



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-25- 14

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1981-2384.016 & 1984-1306.002)

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

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

1981-2384.016	
Applicant:	Burlington County
Municipality:	Pemberton Township
Management Area:	Pinelands Regional Growth Area Pinelands Rural Development Area
Date of Report:	May 19, 2025
Proposed Development:	Demolition of four structures ("buildings"), 50 years old or older, at the former Burlington County College Campus; and

1984-1306.002	
Applicant:	Hamilton Township
Municipality:	Hamilton Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	May 22, 2025
Proposed Development:	Soil capping of an existing municipal landfill.

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Numbers 1981-2384.016 & 1984-1306.002 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

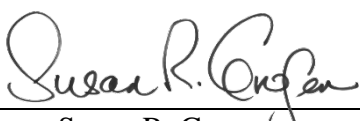
Record of Commission Votes

AYE NAY NP A/R*				AYE NAY NP A/R*				AYE NAY NP A/R*			
Asselta	X			Lettman			X	Rittler Sanchez	X		
Avery	X			Lohbauer	X			Signor	X		
Buzby-Cope	X			Mauriello	X			Wallner			X
Holroyd			X	Meade	X			Matos	X		
Irick	X			Pikolycky	X						


*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: June 13, 2025



Susan R. Grogan
Executive Director



Laura E. Matos
Chair



State of New Jersey
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PHILIP D. MURPHY
Governor
TAHESHA L. WAY
Lt. Governor

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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

May 19, 2025

Steven Stypinski
Burlington County (via email)
49 Rancocas Road
Mt. Holly NJ 08060

Re: Application # 1981-2384.016
Block 843, Lot 10
Pemberton Township

Dear Mr. Stypinski:

The Commission staff has completed its review of this application for demolition of four structures ("buildings"), 50 years old or older, at the former Burlington County College Campus. 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 June 13, 2025 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, 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)
Harry Harper (via email)



PHILIP D. MURPHY
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LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

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

PUBLIC DEVELOPMENT APPLICATION REPORT

May 19, 2025

Steven Stypinski
Burlington County (via email)
49 Rancocas Road
Mt. Holly NJ 08060

Application No.: 1981-2384.016
Block 843, Lot 10
Pemberton Township

This application proposes demolition of four structures ("buildings"), 50 years old or older, at the former Burlington County College Campus located on the above referenced 166 acre parcel in Pemberton Township.

There are eight buildings currently located on the parcel. The application proposes to demolish all of the existing buildings. Four of the buildings are less than 50 years old. The demolition of a building less than 50 years old does not require the completion of an application with the Commission.

The applicant has indicated that the debris from the proposed demolitions will be recycled to the maximum extent practicable and that all hazardous materials, including asbestos, have previously been removed from the structures.

STANDARDS

The Commission staff has reviewed the proposed demolition 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 & 5.28)

The parcel is located in a Pinelands Rural Development Area and a Pinelands Regional Growth Area. The four buildings subject of this application that are proposed for demolition are located in a Pinelands Regional Growth Area. The CMP permits the demolition of structures anywhere in the Pinelands Area.

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

The Commission staff reviewed available information to determine whether any significant cultural resources exist on the parcel. Based upon the lack of potential for significant cultural resources, a

cultural resource survey was not required.

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 April 4, 2025. Newspaper public notice was completed on April 9, 2025. The application was designated as complete on the Commission's website on April 28, 2025. The Commission's public comment period closed on May 9, 2025. The Commission received one verbal public comment regarding this application during the May 9, 2025 Commission meeting.

Commenter: The commenter expressed their appreciation that the County was moving forward with the demolition of the buildings located on the parcel.

Staff Response: The Commission staff appreciates the commenter's interest in the Pinelands Area.

CONDITIONS

1. Disposal of any demolition debris may only occur at an appropriately licensed facility.
2. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.

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.



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Executive Director

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PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on June 6, 2025 and include the following information:

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

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



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Application Specific Information: AppInfo@pinelands.nj.gov

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

May 22, 2025

Carl Pitale (via email)
Hamilton Township
6101 Thirteenth Street
Mays Landing NJ 08330

Re: Application # 1984-1306.002
Block 994, Lots 57 & 58.12 - 58.15
Hamilton Township

Dear Mr. Pitale:

The Commission staff has completed its review of this application for the soil capping of an existing municipal landfill. 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 June 13, 2025 meeting.

