



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

**NO. PC4-23- 01**

**TITLE:** Expressing the Commission's Appreciation to Jane Jannarone for Her Service as a Member of the Commission From June 12, 2014 to December 1, 2022

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

**WHEREAS**, Jane Jannarone served as Cumberland County's representative on the Pinelands Commission from June 12, 2014 to December 1, 2022; and

**WHEREAS**, Ms. Jannarone brought a wealth of experience to the Commission. She served as a member of the Cumberland County Board of County Commissioners (at the time of service Board of Chosen Freeholders), and she is a real estate broker with more than 25 years of experience; 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, the Commission completed an in-depth review of the Pinelands Comprehensive Management Plan (CMP); and

**WHEREAS**, during her tenure, the Commission adopted five sets of amendments to the CMP, including regulations that pertain to the use of advanced wastewater treatment systems and a comprehensive set of amendments that will enhance stormwater management in the Pinelands Area; and

**WHEREAS**, during her tenure, the Commission also proposed CMP amendments designed to strengthen protections to the Kirkwood-Cohansey aquifer system while ensuring a sufficient water supply for authorized development in the growth-oriented portions of the Pinelands Area; and

**WHEREAS**, during her tenure, the Commission contributed nearly \$750,000 toward the permanent protection of 1,602 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**, during her tenure, the Commission successfully secured a National Scenic Byway designation for the 130-mile Pine Barrens Byway; and

**WHEREAS**, during her tenure, the Pinelands Development Credit (PDC) program saw increased activity, as evidenced by the Commission's allocation of 346.50 PDCs, the redemption of 227.50 PDCs and the permanent preservation of 5,842 acres in the Preservation Area District, Agricultural Production Area and Special Agricultural Production Area through the severance of PDCs; and

**WHEREAS**, during her tenure, the Commission reviewed and acted on approximately 270 applications for public development; and

**WHEREAS**, the members of the Commission want to recognize Ms. Jannarone's significant contributions and express their appreciation for the service that she performed; and

**NOW, THEREFORE BE IT RESOLVED** that the members of the Pinelands Commission hereby express our appreciation to our colleague and friend, Jane Jannarone, for her commitment to the Pinelands and for her service as a member of the Commission from June 12, 2014 to December 1, 2022.

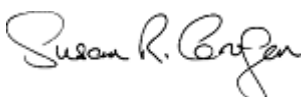
**Record of Commission Votes**

|         | AYE | NAY | NP | A/R* |           | AYE | NAY | NP | A/R* |           | AYE | NAY | NP | A/R* |
|---------|-----|-----|----|------|-----------|-----|-----|----|------|-----------|-----|-----|----|------|
| Avery   | X   |     |    |      | Lloyd     | X   |     |    |      | Pikolycky | X   |     |    |      |
| Christy | X   |     |    |      | Lohbauer  | X   |     |    |      | Wallner   | X   |     |    |      |
| Holroyd | X   |     |    |      | Mauriello | X   |     |    |      | Matos     | X   |     |    |      |
| Irick   | X   |     |    |      | McCurry   | X   |     |    |      |           |     |     |    |      |
| Lettman | X   |     |    |      | Meade     |     |     | X  |      |           |     |     |    |      |

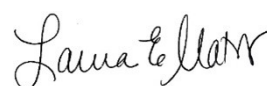
\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: January 13, 2023



\_\_\_\_\_  
Susan R. Grogan  
Acting Executive Director



\_\_\_\_\_  
Laura E. Matos  
Chair



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

**NO. PC4-23- 02**

**TITLE:** Expressing the Commission's Appreciation to Gary Quinn for His Service as a Member of the Commission From July 27, 2011 to November 21, 2022

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

**WHEREAS**, Gary Quinn served as a gubernatorial representative on the Pinelands Commission from July 27, 2011 to November 21, 2022; and

**WHEREAS**, Mr. Quinn brought a wealth of experience in municipal and county government to the Commission. He served on the Lacey Township Committee for 15 years, including five years as Mayor and five years as Deputy Mayor. He was also a member of the Lacey Township Planning Board and the Lacey Township Board of Education. He is currently serving his second term on the Ocean County Board of Commissioners; and

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

**WHEREAS**, during his tenure on the Commission, Mr. Quinn served on the agency's Personnel and Budget Committee; and

**WHEREAS**, during his tenure, the Commission completed an in-depth review of the Pinelands Comprehensive Management Plan (CMP); and

