



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 17

**TITLE:** Approving With Conditions an Application for Public Development and Certificate of Appropriateness (Application Number 2012-0129.001)

Commissioner Avery moves and Commissioner Lehbauer seconds the motion that:

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

**2012-0129.001**

<b>Applicant:</b>	Ocean County Department of Parks and Recreation
<b>Municipality:</b>	Barnegat Township
<b>Management Area:</b>	Pinelands Forest Area
<b>Date of Report:</b>	April 22, 2016
<b>Proposed Development:</b>	Establishment of a public education center in an existing building and the development of a single family dwelling (caretaker's residence).

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 2012-0129.001 for public development with accompanying Certificate of Appropriateness 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: May 12, 2016

Nancy Wittenberg  
Executive Director

Sean W. Earlen  
Chairman



State of New Jersey  
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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

April 22, 2016

Joseph A. Pirozek  
 Ocean County Department of Parks and Recreation  
 1198 Bandon Road  
 Toms River, NJ 08753

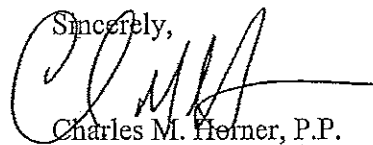
Re: Application # 2012-0129.001  
 Block 51, Lots 1 & 4.02  
 Barnegat Township

Dear Mr. Pirozek:

The Commission staff has completed its review of this application for the change of use of an existing building, last utilized as a single family dwelling, to a public education center, site improvements and the development of a single family dwelling (caretaker's residence). Enclosed is a copy of a Public Development Application Report and a Certificate of Appropriateness. A Certificate of Appropriateness is required whenever proposed development involves a significant historic resource. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its May 12, 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. Hermer, P.P.  
 Director of Regulatory Programs

- Enc: Appeal Procedure  
 c: Secretary, Barnegat Township Planning Board (via email)  
 Barnegat Township Construction Code Official (via email)  
 Barnegat Township Environmental Commission (via email)  
 Secretary, Ocean County Planning Board (via email)  
 Ocean County Health Department (via email)  
 Kristopher Kyrzton  
 Annabelle Radcliffe-Trenner





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Sean W. Earlen  
 Chairman  
 Nancy Wittenberg  
 Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT  
 AND CERTIFICATE OF APPROPRIATENESS**

April 22, 2016

Joseph A. Pirozek  
 Ocean County Department of Parks and Recreation  
 1198 Bandon Road  
 Toms River, NJ 08753

Application No.: 2012-0129.001

Location: Old Cedar Bridge Road  
 Block 51, Lots 1 & 4.02  
 Barnegat Township

This application proposes the change of use of an existing building, last utilized as a single family dwelling, to a public education center, site improvements and the development of a single family dwelling (caretaker's residence) on the above referenced 20.64 acre parcel in Barnegat Township. All development is limited to five acre Block 51, Lot 4.02.

The existing building, last utilized as a single family dwelling, is the historic Cedar Bridge Tavern. The Cedar Bridge Tavern was constructed in 1775.

**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. 7:50-5.23(b)15)**

The 20.64 acre parcel is located in a Pinelands Forest Area. The Cedar Bridge Tavern is located on Block 51, Lot 4.02 and is surrounded on all sides by Bass River State Forest. The applicant has secured a Special Use Permit from the New Jersey Department of Environmental Protection (NJDEP) to utilize certain lands within Bass River State Forest located adjacent to Cedar Bridge Tavern for parking, archaeological research and public interpretive uses. The Special Use Permit is an interim document that will be superseded upon execution of a Memorandum of Agreement (MOA) between Ocean County and the NJDEP. The MOA will formalize the County's use of lands within Bass River State Forest. As an accessory use to the 29,147 acre Bass River State Forest, the change of use of the Cedar Bridge Tavern to a public education center is a permitted land use in a Pinelands Forest Area.

The CMP (N.J.A.C. 7:50-5.23(d)) requires that the lot area for a proposed nonresidential use served by an onsite septic system be determined based upon the area necessary to meet the groundwater quality (septic dilution) standard, with a minimum lot size of one acre. The proposed public education center to be served by an onsite septic system requires a minimum lot size of one acre.

The proposed single family dwelling (caretaker's residence) will be located in Barnegat Township's Pinelands Forest (PF) zoning district. The Township's PF zoning district requires a residential density of one dwelling per 17 acres. To maintain consistency with the residential density standard in the Township's PF zoning district, the applicant proposes to deed restrict a minimum of 13 acres of non-contiguous Block 51, Lot 1 pursuant to Barnegat Township's residential density transfer provision.