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

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

Sincerely,

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

Enc: Appeal Procedure

c: Secretary, Hamilton Township Planning Board (via email)
Hamilton Township Construction Code Official (via email)
Atlantic County Department of Regional Planning and Development (via email)
Jeffrey C. Dey (via email)
Art Schenker, Mayor (via email)
Brett Noll, Township Administrator (via email)



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SUSAN R. GROGAN
Executive Director

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PUBLIC DEVELOPMENT APPLICATION REPORT

May 22, 2025

Carl Pitale (via email)
Hamilton Township
6101 Thirteenth Street
Mays Landing NJ 08330

Application No.: 1984-1306.002
Block 994, Lots 57 & 58.12 - 58.15
Hamilton Township

This application proposes the soil capping of an existing closed municipal landfill located on the above referenced 46.73 acre parcel in Hamilton Township. The parcel is located within the Hamilton Township Business Park in a Pinelands Regional Growth Area.

This application proposes the removal of all forest and shrub vegetation from an approximately 16 acre portion of the 46.73 acre parcel to facilitate the proposed soil capping. The existing landfill will then be graded to final design grades. The soil cap will be comprised of 19 inches of cover fill topped with five inches of topsoil. The soil capped landfill will then be revegetated with native grasses.

Available information indicates that the closed landfill was in operation between 1970 and 1990. The Pinelands Comprehensive Management Plan (CMP) requires that all landfills located in a Pinelands Regional Growth Management Area that ceased operation on or after January 14, 1981 shall be capped with an impermeable material unless it can be clearly demonstrated that one of four CMP conditions are met. If one of those four conditions can be met, the landfill can be subject of an alternative treatment, other than an impermeable cap.

The CMP further requires that a plan for an impermeable landfill cap or for an alternative landfill treatment be submitted to the Commission by May 20, 1997 and that the capping or alternative landfill treatment begin immediately following Commission approval of such a plan. A plan for an impermeable landfill cap or alternative landfill treatment of this landfill was not submitted to the Commission by May 20, 1997. This constitutes a violation of the requirements of the CMP. Completion of this application is intended to resolve the violation.

After soil capping of the closed municipal landfill, it is anticipated that an application will be filed with the Pinelands Commission for a proposed solar energy facility on the soil capped municipal landfill.

STANDARDS

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

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

The parcel is located in a Pinelands Regional Growth Management Area. The capping of a closed landfill is permitted in all Pinelands management areas.

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

There are no wetlands located within 300 feet of the above referenced parcel.

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

The proposed development will be located within approximately 16 acres of forest and open sand areas. Portions of the existing landfill have naturally revegetated with young oak and pine trees. The proposed development will result in the clearing of approximately ten acres of forest vegetation. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development associated with the soil capping of the closed landfill.

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

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

A threatened and endangered species survey for Red-headed woodpecker was completed on the above referenced parcel. During the survey, one Red-headed woodpecker responded to a vocalization survey and flew onto the parcel. That individual remained on the parcel for a short period of time before leaving the parcel. The survey did not find any evidence of an active Red-headed woodpecker nest cavity on the parcel. The parcel is located in the 690 acre Hamilton Business Park. There is at least one confirmed Red-headed woodpecker nest cavity in the Business Park. Based on this survey and other recent surveys conducted on nearby parcels in the Business Park, Red-headed woodpeckers are utilizing the area.

The CMP requires that development be designed to avoid irreversible adverse impacts on habitats critical to the survival of any local population of Red-headed woodpecker. Preferred habitat for Red-headed woodpecker is open oak or mixed pine/oak forest that contains dead and dying trees with a sparse understory. The proposed soil capping of the landfill will disturb approximately sixteen acres. Of those sixteen acres, approximately ten acres are comprised of forest vegetation and six acres are open sandy disturbed areas. The majority of the ten acres of forest vegetation is comprised of young oak and pine trees.

To demonstrate that the proposed soil capping will not result in an irreversible adverse impact on habitats that are critical to the survival of the local population of Red-headed woodpecker, the applicant proposes to deed restrict an approximately 5,430 linear foot forested corridor along the perimeter boundary of the parcel. All development, including clearing and land disturbance, will be prohibited in the deed restricted area. The forested corridor is 100 feet in width except for a 428 foot long section

where the limit of the existing landfill is located within 100 feet of the perimeter boundary of the parcel. The deed restricted corridor will be 68 feet in width within that 428 foot long section. The majority of the mature forested vegetation on the parcel will be located within the deed restricted area, including the wooded area where the Red-headed woodpecker was observed.

