



# ***RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION***

**NO. PC4-22- 05**

**TITLE:** Expressing the Commission's Appreciation to D'Arcy Rohan Green for her Service as a Member of the Commission From June 29, 2011 to January 7, 2022

**Commissioner Lohbauer moves and Commissioner Lloyd seconds the motion that:**

**WHEREAS**, D'Arcy Rohan Green served as a gubernatorial appointee on the Pinelands Commission from June 29, 2011 to January 7, 2022; and

**WHEREAS**, Ms. Rohan Green brought a wealth of experience in environmental protection and local governance to the Commission as a former member of the Bay Head Borough Council, Environmental Commission and Planning Board. Ms. Rohan Green also served on the Board of Directors for Save Barnegat Bay; and

**WHEREAS**, Commission members are unpaid volunteers who dedicate countless hours of their time and expertise while serving on the Commission; and

**WHEREAS**, during her tenure on the Commission, Ms. Rohan Green served on the Commission's Policy and Implementation and Personnel and Budget committees; and

**WHEREAS**, during her tenure, the Commission adopted five sets of amendments to the Pinelands Comprehensive Management Plan (CMP), including regulations that pertain to the use of advanced wastewater treatment systems and a comprehensive set of amendments that strengthen stormwater management requirements in the Pinelands Area; and

**WHEREAS**, during her tenure, the Commission completed an in-depth review of the CMP; and

**WHEREAS**, during her tenure, the Commission produced and submitted a 123-page report that enabled the Pinelands National Reserve to maintain its status as an International Biosphere Region; and

**WHEREAS**, during her tenure, the Commission contributed \$5.2 million toward the permanent protection of 5,637 acres of land in the Pinelands Area; and

**WHEREAS**, during her tenure, the Commission installed and dedicated the Candace McKee Ashmun Pinelands Education Exhibit, which opened in the Commission's headquarters in December 2018 and will raise awareness and appreciation of the Pinelands for decades to come; and

**WHEREAS**, the members of the Commission want to recognize Ms. Rohan Green's significant contributions and express their appreciation for the service that she performed; 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 members of the Pinelands Commission hereby express our appreciation to our colleague and friend, D’Arcy Rohan Green, for her commitment to the Pinelands and for her service as a member of the Commission from June 29, 2011 to January 7, 2022.

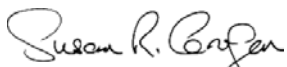
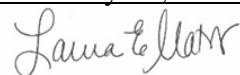
**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Jannarone			X		Meade	X			
Christy			X		Lettman	X				Pikolycky	X			
Higginbotham			X		Lloyd	X				Quinn			X	
Holroyd	X				Lohbauer	X				Matos	X			
Irick	X				McCurry	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 11, 2022

Susan R. Grogan  
Acting Executive Director

Laura E. Matos  
Chair



# ***RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION***

**NO. PC4-22- 06**

**TITLE:** Expressing the Commission's Appreciation to Richard H. Prickett for his Service as a Member of the Commission From January 9, 2012 to January 7, 2022

**Commissioner Lohbauer moves and Commissioner Lloyd seconds the motion that:**

**WHEREAS**, Richard H. Prickett served as a gubernatorial appointee on the Pinelands Commission from January 9, 2012 to January 7, 2022 and had served as the Commission's Chairman since May 15, 2019; and

**WHEREAS**, Commission members are unpaid volunteers who dedicate countless hours of their time and expertise while serving on the Commission; and

**WHEREAS**, Mr. Prickett had perfect attendance at Commission meetings during his 10-year tenure; and

**WHEREAS**, Mr. Prickett brought a wealth of experience to the Commission. He was a member of the Pemberton Township Council from 2002 to 2012. He served as Council President in 2002 and 2006 and was a member of the township's Planning Board from 2003 to 2005. Mr. Prickett retired in 2006 after teaching high school science in the Lakewood School District in Ocean County for 26 years. There, he taught advanced placement biology, environmental science, physical science, and chemistry. Mr. Prickett is a former President of the Whitesbog Preservation Trust's Board; and

