



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-14- 01

**TITLE:** Approving With Conditions Applications for Public Development (Application Numbers 1981-1833.070, 1983-6262.006, 1986-0119.021, 2010-0047.004 & 2013-0032.001)

Commissioner Galle He moves and Commissioner Enlen seconds the motion that:

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

**App. No. 1981-1833.070 Applicant: The Richard Stockton College of New Jersey**

Municipality: Galloway Township  
Management Area: Regional Growth Area and Rural Development Area  
Proposed Development: Improvements to two courtyards (Date of Report: December 19, 2013);

**App. No. 1983-6262.006 Applicant: Buena Vista Township**

Municipality: Buena Vista Township  
Management Area: Rural Development Area and Pinelands Village  
Proposed Development: Improvements to an existing municipal recreation park (Date of Report: December 20, 2013);

**App. No. 1986-0119.021 Applicant: Wireless EDGE Westchester Group, LLC on behalf of South Jersey Transportation Authority**

Municipality: Hamilton Township  
Management Area: Forest Area and Rural Development Area  
Proposed Development: Replacement of an existing 300 foot high local communications tower (Date of Report: December 19, 2013);

**App. No. 2010-0047.004 Applicant: Egg Harbor City**

Municipality: Egg Harbor City  
Management Area: Pinelands Town  
Proposed Development: Installation of 1,155 linear feet of sidewalk along Diesterweg Street between Buffalo and Philadelphia Avenues (Date of Report: December 19, 2013); and

**App. No. 2013-0032.001 Applicant: Hamilton Township**

Municipality: Hamilton Township  
Management Area: Regional Growth Area  
Proposed Development: Improvements to approximately 100 linear feet of Grand Avenue (Date of Report: December 19, 2013).

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

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for each of the proposed developments; and

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

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

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

**App. No. 1981-1833.070 Applicant: The Richard Stockton College of New Jersey**

Municipality: Galloway Township  
 Management Area: Regional Growth Area and Rural Development Area  
 Proposed Development: Improvements to two courtyards (Date of Report: December 19, 2013);

**App. No. 1983-6262.006 Applicant: Buena Vista Township**

Municipality: Buena Vista Township  
 Management Area: Rural Development Area and Pinelands Village  
 Proposed Development: Improvements to an existing municipal recreation park (Date of Report: December 20, 2013);

**App. No. 1986-0119.021 Applicant: Wireless EDGE Westchester Group, LLC on behalf of South Jersey Transportation Authority**

Municipality: Hamilton Township  
 Management Area: Forest Area and Rural Development Area  
 Proposed Development: Replacement of an existing 300 foot high local communications tower (Date of Report: December 19, 2013);

**App. No. 2010-0047.004 Applicant: Egg Harbor City**

Municipality: Egg Harbor City  
 Management Area: Pinelands Town  
 Proposed Development: Installation of 1,155 linear feet of sidewalk along Diesterweg Street between Buffalo and Philadelphia Avenues (Date of Report: December 19, 2013); and

**App. No. 2013-0032.001 Applicant: Hamilton Township**

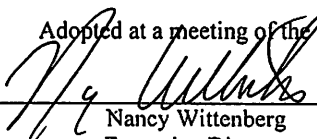
Municipality: Hamilton Township  
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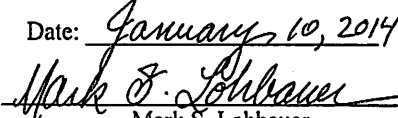
**Record of Commission Votes**

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

Adopted at a meeting of the Pinelands Commission

Date: January 10, 2014

  
 Nancy Wittenberg  
 Executive Director

  
 Mark S. Lohbauer  
 Chairman



State of New Jersey  
 THE PINELANDS COMMISSION  
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 NEW LISBON, NJ 08064  
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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

Mark S. Lohbauer  
 Chairman

Nancy Wittenberg  
 Executive Director

December 19, 2013

Charles West, Director of Facilities  
 The Richard Stockton College of New Jersey  
 Office of Facilities Planning and Construction  
 101 Vera King Farris Drive, Building 70  
 Pomona, NJ 08240

Re: Application # 1981-1833.070  
 Block 875.04, Lots 1.01 - 1.08  
 Galloway Township

Dear Mr. West:

The Commission staff has completed its review of this application for improvements to two courtyards located between existing buildings. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 10, 2014 meeting.

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

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

Sincerely

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

- Enc: Appeal Procedure  
 c: Secretary, Galloway Township Planning Board (via email)  
 Galloway Township Construction Code Official (via email)  
 Galloway Township Environmental Commission (via email)  
 Atlantic County Department of Regional Planning and Development (via email)  
 Jason Sciuillo





# State of New Jersey

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

Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

## PUBLIC DEVELOPMENT APPLICATION REPORT

December 19, 2013

Charles West, Director of Facilities  
The Richard Stockton College of New Jersey  
Office of Facilities Planning and Construction  
101 Vera King Farris Drive, Building 70  
Pomona, NJ 08240

Application No.: 1981-1833.070

Location: Block 875.04, Lots 1.01 - 1.08  
Galloway Township

This application proposes improvements to two courtyards located between existing buildings on the above referenced 1,586 acre parcel in Galloway Township. The Richard Stockton College is located on the parcel. The parcel is located partially in a Pinelands Regional Growth Area (983 acres) and partially in a Pinelands Rural Development Area (603 acres). All proposed development is located in a Pinelands Regional Growth Area.

