



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-25- 22

TITLE: Approving With Conditions an Application for Public Development (Application Number 1984-1339.033)

Commissioner Pikolycky moves and Commissioner Irick 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:

1984-1339.033
Applicant: Egg Harbor Township
Municipality: Egg Harbor Township
Management Area: Pinelands Regional Growth Area
Date of Report: July 15, 2025
Proposed Development: Construction of a 64 space paved parking lot at Shires Park.

WHEREAS, no request for a hearing before the Office of Administrative Law regarding 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 the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 1984-1339.033 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

Table with 4 columns of headers (AYE, NAY, NP, A/R\*) and 10 rows of member names and their corresponding votes.

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission Date: August 8, 2025

Signatures of Susan R. Grogan (Executive Director) and Laura E. Matos (Chair)



PHILIP D. MURPHY  
Governor  
TAHESHA L. WAY  
Lt. Governor

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



LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

July 15, 2025

Thomas D'Intino (via email)  
Egg Harbor Township  
3515 Bargaintown Road  
Egg Harbor Township NJ 08234

Re: Application # 1984-1339.033  
Block 1602, Lot 103  
Egg Harbor Township

Dear Mr. D'Intino:

The Commission staff has completed its review of this application for the construction of a 64 space paved parking lot at Shires Park. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 8, 2025 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, Egg Harbor Township Planning Board (via email)  
Egg Harbor Township Construction Code Official (via email)  
Egg Harbor Township Environmental Commission (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Robert Watkins (via email)



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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

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

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

July 15, 2025

Thomas D'Intino (via email)  
Egg Harbor Township  
3515 Bargaintown Road  
Egg Harbor Township NJ 08234

Application No.: 1984-1339.033  
Block 1602, Lot 103  
Egg Harbor Township

This application proposes the construction of a 64 space paved parking lot accessory to Shires Park, a community recreational park, on the above referenced 6.47 acre parcel in Egg Harbor Township.

### **REGULATIONS**

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

#### **Land Use (N.J.A.C. 7:50-5.28)**

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

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

The proposed development will be located within a wooded area. The proposed development will disturb approximately 1.19 acres of wooded 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. To stabilize disturbed areas, the applicant proposes to utilize grass species which meet that recommendation.

### Threatened and Endangered Species Regulations (N.J.A.C. 7:50-6.27 & 6.33)

The parcel is located in proximity to a known Northern long-eared bat maternity roost area. A maternity roost area is where female Northern long-eared bats gather to give birth and raise their young. The CMP designates Northern long-eared bat as an endangered animal species. The CMP requires that all development be designed to avoid irreversible adverse impacts on habitats that are critical to the survival of any threatened or endangered animal species.

The Commission staff consulted with the United States Fish and Wildlife Service and the New Jersey Department of Environmental Protection to determine the measures necessary to protect critical habitat for Northern long-eared bat. In order to be consistent with the CMP's threatened and endangered animal species protection regulation, tree clearing within one mile of a Northern long-eared bat maternity roost area is prohibited between April 1<sup>st</sup> and September 30<sup>th</sup> of any year. A condition to that effect is included in this report.

### Stormwater Management Regulations (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 regulations. To meet the stormwater management regulations, the application proposes to construct a stormwater infiltration basin.

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

The Commission staff reviewed available information to determine the potential for any significant cultural resources that could be affected by the proposed development. Based on the lack of potential for significant cultural resources within the area to be developed, a cultural resource survey was not required.

## **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 May 1, 2025. Newspaper public notice was completed on May 6, 2025. The application was designated as complete on the Commission's website on June 5, 2025. The Commission's public comment period closed on July 11, 2025. 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 ten sheets, prepared by Mott Watkins Associates, LLC and dated as follows:  
  
 Sheets 1, 5, 6, 9 & 10 - March 14, 2025  
 Sheets 2-4, 7 & 8 - March 14, 2025; revised to May 1, 2025
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" regulations 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. No tree clearing shall occur on the parcel between April 1st and September 30th of any year.

### **CONCLUSION**

As the proposed development conforms to the regulations 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.



PHILIP D. MURPHY  
Governor  
TAHESHA L. WAY  
Lt. Governor

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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

### **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 by the Commission's office no later than 5:00 PM on August 4, 2025 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-25- 23

TITLE: Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1988-0589.001)

Commissioner Buzby-Cope moves and Commissioner Lohbauer 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:

1988-0589.001
Applicant: Mary Barry
Municipality: Hamilton Township
Management Area: Pinelands Regional Growth Area
Date of Report: July 15, 2025
Proposed Development: Single family dwelling.

