that the opportunity for comment passed with the earlier application. Comments made for App #2009.0089.001 are germane as Lot 4 is part of that application too (e.g., lack of cultural survey on Lot 4). SNS refers back to the railroad siding for certain metrics. But he can't cherry pick those metrics either. If he proposed that Basin 13 was there in App #2009.0089.001, then he has to justify its extant now.

Sincerely,

Mark Demitroff

AppInfo - Attn: Mr. Horner -- Fwd: Application# 2016-0054.004

From: Mark Demitroff <mark@buckhorn-gsi.com>
 To: <AppInfo@njpines.state.nj.us>
 Date: 8/5/2016 9:14 PM
 Subject: Attn: Mr. Horner -- Fwd: Application# 2016-0054.004
 Attachments: PC to MD Staus Report 08:03:16.pdf

Mr, Horner,

Thank you for your letter of August 3, 2016 clarifying why Application #20060054.004 was not posted on the Active Status Report until after review completion.

You state your reason for the Application #20060054.004's absence from the status report was that no one reviewed it until the application fee payment was received on June 24, 2016 and then Application #20060054.004 was ultimately placed on the Status report. But how long after payment receipt is the problem.

June 2, 2016 – PC receives Application #20060054.004.

On June 2, 2016, the application was received by the Commission staff. Because all of the required application fee information was not provided, our staff did not begin review of the application. Since our staff had not begun review of the application, this new application was not considered active and it was not posted to the Commission's website under "Active Public Development Applications."

June 24, 2016 – PC receives payment for Application #20060054.004.

On June 24, 2016, we received the required application fee information. After review of the submitted application fee information and the application, the application was posted to the Commission's website under "Active Public Development Applications."

July 22, 2016 – PC is finished review for Application #20060054.004. See my figure of a screen shot in my OPRA request below. Application #20060054.004 is missing from your active status report.

-----Original Message-----
 From: AppInfo [mailto:AppInfo@njpines.state.nj.us]
 Sent: Friday, July 22, 2016 3:26 PM
 Subject: Public Development Application # 20060054.004 is complete for public review

Application# 20060054.004 - Buena Vista Township Received on: 6/2/2016
 Project: 30 x 50 pole building
 Municipality: Buena Vista Township
 Block: 4527 Lot: 4
 Public Notice: Not Required
 This Public Development application is available for public review and is substantively complete. The final opportunity for oral public comment will occur at the 8/12/2016 Commission meeting. Written comments will be accepted until 5 p.m. that day or the close of the Commission meeting, whichever is later.

July 26, 2016 – PC posts Application #20060054.004 on its Active Status Report.

Have I misunderstood your Status report procedure? My understanding that the status of "development applications that are currently being by the Pinelands Commission" are posted "to help the public follow the progress of applications in which they are interested."

Status Reports

The links below provide information about development applications that are currently being processed by the Pinelands Commission. The information is intended to help the public follow the general progress of applications in which they are interested.

The Commission strives to provide the most accurate and up-to-date information about applications. Please note the scheduled update time for each report to better understand the best time to check for updates. Any changes made to the application status after the scheduled update time will not be reflected in the status report until the next scheduled update.

Thank you for verifying that Application #20060054.004 did not appear on the PC's Active Status Report until after the review was complete (July 26).

On June 24, 2016, we received the required application fee information. After review of the submitted application fee information and the application, the application was posted to the Commission's website under "Active Public Development Applications."

I, a resident of Richland, have interest in Application #20060054.004. Please explain how I was supposed to "follow the general progress of the application" when Application #20060054.004 was already complete for four days before its extant was even posted?

Yet again Richland redevelopment is given special treatment.

Sincerely,
Mark Demitroff

----- Forwarded Message -----
Subject: Application# 2016-0054.004
Date: Fri, 22 Jul 2016 15:42:59 -0400
From: Mark Demitroff <mark@buckhorn-gsi.com>
To: OPRA <opra@njpinelands.state.nj.us>

Dear Custodian,

Please provide under OPRA provisions a digital copy of Application# 2016-0054.004 - Buena Vista Township. Please expedite this request as I will not be permitted sufficient review time as required.

Application# 20060054.004 - Buena Vista Township Received on: 6/2/2016
Project: 30 x 50 pole building

Municipality: Buena Vista Township
Block: 4527 Lot: 4

As of 3:38 PM on Friday, July 22, the application has not even appeared as an Active Public Development Application.

Kind regards,
Mark Demitroff

Active Public Development Applications

Updated on 7/22/2016 3:38:49 AM

Application# 2003-0403.001 - NJ Department of Transportation
 Received on: 9/19/2003
 Project: Widening of Route 72 between Garden State Parkway and Route 539 - Westbound Emergency Evacuation Route
 Municipality: Barnegat Township
 Block: 99999 Lot: 99999 (application may include additional lots)
 Public Notice: Required - Not Yet Published

Application# 1987-1121.004 - Barnegat Township
 Received on: 4/28/2016
 Project: 1,475 linear feet of bike path, 10 feet in width, within the West Bay Avenue right-of-way
 Municipality: Barnegat Township
 Block: 99999 Lot: 99999 (application may include additional lots)
 Public Notice: Required - Not Yet Published

Application# 1986-1089.005 - Buena Borough Municipal Utilities Authority
 Received on: 7/30/2008
 Project: Sanitary Sewer Force Main, Pump Station, Effluent Disposable Facility (M00021717)
 Municipality: Buena Borough
 Block: 106 Lot: 6 (application may include additional lots)
 Public Notice: Required - Not Yet Published

Application# 2016-0001.001 - Buena Vista Township
 Received on: 1/5/2016
 Project: Two lot rezoning and the development of one single family dwelling
 Municipality: Buena Vista Township
 Block: 4502 Lot: 2 (application may include additional lots)
 Public Notice: Not Required
 This application is complete and the final opportunity for oral public comment will occur at the 8/12/2016 Commission meeting. Written comments will be accepted until 5 p.m. that day or the close of the Commission meeting, whichever is later.

Application# 2007-0304.001 - Dennis Township
 Received on: 8/24/2007
 Project: Chestnut Street Park Access Road and Parking
 Municipality: Dennis Township
 Block: 31 Lot: 13 (application may include additional lots)
 Public Notice: Required - Not Yet Published



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



Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

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

August 3, 2016

Mark Demitroff
822 Main Avenue
Vineland, NJ 08360

Re: Application # 2006-0054.004
Block 4527, Lot 4
Buena Vista Township

Dear Mr. Demitroff:

I am writing regarding your July 22, 2016 and July 24, 2016 emails requesting a copy of the above referenced application. By email dated July 26, 2016, we provided you with the requested information.

Your July 24, 2016 email asserts that because the concerned application did not appear on the Commission's website under "Applications/Status Reports/Active Public Development Applications," the Commission staff is concealing the application, devaluing public input on the application, fettering public opportunity to comment on the application and providing special treatment to Richland Village redevelopment.

This application proposes reconstruction of a previously existing 1,500 square foot retail store and no site improvements. The development proposed in this application is defined by the Commission's regulations as "minor" development. Our regulations do not require public notice for minor development.