On September 10, 2012, the Pinelands Commission approved a "Facilities Master Plan, The Richard Stockton College of New Jersey," dated April 2010. The Master Plan designated ten "development areas," totaling 586 acres, where future development is proposed to occur. The Master Plan also designated 1,000 acres as "preserved areas." The development proposed in this application will be located in an area that was designated in the Master Plan as a "development area."

The development subject of this application was constructed prior to the completion of an application with the Pinelands Commission. This application is to resolve that violation. There are other existing violations on the parcel. Applications have been filed with the Commission to address all of the remaining violations on the parcel.

### STANDARDS

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

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

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



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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.



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December 19, 2013

Charles West, Director of Facilities  
The Richard Stockton College of New Jersey  
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101 Vera King Farris Drive, Building 70  
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Re: Application # 1981-1833.070  
Block 875.04, Lots 1.01 - 1.08  
Galloway Township

Dear Mr. West:

The Commission staff has completed its review of this application for improvements to two courtyards located between existing buildings. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 10, 2014 meeting.

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

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

Sincerely

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

- Enc: Appeal Procedure
- c: Secretary, Galloway Township Planning Board (via email)
- Galloway Township Construction Code Official (via email)
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- Atlantic County Department of Regional Planning and Development (via email)
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**PUBLIC DEVELOPMENT APPLICATION REPORT**

December 19, 2013

Charles West, Director of Facilities  
 The Richard Stockton College of New Jersey  
 Office of Facilities Planning and Construction  
 101 Vera King Farris Drive, Building 70  
 Pomona, NJ 08240

Application No.: 1981-1833.070

Location: Block 875.04, Lots 1.01 - 1.08  
 Galloway Township

This application proposes improvements to two courtyards located between existing buildings on the above referenced 1,586 acre parcel in Galloway Township. The Richard Stockton College is located on the parcel. The parcel is located partially in a Pinelands Regional Growth Area (983 acres) and partially in a Pinelands Rural Development Area (603 acres). All proposed development is located in a Pinelands Regional Growth Area.

On September 10, 2012, the Pinelands Commission approved a "Facilities Master Plan, The Richard Stockton College of New Jersey," dated April 2010. The Master Plan designated ten "development areas," totaling 586 acres, where future development is proposed to occur. The Master Plan also designated 1,000 acres as "preserved areas." The development proposed in this application will be located in an area that was designated in the Master Plan as a "development area."

The development subject of this application was constructed prior to the completion of an application with the Pinelands Commission. This application is to resolve that violation. There are other existing violations on the parcel. Applications have been filed with the Commission to address all of the remaining violations on the parcel.

**STANDARDS**

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

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

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

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

There are wetlands located on the above referenced parcel. Based upon the location of existing development, the proposed development 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 is located within existing developed areas and maintained grassed areas. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

**PUBLIC COMMENT**

The CMP defines the proposed development as "minor." The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission's website on November 20, 2013. The Commission's public comment period closed on December 13, 2013. No public comments regarding this application were submitted to the Pinelands Commission.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, prepared by Marathon Engineering & Environmental Services, Inc., dated October 21, 2013 and revised to October 31, 2013.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

**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

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Mark S. Lohbauer  
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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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Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

December 20, 2013

Sue A. Barber, Mayor  
Buena Vista Township  
890 Harding Highway  
Buena, NJ 08310

Re: Application # 1983-6262.006  
Block 1501, Lots 49 & 50  
Buena Vista Township

Dear Mayor Barber:

The Commission staff has completed its review of this application for improvements to an existing municipal recreation park. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 10, 2014 meeting.

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

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

Sincerely

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

Enc: Appeal Procedure

c: Secretary, Buena Vista Township Planning Board (via email)  
Buena Vista Township Construction Code Official (via email)  
Buena Vista Township Environmental Commission (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Bob Smith, P.E., Remington, Vernick & Walberg Engineers





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Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

December 20, 2013

Sue A. Barber, Mayor  
Buena Vista Township  
890 Harding Highway  
Buena, NJ 08310

Application No.: 1983-6262.006

Location: Block 1501, Lots 49 & 50  
Buena Vista Township

This application proposes the construction of two tennis courts and a 1,175 square foot playground on the above referenced 22.83 acre parcel in Buena Vista Township.

This application also proposes the following development that occurred on the parcel without application to the Commission: a 4,305 square foot addition to an existing community center building, a 10,559 square foot parking lot, a 10,833 square foot parking lot and a 2,120 linear foot, 6 foot wide, paved walking path. This application addresses and resolves that violation.