**WHEREAS**, Mr. Prickett's experience and knowledge of the Pinelands provided the Commission with an invaluable perspective that helped to shape policies and decisions that will safeguard the Pinelands for current and future generations; and

**WHEREAS**, during his tenure, Mr. Prickett served on the Commission's Policy & Implementation, Personnel and Budget, Climate, Agriculture, and the Executive Director Search committees; and

**WHEREAS**, Mr. Prickett also served as the Commission's representative on the New Jersey Pinelands Development Credit Bank Board from 2017 through 2022, during which time nearly 5,000 acres in the Pinelands Area were permanently preserved through the severance of PDCs and over 200 PDCs were redeemed for development in designated growth areas; and

**WHEREAS**, during his tenure, the Commission adopted five sets of amendments to the Pinelands Comprehensive Management Plan (CMP), including regulations that pertain to the use of advanced wastewater treatment systems and a comprehensive set of amendments that strengthen stormwater management requirements in the Pinelands Area; and

**WHEREAS**, during his tenure, the Commission completed an in-depth review of the CMP; and

**WHEREAS**, during his tenure, the Commission produced and submitted a 123-page report that enabled the Pinelands National Reserve to maintain its status as an International Biosphere Region; and

**WHEREAS**, during his tenure, the Commission contributed \$4.1 million toward the permanent protection of 5,256 acres of land in the Pinelands Area; and

**WHEREAS**, during his tenure, the Commission installed and dedicated the Candace McKee Ashmun Pinelands Education Exhibit, which opened in the Commission's headquarters in December 2018 and will raise awareness and appreciation of the Pinelands for decades to come; and

**WHEREAS**, Mr. Prickett propagated and donated dozens of native, insect-eating pitcher plants to the Commission. The plants are thriving in the Commission's bog garden and in an indoor terrarium, where

they are used to educate the public about the special attributes of native Pinelands plants; and

**WHEREAS**, Mr. Prickett delivered several educational presentations during the Commission’s Pinelands Short Course and Pinelands Speaker Series, and he was a staunch supporter of the Commission’s education and outreach programs; and

**WHEREAS**, the members of the Commission want to recognize Mr. Prickett’s significant contributions and express their appreciation for the service that he performed; 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 members of the Pinelands Commission hereby express our appreciation to our colleague and friend, Richard H. Prickett, for his commitment to the Pinelands and for his service as a member of the Commission from January 9, 2012 to January 7, 2022.

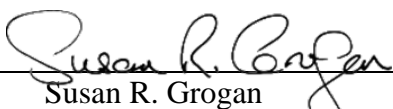
**Record of Commission Votes**

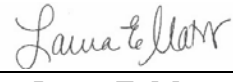
	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Jannarone			X		Meade	X			
Christy			X		Lettman	X				Pikolycky	X			
Higginbotham			X		Lloyd	X				Quinn			X	
Holroyd	X				Lohbauer	X				Matos	X			
Irick	X				McCurry	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 11, 2022

  
 Susan R. Grogan  
 Acting Executive Director

  
 Laura E. Matos  
 Chair



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-22-07

**TITLE:** **Approving** With Conditions Applications for **Public Development** (Application Numbers 1985-0160.014 & 2006-0305.004)

**Commissioner** Lloyd **moves and Commissioner** Lohbauer **seconds the motion that:**

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

**1985-0160.014**

**Applicant:** NJ Department of Environmental Protection  
**Municipality:** Washington Township  
**Management Area:** Pinelands Preservation Area District  
**Date of Report:** January 20, 2022  
**Proposed Development:** Installation of a 4,372 square foot geothermal well field for the heating and cooling of the Batsto Mansion; and

**2006-0305.004**

**Applicant:** Southampton Township  
**Municipality:** Southampton Township  
**Management Area:** Pinelands Agricultural Production Area  
**Date of Report:** January 19, 2022  
**Proposed Development:** Reconstruction of the Burrs Mill Road and Retreat Road intersection.