WHEREAS, no request for a hearing before the Office of Administrative Law regarding 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 the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 1988-0589.001 for a Waiver of Strict Compliance is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

Table with 4 groups of columns: AYE, NAY, NP, A/R\*. Each group contains 5 rows of member names and their corresponding votes (X for Aye, empty for Nay, NP, or A/R\*).

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: August 8, 2025

Susan R. Grogan
Executive Director

Laura E. Matos
Chair



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PHILIP D. MURPHY  
Governor  
TAHESHA L. WAY  
Lt. Governor

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

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

July 15, 2025

Mary Barry (via email)  
PO Box 725  
Mays Landing NJ 08330

Re: Application # 1988-0589.001  
Block 795, Lots 1 & 2  
Hamilton Township

Dear Ms. Barry:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 8, 2025 meeting.

This application is for the development of one single family dwelling serviced by public sanitary sewer on the above referenced 1.21 acre (52,707 square foot) parcel. The parcel is located in a Pinelands Regional Growth Area and in Hamilton Township's R-22 zoning district. In this zoning district, Hamilton Township's land use ordinance, certified by the Commission, permits a residential density of two dwellings per acre and requires a minimum lot size of 20,000 square feet for a single family dwelling when serviced by public sanitary sewer.

The appropriate resource capability maps and other information available to the Commission staff have been reviewed.

The Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-6.14) requires that the development proposed in this application maintain a 300 foot buffer to wetlands unless the applicant demonstrates that a lesser buffer to wetlands will not result in a significant adverse impact on wetlands. There are wetlands as defined in the CMP (N.J.A.C. 7:50-6.5(a)1 & 2) located within 300 feet of this parcel. Any development of the parcel would be located within 300 feet of these wetlands. The applicant has submitted no information to demonstrate that the proposed development will not cause a significant adverse impact on wetlands. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetlands. As there will be a significant adverse impact on wetlands located within 300 feet of the proposed development, the application requires a Waiver from the buffer to wetlands standard contained in the CMP (N.J.A.C. 7:50-6.14).



The CMP (N.J.A.C. 7:50-4.65(b)6) requires that to qualify for a Waiver to develop a single family dwelling in a Pinelands Regional Growth Area, it must be demonstrated that no development, including clearing and land disturbance, will be located on wetlands. The buffer to wetlands for the proposed single family dwelling will range in width from approximately 155 feet to approximately 214 feet. No development, including clearing and land disturbance, will be located on wetlands.

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 development of a single family dwelling on the parcel will not require any lot area or residential density variances pursuant to Hamilton Township's certified land use ordinance. The development of a single family dwelling on the parcel will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP. The proposed single family dwelling will not result in a substantial impairment of the resources of the Pinelands Area as required by the CMP (N.J.A.C. 7:50-4.65(b)).

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

### **PUBLIC COMMENT**

The applicant has provided the requisite public notices. Public notice to all property owners within 200 feet of the parcel was completed on September 5, 2024. Newspaper public notice was completed on September 10, 2024. The application was designated as complete on the Commission's website on June 23, 2025. The Commission's public comment period closed on July 11, 2025.

No public comments were submitted to the Commission regarding this application.

### **CONCLUSION**

The CMP (N.J.A.C. 7:50-4.62) sets forth the standards which must be met before a Waiver can be approved. The CMP (N.J.A.C. 7:50-4.62(a)) requires that for a Waiver application to be approved based on extraordinary hardship, it must be demonstrated 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 application to qualify for an extraordinary hardship pursuant to that subsection.

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain specified development. One of the specified types of development is a single family dwelling on a parcel within a Pinelands Regional Growth Area which will be serviced by a centralized wastewater treatment system (public sanitary sewer). This application is for a Waiver from the buffer to wetlands standard contained in N.J.A.C. 7:50-6. The application proposes to develop a single family dwelling serviced by public sanitary sewer on a 1.21 acre (52,707 square foot) parcel located in a Pinelands Regional Growth Area. As a result, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1iv.

The second condition is that the parcel includes all contiguous land in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous

lands. Since the parcel includes all such contiguous land as required by this condition, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)2.

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

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinance have been certified by the Pinelands Commission. Hamilton Township's master plan and land use ordinance have been certified by the Pinelands Commission. In the Township's R-22 zoning district, Hamilton Township's certified land use ordinance establishes a residential density of two dwellings per acre and a minimum lot size of 20,000 square feet to develop a single family dwelling serviced by public sanitary sewer. This application proposes to develop a single family dwelling serviced by public sanitary sewer on a 1.21 acre (52,707 square foot) parcel. No municipal lot area or density variance is required to develop the proposed single family dwelling. As a result, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

The fifth condition is that the development of the parcel will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which permits a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not result in a substantial impairment of the resources of the Pinelands Area. The CMP (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 application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)5.