### **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 and 7:50-5.27)**

The parcel is located partially in a Pinelands Rural Development Area (11.53 acres) and partially in the Pinelands Village of Newtonville (11.3 acres). The proposed development is a permitted land use in a Rural Development Area and a Pinelands Village.

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

The proposed development will be located on existing maintained grassed area. The proposed soil disturbance is limited to that which will accommodate the proposed development.

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

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

The existing and proposed development will be served by an existing septic system. The applicant has demonstrated that the proposed development will meet the CMP groundwater quality (septic dilution) standard.

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**

This applicant has provided the requisite public notices. Public notice to required land owners within 200 feet of the above referenced parcel was completed on August 13, 2013. Newspaper public notice was completed on August 17, 2013. The application was designated as complete on the Commission's website on December 2, 2013. The Commission's public comment period closed on December 13, 2013. No public comments regarding this application were submitted to the Pinelands Commission.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of two sheets, prepared by Remington, Vernick & Walberg Engineers, both sheets dated August 13, 2013.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

**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

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Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

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Chairman

Nancy Wittenberg  
Executive Director

December 19, 2013

John Arthur  
Wireless EDGE Westchester Group, LLC  
270 North Avenue, Suite 809  
New Rochelle, NY 10801

Re: Application # 1986-0119.021  
Atlantic City Expressway  
Frank S. Farley Plaza  
Block 5000, Lot 3  
Hamilton Township

Dear Mr. Arthur:

The Commission staff has completed its review of this application for the replacement of an existing 300 foot high local communications tower and associated site improvements. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 10, 2014 meeting.

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

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

Sincerely

Charles M. Horner, P.P.

Director of Regulatory Programs

- Enc: Appeal Procedure
- c: Secretary, Hamilton Township Planning Board (via email)
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### PUBLIC DEVELOPMENT APPLICATION REPORT

December 19, 2013

John Arthur  
Wireless EDGE Westchester Group, LLC  
270 North Avenue, Suite 809  
New Rochelle, NY 10801

Application No.: 1986-0119.021

Location: Atlantic City Expressway  
Frank S. Farley Plaza  
Block 5000, Lot 3  
Hamilton Township

This application proposes the replacement of an existing 300 foot high local communications tower and associated site improvements on the above referenced 575 acre lot. The applicant is applying to the Commission on behalf of the South Jersey Transportation Authority, the owner of the parcel and the owner of the existing tower and proposed tower.

A New Jersey State Police Barracks and public rest stop for the Atlantic City Expressway are located on the lot. This application proposes to replace an existing 300 foot guyed tower with a 300 foot free-standing lattice tower within an existing fenced compound where the existing tower is located. The existing tower supports public safety communications of the State Police and telecommunication equipment for Verizon Wireless.

### 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)

The lot subject of this application is located partially in a Pinelands Forest Area (495.3 acres) and partially in a Pinelands Rural Development Area (79.7 acres). The existing tower and proposed replacement tower are both located in a Pinelands Forest Area. The replacement of an existing 300 foot high tower with a proposed 300 foot high tower is permitted in a Pinelands Forest Area.

The Pinelands Commission identified the existing tower as Site Number 32 in the Commission certified (approved) "Comprehensive Plan for Cellular Telephone Facilities."

### PUBLIC COMMENT

The CMP defines the proposed development as "minor." The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission's website on December 3, 2013. The Commission's public comment period closed on December 13, 2013. The Pinelands Commission has not received any public comments regarding the application.

### CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of eight sheets, prepared by Wireless Edge and dated June 26, 2013 and revised to July 2, 2013.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

### CONCLUSION

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





Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

## State of New Jersey

### THE PINELANDS COMMISSION

PO Box 359  
NEW LISBON, NJ 08064  
(609) 894-7300  
[www.nj.gov/pinelands](http://www.nj.gov/pinelands)



Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

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)

### 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.



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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

Mark S. Lohbauer  
 Chairman  
 Nancy Wittenberg  
 Executive Director

December 19, 2013

Mayor Lisa Jiampetti  
 Egg Harbor City  
 500 London Ave.  
 Egg Harbor, NJ 08215


Re: Application # 2010-0047.004  
 Diesterweg Street  
 City of Egg Harbor City

Dear Mayor Jiampetti:

The Commission staff has completed its review of this application for the installation of 1,155 linear feet of sidewalk along Diesterweg Street between Buffalo and Philadelphia Avenues. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 10, 2014 meeting.

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

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

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

Enc: Appeal Procedure

- c: Secretary, City of Egg Harbor City Planning Board (via email)
- City of Egg Harbor City Construction Code Official (via email)
- Atlantic County Department of Regional Planning and Development (via email)
- Ryan McGowan, Remington, Vernick & Walberg Engineers





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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

## PUBLIC DEVELOPMENT APPLICATION REPORT

December 19, 2013

Mayor Lisa Jiampetti  
Egg Harbor City  
500 London Ave.  
Egg Harbor, NJ 08215

Application No.: 2010-0047.004

Location: Diesterweg Street  
City of Egg Harbor City

This application proposes the installation of 1,155 linear feet of sidewalk, four feet in width, within the Diesterweg Street right-of-way between Buffalo and Philadelphia Avenues in Egg Harbor City. The applicant also proposes the repaving Diesterweg Street. The repaving of an existing street, provided no increase in the paved width is proposed, does not require application to the Commission.