The proposed development has been designed to avoid irreversible adverse impacts on habitats that are critical to the survival of the local population of Red-headed woodpecker.

Landfill Standards (N.J.A.C. 7:50-6.75)

The CMP requires that all landfills located in a Pinelands Regional Growth Management Area that ceased operation on or after January 14, 1981 be capped with an impermeable material unless it can be clearly demonstrated that one of four CMP specified conditions can be met. If one of those four conditions can be met, the landfill can be subject of an alternative treatment, other than an impermeable cap. One of the four CMP specified conditions that can be met to allow for an alternative landfill treatment is that if a leachate plume associated with the landfill exists, it poses no significant ecological risk to wetlands.

There is a leachate plume associated with this landfill. However, the leachate plume is present only in a deep aquifer zone that does not interact with, or pose a significant risk to, nearby wetlands. The nearest downgradient wetland that is in the path of the leachate plume is located approximately 2,070 feet south of the landfill. To demonstrate that the leachate plume poses no significant ecological risk to wetlands, the applicant evaluated the water quality in both the shallow aquifer zone and the deep aquifer zone downgradient of the landfill and concluded that the plume will not discharge contaminants to the wetlands. The applicant's evaluation included preparation and detailed review of a conceptual site model that depicts and evaluates the landfill and its surrounding environs, a hydrogeologic framework model, groundwater monitoring data, New Jersey Department of Environmental Protection ecological screening criteria and an ecotoxicology report. All of this information was submitted to and reviewed by the Commission. The applicant also submitted a certification by the applicant's New Jersey Licensed Site Remediation Professional representing that the landfill does not pose a significant ecological risk to wetlands and may be closed by using a soil cover.

The application is consistent with the CMP landfill capping 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 CMP stormwater management standards. To meet the stormwater management standards, the application proposes the construction of eleven stormwater infiltration basins.

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on April 24, 2025. Newspaper public notice was completed on April 24, 2025. The application was designated as complete on the Commission's website on April 28, 2025. The Commission's public comment period closed on May 9, 2025. No public comment was submitted to the Commission regarding this application.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 23 sheets, prepared by Colliers Engineering & Design, all sheets dated October 9, 2023 and revised to February 25, 2025.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" 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 any development, the applicant shall submit a copy of the recorded conservation deed restriction for the proposed forested corridor to the Commission.
6. Any proposed solar energy facility on the 46.73 acre parcel requires completion of a separate application with the Commission and approval of that application in accordance with the regulations contained in the Pinelands Comprehensive Management Plan.

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
TAHESHA L. WAY
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PINELANDS COMMISSION **APPEAL PROCEDURE**

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on June 9, 2025 and include the following information:

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

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



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-25- 15

TITLE: Approving With Conditions an Application for a Waiver of Strict Compliance (Application Number 1983-6352.003)

Commissioner Mauriello moves and Commissioner Lohbauer seconds the motion that:

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

1983-6352.003
Applicant: Dustin Barry
Municipality: Shamong Township
Management Area: Pinelands Village
Date of Report: May 22, 2025
Proposed Development: Single family dwelling.

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

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for the requested Waiver of Strict Compliance; and

WHEREAS, the Pinelands Commission hereby determines that the requested Waiver conforms to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65 if the conditions recommended by the Executive Director are imposed; and

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1983-6352.003 for a Waiver of Strict Compliance is hereby approved subject to the conditions recommended by the Executive Director.

Record of Commission Votes

Table with 4 columns (AYE, NAY, NP, A/R*) repeated three times, containing names and vote counts for Asselta, Avery, Buzby-Cope, Holroyd, Irick, Lettman, Lohbauer, Mauriello, Meade, Pikolycky, Rittler Sanchez, Signor, Wallner, and Matos.

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission Date: June 13, 2025

Susan R. Grogan
Executive Director

Laura E. Matos
Chair



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

LAURA E. MATOS
Chair
SUSAN R. GROGAN
Executive Director

REPORT ON AN APPLICATION FOR A WAIVER OF STRICT COMPLIANCE

May 22, 2025

Dustin Barry (via email)
2 Coleman Court
Southampton NJ 08088

Re: Application # 1983-6352.003
Block 19.02, Lot 6.19
Shamong Township

Dear Mr. Barry:

The Commission staff has completed its review of the above referenced application for a Waiver of Strict Compliance ("Waiver"). Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application for a Waiver with conditions at its June 13, 2025 meeting.