**WHEREAS**, during his tenure on the Commission, the Commission adopted six sets of amendments to the CMP, including regulations that pertain to solar energy facilities, the use of advanced wastewater treatment systems and stormwater management in the Pinelands Area; and

**WHEREAS**, during his tenure, the Commission also proposed CMP amendments designed to strengthen protections to the Kirkwood-Cohansey aquifer system while ensuring a sufficient water supply for authorized development in the growth-oriented portions of the Pinelands Area; 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 \$5,769,392 toward the permanent protection of 5,625 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**, during his tenure, the Commission successfully secured a National Scenic Byway designation for the 130-mile Pine Barrens Byway; and

**WHEREAS**, during his tenure, the Pinelands Development Credit (PDC) program saw increased activity, as evidenced by the Commission's allocation of over 500 PDCs, the redemption of 256.75 PDCs and the permanent preservation of 5,917 acres in the Preservation Area District, Agricultural Production Area and Special Agricultural Production Area through the severance of PDCs; and

**WHEREAS**, during his tenure, the Commission reviewed and acted on approximately 400 applications for public development; and

**WHEREAS**, the members of the Commission want to recognize Mr. Quinn's significant contributions and express their appreciation for the service that he performed; and

**NOW, THEREFORE BE IT RESOLVED** that the members of the Pinelands Commission hereby express our appreciation to our colleague and friend, Gary Quinn, for his commitment to the Pinelands and for his service as a member of the Commission from July 27, 2011 to November 21, 2022.

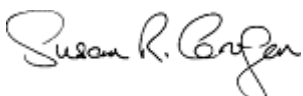
**Record of Commission Votes**

|         | AYE | NAY | NP | A/R* |           | AYE | NAY | NP | A/R* |           | AYE | NAY | NP | A/R* |
|---------|-----|-----|----|------|-----------|-----|-----|----|------|-----------|-----|-----|----|------|
| Avery   | X   |     |    |      | Lloyd     | X   |     |    |      | Pikolycky | X   |     |    |      |
| Christy | X   |     |    |      | Lohbauer  | X   |     |    |      | Wallner   | X   |     |    |      |
| Holroyd | X   |     |    |      | Mauriello | X   |     |    |      | Matos     | X   |     |    |      |
| Irick   | X   |     |    |      | McCurry   | X   |     |    |      |           |     |     |    |      |
| Lettman | X   |     |    |      | Meade     |     |     | X  |      |           |     |     |    |      |

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: January 13, 2023



Susan R. Grogan  
Acting Executive Director



Laura E. Matos  
Chair



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

**NO. PC4-23-03**

**TITLE:** **Approving** With Conditions Applications for **Public Development** (Application Numbers 1985-0641.014 & 1988-0706.023)

Commissioner Lohbauer moves and Commissioner Pikolycky 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:

**1985-0641.014**

|                       |   |
|-----------------------|---|
| <b>Applicant:</b>     | <b>Pemberton Township</b>   |
| Municipality:         | Pemberton Township  |
| Management Area:      | Pinelands Regional Growth Area  |
| Date of Report:       | December 21, 2022   |
| Proposed Development: | Installation of sidewalk within the First Avenue, College Drive, Scrapetown Road and Yale Road rights-of-way; and |

**1988-0706.023**

|                       |   |
|-----------------------|---|
| <b>Applicant:</b>     | <b>Town of Hammonton</b>  |
| Municipality:         | Town of Hammonton   |
| Management Area:      | Pinelands Town  |
| Date of Report:       | December 21, 2022   |
| Proposed Development: | Construction of an artificial turf athletic field at an existing municipal recreational facility. |

**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 1985-0641.014 & 1988-0706.023 for public development are hereby **approved** subject to the conditions recommended by the Acting Executive Director.