On June 2, 2016, the application was received by the Commission staff. Because all of the required application fee information was not provided, our staff did not begin review of the application. Since our staff had not begun review of the application, this new application was not considered active and it was not posted to the Commission's website under "Active Public Development Applications."

On June 24, 2016, we received the required application fee information. After review of the submitted application fee information and the application, the application was posted to the Commission's website under "Active Public Development Applications."

The Commission will be accepting written public comment on this application until 5 PM on August 12, 2016 and oral comment on the application at the Commission's August 12, 2016 meeting.



If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. M. Horner', with a horizontal line extending to the right from the end of the signature.

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

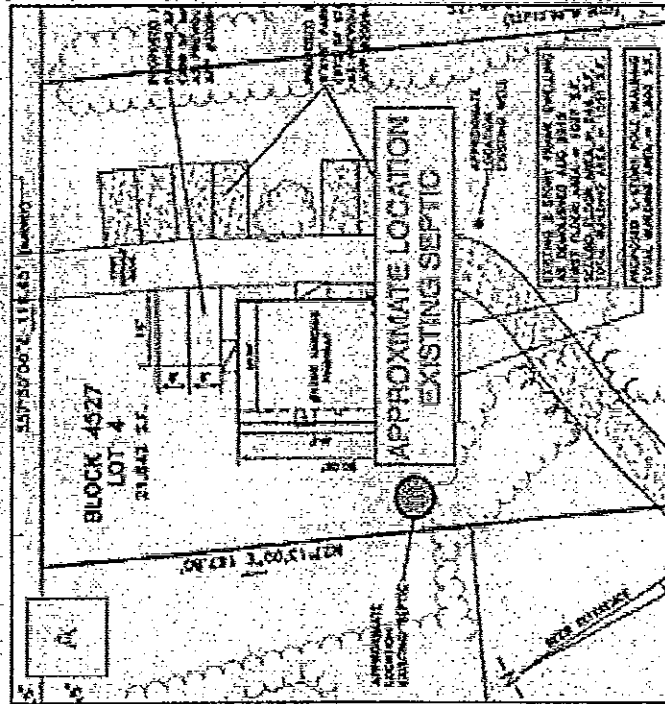
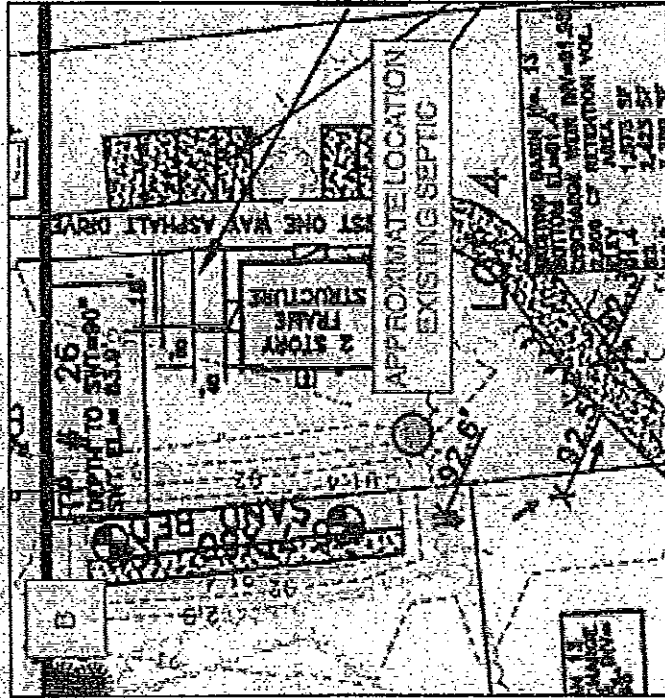
APP # 2006.0054.004
 Doc Type TDD

AUG 12 2016

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Earlier they approved the conversion of an old septic system into Stormwater Basin 13 in Application 2009.0089.001...

Can the Pinelands Commission approve Stormwater Basin 13 as a septic system in Application 2006.0054.004?



Application 2006-0054-004 - these two townships.
 received on 6/22/2016
 Project: Construction of 4,500 square foot commercial job shop
 Municipality: Bucks County Township
 Address: 4527 Lot 4 (Application may include additional fees)
 Public notice: Not Required
 This application is complete and the final opportunity for oral public comment will occur at the 8/12/2016 Commission meeting. Written comments will be accepted until 5 p.m. that day or the date of the Commission meeting, whichever is later.

Application 2009-0089-001 - Bucks and Pinelands
 received on 7/22/2016
 Project: Conversion of an old septic system into stormwater basin
 Municipality: Pinelands Township
 Address: 4527 Lot 4 (Application may include additional fees)
 Public notice: Not Required
 This application is complete and the final opportunity for oral public comment will occur at the 8/12/2016 Commission meeting. Written comments will be accepted until 5 p.m. that day or the date of the Commission meeting, whichever is later.

It is not surprising that the current Pinelands application did not appear on the Active Status Report until July 26, four days after its review was complete!

Additionally, we are no longer seeking credit for the 3,676 linear feet of vegetative conveyance as a non-structural method of addressing storm water runoff.

- 2) As noted in item one above, the calculations (pages 7 & 8) have demonstrated that the proper CN number for the railroad siding is 1.0.
- 3) Once technical items have been agreed upon, we will cause proper notifications to occur.
- 4) Once technical items have been agreed upon, we will cause proper notifications to occur.
- 5) Once technical items have been agreed upon, we will cause proper notifications to occur.
- 6) The plans have been revised to specify the use of Pineland grass grassed.



Paragraph regarding nonstructural stormwater management strategy standards:

While the site plan proposal does contain wooded areas and overland flow paths, we are not asking for credit towards nonstructural management strategies. The lands owned by the township are considered valuable assets for potential future development and uses other than preservation of wooded areas. Therefore, we are not seeking credit for providing nonstructural aspects to mitigating storm water runoff.

The property associated with APP # 2006-0054-004 is currently in violation since an earlier condition for its use required two deed restrictions, one for each stormwater basin, including the one (Stormwater Basin 13) associated with the current project.

Both the Pinelands Comprehensive Management Plan (CMP) and the Buena Vista Township land use ordinances provide that development be designed to meet the nonstructural stormwater management strategy standards of N.J.A.C. 7:8-5.3. These standards require that any land area used as a nonstructural stormwater management measure shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office, or equivalent restriction that ensures that measure is maintained in perpetuity. The proposed stormwater management plan for this development proposes to maintain 7.7 acres of the site as "indigenous woods" and proposes 3,676 linear feet of vegetative stormwater conveyance in order to meet this non-structural stormwater management strategies standard. However, based upon the information submitted to date, this application does not propose to protect this area in perpetuity, but instead proposes to place a notice within the parcel's deed which would state that any future development would require application to the Pinelands Commission. This proposed deed notice does not protect the wooded area in perpetuity. This application is therefore inconsistent with the non-structural stormwater management strategy protection standard of the CMP and the Buena Vista Township land use ordinance. This issue is potentially resolvable by proposing a method that would protect all proposed nonstructural stormwater management strategies in perpetuity.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 29

TITLE: Approving With Conditions an Amended Application for Public Development (Application Number 2003-0319.002)

Commissioner Bell moves and Commissioner Lohbauer seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Amended Public Development Application Report dated August 31, 2016 and the recommendation of the Executive Director that the following application for Public Development be approved with conditions:

2003-0319.002	
Applicant:	Waterford Township
Municipality:	Waterford Township
Management Area:	Pinelands Rural Development Area
Date of Report:	August 31, 2016
Proposed Development:	Construction of a 100 space parking lot.