### 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(a))

The project is located in a Pinelands Town Management Area. The proposed development is a permitted land use in a Pinelands Town Management Area.

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

There are wetlands located within 300 feet of the proposed development. Based upon the location of existing development, the proposed development 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 primarily over existing maintained grassed and disturbed road shoulders. 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. The applicant proposes to utilize a seed mixture which meets that recommendation.

### **PUBLIC COMMENT**

The CMP defines the proposed development as “minor.” The CMP does not require public notice for minor public development applications. This application was designated as complete on the Commission’s website on October 1, 2013. The Commission’s public comment period closed on October 11, 2013. The Pinelands Commission has not received any public comments regarding the application.

### **CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of three sheets, prepared by Remington, Vernick & Walberg Engineers, all sheets dated December 16, 2013.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the “Vegetation” standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

### **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

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Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

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

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

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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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Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

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

Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

December 19, 2013

Michael Jacobs, Township Administrator  
Hamilton Township  
6101 Thirteenth Street  
Hamilton, NJ 08330

Re: Application # 2013-0032.001  
Grand Avenue  
Hamilton Township

Dear Mr. Jacobs:

The Commission staff has completed its review of this application for proposed improvements to approximately 100 linear feet of Grand Avenue. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 10, 2014 meeting.

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

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

Sincerely

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

Enc: Appeal Procedure

- c: Secretary, Hamilton Township Planning Board (via email)  
Hamilton Township Construction Code Official (via email)  
Hamilton Township Environmental Commission (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Edward Walberg





Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

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Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

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

## PUBLIC DEVELOPMENT APPLICATION REPORT

December 19, 2013

Michael Jacobs, Township Administrator  
Hamilton Township  
6101 Thirteenth Street  
Hamilton, NJ 08330

Application No.: 2013-0032.001

Location: Grand Avenue  
Hamilton Township

This application proposes improvements to approximately 100 linear feet of Grand Avenue in Hamilton Township. Specifically, the application proposes curbing and stormwater management improvements on Grand Avenue between West Jersey Avenue and Reega Avenue.

### STANDARDS

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

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

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

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

The proposed development is located within existing developed areas and maintained grassed areas. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

### PUBLIC COMMENT

The CMP defines the proposed development as "minor." The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission's website on November 12, 2013. The Commission's public comment period closed on December 13, 2013. No public comments regarding this application were submitted to the Pinelands

Commission.

### CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, prepared by Remington, Vernick & Walberg, dated May 2, 2013 and revised to October 10, 2013.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

### 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  
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Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

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

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

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

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



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-14- 02

**TITLE:** Approving With Conditions Applications for Public Development (Application Numbers 2011-0157.001 & 2013-0154.001)

Commissioner Ficaglia moves and Commissioner Jackson seconds the motion that:

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

**App. No. 2011-0157.001 Applicant: Pemberton Township**

Municipality: Pemberton Township  
Management Area: Regional Growth Area  
Proposed Development: Reconstruction of three dams (Date of Report: December 20, 2013); and

**App. No. 2013-0154.001 Applicant: Pemberton Township**

Municipality: Pemberton Township  
Management Area: Regional Growth Area  
Proposed Development: Demolition of a single family dwelling, 50 years old or older (Date of Report: December 19, 2013).

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

**WHEREAS**, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for each of the proposed developments; and

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

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

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

**App. No. 2011-0157.001 Applicant: Pemberton Township**

Municipality: Pemberton Township  
Management Area: Regional Growth Area  
Proposed Development: Reconstruction of three dams (Date of Report: December 20, 2013); and

App. No. 2013-0154.001

Applicant:

Pemberton Township

Municipality:

Pemberton Township

Management Area:

Regional Growth Area

Proposed Development:

Demolition of a single family dwelling, 50 years old or older (Date of Report: December 19, 2013).

Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission

Date: January 10, 2014

*Nancy Wittenberg*

*Mark S. Lohbauer*

Nancy Wittenberg  
Executive Director

Mark S. Lohbauer  
Chairman



# State of New Jersey

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Mark S. Lohbauer  
Chairman

Nancy Wittenberg  
Executive Director

December 20, 2013

David A. Patriarca, Mayor  
Pemberton Township  
500 Pemberton Browns Mills Road  
Pemberton, NJ 08068

Re: Application # 2011-0157.001  
Choctaw Drive  
Block 606, Lots 1 & 27  
Block 620, Lot 8  
Block 621, Lot 1  
Block 636, Lot 1  
Block 644, Lot 1  
Block 671, Lots 1, 28.01 & 28.02  
Block 672, Lots 1 & 2  
Block 675, Lot 1  
Block 940.02, Lots 6 & 7  
Block 950, Lot 1  
Block 951, Lots 1 & 2  
Block 952, Lot 1.01  
Pemberton Township

Dear Mayor Patriarca:

The Commission staff has completed its review of this application for the reconstruction of three existing dams in Pemberton Township. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 10, 2014 meeting.