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

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

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

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

**NOW, THEREFORE BE IT RESOLVED** that Application Numbers 1985-0160.014 & 2006-0305.004 for public development are hereby **approved** subject to the conditions recommended by the Acting Executive Director.

### Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Jannarone			X		Meade	X			
Christy			X		Lettman	X				Pikolycky	X			
Higginbotham			X		Lloyd	X				Quinn			X	
Holroyd				A	Lohbauer	X				Matos	X			
Irick	X				McCurry	X								

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 11, 2022

Susan R. Grogan  
Acting Executive Director

Laura E. Matos  
Chair



# State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
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  
Acting Executive Director

January 20, 2022

Edward Mulvan (via email)  
NJ Department of Environmental Protection  
501 E. State Street, Mail Code 501-04A  
PO Box 420  
Trenton, NJ 08625

Re: Application # 1985-0160.014  
(DPMC Project No. P1213-00)  
Block 8, Lot 1  
Washington Township

Dear Mr. Mulvan:

The Commission staff has completed its review of this application for installation of a 4,372 square foot geothermal well field for the heating and cooling of the Batsto Mansion. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 11, 2022 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 Acting 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, Washington Township Planning Board (via email)  
Washington Township Construction Code Official (via email)  
Secretary, Burlington County Planning Board (via email)  
William Amann (via email)







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PHILIP D. MURPHY  
Governor  
SHEILA Y. OLIVER  
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  
Acting Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

January 20, 2022

Edward Mulvan (via email)  
NJ Department of Environmental Protection  
501 E. State Street, Mail Code 501-04A  
PO Box 420  
Trenton, NJ 08625

Application No.: 1985-0160.014  
(DPMC Project No. P1213-00)  
Block 8, Lot 1  
Washington Township

This application proposes the installation of a 4,372 square foot geothermal well field at the Batsto Mansion located on the above referenced 1,962 acre parcel in Washington Township. The Batsto Mansion is located in Wharton State Forest. The proposed “closed loop” geothermal well system will replace an existing “open loop” geothermal well system and be used to heat and cool the Batsto Mansion with geothermal energy.

The application proposes a “closed loop” geothermal system. The system consists of 15 wells installed to a depth of 500 feet and associated supply and return lines connected to the Batsto Mansion. The system will be filled with 685 gallons of 20 percent propylene glycol and 80 percent water. That mixture circulates through the closed loop system to a depth of 470 feet where the average liquid temperature is 55 degrees Fahrenheit. There will be no discharge from the proposed “closed loop” system.

### **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. 7:50-5.22(b)8)**

The proposed development is located in the Preservation Area District. Wharton State Forest, including the Batsto Mansion, pre-existed the 1981 effective date of the CMP. As an accessory use to the Batsto Mansion, the proposed geothermal well field is permitted in the Preservation Area District.



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

There is a wetland area located to the south of the existing Batsto Mansion. The Batsto Mansion is located approximately 150 feet from this wetland. The proposed geothermal well field will be located greater than 300 feet from this wetland. The proposed piping connecting the geothermal well field to the Batsto Mansion will be located within an existing maintained lawn area approximately 150 feet from wetlands. The proposed development will not result in a significant adverse impact on the wetlands.

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

The proposed development will be located within an existing maintained lawn area comprised of non-native grasses. The proposed soil disturbance is limited to that which is necessary to accommodate the proposed development. The area will remain an existing maintained lawn comprised of non-native grasses.

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

Based upon the existing site conditions, the location of proposed development relative to existing development and a review of information available to the Commission staff, it was determined that a survey for the presence of threatened or endangered species of plants and wildlife was not required.

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

A cultural resource survey was prepared for the project. The survey identified the presence of significant cultural resources within the area proposed for development.

To protect the identified significant cultural resources, the survey recommends that a 20 x 20 foot area in proximity to the southeast corner of the proposed geothermal well field be fenced off during project construction to protect known subsurface cultural resources. The survey also recommends that archaeological monitoring be conducted during pipe installation connecting the proposed geothermal well field to the Batsto Mansion as depicted on the below referenced plan.