Since the application meets all five conditions set forth in N.J.A.C. 7:50-4.63(a), it has been demonstrated that an extraordinary hardship exists pursuant to N.J.A.C. 7:50-4.62(a).

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

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

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

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

Waiver from the minimum buffer to wetlands standard (N.J.A.C. 7:50-6.14), a condition is included in this Report to require the applicant to acquire and redeem the requisite 0.25 PDCs.

To meet the requirements of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65, the Pinelands Commission staff has determined that the parcel must be developed in accordance with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan prepared by Schaeffer, Nassar & Scheidegg Consulting Engineers, dated April 8, 2025 and last revised June 9, 2025.
2. 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.
3. To maintain the required variable width buffer to wetlands that ranges from approximately 155 feet to approximately 214 feet, all development, including clearing and land disturbance, shall be located within the limits of the proposed development envelope delineated on the plot plan referenced in condition 1. above.
4. The driveway shall be constructed of crushed stone or other permeable material.
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 (PDC) Bank indicating that the requisite 0.25 PDCs have been acquired and submitted to the PDC Bank for redemption.
6. Drywells, pervious pavement, small scale infiltration basin(s) or comparable alternative measures designed in accordance with the New Jersey Department of Environmental Protection, Best Management Practice Manual shall be installed to retain and infiltrate stormwater runoff generated from the total roof area of the single family dwelling by a 10-year, 24-hour storm.
7. 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 the two lots subject of this Waiver application, Block 795, Lots 1 and 2, into one lot must be submitted to the Pinelands Commission.
8. This Waiver shall expire August 8, 2030 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 August 8, 2030 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
9. Prior to issuance of a Pinelands Commission Certificate of Filing, 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 July 15, 2025 Pinelands Commission Report on an Application for a Waiver of Strict Compliance for Application No. 1988-0589.001. The deed shall also specify that the conditions are enforceable by the Pinelands Commission, Hamilton Township, the Atlantic County Division of Public Health and any other party of interest.

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

Since the application 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.

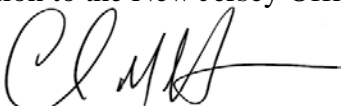
### **APPEAL**

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 by the Commission's office no later than 5:00 PM on August 4, 2025 and include the following information:

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

If no appeal is received, the Pinelands Commission may either approve the determination of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

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

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

- c: Secretary, Hamilton Township Planning Board (via email)  
Hamilton Township Construction Code Official (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Guy Tunney (via email)



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-25- 24

TITLE: Approving With Conditions an Application for Public Development (Application Number 1986-1408.014)

Commissioner Asselta moves and Commissioner Mauriello 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:

1986-1408.014
Applicant: Woodbine Borough
Municipality: Borough of Woodbine
Management Area: Pinelands Town
Date of Report: July 17, 2025
Proposed Development: Three lot re-subdivision and no further development .

WHEREAS, no request for a hearing before the Office of Administrative Law regarding 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 the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Number 1986-1408.014 for public development is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

Table with 16 columns (AYE, NAY, NP, A/R\* repeated 4 times) and 6 rows of member votes.

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission Date: August 8, 2025

Signatures of Susan R. Grogan (Executive Director) and Laura E. Matos (Chair)



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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

July 17, 2025

William Pikolcyky, Mayor  
Woodbine Borough (via email)  
501 Washington Ave.  
Woodbine NJ 08270

Re: Application # 1986-1408.014  
Block 65, Lots 1 - 3  
Borough of Woodbine

Dear Mayor Pikolycky:

The Commission staff has completed its review of this application for a three lot re-subdivision and no further development of the above referenced 4.32 acre parcel in the Borough of Woodbine. 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 August 8, 2025 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, Borough of Woodbine Planning Board (via email)  
Borough of Woodbine Construction Code Official (via email)  
Secretary, Cape May County Planning Board (via email)  
Cape May County Health Department (via email)  
Bruce Graham (via email)



PHILIP D. MURPHY  
Governor  
TAHESHA L. WAY  
Lt. Governor

State of New Jersey  
THE PINELANDS COMMISSION  
PO Box 359  
NEW LISBON, NJ 08064  
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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Executive Director

General Information: [Info@pinelands.nj.gov](mailto:Info@pinelands.nj.gov)  
Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

July 17, 2025

William Pikolczyk, Mayor  
Woodbine Borough (via email)  
501 Washington Ave.  
Woodbine NJ 08270

Application No.: 1986-1408.014  
Block 65, Lots 1-3  
Borough of Woodbine

This application proposes a three lot re-subdivision and no further development of the above referenced 4.32 acre parcel in the Borough of Woodbine. The Borough of Woodbine's potable water treatment facility is located on existing Block 65, Lots 2 and 3.