WHEREAS, Application No. 2003-0319.002 was originally scheduled for consideration at the Commission's July 8, 2016 meeting; and

WHEREAS, on July 8, 2016, prior to the Commission meeting, the Commission staff received a written appeal of the Executive Director's recommendation to approve Application No. 2003-0319.002 with conditions; and

WHEREAS, by Commission letter dated August 2, 2016, the party appealing the Executive Director's recommendation was advised that the appeal had been denied because a demonstration of a particularized property interest sufficient to require a hearing on constitutional or statutory grounds had not been made; and

WHEREAS, the application was then rescheduled for consideration at the Commission's August 12, 2016 meeting; and

WHEREAS, by letter dated August 11, 2016, Waterford Township requested that the Public Development Application Report for Application No. 2003-0319.002 be amended to reflect that the proposed 100 space parking lot was not intended to provide overflow parking for a nearby privately owned commercial use, but was intended to provide parking for municipal purposes only; and

WHEREAS, the August 11, 2016 letter from Waterford Township further requested that App. No. 2003-0319.002 not be considered by the Commission at its August 12, 2016 meeting, but be carried to the Commission's September 9, 2016 meeting; and

WHEREAS, the Commission staff issued an Amended Public Development Application Report dated August 31, 2016 indicating that the proposed 100 space parking lot was intended to provide parking for municipal purposes only; and

WHEREAS, the public notices previously provided by the applicant for Application No. 2003-0319.002 describe the proposed development as a publicly owned and maintained overflow parking area; and

WHEREAS, the amendment to the application that the proposed 100 space parking lot is intended to provide parking for municipal purposes only does not significantly modify the proposed development from that described in the public notices previously completed for Application No. 2003-0319.002; and

WHEREAS, the applicant is not required to again provide public notice of the application because the prior public notices accurately describe the proposed development; and

WHEREAS, as provided for in the June 20, 2016 Public Development Application Report, the eighteen day period for filing an appeal of the Executive Director's recommendation to approve Application No. 2003-0319.002 with conditions expired on July 8, 2016; 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 2003-0319.002 for public development is hereby approved subject to the conditions recommended by the Executive Director.

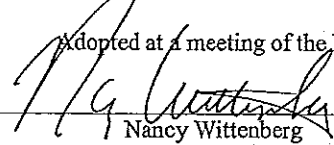
Record of Commission Votes

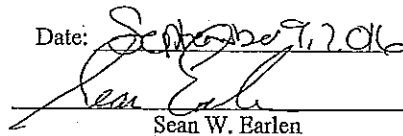
AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Ashmun			X	DiBello			X	McGlinchey			X
Avery	X			Galletta	X			Prickett	X		
Barr	X			Jannarone	X			Quinn			X
Brown			X	Lloyd	X			Rohan Green			X
Chila	X			Lohbauer	X			Earlen	X		

* A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: September 7, 2006


 Nancy Wittenberg
 Executive Director


 Sean W. Earlen
 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@npjines.state.nj.us
 Application Specific Information: AppInfo@npjines.state.nj.us

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

August 31, 2016

William A. Richardson, Mayor
 Waterford Township
 2131 Auburn Avenue
 Atco, NJ 08004

Re: Application # 2003-0319.002
 Block 5301, Lot 5
 Waterford Township

Dear Mayor Richardson:

Enclosed is a copy of an August 31, 2016 Amended Public Development Application Report for the proposed development of a 100 space parking lot on the above referenced parcel.

A Public Development Application Report was originally issued on June 20, 2016 for the proposed development. The June 20, 2016 Report indicated the proposed parking lot was intended to provide overflow parking for a nearby privately owned commercial use. The Township has requested that the application be amended to indicate that the proposed parking lot is intended to provide parking for municipal purposes only. The August 31, 2016 Report, page one, paragraph one, reflects this request.

On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its September 9, 2016 meeting.

As provided in the June 20, 2016 Report, the eighteen day period for filing an appeal of the Executive Director's recommendation to approve the application with conditions expired on July 8, 2016.

Prior to any development, the applicant shall obtain any other necessary permits and approvals.

Sincerely,

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

Encls: (6) 3/25/16 Public Comment
 3/25/16 Public Comment
 4/6/16 Public Comment



4/7/16 Public Comment

4/14/16 Public Comment

4/15/16 Public Comment

- c: Secretary, Waterford Township Planning Board w/encls.
- Waterford Township Construction Code Official w/encls.
- Waterford Township Environmental Commission w/encls.
- Secretary, Camden County Planning Board w/encls.
- Terrence H. Combs, LLA, PP w/encls.
- Frank Connuli, Sr. w/encls.
- Charlotte Connuli w/encls.
- Robert Trebour w/encls.
- Janice Skeens w/encls.
- Frankie Connuli, Jr. w/encls.
- Concerned Pinelands Citizens of Waterford Township w/encls.



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

Sean W. Earlen
Chairman

Nancy Wittenberg
Executive Director

AMENDED PUBLIC DEVELOPMENT APPLICATION REPORT

August 31, 2016

William A. Richardson, Mayor
Waterford Township
2131 Auburn Avenue
Atco, NJ 08004

Application No.: 2003-0319.002

Location: Jackson Road
Block 5301, Lot 5
Waterford Township

This application proposes construction of a 100 space parking lot located on the above referenced 6.78 acre parcel in Waterford Township. The applicant represents that the proposed parking lot is intended to provide parking for municipal purposes only. This application also proposes the removal of certain unspecified building foundations from 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. 7:50-5.26(b)11)

The proposed development is located in a Pinelands Rural Development Area. The proposed development is a permitted land use in a Pinelands Rural Development Area.

Wetlands Standards (N.J.A.C. 7:50-6.6, 6.7 & 6.14)

There are wetlands located on the parcel. The CMP prohibits most development in wetlands and requires up to a 300 foot buffer to wetlands unless it is demonstrated that a lesser buffer will not result in a significant adverse impact on wetlands. No development is proposed in wetlands. The applicant has demonstrated that the proposed 200 foot buffer to wetlands will not result in a significant adverse impact on wetlands.

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

The proposed development will be located within an oak-pine forested area. The proposed development will disturb approximately 1.4 acres of forested lands. 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. All disturbed areas, including the surface of the parking lot, will utilize a seed mixture which meets that recommendation.

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 CMP stormwater management standards. To meet the stormwater management standards, the applicant will be constructing a stormwater infiltration basin.

PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on March 23, 2016. Notice to required land owners within 200 feet of the above referenced parcel was completed on May 27, 2016. The application was designated as complete on the Commission's website on May 27, 2016. The Commission's public comment period closed on June 10, 2016. The Commission received six written public comments, all enclosed, regarding this application.

Public Comment One: The commenter is opposed to the proposed development. The commenter expressed concern with public safety and security in a neighborhood adjacent to the proposed parking lot and that the Commission should be protecting the Pinelands.

Staff Response: The CMP does not contain regulations addressing public safety and security that may be raised by the proposed parking lot. The commenter may wish to discuss such public safety and security issues with an appropriate municipal official.

The Commission's regulations encourage development in certain areas of the Pinelands and discourage development in other areas of the Pinelands. The parcel proposed for development is located in the Township's Rural Residential (RR) zoning district. Although primarily a residential zoning district, the Township's land use ordinance permits public buildings as a conditional land use in the Township's RR zoning district. The commenter may wish to discuss whether a public parking lot is a permitted land use in the Township's RR zoning district with an appropriate municipal official. The parcel is also located in a Pinelands Rural Development Area. A municipal parking lot is defined by the CMP as an "Institutional" use. The CMP permits "Institutional" uses in a Pinelands Rural Development Area.

All development, regardless of location, is required to meet the environmental standards of the CMP. The proposed parking lot meets the environmental standards of the CMP.

Public Comment Two: A letter/petition containing forty-three signatures was submitted to the Pinelands Commission opposing the proposed development. Summarized, the petition indicates that the purpose of the Township's application to the Commission for the parking lot is to allow the Township to erect a cellular communications tower on the parcel. The petition requests that the Commission deny the application because the Township cannot demonstrate an actual need to develop a parking lot for a commercial use (Atco Raceway) located across the street. The petition also indicates that tree removal has begun without Pinelands approval. The petition further indicates that local residents have suffered from noise from the raceway and will continue to suffer due to increased noise exacerbated by the proposed tree clearing and development.

Staff Response : To date, the Commission staff has not received an application for a cell tower on the parcel. The staff has discussed with a potential applicant the requirements to locate a cell tower on the parcel.

Based upon the regulations contained in the CMP, the Commission staff cannot make a determination regarding the need for the proposed parking lot. The petitioners may wish to discuss the need for the parking lot with an appropriate municipal official.

Based upon a Commission staff site inspection, no apparent tree clearing has occurred on the parcel subject of this application. The Commission staff is aware of tree clearing that occurred across Jackson Road from the proposed parking lot on a parcel (Block 5402, Lot 2) that is a part of the Atco Raceway. The owner of Block 5402, Lot 2 represented to the Commission staff that the clearing was for the establishment of a blueberry agricultural use. Clearing to establish an agricultural use does not require application to the Commission.

With respect to noise from the raceway, the CMP does not regulate noise.

Public Comment Three: The commenter is opposed to the proposed development. Summarized, the commenter expressed concern that the parcel is not zoned for commercial use and that the parcel is protected "open space" under the New Jersey Green Acres Program. The commenter also expressed concern that the animals and plants, including Pink lady slippers, will be displaced by the proposed parking lot. The commenter further indicated that development of the parking lot will result in the loss of a wind break, the loss of privacy, an increase in traffic, trash and a loss of trees resulting in an increase in noise from the Atco Raceway. The commenter is opposed to an asphalt parking lot and the associated vehicle parking and resulting vehicle fluid leaks that may contaminate the commenter's potable water well. Lastly the commenter indicated that the proposed stormwater infiltration basin could become a breeding ground for mosquitos and a danger to children in the neighborhood.

Staff Response: The parcel is located in the Township's Rural Residential (RR) zoning district. Although primarily a residential zoning district, public buildings are a permitted conditional use in the Township's RR zoning district. The commenter may wish

to discuss permitted land use in the Township's RR zoning district with an appropriate municipal official. The parcel is also located in a Pinelands Rural Development Area. A municipal parking lot is defined by the CMP as an "Institutional" use. The CMP permits "Institutional" uses in a Pinelands Rural Development Area.

The Commission staff received a May 24, 2016 letter from the New Jersey Department of Environmental Protection (NJDEP) Green Acres Program indicating that the parcel subject of this application is not encumbered by Green Acres Program restrictions.

The CMP requires that development be carried out in a manner which avoids wildlife habitat that is essential to the continued nesting, resting, breeding and feeding of significant populations of wildlife in the Pinelands. The proposed parking lot will not impact essential wildlife habitat. The Commission staff is not aware of threatened or endangered animal or plant species on the parcel. Pink lady slipper is not listed as a threatened or endangered plant species by the CMP (N.J.A.C. 7:50-6.27(a)).

The commenter expressed concerns regarding wind, privacy, traffic and noise. The Commission does not regulate these matters. The commenter may wish to discuss these matters with an appropriate municipal official.

The proposed stormwater infiltration basin meets the safety standards for stormwater management basins contained in the NJDEP stormwater management standards (N.J.A.C. 7:8-6.2). These NJDEP stormwater management standards are included in the CMP by cross reference. The Waterford Township land use ordinance and the CMP both require that the proposed stormwater basin be designed, constructed and maintained to completely drain within 72 hours after a storm event.

Public Comment Four: The commenter is opposed to the proposed development. Summarized, the commenter expressed concerns regarding traffic, trespassers from the adjacent raceway and the cutting down of trees and the resulting loss of wildlife habitat. The commenter also expressed concern that the proposed parking lot and stormwater infiltration basin will impact their land and wells. Lastly, the commenter expressed concern regarding a Township proposal to erect a cell tower on the parcel.

Staff Response: The Commission's regulations do not regulate traffic or trespassing. The commenter may wish to discuss traffic and trespassing concerns with an appropriate municipal official.

The CMP requires that development be carried out in a manner which avoids wildlife habitat that is essential to the continued nesting, resting, breeding and feeding of significant populations of wildlife in the Pinelands. The proposed parking lot will not impact essential wildlife habitat.

With respect to the concern that the proposed parking lot and stormwater infiltration basin will impact the commenter's land and well, please refer to the Commission staff's response to Comment Three.

Lastly, regarding the Township's proposal to locate a cell tower on the parcel, please see the Commission staff's response to Comment Two.

Public Comment Five : The commenter recommended that the Commission deny the application for the proposed parking lot because the parcel is mapped as wetlands by the NJDEP and there are protected endangered species on the parcel.

Staff Response: There are wetlands located on the parcel proposed for development. No development is proposed in wetlands and all proposed development will maintain a 200 buffer to wetlands. With respect to the presence of endangered species on the parcel, please see the Commission staff's response to Comment Three.

Public Comment Six: The commenter raised concerns regarding the parcel subject of this application being mapped as wetlands by NJDEP and the clearing of trees that occurred across Jackson Road from the proposed parking lot, adjacent to Atco Raceway. The commenter also expressed concerned with the loss of wildlife habitat for protected species.