#### Water Quality (N.J.A.C. 7-50-6.84 (a) 4ii)

There is an existing onsite waste water disposal system on Block 51, Lot 4.02. The CMP (N.J.A.C. 7:50-4.1(a)10) provides that the repair or replacement of an existing onsite waste water disposal system does not require application to the Commission. The applicant proposes to replace the existing onsite waste water disposal system. The proposed development will be served by the replacement onsite waste water disposal system. The applicant has demonstrated that the proposed development will be consistent with the CMP groundwater quality (septic dilution) standard.

#### Wetlands Standards (N.J.A.C. 7:50-6.14)

There are wetlands located within 300 feet of Block 51, Lot 4.02. There is an existing garage on the lot that was accessory to the former use of the Cedar Bridge Tavern as a dwelling. The garage is located 30 feet from wetlands and the existing Cedar Bridge Tavern is located 90 feet from wetlands. All proposed development will be located within an existing cleared area on Block 51, Lot 4.02. Other than a portion of a proposed five foot wide sidewalk located approximately 20 feet from wetlands, the proposed development will be located no closer to wetlands than existing development.

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

The proposed development will be located within maintained grassed and disturbed areas. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development.

The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes to utilize grass species which meet 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 proposes a stone infiltration trench under and along the proposed sidewalks.

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

The Cedar Bridge Tavern is a Pinelands designated historic resource of significance based upon its listing on the New Jersey and National Registers of Historic Places (N.J.A.C. 7:50-6.154(a)). A cultural

resource survey was prepared for the application. The submitted cultural resource survey identified significant historic resources on the Cedar Bridge Tavern lot. Specifically, the survey identified four areas that contained archeological deposits. The four concerned areas will be disturbed by the proposed development.

The cultural resource standards of the CMP (N.J.A.C. 7:50-6.156(a)2 and 4) require that a Certificate of Appropriateness be issued by the Pinelands Commission when development proposed by a county agency will involve a Pinelands designated significant historic resource. The standards for a Certificate of Appropriateness (N.J.A.C. 7:50-6.156(c)) identify the treatment that will be required for a resource from among the following three alternatives:

- preservation of the resource in place, if possible;
- preservation of the resource at another location, if preservation in place is not possible; or
- recordation.

The Commission staff has determined that recordation is the appropriate treatment for the archeological deposits associated with the Cedar Bridge Tavern. The CMP (N.J.A.C. 7:50-6.156(c)3.iii.) specifies that the proposed recordation must conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. The applicant has completed the field work portion of the required recordation and submitted an end of field work report to the Commission. The applicant proposes to submit the final recordation report to the Commission by August 19, 2016.

The CMP (N.J.A.C. 7:50-6.156(c)3i.) also requires that the design of the interior and exterior of the proposed single family dwelling (caretaker's residence) conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. Prior to development of the proposed single family dwelling (caretaker's residence), the design of the exterior and interior of the dwelling must be approved by the Pinelands Commission and the New Jersey State Historic Preservation Office (SHPO).

The CMP (N.J.A.C. 7:50-6.156(c)3i.) further requires that any proposed renovations to the interior or exterior of the Cedar Bridge Tavern conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. The design of any proposed renovations to the exterior and interior of the Cedar Bridge Tavern must be approved by the Pinelands Commission and the SHPO.

### PUBLIC COMMENT

The applicant has provided the requisite public notices. Newspaper public notice was completed on November 12, 2015. The application was designated as complete on the Commission's website on March 29, 2016. The Commission's public comment period closed on April 8, 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 seven sheets, prepared by T& M Associates, all sheets dated November 18, 2014 and revised to November 18, 2015.
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. Prior to development of the single family dwelling (caretaker's residence), a copy of the recorded deed (or stamped, receipted deed filed for recordation) containing the requisite residential density transfer deed restriction for Block 51, Lot 4.02 (Tract One) and Block 51, Lot 1 (Tract Two) must be submitted to the Commission.
6. The proposed development shall be located no closer to wetlands than depicted on the above referenced plan.
7. As required by the CMP (N.J.A.C. 7:50-6.156(c)3iii.), the final recordation report for the four areas on the Cedar Bridge Tavern lot containing archeological deposits shall conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation and be submitted to the Commission by August 19, 2016.
8. As required by the CMP (N.J.A.C. 7:50-6.156(c)3i.), the design of the exterior and interior of the proposed single family dwelling (caretaker's residence) shall conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation and shall be approved by the Commission and the SHPO prior to development of the dwelling.
9. As required by the CMP (N.J.A.C. 7:50-6.156(c)3i.), the design of any proposed renovations to the interior or exterior of the Cedar Bridge Tavern shall conform to the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation and shall be approved by the Commission and SHPO prior to any proposed renovations.