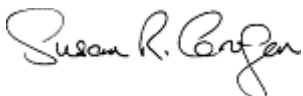
**Record of Commission Votes**

|         | AYE | NAY | NP | A/R* |           | AYE | NAY | NP | A/R* |           | AYE | NAY | NP | A/R* |
|---------|-----|-----|----|------|-----------|-----|-----|----|------|-----------|-----|-----|----|------|
| Avery   | X   |     |    |      | Lloyd     | X   |     |    |      | Pikolycky | X   |     |    |      |
| Christy | X   |     |    |      | Lohbauer  | X   |     |    |      | Wallner   | X   |     |    |      |
| Holroyd | X   |     |    |      | Mauriello | X   |     |    |      | Matos     | X   |     |    |      |
| Irick   | X   |     |    |      | McCurry   |     |     |    | A    |           |     |     |    |      |
| Lettman | X   |     |    |      | Meade     |     |     | X  |      |           |     |     |    |      |

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: January 13, 2023



Susan R. Grogan  
Acting Executive Director



Laura E. Matos  
Chair



State of New Jersey  
THE PINELANDS COMMISSION  
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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

December 21, 2022

David Patriarca, Mayor (via email)  
Pemberton Township  
500 Pemberton-Browns Mills Road  
Pemberton NJ 08068

Re: Application # 1985-0641.014  
Block 839.02, Lots 1 & 44.06  
First Avenue, College Drive, Scrapetown Road and Yale Road rights-of-way  
Pemberton Township

Dear Mayor Patriarca:

The Commission staff has completed its review of this application for installation of a total of 2,274 linear feet of sidewalk within the First Avenue, College Drive, Scrapetown Road and Yale Road rights-of-way and on the above referenced parcels. 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 January 13, 2023 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, 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)  
Fred Scherrer (via email)







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

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

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

**PUBLIC DEVELOPMENT APPLICATION REPORT**

December 21, 2022

David Patriarca, Mayor (via email)  
 Pemberton Township  
 500 Pemberton-Browns Mills Road  
 Pemberton NJ 08068

Application No.: 1985-0641.014  
 Block 839.02, Lots 1 & 44.06  
 First Avenue, College Drive, Scrapetown Road and Yale Road rights-of-way  
 Pemberton Township

This application proposes installation of a total of 2,274 linear feet of sidewalk within the First Avenue, College Drive, Scrapetown Road and Yale Road rights-of-way and on the above referenced parcels in Pemberton Township.

This application proposes sidewalks to provide for, and facilitate, safe pedestrian movement for the Pemberton Township Emmons and Busansky Elementary Schools. The proposed sidewalk will range between four and five feet in width.

The applicant proposes to acquire temporary construction easements and permanent sidewalk easements on Block 839.02, Lot 44.06 and Block 839.02, Lot 1. Block 839.02, Lot 44.06 is owned by the Pemberton Township Board of Education and contains the two above referenced schools. Available tax record information indicates that Block 839.02, Lot 1 is owned by Lake Valley Associates. By email dated December 16, 2022, the applicant has represented that they have reached a verbal agreement with both concerned lands owners to obtain the necessary temporary construction easement and permanent sidewalk easements. A condition is included in this Report indicating that no development shall occur on Block 839.02, Lots 1 or 44.06 unless the Township obtains the necessary easements or the Township obtains ownership of the concerned lands through eminent domain. Both property owners are receiving a copy of this Report.

**STANDARDS**

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

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

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

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

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

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

Stormwater Management Standards (N.J.A.C.7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with CMP stormwater management standards. To meet the stormwater management standards, the applicant will be constructing three underground stormwater infiltration facilities.

**PUBLIC COMMENT**

The applicant has provided the requisite public notices. Newspaper public notice was completed on September 22, 2022. The application was designated as complete on the Commission's website on November 22, 2022. The Commission's public comment period closed on December 9, 2022. The Commission received one oral public comment at the Commission's December 9, 2022 monthly meeting regarding this application.

**Public Comment:** The commenter inquired as to the amount of the Commission's fee for a pre-application conference and the fee for filing of the application.

**Staff Response:** The staff advised the commenter that there is no fee for a pre-application conference and that the fee for this application was \$250.

**CONDITIONS**

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 24 sheets, prepared by NV5, Inc., all sheets dated November 18, 2022.
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. No development proposed in this application shall occur on Block 839.02, Lots 1 and 44.06 unless the Township obtains the necessary easements or the Township obtains ownership of the concerned lands through eminent domain.