Staff Response: With respect to wetlands, please see the Commission staff's response to Comment Five. With respect to tree clearing that occurred across Jackson Road from the proposed parking lot, please see the Commission staff's response to Comment Two. With respect to loss of wildlife habitat for protected species, please see the staff's response to Comment Three.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 6 sheets, prepared by Valore, LLC, all sheets dated March 15, 2016 and revised to August 11, 2016.
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 development, including clearing and land disturbance, shall be located at least 200 feet from wetlands.

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.

From: Janice Skeens <barngoddess01@gmail.com>
To: <appinfo@njpines.state.nj.us>
Date: 4/15/2016 6:28 PM
Subject: Waterford Twp parking lot/ cell tower application

Dear Jessica Patterson,

Thank you so much for taking the time to speak with me last week. According to the NJDEP Geoweb map that displays the Protected Wetlands, block 5301 lot 5 is included in the protected area. There have been several acres cleared by Atco Raceway and continuing to be cleared, that are also in the protected area. It is my understanding that there are several species that are also protected under Federal Law.

Is there a recent study, that includes the displacement of wildlife from the massive and continuing clearing adjacent to Atco Raceway, to determine the negative affect of the protected species and the surrounding habitat? Please let me know that you received this.

Have a great day!

Janice Skeens

<http://janice.vibrantscents.com/>

janiceskeens@mar <janiceskeens@marketingscents.com>ketingscents.com

From: mavstang <mavstang@comcast.net>
To: <ApplInfo@njpines.state.nj.us>
Date: 4/14/2016 1:59 PM
Subject: Re: Rhonda request for estimate of Application 2003-0319.002

Hello Rhonda,

The recent application submitted by ARH regarding the proposal of a parking lot and drainage facility located on Block 5301, lot 5 should be denied. The NJ Department of Environmental Protection (NJDEP.Geoweb) has in fact determined that this land is considered wetlands and has protected endangered species living in this habitat.

Thank You,
Charlotte Connuli

> On Apr 6, 2016, at 12:38 PM, mavstang <mavstang@comcast.net> wrote:
>
> Hi Rhonda,
>
> I am requesting an estimate for copies of Application from Waterford Twp to the Pineland Commission, The Plans, and the Storm Water Report and The Cover Letter form March 17th 2016. The file # is 2033-0319.002.
>
> Thank You,
>
> Charlotte Connuli
>
>

From: [REDACTED]
To: <APPINFO@NJPINES.STATE.NJ.US>
Date: 4/7/2016 12:24 PM
Subject: WATERFORD TWP

Dear Commissioners,

I am writing to you in hope that you will not approve the parking lot that the Twp Of Waterford has applied for. I believe the address is 985 Jackson Rd Waterford NJ.

This piece of property goes from Jackson Rd to Atsion Rd. This is a residential street already loaded with problems.

The residents on this street do not need anymore issues with traffic. That point be made, the cutting down of more trees is totally uncalled for. The track already cut down almost 60 acres of woods. Why on Earth put a parking lot on a residential street when the track has an open lot.

We all have wells out here and are scared that any parking lot/drainage pit will harm our land and wells. The type of cars that frequent the track are race cars and alot are cars that leak fluids that will drain into the parking lot and drainage ditch. Those fluids will penetrate the ground just a few feet away from our wells here. That will not be healthy for us or the wildlife here.

The town wants to also put up a Cell tower on this land, which is not wide enough to handle that type of tower. Any cell tower will also cause issues with the environment here. We love the animals and wooded life here. I do not understand how more trees could be torn down in this area to make way for a parking lot that will be overrun with pollutants, which could in turn damage our area, wildlife and our only source for drinking water.

In the past, I have had to go to the back of my wooded yard to get people from the track off my property. They were causing damage to my land with setting up tents, starting fires and such.

This is not an appropriate place to cut down our trees to make way for some parking that will cause more traffic, damage our land, contaminate our wells, dislocate more animals from their homes. There are hundreds of animals that were already displaced with the 60 acres across the street being cut down. Now more animals will lose there habitat.

The Pineland Commission is here to protect our forest. Please protect this piece of land. It is crucial that it be left alone. The 60 acres that was torn down across the street devastated wildlife. No more trees should come down for a senseless parking lot. This will endanger more animals being misplaced, issues with our wells and drinking water and more traffic.

I would appreciate you keeping my name quiet. You can read this email but please leave my name out of it.

From: mavstang <mavstang@comcast.net>
To: <AppInfo@njpinelands.state.nj.us>
Date: 4/6/2016 9:52 AM
Subject: Waterford Twp Block 5301, Lot 5

Dear Ronda,

I am responding to a notification that directly affects me, my family and community in a negative way. Waterford Twp has hired Adams Rehmann and Heggan to develop Block 5301, Lot 5 into a parking lot and drainage facility. Myself my family and community are opposed to this development because :

1. This land is not Zoned Commercial I believe It is Zoned for Open Air use Green Acres funded, recreational center /park. The most recent use of the land which was more than 20 years ago, was as a town baseball field. It has never been totally cleared only the area where the Baseball field was located was cleared. The Baseball field area has long since grown back as a thriving Pineland woods. This double plot of land is part of the original Pinelands that have been in this area for hundreds of years. Many plants (Pink Lady Slippers which are endangered) very old Pine, Oak, wild blueberries, ect. and animals deer, snakes, lizards, tree frogs birds, wild turkey, squirrels, Chipmunks ect. have been using this land for hundreds of years. This land is protected by the Pineland Commission and should be considered as a Pine Forrest and wet lands.
2. I do not want to lose the privacy that this Pineland provides between the homes.
3. I do not want to lose the wind brake it provides for my home.
4. I do not want more noise from Atco Raceway. This plot of land insulates/ buffers the noise from Atco raceway.
4. I do not want a parking lot that will bring more traffic (that will endanger the children in the neighborhood) noise and trash .
5. I do not want asphalt with automobiles parked on top of it next to my home. Automobiles leak toxic fluids, oil, transmission fluid, anti freeze ect. which will drain into the drainage facility and potentially contaminate my well.
6. I do not want a drainage facility this brings potential for children drowning to our neighborhood .
7. I do not want a drainage facility due to the fact it can potentially become a mosquito breeding ground. Mosquitos carry many diseases which we don't want. We already deal with tic born diseases that are ramped in this area. The township dose not treat any areas for these know disease carrying insects. I am sure they won't for mosquitos either.

Thank you for your consideration on these concerns,
Frank Connuli Sr. Charlotte Connuli Frankie Connuli Jr.

The New Jersey Pinelands Commission
March 25, 2016
Page 2

Finally, the Township has not and cannot establish a need or reason to place a cell tower in the middle of a large wooded area, when the Dragway or other nearby existing and developed sites can provide a much more suitable location, and will not require any drainage facility, nor disturb the soil, nor effect groundwater percolation.

WE URGE THE PINELAND COMMISSION TO HELP PROTECT OUR COMMUNITY FROM NEEDLESS DEVELOPMENT AND UNJUSTIFIED DISTURBANCE TO OUR NEIGHBORHOOD FOREST. WE BELIEVE THAT THE TOWNSHIP OF WATERFORD MUST BE REQUIRED TO FOLLOW THE SAME RULES AND REGULATIONS THAT WE MUST FOLLOW.