FINDINGS OF FACT

This application is for the development of one single family dwelling serviced by an individual on-site septic wastewater treatment system on the above referenced 0.91 acre (39,640 square foot) parcel in Shamong Township. The parcel is located in a Pinelands Village and in Shamong Township's Village-Residential zoning district. In this zoning district, Shamong Township's land use ordinance, certified by the Commission, establishes a minimum lot size of 1.0 acre to develop a single family dwelling on an existing lot of record as of November 14, 1997. The parcel subject of this application existed on November 14, 1997.

On August 11, 2017, a Waiver for the development of a single family dwelling on the parcel was approved pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.63). The CMP (N.J.A.C. 7:50-4.70(c)) provides that any Commission approval for a Waiver based upon N.J.A.C. 7:50-4.63 shall expire five years after approval unless all necessary construction permits have been issued and other CMP specified requirements are met. Based on the submitted information, the previously approved Waiver has expired.

The CMP (N.J.A.C. 7:50-6.84(a)5vi) requires that an individual on-site septic wastewater treatment system be located in an area on a parcel where the depth to seasonal high water table is at least five feet below the natural ground surface. The Burlington County Soils Survey indicates that there are Woodstown soils on this parcel. These soils have a seasonal high water table of less than five feet below the natural ground surface. The applicant has submitted no information to demonstrate that the proposed

individual on-site septic wastewater treatment system could be located in an area on the parcel where the seasonal high water table is at least five feet below the natural ground surface. Since the available information indicates the seasonal high water table on the entire parcel is less than five feet below the natural ground surface, the applicant is requesting a Waiver from the seasonal high water table standard contained in the CMP (N.J.A.C. 7:50-6.84(a)5vi).

The CMP (N.J.A.C. 7:50-6.84(a)5iv) requires that an individual on-site septic wastewater treatment system meet a two parts per million average nitrogen concentration in the groundwater at the property line of the parcel. As no Commission approved individual on-site septic wastewater treatment system will meet the two parts per million average nitrogen concentration in the groundwater at the property line of the 0.91 acre parcel, the applicant is requesting a Waiver from the groundwater quality standard contained in the CMP (N.J.A.C. 7:50-6.84(a)5iv).

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

The parcel includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the entire contiguous parcel. The development of a single family dwelling on the parcel will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP. The proposed single family dwelling will not result in a substantial impairment of the resources of the Pinelands Area as required by the CMP (N.J.A.C. 7:50-4.65(b)).

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Public notice to all property owners within 200 feet of the parcel was completed on April 23, 2025. Newspaper public notice was completed on April 24, 2025. The application was designated as complete on the Commission's website on April 29, 2025. The Commission's public comment period closed on May 9, 2025. No public comment was received by the Commission for this application.

CONCLUSION

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

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

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain specified development. One of the specified types of development is a single family dwelling on a parcel within a Pinelands Village which is at least 20,000 square feet, excluding road rights of way, in size and is not serviced by a centralized wastewater treatment system. This application is for a Waiver from the minimum depth to seasonal high water table standard of at least five

feet below the natural ground surface and the groundwater quality standard, both contained in N.J.A.C. 7:50-6. The applicant is proposing to develop a single family dwelling serviced by an individual on-site septic wastewater treatment system on a 0.91 acre (39,640 square foot) parcel. The parcel contains more than 20,000 square feet, excluding road rights of way, and is located in a Pinelands Village. 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 as required by this condition, 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 density variances have been obtained if the lot is located in a municipality whose master plan and land use ordinance have been certified by the Pinelands Commission. Shamong Township's master plan and land use ordinance have been certified by the Pinelands Commission. In the Township's Village-Residential zoning district, Shamong Township's certified land use ordinance establishes a minimum lot size of 1.0 acre to develop a single family dwelling on an existing lot of record as of November 14, 1997. The parcel subject of this application existed on November 14, 1997. This application proposes to develop a single family dwelling on a 0.91 acre lot.