### **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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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 January 9, 2023 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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LAURA E. MATOS  
Chair  
SUSAN R. GROGAN  
Acting Executive Director

December 21, 2022

Stephen DiDonato, Mayor (via email)  
Town of Hammonton  
100 Central Avenue  
Town Hall  
Hammonton NJ 08037

Re: Application # 1988-0706.023  
Block 4204, Lot 8  
Town of Hammonton

Dear Mayor DiDonato:

The Commission staff has completed its review of this application for construction of an artificial turf athletic field at an existing municipal recreational facility. 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 January 13, 2023 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, Town of Hammonton Planning Board (via email)  
Town of Hammonton Construction Code Official (via email)  
Town of Hammonton Environmental Commission (via email)  
Atlantic County Department of Regional Planning and Development (via email)  
Jason Sciuлло (via email)



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PHILIP D. MURPHY  
 Governor  
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 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**

December 21, 2022

Stephen DiDonato, Mayor (via email)  
 Town of Hammonton  
 100 Central Avenue  
 Town Hall  
 Hammonton NJ 08037

Application No.: 1988-0706.023  
 Block 4204, Lot 8  
 Town of Hammonton

This application proposes construction of an artificial turf athletic field at an existing municipal recreational facility located on the above referenced 37.61 acre parcel in the Town of Hammonton.

The application proposes to replace an existing grassed athletic field with an artificial turf athletic field. The replacement athletic field will be in the same location as the existing athletic field. The applicant also proposes the construction of spectator bleachers.

The Town of Hammonton’s Boyer Avenue treated wastewater land application facility is located on a 142.44 acre parcel that includes 37.61 acre Block 4204, Lot 8. The land application facility includes one wastewater storage lagoon, five infiltration trenches, 26 acres of overland drip irrigation and eight acres of underground recharge.

The land application facility accepts treated wastewater from Hammonton’s Pleasant Mills Road wastewater treatment plant. The wastewater treatment plant has a design capacity of 1.6 million gallons of wastewater per day. In 2022, the average daily flow from the wastewater treatment plant was approximately 0.95 million gallons of wastewater per day. The existing land application facility is accommodating those 0.95 million gallons of wastewater per day.

This application for the construction of an artificial turf athletic field will result in the removal of approximately two acres of the underground treated wastewater recharge system. The applicant has provided information indicating that the two acres of underground recharge system typically infiltrates 40,000 gallons of wastewater per day. On October 14, 2022, the Commission approved the construction of an 11 acre overland drip irrigation system for treated wastewater on the 142.44 acre Boyer Avenue treated wastewater land application facility parcel (App. No. 1988-0706.024). The 11 acre overland drip irrigation system is anticipated to have the capacity to infiltrate 275,000 gallons of wastewater per day. With the construction of the 11 acre overland drip irrigation system, the applicant will be compensating for the loss of the two acres of underground recharge. A condition is included in this Report that the 11

acre overland drip irrigation system approved in App. No. 1988-0706.024 must be completed prior to initiating construction of the artificial turf athletic field.

### **STANDARDS**

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

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

The proposed development is located in the Pinelands Town of Hammonton. Recreational facilities are a permitted land use in a Pinelands Town.

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

The proposed development will be located within the limits of the existing grassed athletic field. 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 the disturbed areas beyond the limits of the proposed artificial turf athletic fields, the application proposes to utilize a seed mixture which meets that recommendation.

#### Stormwater Management Standards (N.J.A.C. 7:50-6.84(a)6)

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards of the CMP. To meet the stormwater management standards, the application proposes to utilize three existing stormwater infiltration basins located on the parcel.

The three existing stormwater infiltration basins are retaining stormwater runoff and not draining in the timeframe required by the CMP due to the growth of vegetation and the accumulation of sediment within the basins. The three basins are described as Basins B, C and D in the Stormwater Management Report prepared by Engineering & Land Planning Associates, Inc. The applicant has removed the vegetation from the three basins. The applicant has also submitted a remediation plan indicating that, coinciding with the development of the turf field, the accumulated sediment will be removed from the basins. Thereafter, the materials at the bottom of the basins will be replaced with soils having a permeability rate consistent with the requirements of the CMP.

### **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 February 25, 2022. Newspaper public notice was completed on April 6, 2022. The application was designated as complete on the Commission's website on November 9, 2022. The Commission's public comment period closed on December 9, 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 16 sheets, prepared by Engineering & Land Planning Associates, Inc., all sheets dated March 28, 2022 and last revised August 25, 2022.
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. The 11 acre overland drip irrigation system approved in App. No. 1988-0706.024 shall be completed and operational prior to the initiation of construction of the artificial turf athletic field subject of this application.
6. The applicant shall complete the remediation of the three stormwater infiltration basins no later than June 30, 2023.