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



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

Sincerely,

A handwritten signature in black ink, appearing to read 'C. M. Horner', with a long horizontal stroke extending to the right.

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

Enc: Appeal Procedure  
Copy of 3/11/2013 Public Comment

c: Secretary, Pemberton Township Planning Board (via email)  
Pemberton Township Construction Code Official (via email)  
Pemberton Township Environmental Commission (via email)  
Secretary, Burlington County Planning Board (via email)  
John Helbig, Adams, Rehmann & Heggan Associates  
Robert Jarvis



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 Governor

Kim Guadagno  
 Lt. Governor

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

Mark S. Lohbauer  
 Chairman

Nancy Wittenberg  
 Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

December 20, 2013

David A. Patriarca, Mayor  
 Pemberton Township  
 500 Pemberton Browns Mills Road  
 Pemberton, NJ 08068

Application No.: 2011-0157.001

Location: Choctaw Drive  
 Block 606, Lots 1 & 27  
 Block 620, Lot 8  
 Block 621, Lot 1  
 Block 636, Lot 1  
 Block 644, Lot 1  
 Block 671, Lots 1, & 28.01 - 28.02  
 Block 672, Lots 1 - 2  
 Block 675, Lot 1  
 Block 940.02, Lots 6 - 7  
 Block 950, Lot 1  
 Block 951, Lots 1 - 2  
 Block 952, Lot 1.01  
 Pemberton Township

This application proposes the reconstruction of three existing dams. Two of the dams are partially located within the Choctaw Drive right-of-way and all three dams are partially located on the above referenced 174.4 acre lots in Pemberton Township.

The three dams are located in the Country Lakes section of Pemberton Township. The proposed development includes the reconstruction of the spillways, grading and the installation of concrete block and riprap stone slope protection along each dam embankment.

**STANDARDS**

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

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

The proposed development is located in a Pinelands Regional Growth Area. The reconstruction of the three dams is a permitted use in a Regional Growth Area.

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

The proposed dam reconstructions will be located partially within open water and vegetated wetlands. The proposed development will result in the disturbance of approximately 1.67 acres of wetlands. The wetlands protection standards of the CMP ((N.J.A.C. 7:50-6.13) permit the proposed dam reconstructions in wetlands and the required buffers to wetlands provided certain conditions are met. One of those conditions is that the need for the proposed development overrides the importance of protecting the wetlands. Another condition is that there is no feasible alternative to the proposed development. The applicant has demonstrated that the proposed development meets these requirements and therefore, the proposed dam reconstructions are permitted in wetlands and the required buffer to wetlands.

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

The proposed development will be located within open water, developed areas, and vegetated areas. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to land owners within 200 feet of the above referenced parcel was completed on March 5, 2013. Newspaper public notice was completed on March 8, 2013. The application was designated as complete on the Commission's website on December 2, 2013. The Commission's public comment period closed on December 13, 2013. The Pinelands Commission received one public comment (attached) regarding the application.

Public Comment One: The commenter expressed their support of the proposed dam reconstruction.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 34 sheets, prepared by Adams, Rehmann & Heggan Associates, all sheets dated November 2013 and revised to May 10, 2013.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native

grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.

4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Prior to the construction of any portion of the proposed development which will result in a disturbance of any wetland area, a Freshwater Wetlands Permit shall be obtained pursuant to the New Jersey Freshwater Wetlands Protection Act.
6. Silt fencing, hay bales or other appropriate measures shall be installed prior to construction to preclude sediment from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

### CONCLUSION

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

Attach: (1) 3/11/2013 Public Comment Letter





## State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

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Chris Christie  
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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.

The Pinelands Commission  
PO Box 359  
New Lisbon, NJ 08064

APP# 20110157.001  
Doc Type 100

Re: Freshwater Wetlands Permit No. 18

MAR 11 2013

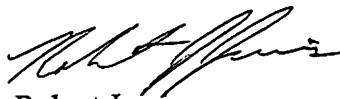
*Info Re.  
3/6/13*

Dear Sir or Ma'am,

Scanned ✓

I support the repair and restoration of the three (3) dam structures within the Country Lakes community. I wish to be included in any communication involving the project and notified of any hearing or meeting schedules. I also request a copy of the Executive Director's Findings and Conclusions.

Sincerely,



Robert Jarvis  
128 Split Rock Rd  
Browns Mills, NJ 08015



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



Chris Christie  
 Governor

Kim Guadagno  
 Lt. Governor

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

Mark S. Lohbauer  
 Chairman

Nancy Wittenberg  
 Executive Director

December 19, 2013

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


Re: Application # 2013-0154.001  
 Block 221, Lots 63 - 66  
 Pemberton Township

Dear Mr. Bendetti:

The Commission staff has completed its review of this application for the demolition of a single family dwelling, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 10, 2014 meeting.