The proposed development is located in the Batsto Historic District. The Batsto Historic District is listed on both the New Jersey Register and the National Registers of Historic Places. Based upon its listing, the Batsto Historic District is a Pinelands designated resource according to the provisions of the CMP (N.J.A.C. 7:50-6.154(a)).

The CMP (N.J.A.C. 7:50-6.156(a)2) provides that no application for development which involves a resource listed on the New Jersey Register or the National Registers of Historic Places shall be approved without first obtaining a certificate of appropriateness unless a cultural resource survey prepared for the application accomplishes the recording of the resource. For this application, the cultural resource survey accomplishes the recording of the significant resources within the area proposed for development. No Certificate of Appropriateness is required for the proposed development.

## **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 December 15, 2021. The Commission's public comment period closed on January 14, 2022. 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 2 sheets, prepared by M & E Engineering, Inc. and dated as follows:

SPD101-November 4, 2020; revised December 12, 2021

SP101-November 4, 2020; revised December 13, 2021

2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
4. As depicted on the above referenced plan, to protect the identified significant cultural resources, a 20x20 foot area in proximity to the southeast corner of the proposed geothermal well field shall be fenced off during project construction to protect known subsurface cultural resources. Archaeological monitoring shall be conducted during installation of the pipe connecting the proposed geothermal well field to the Batsto Mansion. A copy of the archaeological monitoring plan should be submitted to the Commission and a report detailing the findings of that monitoring submitted upon completion of project operations.

### **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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SHEILA Y. OLIVER  
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  
Acting Executive Director

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

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on February 7, 2022 and include the following information:

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

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



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PHILIP D. MURPHY  
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SHEILA Y. OLIVER  
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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

January 19, 2022

Kathleen Hoffman (via email)  
Southampton Township  
5 Retreat Road  
Southampton, NJ 08088

Re: Application # 2006-0305.004  
Burrs Mill Road and Retreat Road  
Southampton Township

Dear Ms. Hoffman:

The Commission staff has completed its review of this application for reconstruction of the Burrs Mill Road and Retreat Road intersection. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 11, 2022 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 Acting 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, Southampton Township Planning Board (via email)  
Southampton Township Construction Code Official (via email)  
Southampton Township Environmental Commission (via email)  
Secretary, Burlington County Planning Board (via email)  
Rakesh R. Darji, PE (via email)





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PHILIP D. MURPHY  
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 SHEILA Y. OLIVER  
 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  
 Acting Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

January 19, 2022

Kathleen Hoffman (via email)  
 Southampton Township  
 5 Retreat Road  
 Southampton, NJ 08088

Application No.: 2006-0305.004  
 Burrs Mill Road and Retreat Road  
 Southampton Township

This application proposes the reconfiguration of the existing Burrs Mill Road and Retreat Road intersection in Southampton Township. The proposed development will remove the existing Y-intersection configuration and replace it with a T-intersection configuration.

The application also proposes to revegetate the portions of the road right of way where existing pavement will be removed.

**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. 7:50-5.24(b)9)

The proposed development is located in a Pinelands Agricultural Production Area. The reconfiguration of an existing intersection is permitted in the Pinelands Area. In addition, new public service infrastructure, including roads, is also a permitted use in a Pinelands Agricultural Production Area.

Wetlands Standards (N.J.A.C. 7:50-6.7)

There are wetlands located within 300 feet of the proposed development. The CMP prohibits most development in wetlands and requires a buffer of up to 300 feet to wetlands. The existing intersection predates the 1981 effective date of the Commission’s regulations. The existing Y-intersection is located between approximately five feet and 25 feet from wetlands. At its closest point, the proposed T-intersection will be located approximately 30 feet from wetlands. The proposed intersection is located further from wetlands than the existing intersection. The proposed intersection will not result in a significant adverse impact on the wetlands.

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

The proposed development will be located within the existing paved roadway and maintained grassed 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. To stabilize disturbed areas, the applicant proposes a seed mixture which meets that recommendation.