### **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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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 January 9, 2023 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. PC4-23-04

**TITLE:** **Approving** With Conditions an Application for a **Waiver of Strict Compliance** (Application Number 2000-0667.001)

Commissioner Lohbauer moves and Commissioner Irick 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 application for Waiver of Strict Compliance be approved with conditions:

**2000-0667.001**

**Applicant:** **KSD Homes, LLC**  
Municipality: Manchester Township  
Management Area: Pinelands Town  
Date of Report: December 15, 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 this application; and

**WHEREAS**, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Acting 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 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 Number 2000-0667.001 for a Waiver of Strict Compliance is 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   |     |    |      | Lloyd     | X   |     |    |      | Pikolycky | X   |     |    |      |
| Christy | X   |     |    |      | Lohbauer  | X   |     |    |      | Wallner   | X   |     |    |      |
| Holroyd | X   |     |    |      | Mauriello | X   |     |    |      | Matos     | X   |     |    |      |
| Irick   | X   |     |    |      | McCurry   | X   |     |    |      |           |     |     |    |      |
| Lettman | X   |     |    |      | Meade     |     |     | X  |      |           |     |     |    |      |

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: January 13, 2023

Susan R. Grogan  
Acting Executive Director

Laura E. Matos  
Chair



# State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

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**

December 15, 2022

KSD Homes, LLC (via email)  
1981 Elizabeth Avenue  
Manchester NJ 08759

Re: Application # 2000-0667.001  
Block 99.69, Lot 1  
Manchester Township

Dear Applicant:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Acting Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its January 13, 2023 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 0.83 acre parcel in Manchester Township. The parcel is located in the Pinelands Town of Whiting and in Manchester Township's WTR-40 zoning district. In this zoning district, Manchester Township's certified land use ordinance establishes a minimum lot size of one acre to develop a single family dwelling that is serviced by an individual on-site septic wastewater treatment system.

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 0.83 acre parcel, the applicant is requesting a Waiver from the groundwater quality standard contained in the Pinelands Comprehensive Management Plan (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 provided the requisite public notices. Public notice to all property owners within 200 feet of the parcel was completed on June 1, 2022. Newspaper public notice was completed on May 28, 2022. The application was designated as complete on the Commission's website on November 7, 2022. The Commission's public comment period closed on December 9, 2022. 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)1) 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 Regional Growth Area, Pinelands Town or Pinelands Village which is at least 20,000 square feet, excluding road rights of way, in size and is not served by a centralized wastewater treatment system. This application is for a Waiver from the groundwater quality standard 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 0.83 acre (36,154 square feet) parcel. The parcel contains more than 20,000 square feet, excluding road rights of way, and is located in a Pinelands Town. 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 except as expressly provided in N.J.A.C. 7:50-5.1(c), 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 parcel is located in a municipality whose master plan and land use ordinance have been certified by the Pinelands Commission. Manchester Township's master plan and land use ordinance have been certified by the Pinelands Commission. In the WTR-40 zoning district, Manchester Township's certified land use ordinance establishes a minimum lot size of one acre to develop a single family dwelling that is

serviced by an individual on-site septic wastewater treatment system. On July 28, 2022, the Manchester Township Zoning Board of Adjustment adopted Resolution ZB22-05 approving a residential lot size variance to develop a dwelling on the parcel. 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)1.

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 applicant is obtaining a Waiver from the groundwater quality standard (N.J.A.C. 7:50-6.84(a)5iv.), a condition is included to require the applicant to purchase the requisite 0.25 PDCs.

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 Town 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. The parcel qualifies for a Waiver for a dwelling. If the Commission approves this Waiver, additional PDCs are not required for the dwelling.

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. The septic system must be located in an area where the seasonal high water table is at least five feet below the natural ground surface.

2. The proposed dwelling must utilize an alternate design onsite wastewater treatment 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.
3. 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.
4. 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 PDCs have been acquired and submitted to the PDC Bank for redemption.
5. This Waiver shall expire January 13, 2028 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after January 13, 2028 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
6. 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 Waiver of Strict Compliance referring to the application number. The deed shall also state that the conditions are enforceable by the Pinelands Commission, Manchester Township, the Ocean 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.

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 January 3, 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 Acting 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, Manchester Township Planning Board (via email)
  - Secretary, Manchester Township Zoning Board of Adjustment (via email)
  - Manchester Township Construction Code Official (via email)
  - Manchester Township Environmental Commission (via email)
  - Secretary, Ocean County Planning Board (via email)
  - Ocean County Health Department (via email)
  - Mike Suter (via email)