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

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

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

Enc: Appeal Procedure

- c: Secretary, Pemberton Township Planning Board (via email)
- Pemberton Township Construction Code Official (via email)
- Pemberton Township Environmental Commission (via email)
- Secretary, Burlington County Planning Board (via email)





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

Mark S. Lohbauer  
 Chairman  
 Nancy Wittenberg  
 Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

December 19, 2013

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

Application No.: 2013-0154.001

Location: Block 221, Lots 63 - 66  
 Pemberton Township

This application proposes the demolition of a dilapidated single family dwelling, 50 years old or older, located on the above referenced 0.2 acre parcel in Pemberton Township. The Township owns the parcel.

**STANDARDS**

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

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

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

**PUBLIC COMMENT**

The CMP defines the proposed development as "minor." The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission's website on November 13, 2013. The Commission's public comment period closed on December 13, 2013. No public comments regarding this application were submitted to the Pinelands Commission.

**CONDITIONS**

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

2. Prior to demolition of the single family dwelling, the applicant shall obtain any other necessary permits and approvals.
3. Reconstruction of a single family dwelling within five years of its demolition does not require an application to the Commission. After five years, reconstruction of the concerned dwelling requires application to the Commission.

### CONCLUSION

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



Chris Christie  
Governor

Kim Guadagno  
Lt. Governor

## State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

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

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

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

Motion Failed



**RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION**

NO. PC4-14- 03

**TITLE:** Resolution Authorizing the Executive Director to Enter into a Memorandum of Agreement with the Board of Public Utilities Regarding Construction of Approximately 15 miles of a 22-Mile, 24-Inch Natural Gas Pipeline in the State Designated Pinelands Area.

Commissioner Mc Glinchey moves and Commissioner Galletta seconds the motion that:

**WHEREAS**, the Pinelands Commission (Commission) is an independent political subdivision of the State of New Jersey created pursuant to Section 4 of the Pinelands Protection Act (the Act), N.J.S.A. 13:18A-1, et seq., and charged with the implementation of the Act and the Pinelands "Comprehensive Management Plan" (the "CMP"), N.J.A.C. 7:50; and

**WHEREAS**, the Commission is also the planning entity authorized under Section 502 of the National Parks and Recreation Act of 1978; and

**WHEREAS**, Section 6 of the Pinelands Protection Act authorizes the Commission to enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts or things necessary, convenient, or desirable for the purposes of the Commission to carry out any power expressly given in this Act; and

**WHEREAS**, N.J.A.C. 7:50-4.52(c)2 authorizes the Commission to enter into intergovernmental memoranda of agreement with any agency of the Federal, State or local government which authorizes such agency to carry out specified development activities that may not be fully consistent with the provisions of N.J.A.C. 7:50-5 and 6, provided such agency demonstrates and the Commission finds that variation from the standards of the Pinelands CMP is accompanied by measures that will, at a minimum, afford an equivalent level of protection of the resources of the Pinelands as would be provided through strict application of the CMP's standards; and

**WHEREAS**, the Board of Public Utilities (the "BPU") is an independent political subdivision of the State of New Jersey charged with general supervision of and jurisdiction over New Jersey public utilities including the functions, powers and duties assigned to it pursuant to N.J.S.A. 48:2-1 et seq. and 52:18A-2.1 and is allocated in, but not part of, the Department of Treasury pursuant to Reorganization Plan No. 001-1994; and

**WHEREAS**, the BL England plant is located within the boundaries of the Pinelands National Reserve, but outside of the State-designated Pinelands Area; and

**WHEREAS**, to provide the natural gas pipeline required to repower the BL England Plant, a new natural gas pipeline needs to be constructed to the BL England Plant; and

**WHEREAS**, the proposed natural gas pipeline also provides supply feeder redundancy to address the vulnerability of the entire southernmost portion of South Jersey Gas' service territory, which is currently served by a single feed supply; and

**WHEREAS**, the totality of this new natural gas pipeline is proposed to be constructed within the Pinelands (approximately 15 miles within the State designated Pinelands Area and approximately 7 miles solely within the Pinelands National Reserve); and

**WHEREAS**, with regard to the portion of the pipeline to be constructed in the Pinelands Area, approximately 15 miles is proposed to be constructed beneath existing paved portions and/or disturbed shoulders of Union Road (CR 671), NJ Route 49, Cedar Avenue, Mill Road (CR 557), NJ Route 50, Mt. Pleasant-Tuckahoe Road (CR 664) and New York Avenue; and

**WHEREAS**, approximately 10.2 miles of the proposed pipeline would be located within a Forest Area, 2 miles within a Rural Development Area and 2.8 miles in a Pinelands Village; and

**WHEREAS**, the Pinelands CMP at N.J.A.C. 7:50-2.11 defines a natural gas pipeline as “public service infrastructure”; and

**WHEREAS**, the Pinelands CMP at N.J.A.C. 7:50-5.23(b)12 only permits the development of public service infrastructure in a Forest Area if such infrastructure is intended to primarily serve only the needs of the Pinelands; and

