



# RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-20- 09

**TITLE:** Approving With Conditions Applications for Public Development (Application Numbers 2020-0004.001 & 2020-0005.001)

Commissioner Pikolycky moves and Commissioner Lohbauer 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:

**2020-0004.001**

**Applicant:** Pemberton Township  
**Municipality:** Pemberton Township  
**Management Area:** Pinelands Regional Growth Area  
**Date of Report:** February 20, 2020  
**Proposed Development:** Demolition of a single family dwelling, 50 years old or older; and

**2020-0005.001**

**Applicant:** Pemberton Township  
**Municipality:** Pemberton Township  
**Management Area:** Pinelands Regional Growth Area  
**Date of Report:** February 20, 2020  
**Proposed Development:** Demolition of a single family dwelling, 50 years old or older.

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

WHEREAS, the Pinelands Commission hereby adopts the 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 and Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that Application Numbers 2020-0004.001 & 2020-0005.001 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* |
|---------|-----|-----|----|------|-----------|-----|-----|----|------|-------------|-----|-----|----|------|
| Ashmun  |     |     | X  |      | Irick     |     |     | X  |      | Quinn       |     |     | X  |      |
| Avery   | X   |     |    |      | Jannarone | X   |     |    |      | Rohan Green |     |     | X  |      |
| Christy | X   |     |    |      | Lloyd     | X   |     |    |      | Prickett    | X   |     |    |      |
| Earlen  | X   |     |    |      | Lohbauer  | X   |     |    |      |             |     |     |    |      |
| Howell  | X   |     |    |      | Pikolycky | X   |     |    |      |             |     |     |    |      |

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Nancy Wittenberg  
Nancy Wittenberg  
Executive Director

Date: March 13, 2020

Richard Prickett  
Richard Prickett  
Chairman



# State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

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PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

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

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

February 20, 2020

David Benedetti (via email)  
Pemberton Township  
500 Pemberton Browns Mills Road  
Pemberton, NJ 08068

Re: Application # 2020-0004.001  
Block 398, Lot 17  
Pemberton Township

Dear Mr. Benedetti:

The Commission staff has completed its review of this application for demolition of a single family dwelling, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its March 13, 2020 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

Enc: Appeal Procedure

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



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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

February 20, 2020

David Benedetti (via email)  
Pemberton Township  
500 Pemberton Browns Mills Road  
Pemberton, NJ 08068

Application No.: 2020-0004.001

Location: Block 398, Lot 17  
Pemberton Township

This application proposes demolition of a single family dwelling, 50 years old or older, located on the above referenced 0.38 acre parcel in Pemberton Township.

### **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. 7:50-5.28)**

The parcel is located in a Pinelands Regional Growth Management Area. The demolition of a single family dwelling is permitted in a Pinelands Regional Growth Management Area.

#### **Cultural Resource Standards (N.J.A.C. 7:50-6.155)**

The evidence of cultural activity on the parcel, including the existing dwelling, lacks any potential for designation as a historic resource. Based upon this determination, a cultural resource survey was not required.

### **PUBLIC COMMENT**

The CMP defines the proposed demolition as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on February 4, 2020. The Commission’s public comment period closed on February 14, 2020. No public comment was submitted to the Commission regarding this application.

**CONDITIONS**

1. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
2. Prior to any demolition, the applicant shall obtain any other necessary permits and approvals.
3. Reconstruction of a single family dwelling, within five years of its demolition, does not require an application to the Pinelands Commission.

**CONCLUSION**

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



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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

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

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on March 9, 2020 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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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

February 20, 2020

David Benedetti (via email)  
Pemberton Township  
500 Pemberton Browns Mills Road  
Pemberton, NJ 08068

Re: Application # 2020-0005.001  
Block 393, Lot 35.02  
Pemberton Township

Dear Mr. Benedetti:

The Commission staff has completed its review of this application for demolition of a single family dwelling, 50 years old or older. Enclosed is a copy of a Public Development Application Report. On behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its March 13, 2020 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)  
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 Governor  
 SHEILA Y. OLIVER  
 Lt. Governor

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 Application Specific Information: AppInfo@pinelands.nj.gov

RICHARD PRICKETT  
 Chairman  
 NANCY WITTENBERG  
 Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

February 20, 2020

David Benedetti (via email)  
 Pemberton Township  
 500 Pemberton Browns Mills Road  
 Pemberton, NJ 08068

Application No.: 2020-0005.001

Location: Block 393, Lot 35.02  
 Pemberton Township

This application proposes demolition of a single family dwelling, 50 years old or older located on the above referenced 0.29 acre parcel in Pemberton Township.