The parcel is located within the Borough of Woodbine's DL/IM zoning district which permits principal uses on lots containing at least 1.0 acre. The applicant has indicated that the proposed re-subdivision is to create three lots which conform to the minimum lot size requirements of the Commission certified (approved) Borough of Woodbine land use ordinance. This application proposes a 1.8 acre lot containing the existing potable water treatment plant, a vacant 1.18 acre lot and a vacant 1.34 acre lot.

There is a stone permeable cap located on existing Block 65, Lot 1. The stone permeable cap was installed to remediate existing soil and groundwater contamination on the lot. The soil and groundwater contamination resulted from a former manufacturing use on the lot. The New Jersey Department of Environmental Protection (NJDEP), Licensed Site Remediation Professional determined that installation of a stone permeable cap over the contaminated area(s) on the lot was the appropriate remedial treatment because the existing contaminants within the groundwater were unlikely to be mobilized by infiltration and impact groundwater. The stone permeable cap also provided a direct contact barrier from the impacted soils. The installation of the stone permeable cap to remediate soil and groundwater contamination on the parcel did not require completion of an application with the Commission in accordance with the terms of the 1994 Memorandum of Agreement between the Pinelands Commission and the NJDEP.

During the staff's review of this application, it appeared that a commercial business was utilizing the existing stone permeable cap, associated with existing onsite soil and groundwater contamination, as a parking area for vehicles. The applicant indicated that the concerned use of the existing permeable stone cap as a parking area has ceased and that three remaining commercial vehicles which are currently located on the parcel will be removed by September 1, 2025.

## **REGULATIONS**

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

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

The parcel is located within the Pinelands Town of Woodbine. The proposed re-subdivision is permitted in a Pinelands Town Management Area.

### **Water Quality Regulation (N.J.A.C. 7:50-6.83)**

The existing potable water treatment facility is serviced by an existing on-site septic system. The existing on-site septic system does not reduce the level of nitrogen in the wastewater.

The Borough of Woodbine land use ordinance and the CMP provide that proposed development serviced by an on-site septic system must be located on a parcel of sufficient size to meet the 2 ppm nitrogen groundwater quality (septic dilution) regulation. The existing potable water treatment facility requires 2.31 acres to meet the groundwater quality (septic dilution) regulation. This application proposes to locate the existing potable water treatment facility on a 1.8 acre lot.

To maintain consistency with the groundwater quality (septic dilution) regulation, the applicant proposes to deed restrict 0.512 vacant contiguous acres of the proposed 1.18 acre lot. The deed restriction will prohibit the development of the 0.512 acres until the existing potable water treatment plant is either serviced by an alternate design septic system or connected to public sanitary sewer. The proposed development is consistent with the CMP water quality regulation.

## **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 June 4, 2025. The Commission’s public comment period closed on July 11, 2025. No public comment was submitted to the Commission regarding this application.

## **CONDITIONS**

1. The proposed re-subdivision shall adhere to the plan, consisting of one sheet, prepared by Van Note-Harvey and dated May 6, 2025. This application is for the proposed three lot re-subdivision only.
2. Any other proposed development of the above referenced parcel requires completion of an application with the Commission and shall be governed by the Borough of Woodbine's certified land use ordinance and the CMP.
3. Within 60 days of any Commission approval of this application, a copy of a recorded deed restriction for 0.512 acres of the proposed 1.18 acre vacant lot must be submitted to the Commission. The deed must contain a restriction which prohibits any development on the 0.512 acre portion of the proposed 1.18 acre vacant lot until the existing potable water



treatment plant on the proposed 1.8 acre lot is either serviced by an alternate design septic system that reduces the level of nitrogen in the wastewater on the 1.8 acre lot to 2 ppm or connected to public sanitary sewer.

4. All commercial vehicles shall be removed from the parcel by September 1, 2025.

### **CONCLUSION**

As the proposed re-subdivision 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 re-subdivision subject to the above conditions.



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## **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 by the Commission's office no later than 5:00 PM on August 4, 2025 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.