**WHEREAS**, given that the proposed pipeline is intended to serve customers located both inside and outside of the Pinelands, the project does not primarily serve only the needs of the Pinelands. As a result, the proposed pipeline is not fully consistent with the permitted use standards for a Forest Area; and

**WHEREAS**, as a result implementation of the proposed development project requires deviation from the Forest Area land use standards at N.J.A.C. 7:50-5.23(b)12 of the Pinelands CMP; and

**WHEREAS**, the MOA with the BPU contains measures that will, at a minimum, afford an equivalent level of protection for the resources of the Pinelands as would be provided through strict application of the land use and environmental standards contained within the Pinelands CMP; and

**WHEREAS**, specifically, pursuant to the terms of this MOA, a subsequent Order issued by the BPU and a subsequent MOA between the BPU and SJG, the public utility proposing to construct the proposed natural gas pipeline, SJG will be required to contribute eight million dollars (\$8,000,000.00) towards Pinelands Area land acquisition and education; and

**WHEREAS**, seven million two hundred and fifty thousand dollars (\$7,250,000.00) would be placed into the Pinelands Conservation Fund – Land Acquisition account to fund the acquisition of land located adjacent to the site of the proposed pipeline project located in a Forest Area. If all of the targeted lands have not been acquired after three years from the execution of this MOA by the last signatory, then any remaining funds also may be used for acquisition of Forest Area lands in the southern forested portion of the Pinelands Area, i.e. south of the Atlantic City Expressway; and

**WHEREAS**, seven hundred and fifty thousand dollars (\$750,000) will be used to fund and support education and research projects. A total of \$250,000 would be used to complete the federally-supported conversion of the Commission’s headquarters into a Pinelands Visitor Center; and

**WHEREAS**, the remaining \$500,000 would be used to fund a series of projects that would raise awareness about the Pinelands, including initiatives such as improving and expanding its existing education programs and initiatives; advancing, supporting and improving the Pine Barrens Byway, a 122-mile trail that traverses existing roadways in portions of 16 municipalities in the southern Pinelands region (the proposed gas pipeline traverses a portion of the Byway) and to fund other improvements for use by the public, such as the creation of bike trails along the Byway and scenic pull-off areas, as well as the creation and dissemination of interpretive materials; and

**WHEREAS**, the MOA contains environmental provisions, include provisions designed to ensure that all activities involving the construction of the proposed pipeline are conducted in accordance with the requirements of the Pinelands CMP. These include, but are not limited to, the installation of both silt and orange plastic fencing to demarcate and control access within the limits of the area of disturbance and retention of two independent consultants, an independent biologist and engineer, who will be approved by and report to the Pinelands Commission staff at all times when construction activities are undertaken proximate to suitable threatened and endangered species habitat and during all drilling activities. These independent experts will ensure that construction activities are confined to the boundaries of the areas of disturbance as specified in the plans that were reviewed and approved by Commission staff; and

**WHEREAS**, Paragraph III.A.9 of the MOA requires submission of a formal application to the Commission if there is any material addition to, deviation from or modification to the proposed development project; and

**WHEREAS**, Paragraph III.B.4 of the MOA authorizes the Commission staff to issue a work suspension letter at any time there is an indication of any potential violations of the CMP and further requires that the BPU will direct the public utility to refrain from conducting any activities on the project; and

**WHEREAS**, the Executive Director conducted a public hearing to receive testimony regarding a proposed intergovernmental memorandum of agreement to authorize the implementation of the proposed development project on December 9, 2013 at the Galloway Township Municipal Building, 300 Jimmie Leeds Road, Galloway Township, New Jersey; and

**WHEREAS**, the public was afforded an additional opportunity to provide public comment at the Commission’s regular monthly meeting on December 13, 2013; and



*Motion Failed*

WHEREAS, the Commission also accepted written comment from the public until close of business on December 13, 2013; and

WHEREAS, the Commission received over 9.5 hours of oral testimony and over 2,100 written comments regarding the proposed MOA; and

WHEREAS, the Executive Director in the report entitled "Report on a Proposed Memorandum of Agreement between the New Jersey Pinelands Commission and the New Jersey Board of Public Utilities Regarding Construction of a Proposed Approximately 15 miles of a 22-mile 24-inch Natural Gas Pipeline in the State Designated Pinelands Area," dated January 5, 2014, concluded that a variation from the Forest Area land use standards at N.J.A.C. 7:50-5.23(b)12 of the Pinelands CMP that would be permitted under the MOA as accompanied by measures, as discussed above, that will, at a minimum, afford an equivalent level of protection of the resources of the Pinelands than would be provided through a strict application of the standards of the Pinelands CMP; and

WHEREAS, the Pinelands Commission, based upon the Executive Director's January 3, 2014 report, finds that the MOA, dated January 6, 2014, attached hereto, satisfies the standards of N.J.A.C. 7:50-4.52(c), which authorizes the Commission to enter into such agreements; and

WHEREAS, pursuant to N.J.S.A. 13:18A-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 the Pinelands Commission agrees to enter into the Memorandum of Agreement with the Board of Public Utilities Regarding Construction of Approximately 15 miles of a 22-Mile, 24-Inch Natural Gas Pipeline in the State Designated Pinelands Area and hereby authorizes the Executive Director to execute the attached agreement.