Thank you.

Very truly yours,

Concerned Pinelands Citizens Of Waterford Township

(Name and Signature)

[Signature]

[Signature]

[Signature]

Timothy McBride

Mark McBride

Mark McBride

[Signature]

[Signature]

Kevin Treboor

Kevin Treboor

Martha Kien

MARTHA KIEN

APR 8 2016

The New Jersey Pinelands Commission
March 25, 2016
Page 3

(Name and Signature)

Robert C. Tubon

Ben Tubon Jr

Kami Tubon

Ronald Tubon

Jose Tubon

Leonor Chew

APR 8 2016

The New Jersey Pinelands Commission
March 25, 2016
Page 2

Finally, the Township has not and cannot establish a need or reason to place a cell tower in the middle of a large wooded area, when the Dragway or other nearby existing and developed sites can provide a much more suitable location, and will not require any drainage facility, nor disturb the soil, nor effect groundwater percolation.

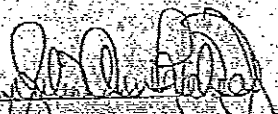

WE URGE THE PINELAND COMMISSION TO HELP PROTECT OUR COMMUNITY FROM NEEDLESS DEVELOPMENT AND UNJUSTIFIED DISTURBANCE TO OUR NEIGHBORHOOD FOREST. WE BELIEVE THAT THE TOWNSHIP OF WATERFORD MUST BE REQUIRED TO FOLLOW THE SAME RULES AND REGULATIONS THAT WE MUST FOLLOW.



Thank you.


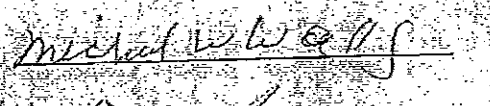
Very truly yours,


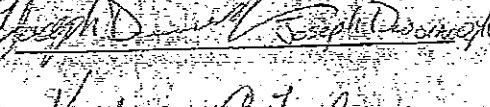
Concerned Pinelands Citizens Of Waterford Township

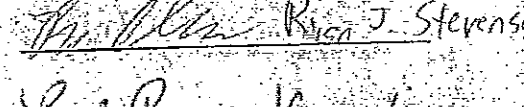
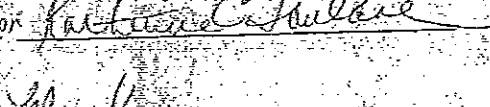
(Name and Signature)

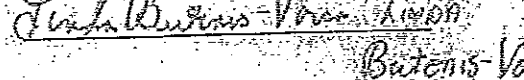
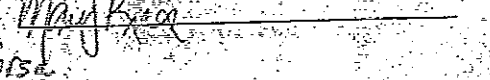
JULIA ANGLER  Paul Fleming 

Bill Nelson  Ed Campbell 

Jeanie Nelson  Michael W. Wall 

John H. DeGuzman  Joseph D. ... 

Rosa J. Stevenson  Katherine C. ... 

Linda Butenis-Vors  Wendy ... 

Butenis-Vors

APR 8 2016

The New Jersey Pinelands Commission
March 25, 2016
Page 2

Finally, the Township has not and cannot establish a need or reason to place a cell tower in the middle of a large wooded area, when the Dragway or other nearby existing and developed sites can provide a much more suitable location, and will not require any drainage facility, nor disturb the soil, nor effect groundwater percolation.

WE URGE THE PINELAND COMMISSION TO HELP PROTECT OUR COMMUNITY FROM NEEDLESS DEVELOPMENT AND UNJUSTIFIED DISTURBANCE TO OUR NEIGHBORHOOD FOREST. WE BELIEVE THAT THE TOWNSHIP OF WATERFORD MUST BE REQUIRED TO FOLLOW THE SAME RULES AND REGULATIONS THAT WE MUST FOLLOW.

Thank you.

Very truly yours,

Concerned Pinelands Citizens Of Waterford Township

(Name and Signature)

Traci Taglienti
Charlotte Connelli
Charlotta Bonaldi

Traci Taglienti
Charlotta Bonaldi

Frank Connelli
Lawrence Day
Lawrence Day

Frank Connelli
Lawrence Day

Michael J. Arner

Michael J. Arner

Denise E. Arner

Denise E. Arner

Township of Waterford

Communication from Office of the Mayor ~

Residents who live within 200' of a Township owned property located off of Jackson Road have received a letter from Adams, Rehman and Heggan regarding Notice of Public Development Application. It has come to our attention that this letter has spurred many incorrect assumptions on several non-township facebook pages.

For clarification purposes, the letter sent to these residents is NOT regarding a large parcel of land owned by the raceway that was cleared last summer. That parcel of land, to the best of the Township's knowledge, is still being planned for the planting of blueberries.

The letter received by the residents is for a small piece of Township owned land across from the raceway, that the Township has entered into an agreement to have a cellular communication tower constructed on. This tower will enhance emergency and cellular communications in an area that is notorious for spotty coverage at best.

Should you have any questions, please contact our Township Administrator, Susan Danson or our Zoning Official Ed Toussaint at 856.768.2300.

arh *adams, rehman & heggan*
 architects, inc.
 1000 N. 10th St.
 Suite 100
 York, PA 17404
 Phone: 717.333.1111
 Fax: 717.333.1112

March 1, 2016

CAROLAN PROPERTY
 1000 N. 10th St.
 York, PA 17404
 717.333.1111

Re: **Public Development Application**
 General Contract for the Construction of a Cellular Communication Tower
 (Site: 1000 N. 10th St., York, PA 17404)
 Applicant: Carolan Property, LLC
 1000 N. 10th St.
 York, PA 17404

PROPERTY SURVEY

The following is a copy of the Public Development Application (PDA) submitted to the Township of Waterford for the proposed construction of a Cellular Communication Tower on the property located at 1000 N. 10th St., York, PA 17404. The property is owned by Carolan Property, LLC. The PDA is being submitted to the Township of Waterford for review and approval. The PDA includes a site plan, a description of the proposed tower, and a list of the proposed tower's features. The PDA is being submitted to the Township of Waterford for review and approval. The PDA includes a site plan, a description of the proposed tower, and a list of the proposed tower's features.

Ed Toussaint
 Zoning Official
 1000 N. 10th St.
 York, PA 17404
 717.333.1111

EXHIBIT "B"

ARH
ENGINEERS
SURVEYORS
PLANNERS

adams, rehmann & heggan
associates, inc.

March 23, 2016

CERTIFIED RETURN RECEIPT

Debra L. Shaw-Blomings, CMR, Clerk
Township of Waterford
2131 Auburn Avenue
Aves, NJ 08004-1900

Re: Notice of Public Development Application
Planned Overflow Parking Lot and Stormwater Management Facility
Block 5901, Lot 5 - 985 Jackson Road
(Pinelands Rural Development Management Area)
Waterford Township, Camden County
ARH #30-51474

TO WHOM IT MAY CONCERN:

This letter is to provide you with legal notification that the Township of Waterford has applied to the New Jersey Pinelands Commission for approval of an Application for Public Development. The proposed public development is to authorize the construction of a publicly owned and maintained overflow parking area and associated drainage facility, as well as legitimize previous demolition activities on Block 5901, Lot 5. This property is wooded and known as 985 Jackson Road, situated approximately ±750' E of Tremont Avenue.