**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 December 15, 2021. The Commission's public comment period closed on January 14, 2022. 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 2 sheets, prepared by Environmental Resolutions, Inc., dated May 3, 2021 and last revised October 22, 2021.
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. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

**CONCLUSION**

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





PHILIP D. MURPHY  
Governor  
SHEILA Y. OLIVER  
Lt. Governor

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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting 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 February 7, 2022 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. PC4-22-08**

**TITLE:** **Approving With Conditions Applications for Waivers of Strict Compliance** (Application Numbers 1989-0461.003 & 1995-1379.001)

Commissioner Pikolycky moves and Commissioner Lloyd seconds the motion that:

**WHEREAS**, the Pinelands Commission has reviewed each of the Findings of Fact, Conclusion and the recommendation of the Acting Executive Director that the following applications for Waivers of Strict Compliance be approved with conditions:

**1989-0461.003**

<b>Applicant:</b>	<b>Robert J. Smith</b>
Municipality:	Monroe Township
Management Area:	Pinelands Rural Development Area
Date of Report:	January 19, 2022
Proposed Development:	Single family dwelling; and

**1995-1379.001**

<b>Applicant:</b>	<b>Ryan &amp; Alison DiDonato</b>
Municipality:	Hamilton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	January 21, 2022
Proposed Development:	Single family dwelling.

**WHEREAS**, no request for a hearing before the Office of Administrative Law concerning the Acting 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 Acting Executive Director for each of the proposed developments; and

**WHEREAS**, the Pinelands Commission hereby determines that the requested Waivers conform 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 Acting Executive Director are imposed; and

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

**NOW, THEREFORE BE IT RESOLVED** that Application Numbers 1989-0461.003 & 1995-1379.001 for Waivers of Strict Compliance are hereby **approved** subject to the conditions recommended by the Acting Executive Director.

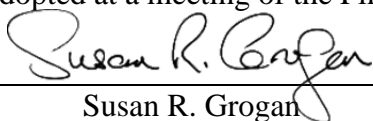
**Record of Commission Votes**

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Avery	X				Jannarone			X		Meade	X			
Christy			X		Lettman	X				Pikolycky	X			
Higginbotham			X		Lloyd	X				Quinn			X	
Holroyd	X				Lohbauer	X				Matos	X			
Irick	X				McCurry	X								

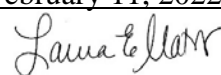
\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 11, 2022



Susan R. Grogan  
Acting Executive Director



Laura E. Matos  
Chair



State of New Jersey  
THE PINELANDS COMMISSION  
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NEW LISBON, NJ 08064  
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PHILIP D. MURPHY  
Governor  
SHEILA Y. OLIVER  
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  
Acting Executive Director

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

January 19, 2022

Robert J. Smith (via email)  
18 Steeplechase Drive  
Turnersville, NJ 08012

Re: Application # 1989-0461.003  
Block 7601, Lot 1  
Monroe Township

Dear Mr. Smith:

The Commission staff has completed its review of this application for a Waiver of Strict Compliance (“Waiver”) proposing the development of one single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission’s Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 11, 2022 meeting.

### **FINDINGS OF FACT**

This application is for the development of a single family dwelling served by a standard onsite septic system on the above referenced 20.7 acre parcel in Monroe Township. The parcel is located in a Pinelands Rural Development Area and in Monroe Township’s RD-RR zoning district. In this zoning district, Monroe Township’s certified land use ordinance establishes a minimum lot size of 3.2 acres to develop a single family dwelling.

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

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

The CMP (N.J.A.C. 7:50-4.65(b)6) requires that for an applicant to qualify for a Waiver to develop a single family dwelling in a Pinelands Rural Development Area, it must be demonstrated that no development, including clearing and land disturbance, will be located on or within 50 feet of wetlands. The applicant has demonstrated that no development, including clearing and land disturbance, will be located on or within 191 feet of wetlands.