**Record of Commission Votes**

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

Adopted at a meeting of the Pinelands Commission

Date: \_\_\_\_\_

\_\_\_\_\_  
Nancy Wittenberg  
Executive Director

\_\_\_\_\_  
Mark S. Lohbauer  
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

Mark S. Lohbauer  
 Chairman

Nancy Wittenberg  
 Executive Director

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

December 20, 2013

William Gresham  
 39 Vardon Road  
 Brigantine, NJ 08203

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

Dear Mr. Gresham:

The Commission staff has completed its review of the above referenced application for a Waiver of Strict Compliance (Waiver) to develop one single family dwelling. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the Waiver application with conditions at its January 10, 2014 meeting.

**FINDINGS OF FACT**

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

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

A portion of the parcel is a cedar swamp, a wetland as defined in the CMP (N.J.A.C. 7:50-6.5(a)1). The parcel also abuts a lake, a wetland as defined in the CMP (N.J.A.C. 7:50-6.5(a)6). Any development of the parcel would be located within 300 feet of these wetlands. Based on the quality and location of the wetlands, the proposed development will cause a significant adverse impact on the wetlands. As there will be a significant adverse impact on wetlands located within 300 feet of the proposed development, the applicant is requesting a Waiver from the buffer to wetlands requirement contained in the CMP (N.J.A.C. 7:50-6.14).



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

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

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

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

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

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

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

### **PUBLIC COMMENT**

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

### **CONCLUSION**

The CMP (N.J.A.C. 7:50-4.62) sets forth the standards which must be met before a Waiver can be approved. The CMP (N.J.A.C. 7:50-4.62(a)) requires that for a Waiver application to be approved based on extraordinary hardship, the applicant must demonstrate that the conditions of either N.J.A.C. 7:50-4.63(a) or (b) have been met.

The CMP (N.J.A.C. 7:50-4.63(a)) sets forth 5 conditions which must be met for an applicant to qualify for an extraordinary hardship pursuant to that subsection.

The first condition is that the only relief sought is from one or more of the standards contained in the N.J.A.C. 7:50-6 of the CMP for certain specified development. One of the specified development categories is as follows:

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

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

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

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

The fourth condition is that all necessary municipal use, lot area and residential density variances have been obtained if the parcel is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Stafford Township's master plan and land use ordinances have been certified by the Pinelands Commission. The applicant received a lot area variance from Stafford Township on October 23, 2013. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(4).

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

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

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

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

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

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

1. Except as modified by the conditions below, the proposed development must adhere to the plot plan prepared by Gravatt Consulting Group, consisting of two sheets, both sheets dated June 10, 2013 and last revised August 29, 2013.
2. The septic system shall be located in an area where the seasonal high water table is at least five feet below the natural ground surface.
3. The dwelling shall use an alternate design septic system approved for use by the Pinelands Commission and the New Jersey Department of Environmental Protection.
4. All proposed development, including clearing and land disturbance, shall be located at least 25 feet from wetlands.
5. Silt fencing, hay bales or other appropriate measures shall be installed prior to construction to preclude sedimentation from entering wetlands.
6. Sufficient dry wells or comparable alternative shall be installed to contain all stormwater runoff from the dwelling.
7. The driveway shall be constructed on crushed stone or other permeable material. Since the above referenced plan proposes a paved driveway, it must be revised accordingly.
8. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the parcel.
9. Prior to Commission issuance of a letter advising that any county or municipal approval or permit may take effect, the Commission must receive a letter from the Pinelands

Development Credit Bank indicating that the requisite 0.25 Pinelands Development Credits have been acquired and submitted to the Pinelands Development Credit Bank for redemption.

10. This Waiver shall expire January 10, 2019 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after January 10, 2019 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
11. Prior to Commission issuance of a letter advising that any county or municipal approval or permit may take effect, a copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission. The deed shall specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance referring to the application number. The deed shall state that the conditions are enforceable by the Pinelands Commission, Stafford Township, the Ocean County Health Department and any other party in interest.

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

Since the applicant meets the requirements of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65 for the development of a single family dwelling on the parcel, it is recommended that the Pinelands Commission **APPROVE** the requested Waiver subject to the above conditions.

### **APPEAL**

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

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

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



Recommended for Approval by: \_\_\_\_\_  
Charles M. Horner, P.P., Director of Regulatory Programs

- c: Secretary, Stafford Township Planning Board (via email)
- Secretary, Stafford Township Zoning Board of Adjustment (via email)
- Stafford Township Construction Code Official (via email)
- Stafford Township Environmental Commission (via email)
- Ocean County Health Department (via email)
- Bruce Jacobs