On December 19, 2023, the Shamong Township Joint Land Use Board adopted Resolution No. 2023-15 approving a lot size variance for the development of a single family dwelling on the 0.91 acre lot. Based upon the Shamong Township land use ordinance (Section 110-20) and available information, the December 19, 2023 lot size variance expired on December 19, 2024. On April 15, 2025, the Shamong Township Joint Land Use Board adopted Resolution No. 2025-8 reinstating and re-ratifying the variance approved in Resolution 2023-15. 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. This Waiver provides relief from the minimum depth to the seasonal high water table standard of at least five feet below the natural ground surface and the groundwater quality standard, both standards of N.J.A.C. 7:50-6. The Waiver requires the acquisition and redemption of the 0.25 PDCs. The required 0.25 PDCs was acquired and redeemed on May 19, 2022 for the now expired August 11, 2017 Waiver approval for this parcel.

The CMP (N.J.A.C. 7:50-4.62(d)1ii)) also requires the acquisition and redemption of any PDCs that are otherwise required pursuant to N.J.A.C. 7:50-5.27, 5.28 or 5.32. The CMP (N.J.A.C. 7:50-5.27(c)) provides that any local approval in a Pinelands Village which grants relief from density or lot area requirements shall require that PDCs be used for all dwelling units or lots in excess of that otherwise permitted, unless a Waiver for the dwelling unit or lot has been approved by the Commission. Since the applicant qualifies for a Waiver, PDCs are not required for any such local approval.

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 Paulus, Sokolowski, and Sartor, dated July 16, 2024 and last revised May 22, 2025.
2. The septic system must be located in an area where the seasonal high water table is at least two feet below the natural ground surface.
3. The proposed dwelling must utilize an alternate design wastewater system authorized pursuant to the CMP on a 1.0 acre lot and approved for use by the Pinelands Commission and the New Jersey Department of Environmental Protection.
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. The proposed septic system shall be located at least 300 feet from wetlands. All other development, except for the proposed driveway, shall be located 250 feet from wetlands.
6. This Waiver shall expire June 13, 2030 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after June 13, 2030 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.

7. Prior to Commission issuance of a letter advising that any municipal or county permit or approval may take effect, a copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission. The deed shall specify that the conditions are being imposed pursuant to a May 19, 2025 Pinelands Commission Report on an Application for a Waiver of Strict Compliance for Application # 1983-6352.003. The deed shall also state that the conditions are enforceable by the Pinelands Commission, Shamong Township, the Burlington County Health Department and any other party of interest.

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

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

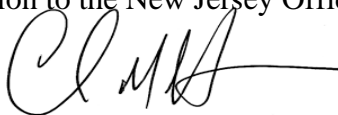
APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on June 9, 2025 and include the following information:

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

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

Recommended for Approval by: _____


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

- c: Secretary, Shamong Township Planning Board (via email)
Shamong Township Construction Code Official (via email)
Secretary, Burlington County Planning Board (via email)
Burlington County Health Department (via email)



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-25- 16

TITLE: To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2026 at the Same Level of Expenditures as Fiscal Year 2025 until the Adoption of the Fiscal Year 2026 Budgets

Commissioner Avery moves and Commissioner Rittler Sanchez seconds the motion that:

WHEREAS, pursuant to the Pinelands Protection Act, the Pinelands Commission is charged with continued implementation and monitoring of the Pinelands Comprehensive Management Plan; and

WHEREAS, based on the Governor’s proposed budget and subsequent confirmation from the Office of Management and Budget, it is anticipated that the Commission will receive an appropriation of at least \$3,994,000 to support its operations during Fiscal Year 2026; and

WHEREAS, confirmation of the State appropriation is expected in July, after which the Commission will be able to finalize and adopt its Fiscal Year 2026 budgets; 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 actions shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Executive Director is authorized to continue to expend funds during Fiscal Year 2026 at the same level of expenditures as Fiscal Year 2025 until the Commission’s adoption of the Fiscal Year 2026 Budgets.

Record of Commission Votes

AYE NAY NP A/R*					AYE NAY NP A/R*					AYE NAY NP A/R*				
Asselta	X				Lettman			X		Rittler Sanchez	X			
Avery	X				Lohbauer	X				Signor	X			
Buzby-Cope	X				Mauriello	X				Wallner			X	
Holroyd			X		Meade	X				Matos	X			
Irick	X				Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: June 13, 2025

Susan R. Grogan
Susan R. Grogan
Executive Director

Laura E. Matos
Laura E. Matos
Chair