**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. 7:50-5.28)

The parcel is located in a Pinelands Regional Growth Management Area. The demolition of a single family dwelling is permitted in a Pinelands Regional Growth Management Area.

Cultural Resource Standards (N.J.A.C. 7:50-6.155)

The evidence of cultural activity on the parcel, including the existing dwelling, lacks any potential for designation as a historic resource. Based upon this determination, a cultural resource survey was not required.

**PUBLIC COMMENT**

The CMP defines the proposed demolition as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on February 4, 2020. The Commission’s public comment period closed on February 14, 2020. No public comment was submitted to the Commission regarding this application.

### **CONDITIONS**

1. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
2. Prior to any demolition, the applicant shall obtain any other necessary permits and approvals.
3. In accordance with the CMP (N.J.A.C. 7:50-4.1(a)1), the reconstruction of a single family dwelling, within five years of its demolition, does not require an application to the Pinelands Commission.

### **CONCLUSION**

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





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RICHARD PRICKETT  
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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 March 9, 2020 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. PC4-20- 10

**TITLE:** Approving With Conditions Applications for **Public Development** (Application Numbers 1988-0841.004, 2017-0052.002 & 2019-0080.001)

Commissioner Avesy moves and Commissioner LeDauer 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:

**1988-0841.004**

|                       |   |
|-----------------------|---|
| <b>Applicant:</b>     | <b>Galloway Township</b>  |
| Municipality:         | Galloway Township   |
| Management Area:      | Pinelands Regional Growth Area<br>Pinelands Rural Development Area  |
| Date of Report:       | February 20, 2020   |
| Proposed Development: | Installation of public sanitary sewer main and three sanitary sewer pump stations to service the Gabriel Field and Tartaglio Field recreational facilities; |

**2017-0052.002**

|                       |  |
|-----------------------|--|
| <b>Applicant:</b>     | <b>New Jersey Department of Transportation</b>                                       |
| Municipality:         | Hamilton Township  |
| Management Area:      | Pinelands Regional Growth Area<br>Pinelands Rural Development Area                   |
| Date of Report:       | February 21, 2020  |
| Proposed Development: | Installation of a traffic control system within the U.S. Route 322 right-of-way; and |

**2019-0080.001**

|                       |  |
|-----------------------|--|
| <b>Applicant:</b>     | <b>Upper Township</b>  |
| Municipality:         | Upper Township   |
| Management Area:      | Pinelands Forest Area  |
| Date of Report:       | February 21, 2020  |
| Proposed Development: | Paving of 347 linear feet within the Iroquois Trail road right-of-way. |

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

WHEREAS, the Pinelands Commission hereby adopts the 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 and Governor shall approve same, in which case the action shall become effective upon such approval.

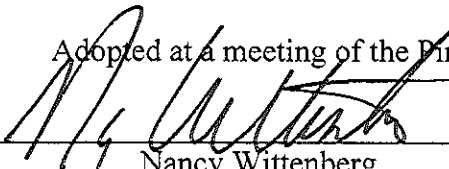
**NOW, THEREFORE BE IT RESOLVED** that Application Numbers 1988-0841.004, 2017-0052.002 & 2019-0080.001 for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

**Record of Commission Votes**

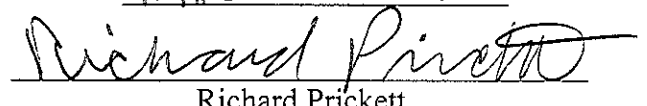
| AYE NAY NP A/R* |   |  |   | AYE NAY NP A/R* |   |  |   | AYE NAY NP A/R* |   |  |   |
|-----------------|---|--|---|-----------------|---|--|---|-----------------|---|--|---|
| Ashmun          |   |  | X | Irick           |   |  | X | Quinn           |   |  | X |
| Avery           | X |  |   | Jannarone       | X |  |   | Rohan Green     |   |  | X |
| Christy         | X |  |   | Lloyd           | X |  |   | Prickett        | X |  |   |
| Earlen          | X |  |   | Lohbauer        | X |  |   |                 |   |  |   |
| Howell          | X |  |   | Pikolycky       | X |  |   |                 |   |  |   |

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

  
 Nancy Wittenberg  
 Executive Director

Date: March 13, 2020

  
 Richard Prickett  
 Chairman



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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

February 20, 2020

Christian Johanson, Township Manager (via email)  
Galloway Township  
300 East Jimmie Leeds Road  
Galloway, NJ 08205

Re: Application # 1988-0841.004  
Duerer Street; North Genoa and South Genoa Avenues  
Block 473, Lot 13  
Block 647, Lot 7  
Galloway Township

Dear Mr. Johanson:

The Commission staff has completed its review of this application for installation of public sanitary sewer main and three sanitary sewer pump stations to service the Gabriel Field and Tartaglio Field recreational facilities. 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 March 13, 2020 meeting.