#### 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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Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

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

Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

**PINELANDS COMMISSION**  
**APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of the Executive Director's determination and must include the following information:

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

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



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-16- 10

**TITLE:** Approving With Conditions an Application for Public Development (Application Number 1988-0706.019)

Commissioner Lohbauer moves and Commissioner McGlinchey seconds the motion that:

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

1988-0706.019

<b>Applicant:</b>	Town of Hammonton
<b>Municipality:</b>	Town of Hammonton
<b>Management Area:</b>	Pinelands Town
<b>Date of Report:</b>	April 21, 2016
<b>Proposed Development:</b>	Establishment of a recreational dog park use.

WHEREAS, the clearing of understory vegetation from a 2.69 acre portion of the parcel proposed for the dog park use occurred prior to the completion of an application with the Commission and constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan; and

WHEREAS, the completion of this application is intended to address this violation; and

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1988-0706.019 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			R	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: May 12, 2016

Nancy Wittenberg  
Executive Director

Sean W. Earlen  
Chairman





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Chris Christie  
 Governor

Kim Guadagno  
 Lt. Governor

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

Sean W. Earlen  
 Chairman

Nancy Wittenberg  
 Executive Director

April 21, 2016

Jerome Barberio, Administrator  
 Town of Hammonton  
 100 Central Avenue  
 Hammonton, NJ 08037

Re: Application # 1988-0706.019  
 Block 4204, Lots 15-17  
 Town of Hammonton

Dear Mr. Barberio:

The Commission staff has completed its review of this application for establishment of a recreational dog park use on a 2.69 acre portion of 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 May 12, 2016 meeting.

**The clearing of understory vegetation from a 2.69 acre portion of the parcel proposed for the recreational dog park use occurred prior to the completion of an application with the Commission. This constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan. Completion of this application is intended to address that violation.**

Any interested party may appeal this recommendation in accordance with the appeal procedure attached to this document. If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

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

Sincerely,

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

- Enc: Appeal Procedure  
 c: Secretary, Town of Hammonton Planning Board (via email)  
 Town of Hammonton Construction Code Official (via email)  
 Town of Hammonton Environmental Commission (via email)  
 Atlantic County Department of Regional Planning and Development (via email)  
 John Helbig, PP, AICP





Chris Christie  
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Sean W. Earlen  
Chairman

Nancy Wittenberg  
Executive Director

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

## PUBLIC DEVELOPMENT APPLICATION REPORT

April 21, 2016

Jerome Barberio, Administrator  
Town of Hammonton  
100 Central Avenue  
Hammonton, NJ 08037

Application No.: 1988-0706.019

Location: Boyer Avenue Recreation Complex  
Block 4204, Lots 15-17  
Town of Hammonton

This application proposes establishment of a recreational dog park use on a 2.69 acre portion of the above referenced 97 acre parcel in the Town of Hammonton. The Boyer Avenue Recreation Complex and the Town of Hammonton wastewater infiltration facility are located on the parcel.

This application also proposes the installation of 2,680 linear feet of fencing and the clearing of the understory vegetation within the proposed recreational dog park.

The clearing of the understory vegetation from the proposed 2.69 acre recreational dog park occurred prior to the completion of an application with the Commission. This constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan (CMP). Completion of this application is intended to address that violation.

### 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)

The parcel is located in the Pinelands Town of Hammonton. The proposed recreational dog park is a permitted land use in a Pinelands Town.

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

The proposed use will be located within a forested area. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed use.

This application does not propose revegetation.

### PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on June 16, 2015. Newspaper public notice was completed on June 24, 2015. The application was designated as complete on the Commission's website on March 29, 2016. The Commission's public comment period closed on April 8, 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 prepared by Adams, Rehmann & Heggan Associates, Inc. and dated April 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.

### CONCLUSION

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



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

## State of New Jersey

THE PINELANDS COMMISSION

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Sean W. Earlen  
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Application Specific Information: [AppInfo@njpines.state.nj.us](mailto:AppInfo@njpines.state.nj.us)

### PINELANDS COMMISSION APPEAL PROCEDURE

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of the Executive Director's determination and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
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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.