Information available to the Commission staff indicates the potential presence of threatened and endangered (T&E) animal species or habitat critical to their survival and populations of T&E plant species on and in the vicinity of the parcel. The applicant proposes to locate all development on the 20.7 acre parcel within a proposed 0.37 acre development envelope fronting on an existing paved road. The applicant proposes to impose a deed restriction on the remaining 20.33 acres of the parcel to prohibit any further development, including clearing or land disturbance, unless a T&E species survey is undertaken demonstrating consistency with the T&E species protection standards of the Monroe Township land use ordinance and the CMP. With the conditions recommended below the applicant has demonstrated that the proposed development is designed to avoid irreversible adverse impacts on habitat that is critical to the survival of any local population of T&E animal species or to any local population of T&E plant species in accordance with the CMP (N.J.A.C. 7:50-6.27 and 6.33).

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 parcel. The development of a single family dwelling on the parcel will not require any lot area or residential density variances pursuant to Monroe Township's certified land use ordinances. A single family dwelling can be developed on the parcel without violating any of the criteria contained in the CMP (N.J.A.C. 7:50-4.65(b)) if the conditions recommended below are imposed.

### **PUBLIC COMMENT**

The applicant has provided the requisite public notice. Public notice to all property owners within 200 feet of the parcel was completed on April 29, 2021. Newspaper public notice was completed on December 28, 2021. The application was designated as complete on the Commission's website on January 3, 2022. The Commission's public comment period closed on January 14, 2022. 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) of the CMP have been met.

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

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain development specified in N.J.A.C. 7:50-4.63(a)1. This application is only for a Waiver from the wetlands buffer standard contained in N.J.A.C. 7:50-6. One of the specified types of development in N.J.A.C. 7:50-4.63(a)1 is a single family dwelling on a parcel within a Pinelands Rural Development Area that complies with the residential density and lot area standards of N.J.A.C. 7:50-

5.26(a) and (c). The application proposes to develop a single family dwelling on a parcel within a Pinelands Rural Development Area that complies with the residential density and lot area standards set forth in N.J.A.C. 7:50-5.26(a) and (c). The proposed single family dwelling on the 20.7 acre parcel meets the residential density and lot area standards established in this portion of the Pinelands Rural Development Area in Monroe Township's certified land use ordinances. As a result, the application meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1vii.

The second condition is that the parcel includes all contiguous land in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. Since the parcel includes all such contiguous land, the application meets the 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. Monroe Township's master plan and land use ordinance have been certified by the Pinelands Commission. In the RD-RR zoning district, Monroe Township's certified land use ordinance establishes a minimum lot size of 3.2 acres to develop a single family dwelling. This application proposes to develop a single family dwelling on a 20.7 acre parcel. No municipal lot area or density variances are 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 listed in N.J.A.C. 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which permits a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not result in a substantial impairment of the resources of the Pinelands Area. N.J.A.C. 7:50-4.65(b) sets forth the circumstances which do not comply with N.J.A.C. 7:50-4.65(a). With the conditions recommended below, the proposed development will not violate any of the circumstances contained in N.J.A.C. 7:50-4.65(b). As a result, the 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 dwelling will not result in substantial impairment of the resources of the Pinelands or be inconsistent with the provisions of the Pinelands Protection Act, the Federal Act or the CMP in accordance with the criteria set forth in N.J.A.C. 7:50-4.65.

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

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

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

To meet the CMP Waiver 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 Kates Schneider Engineering, LLC, dated April 13, 2021 and last revised December 9, 2021.
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 and in the area shown on the above referenced plan.
3. Prior to Commission issuance of a letter advising that any municipal or county approval or permit may take effect, a copy of a recorded deed restriction proposed by the applicant must be submitted to the Commission prohibiting any development, including clearing and land disturbance, outside of the designated development envelope on the above referenced plan unless a threatened and endangered species survey is undertaken demonstrating consistency with the threatened and endangered species protection standards.
4. Appropriate measures shall be taken prior to construction to preclude sedimentation from entering wetlands.
5. Sufficient dry wells or a comparable alternative shall be installed to contain all stormwater runoff from the house.
6. The driveway shall be constructed of crushed stone or other permeable material.
7. The septic system shall be located at least 250 feet from all wetlands. All other development, including clearing and land disturbance, shall be located at least 191 feet from all wetlands. No development, including clearing and land disturbance, shall occur except as shown on the above referenced plan.
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 municipal or county 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 February 11, 2027 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 February 11, 2027, or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.



11. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to completing an application for development. The deed shall also 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, Monroe Township, the Gloucester County Health Department, and any other party of interest.

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

Since the applicant meets the CMP Waiver 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 one 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 and received by the Commission's office no later than 5:00 PM on February 7, 2022 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, Monroe Township Planning Board (via email)  
Monroe Township Construction Code Official (via email)  
Monroe Township Environmental Commission (via email)  
Secretary, Gloucester County Planning Board (via email)  
Gloucester County Health Department (via email)



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PHILIP D. MURPHY  
Governor  
SHEILA Y. OLIVER  
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  
Acting Executive Director

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

January 21, 2022

Ryan & Alison DiDonato (via email)  
131 Nightengale Sq.  
Mays Landing, NJ 08330

Re: Application # 1995-1379.001  
Block 1135.01, Lot 5  
Hamilton Township

Dear Mr. & Mrs. DiDonato:

The Commission staff has completed its review of this application for a Waiver of Strict Compliance (“Waiver”) proposing the development of one single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission’s Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 11, 2022 meeting.

### **FINDINGS OF FACT**

This application is for the development of one single family dwelling, serviced by a standard onsite septic system, on the above referenced 4.3 acre parcel in Hamilton Township. The parcel is located in a Pinelands Regional Growth Area and in Hamilton Township’s GA-I zoning district. In this zoning district, Hamilton Township’s certified land use ordinance establishes a minimum lot size of 3.2 acres to develop a single family dwelling serviced by a standard septic system.

A Waiver from the required buffer to wetlands requirement for the development of a single family dwelling on the parcel was approved by the Pinelands Commission on February 13, 2015. The Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.70(c)) specifies that a Waiver expires five years after the date of Commission approval unless all necessary construction permits have been issued within the five year period, the authorized work is commenced within 12 months after issuance of the construction permits and no such permit becomes invalid after the five year period. No information was provided to the Commission staff demonstrating that a construction permit was issued by February 13, 2020, the date that the approved Waiver expired, or if any such construction permit was issued before the expiration date, that the permit remained valid.

Based upon the expiration of the Waiver on February 13, 2020, the applicant has completed this second application for a Waiver for the parcel.

A development application was completed with the Pinelands Commission prior to the February 13, 2015 Waiver. Based upon completion of that application, the Commission issued a Certificate of Filing (Inconsistent) on December 2, 1996 for the proposed single family dwelling. The Certificate of Filing noted that the proposed single family dwelling was inconsistent with the buffer to wetlands requirement of the Hamilton Township land use ordinance and the CMP.

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

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

The CMP (N.J.A.C. 7:50-4.65(b)6) requires that for an applicant 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 applicant has demonstrated that no development, including clearing and land disturbance, will be located on or within 50 feet of wetlands.

Information available to the Commission staff indicates the potential presence of threatened and endangered (T&E) animal species or habitat critical to their survival and populations of T&E plant species on and in the vicinity of the parcel. The applicant proposes to locate all development on the 4.3 acre parcel within a proposed 0.74 acre development envelope fronting on an existing paved road. The applicant proposes to impose a deed restriction on the remaining 3.56 acres of the parcel to prohibit any further development, including clearing or land disturbance, unless a T&E species survey is undertaken demonstrating consistency with the T&E species protection standards of the Hamilton Township land use ordinance and the CMP. With the conditions recommended below the applicant has demonstrated that the proposed development is designed to avoid irreversible adverse impacts on habitat that is critical to the survival of any local population of T&E animal species or to any local population of T&E plant species in accordance with the CMP (N.J.A.C. 7:50-6.27 and 6.33).