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

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

Sincerely,

Charles M. Horner, P.P.

Director of Regulatory Programs

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



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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

February 20, 2020

Christian Johanson, Township Manager (via email)  
Galloway Township  
300 East Jimmie Leeds Road  
Galloway, NJ 08205

Application No.: 1988-0841.004  
Duerer Street; North Genoa and South Genoa Avenues  
Block 473, Lot 13  
Block 647, Lot 7  
Galloway Township

This application proposes the installation of public sanitary sewer main and three sanitary sewer pump stations to service the Gabriel Field and Tartaglio Field recreational facilities. Approximately 7,705 linear feet of public sanitary sewer main will be installed within the Duerer Street, North Genoa Avenue and South Genoa Avenue rights-of way and 770 linear of sanitary sewer main and three sanitary sewer pump stations will be installed on the above referenced lots containing the Gabriel Field and Tartaglio Field recreational facilities.

### **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. 7:50-3.1(d) and 5.28)**

Approximately 230 linear feet of the proposed public sanitary sewer main is located in a Pinelands Regional Growth Area. Public sanitary sewer is permitted in a Pinelands Regional Growth Area.

Approximately 7,475 linear feet of the proposed public sanitary sewer main and three pump stations are located in a Pinelands Rural Development Area and in Galloway Township's R5C zoning district.

Public sanitary sewer is typically not permitted in a Pinelands Rural Development Area. The CMP (N.J.A.C. 7:50-3.1(d)) does, however, provide that municipalities are to be afforded the greatest degree of flexibility and discretion in preparation of land use ordinances so long as the ordinances do not conflict with the ultimate objectives and minimum requirements of the CMP.

When the Commission certified Galloway Township's master plan and land use ordinance on March 6, 1987, the Township created the R5C District in a Pinelands Rural Development Area. The Commission certified ordinance allowed for the provision of public sanitary sewer to service clustered development in a portion of the R5C zoning district as a means to protect an environmentally sensitive area also located in the R5C zoning district.

On October 12, 2017, the Commission certified Galloway Township Ordinances 1969-2017 and 1970-2017. Those ordinances expanded the R5C zoning district to include the the Gabriel Field and Tartaglio Field recreational facilities. The Township ordinances permit the provision of public sanitary sewer to public recreational facilities in the R5C zoning district provided that one acre of delineated environmentally sensitive land in the R5C zoning district is deed restricted for conservation purposes for every acre of land devoted to an existing or proposed outdoor recreational use.

To address the required deed restriction for the existing outdoor recreational use located on 10 acres of Block 473, Lot 13 and 20 acres of Block 647, Lot 7, the applicant proposes to deed restrict for conservation purposes at least 30 acres of Block 532, Lots 2.01 and 3. The 30 acres proposed to be deed restricted for conservation purposes is delineated as environmentally sensitive land in the R5C zoning district.

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

There are wetlands located within 300 feet of Block 473, Lot 13. On May 11, 2007, the Commission approved the development of a recreational facility on Block 473, Lot 13. As part of that application, the applicant demonstrated that if all proposed development maintained a 200 foot buffer to wetlands located on adjacent Block 647, Lot 1, the proposed development would not result in a significant adverse impact on the wetland. The proposed sanitary sewer line and pump stations in the current application will be located at least 200 feet from wetlands located on Block 647, Lot 1.

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

The proposed development will be located within existing paved roadways, grassed road shoulders and grassed recreational fields. The proposed soil disturbance is limited to that which is necessary to accommodate the development.

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

### **PUBLIC COMMENT**

The applicant has provided the requisite public notices. Notice to required land owners within 200 feet of the above referenced parcel was completed on October 9, 2019. Newspaper public notice was completed on October 11, 2019. The application was designated as complete on the Commission's website on January 8, 2020. The Commission's public comment period closed on February 14, 2020. 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 15 sheets, prepared by Polistina Associates, LLC, and dated as follows:

Sheet 1- August 2019

Sheets 2-15- July 31, 2019

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, a copy of a recorded deed restriction (or stamped, receipted deed filed for recordation) imposed on Block 532, Lots 2.01 and 3 must be submitted to the Pinelands Commission.

### **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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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

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

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on March 9, 2020 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.