The application is on file and available for inspection by appointment at the Pinelands Commission Office. Interested persons may comment to The Pinelands Commission within ten (10) days of the date of this Notice. Comments may be sent via the following:

Mail: The Pinelands Commission
PO Box 559
New Lisbon, New Jersey 08064
E-Mail: AppInfo@pinelands.state.nj.us

FAX: (609) 894-7531

Any person who provides comments or requests a copy of the Executive Director's Findings and Conclusions shall be provided a copy of said Findings and Conclusions. Any interested person who is aggrieved by said determination is entitled to a Hearing by appealing the determination.

This Notice is sent to you as an Owner of property within two hundred feet (200') of the subject property.

Agent For Applicant:

Adams, Rehmann & Heggan Associates, Inc.
850 South White Horse Pike
PO Box 579
Hammonton, New Jersey 08037-2019

www.arh-us.com
850 south white horse pike, po box 579, hammonton, nj 08037-2019 - tel 609.561.0482 - fax 609.567.8909
www.arh-us.com

EXHIBIT "A"

(Name and Signature)

JUNEANN K SMITH

Juneann K Smith

Deborah J Miller

JACK CASABELLA

Deborah J. Miller

Deborah J Miller

Justine Maxford

Justine A. Maxford

The New Jersey Pinelands Commission
March 25, 2016
Page 2

Finally, the Township has not and cannot establish a need or reason to place a cell tower in the middle of a large wooded area, when the Dragway or other nearby existing and developed sites can provide a much more suitable location, and will not require any drainage facility, nor disturb the soil, nor effect groundwater percolation.

WE URGE THE PINELAND COMMISSION TO HELP PROTECT OUR COMMUNITY FROM NEEDLESS DEVELOPMENT AND UNJUSTIFIED DISTURBANCE TO OUR NEIGHBORHOOD FOREST. WE BELIEVE THAT THE TOWNSHIP OF WATERFORD MUST BE REQUIRED TO FOLLOW THE SAME RULES AND REGULATIONS THAT WE MUST FOLLOW.

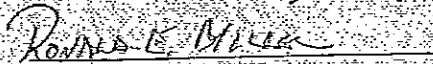
Thank you.

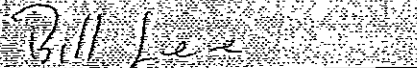
Very truly yours,

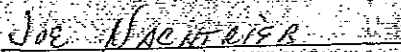
Concerned Pinelands Citizens Of Waterford Township

(Name and Signature)

Jess J. Miller 

Ronald E. Miller 

Bill Lee 

Joe MacFarlane 

Daniel B. Coleman 

George J. Smith 



Wilbur Chey 

Joe MacFarlane 

DANIEL B. COLEMAN 



APP# 20030319.002
Doc Typ: 100

APR 8 2016

**CONCERNED PINELANDS CITIZENS
OF WATERFORD TOWNSHIP**

1045 Atston Road
Atco, New Jersey 08004

March 25, 2016

New Jersey Pinelands Commission
P.O. Box 359
New Lisbon, New Jersey 08064

Re: Township Of Waterford "Application For Public Development" Pertaining To
A "Planned Overflow Parking Lot And Stormwater Management Facility";
985 Jackson Road; Block 5301, Lot 1 (Waterford Township Tax Map)

Dear Pinelands Commission Members And Staff:

The undersigned are residents, property owners and/or interested parties in Waterford Township. Recently, we were notified that Waterford Township is seeking Pinelands Commission approval to create an "overflow parking lot" and a "drainage facility" on wooded land located across Jackson Road from the Atco Dragway property. [See Exhibit "A"]. We have been informed that the parking lot and drainage basin will require extensive tree removal and soil disturbance in what has always been a forest area.

However, after further inquiry, we have been told that the ACTUAL reason for the Township's application is to allow the Township to erect a commercial cellular communications tower (for which the Township had already begun tree removal without Pinelands approval). This information was confirmed in a letter from the Office Of Township Mayor Bill Richardson. [See, attached Exhibit "B"].

We are now asking the Pineland's Commission to DENY the Township's Application, as it obviously is a phony pretense that contradicts the intent and purpose of the Pinelands Comprehensive Management Plan. The Township has not, and cannot demonstrate an actual need to create a parking lot for commercial users of the Atco Dragway. On the very few occasions each year when existing parking at the Dragway might be insufficient, Dragway patrons have utilized the cleared right-of-way under the adjacent high tension lines, or have otherwise used existing parking areas located throughout the Township. Furthermore, as you are aware, local residents have suffered and will continue to suffer from greatly increased noise caused by massive tree clear-cutting that has occurred at properties near the Dragway.

From: Robert Trebour <flip_eight@yahoo.com>
To: <AppInfo@njpinelands.state.nj.us>
Date: 3/25/2016 3:48 AM
Subject: Waterford Township letter concerning parking lot on 985 Jackson Rd

To whom it may concern, I live on Atsion Rd and wanted to express my displeasure with the proposed application for a parking lot being built for the Atco Raceway as I understand it. A few years back we basically had people from the ghetto parading up and down our street on Atsion Rd off of Tremont which was incredibly unnerving. Also, we have just had a series of our resident's garages broken into and I believe that these are the people that the raceway attracts and we do not need that close to us. I believe the Pinelands Commission would never have allowed anything like this to take place five or ten years ago and your agency is too quick to sell the "protected" pinelands. The commission, while once being associated with restriction of development, is now known as a pinelands auction for industry purposes. I understand compatible development but removing more small pockets of land all of a sudden is not what that is.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 30

TITLE: Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1996-1374.001)

Commissioner Avery 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:

1996-1374.001
 Applicant: Karen Mandel
 Municipality: Manchester Township
 Management Area: Pinelands Regional Growth Area
 Date of Report: August 19, 2016
 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 1996-1374.001 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	AR*		AYE	NAY	NP	AR*		AYE	NAY	NP	AR*
Ashmun			X		DiBello			X		McGlinchey			X	
Avery	X				Galletta	X				Prickett	X			
Barr	X				Jannarone	X				Quinn			X	
Brown			X		Lloyd	X				Rohan Green			X	
Chila	X				Lohbauer	X				Earlen	X			

* A = Abstained / R = Recused

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

Date: September 9, 2016
Sean W. Earlen
Sean W. Earlen
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

Sean W. Earlen
 Chairman

Nancy Wittenberg
 Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

August 19, 2016

Karen Mandel
 PO Box 109
 Lakewood, NJ 08701

Re: Application # 1996-1374.001
 Block 63.03, Lots 1, 11 & 22
 Manchester Township

Dear Ms. Mandel:

The Commission staff has completed its review of this application for a Waiver of Strict Compliance ("Waiver") proposing the development of a 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 September 9, 2016 meeting.