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 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. A single family dwelling can be developed on the parcel without violating any criteria contained in N.J.A.C. 7:50-4.65(b) if the conditions recommended below are imposed.

### **PUBLIC COMMENT**

The applicant has provided the requisite public notice. Newspaper public notice was completed on October 7, 2021. Public notice to all property owners within 200 feet of the parcel was completed on

November 22, 2021. The application was designated as complete on the Commission's website on December 3, 2021. The Commission's public comment period closed on January 14, 2022. No public comment regarding this application was 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 an extraordinary hardship, the applicant must demonstrate that the conditions of either N.J.A.C. 7:50-4.63(a) or (b) of the CMP have been met.

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

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain development specified in N.J.A.C. 7:50-4.63(a)1. This application is only for a Waiver from the wetlands buffer standard contained in N.J.A.C. 7:50-6. One of the specified types of development in N.J.A.C. 7:50-4.63(a)1 is a single family dwelling on a parcel within a Pinelands Regional Growth Area which is at least 20,000 square feet, excluding road rights of way, in size and will be serviced by an onsite septic system. This application proposes a single family dwelling in a Pinelands Regional Growth Area that will be serviced by an onsite septic system on a 4.3 acre (187,308 square feet) lot. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1v.

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

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

The fourth condition is that all necessary municipal lot area and 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. Hamilton Township's master plan and land use ordinances have been certified by the Pinelands Commission. In the GA-I zoning district, Hamilton Township's certified land use ordinance establishes a minimum lot size of 3.2 acres to develop a single family dwelling serviced by a standard onsite septic system. This application proposes to develop a single family dwelling serviced by a standard onsite septic system on a 4.3 acre lot. No municipal lot area or density variance is required to develop the proposed single family dwelling. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

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

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

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

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

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

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

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 Bernard Surveying LLC, dated April 16, 2012 and revised to December 4, 2014.301
2. To meet the wetlands protection and threatened and endangered species protection standards of the Hamilton Township land use ordinance and the CMP, all development, including clearing and land disturbance, shall be located within the proposed 0.74 acre development envelope as depicted on the above referenced plan.
3. The proposed septic system shall be located in an area where the seasonal high water table is at least five feet beneath the natural ground surface.
4. 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.
5. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

6. Sufficient dry wells or a comparable alternative shall be installed to contain all stormwater runoff from the house.
7. The driveway shall be constructed of crushed stone or other permeable material.
8. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 0.25 Pinelands Development Credits have been acquired and submitted to the Pinelands Development Credit Bank for redemption.
9. This Waiver shall expire February 11, 2027 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 February 11, 2027 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
10. Prior to Commission issuance of a letter advising that any municipal or county approval or permit may take effect, a copy of a recorded deed restriction must be submitted to the Commission prohibiting any development, including clearing and land disturbance, outside of the designated 0.74 acre development envelope depicted on the above referenced plan unless a threatened and endangered species survey is undertaken demonstrating consistency of any such proposed development with the threatened and endangered species protection standards of the Hamilton Township land use ordinance and the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-6.27 and 6.33).
11. If a threatened and endangered species survey is undertaken demonstrating that proposed development outside of the designated 0.74 acre development envelope is consistent with the above referenced threatened and endangered species protection standards, any proposed development must maintain a 300 foot buffer to wetlands unless it is also demonstrated that a lesser buffer will not result in a significant adverse impact on wetlands in accordance with the wetlands protection standard of the Hamilton Township land use ordinance and the of the Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-6.7).
12. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to Commission issuance of a letter advising that any submitted municipal or county permit or approval may take effect. The deed shall specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance approved by the Pinelands Commission on February 11, 2022 for App. No. 1995-1379.001. The deed shall also indicate that the conditions are enforceable by the Pinelands Commission, the Atlantic County Division of Public Health, Hamilton Township and any other party of interest.

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

Since the applicant meets the CMP Waiver 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 one 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 and received by the Commission's office no later than 5:00 PM on February 8, 2022 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)  
 Atlantic County Division of Public Health (via email)