FINDINGS OF FACT

This application is for the development of a single family dwelling served by an alternate design onsite wastewater treatment system on the above referenced 0.8 acre parcel in Manchester Township. The parcel is located in a Pinelands Regional Growth Area and in Manchester Township's PR-15 zoning district. In this zoning district, Manchester Township's certified land use ordinance establishes a minimum lot size of one acre for a single family dwelling that is served by an alternate design onsite wastewater treatment system.

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

As no Commission accepted alternate design onsite wastewater treatment system will meet the two parts per million average nitrogen concentration in the groundwater at the property line of the 0.8 acre parcel, the applicant is requesting a Waiver from the groundwater quality (septic dilution) requirements contained in N.J.A.C. 7:50-6.84(a)5iv.

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the entire contiguous parcel. The certified Manchester Township land use ordinance (Section 245-32 A.9 (d)) provides that an application



for residential development not served by a centralized wastewater treatment plant on lots between 20,000 square feet and one acre in size in the PR-15 zoning district may be constructed without the necessity of a municipal lot size or density variance, provided a waiver of strict compliance is granted by the Pinelands Commission. Based upon this Township land use ordinance provision, the development of a single family dwelling on the parcel does not require a lot area or residential density variance. 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 groundwater quality 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 May 10, 2016. Newspaper public notice was completed on May 13, 2016. The application was designated as complete on the Commission's website on June 10, 2016. The Commission's public comment period closed on August 12, 2016. Two written public comments (attached) were received by the Commission regarding this application.

Written Public Comments 1 and 2: Both commenters expressed concern regarding the effects of land development in general and the impact of the proposed dwelling and septic system dwelling proposed in this application on groundwater quality. Specifically, the commenters are concerned with the proximity of the proposed septic system to their existing potable water wells.

Staff Response:

The Commission staff appreciates both commenters interest in the Pinelands. The applicant has demonstrated that the proposed dwelling meets the minimum land use and environmental requirements of the CMP to qualify for a Waiver. The Commission's Waiver regulations are designed to provide all property owners with at least a minimum beneficial use of a parcel consistent with constitutional requirements.

The Ocean County Health Department administers regulations that specify the minimum distance between a proposed septic system and an existing potable water well.

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 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 only for a Waiver from the groundwater quality standard contained in N.J.A.C. 7:50-6. The applicant is proposing to develop a single family dwelling served by an alternate design onsite wastewater treatment system on a 0.8 acre (34,848 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 application meets the condition 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 application meets the condition 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 condition 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 ordinance have been certified by the Pinelands Commission. Manchester Township's master plan and land use ordinance have been certified by the Pinelands Commission. The certified land use ordinance does not require a municipal lot area or density variance. As a result, the applicant meets the condition 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, 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 condition 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).

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

N.J.A.C. 7:50-4.62(d).ii requires the acquisition and redemption of any Pinelands Development Credits (PDCs) that are required pursuant to N.J.A.C. 7:50-5.27, 5.28, or 5.32. The CMP (N.J.A.C. 7:50-5.28(a)4) requires that any local approval, including variances, 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 has been approved by the Commission. Based upon the certified Manchester Township land use ordinance (Section 245-32 A.9 (d)), the development

of a single family dwelling on the parcel does not require a lot area or residential density variance provided a Commission Waiver is approved.

N.J.A.C. 7:50-4.62(d)1.iii requires the acquisition and redemption of 0.25 PDCs whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. In accordance with the CMP (N.J.A.C. 7:50-4.62(d)1.iii), a condition is included to require the purchase and redemption of a total of 0.25 PDC's.

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.

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. The septic system must be located in an area where the seasonal high water table is at least five feet below the natural ground surface.
2. The proposed dwelling must utilize an alternate design onsite wastewater treatment system authorized pursuant to the CMP on a 1.0 acre lot and approved for use by the Pinelands Commission and the New Jersey Department of Environmental Protection.
3. 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.
4. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, a recorded copy of a deed consolidating Block 63.03, Lots 1, 11 and 22 into one lot must be submitted to the Pinelands Commission.
5. 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.
6. This Waiver shall expire September 9, 2021 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 September 9, 2021 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
7. Prior to Commission issuance of a letter advising that any municipal or county permit or approval 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 also state that the conditions are enforceable by the Pinelands Commission, Manchester Township, the Ocean County Health Department and any other party of interest.

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

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.

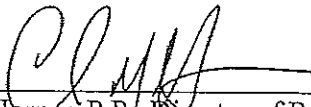
APPEAL

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 and received at the Commission's office not later than 5:00 PM on September 6, 2016 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

Enclosures (2) 5/16/16 Public comment
5/17/16 Public comment

- c: Secretary, Manchester Township Planning Board (via email)
Manchester Township Construction Code Official (via email)
Manchester Township Environmental Commission (via email)
Secretary, Ocean County Planning Board (via email)
Ocean County Health Department (via email)
Alan Krupnick (via email)
John Pressey
Kevin and Susan Steinard
Betsy Piner

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May 17, 2016

Pinelands Commission
 PO Box 359
 New Lisbon, NJ 08064

Re: Pinelands Application No. 1996-1374.001

To: The Pinelands Commission

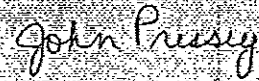
This letter is in reference to a Waiver of Strict Compliance submitted by Karen Mandel.

We have well water and object to building on this property next to ours as it is very close to our well and does not meet the standard of one acre.

Our area has increasingly seen development. Recently Renaissance and River Pointe developments have been built and currently new townhouses are to be built.

Please keep our water quality and land preservation in mind on this undersized lot.

Sincerely,



John Pressey
 3164 Ridgeway Blvd.
 Manchester, NJ 08759

Kevin and Susan Steinar
17 Second Lane
Manchester, NJ 08759

APP # 19961374.001
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May 16, 2017



To: The Pinelands Commission

Re: Application # 1996-1374.001

I have received a letter stating the intention of Karen Mandel to request a Waiver of Strict Compliance from the Pinelands Commission. The waiver is requested on Block 63.03 lots 1, 11 and 22.

The property for which the waiver is requested is located adjacent to our home. It is composed of three undersized lots, which even combined together do not meet the Pinelands standard of one acre.

In addition, the lots form an L-shape which would make it necessary to place the well and septic system very close to our property or that of our neighbors. This is a cause for concern for the water quality of the existing homes which depend on wells for our water supply.

The area is becoming more and more developed each year. Renaissance, a large development, is located about 1.5 miles from our home. River Pointe, another development is about 1 mile in another direction. A new townhouse complex is currently being constructed about 2 miles from this property.

Having been born and raised in the Pine Barrens, I appreciated the need for management of new development and the importance of your commission in that endeavor. Please consider the preservation of our water and land when making the decision to allow construction on an undersized lot in an area that is already seeing such a large amount of development in an area under your protection.

Thank you for your consideration in this matter.

Sincerely,

Kevin Steinar
Susan Steinar