# State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

www.nj.gov/pinelands



PHILIP D. MURPHY  
Governor

SHEILA Y. OLIVER  
Lt. Governor

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

RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

February 21, 2020

Brenna N. Fairfax (via email)  
New Jersey Department of Transportation  
PO Box 600  
Trenton, NJ 08625

Re: Application # 2017-0052.002  
U.S. Route 322  
Hamilton Township

Dear Ms. Fairfax:

The Commission staff has completed its review of this application for installation of a traffic control system within the U.S. Route 322 right-of-way. 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 March 13, 2020 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)



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

RICHARD PRICKETT  
 Chairman  
 NANCY WITTENBERG  
 Executive Director

**PUBLIC DEVELOPMENT APPLICATION REPORT**

February 21, 2020

Brenna N. Fairfax (via email)  
 New Jersey Department of Transportation  
 PO Box 600  
 Trenton, NJ 08625

Application No.: 2017-0052.002  
 U.S. Route 322  
 Hamilton Township

This application proposes installation of a traffic control system within the U.S. Route 322 right-of-way in Hamilton Township.

The proposed development includes the installation of three traffic detectors mounted on 14 foot poles. The three proposed detectors will be located along the U.S. Route 322 right-of-way between U.S. Route 40 to a point 900 linear feet west of Unadachtigo Road. The proposed development will be connected to the New Jersey statewide communication network by a proposed fiber optic communication line installed underground within the U.S. Route 322 right-of-way. The traffic control system will be utilized by the New Jersey Department of Transportation to improve traffic flow and safety at existing signalized intersections along U.S. Route 322.

**STANDARDS**

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

Land Use (N.J.A.C. 7:50-5.26(b)10 & 5.28)

The proposed development is located in a Pinelands Rural Development Management Area and a Pinelands Regional Growth Management Area. The proposed development is a permitted land use in a Pinelands Rural Development Management Area and a Pinelands Regional Growth Management Area.

Wetlands Standards (N.J.A.C. 7:50-6.6 & 6.13)

There are wetlands located within 300 feet of the proposed development. No development is proposed in wetlands. The CMP requires up to a 300 foot buffer to wetlands. The proposed traffic detectors and portions of the underground fiber optic communication line will be located within 300 feet of wetlands.

The CMP permits linear improvements in the required buffer to wetlands provided the applicant demonstrates that certain conditions are met. The applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in wetland buffers or that will result in a less significant adverse impact to wetland buffers. In addition, the proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetland buffers. The applicant has indicated that the proposed development will improve traffic safety and reduce traffic congestion. The applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetland buffer.

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

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

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

**PUBLIC COMMENT**

The CMP defines the proposed traffic control system as “minor” development. The CMP does not require public notice for minor public development applications. The application was designated as complete on the Commission’s website on February 4, 2020. The Commission’s public comment period closed on February 14, 2020. 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 12 sheets, prepared by HNTB Corporation, all sheets dated February 3, 2020.
2. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 23 sheets, prepared by WSP USA Inc., all sheets dated December 19, 2019.
3. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
4. 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.
5. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

6. Appropriate measures shall be taken during construction to preclude sedimentation from entering wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.

### **CONCLUSION**

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



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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

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

The Pinelands Comprehensive Management Plan (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal any determination made by the Executive Director to the Commission in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission and received by the Commission's office no later than 5:00 PM on March 10, 2020 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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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

February 21, 2020

Paul Dietrich (via email)  
Upper Township  
P.O. Box 205  
Tuckahoe, NJ 08250

Re: Application # 2019-0080.001  
Iroquois Trail  
Upper Township

Dear Mr. Dietrich:

The Commission staff has completed its review of this application for paving of 347 linear feet within the Iroquois Trail road right-of-way. 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 March 13, 2020 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, Upper Township Planning Board (via email)  
Upper Township Construction Code Official (via email)  
Secretary, Cape May County Planning Board (via email)



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RICHARD PRICKETT  
Chairman  
NANCY WITTENBERG  
Executive Director

## **PUBLIC DEVELOPMENT APPLICATION REPORT**

February 21, 2020

Paul Dietrich (via email)  
Upper Township  
P.O. Box 205  
Tuckahoe, NJ 08250

Application No.: 2019-0080.001  
Iroquois Trail  
Upper Township

This application proposes paving of 347 linear feet within the Iroquois Trail road right-of-way in Upper Township. Iroquois Trail is an existing gravel road ranging from 17 to 24 feet in width. The 347 linear feet of road will be paved to a width of 24 feet to service existing dwellings.

### **STANDARDS**

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

#### **Land Use (N.J.A.C. 7:50-5.23(b)12)**

The proposed development is located in a Pinelands Forest Management Area. Public service infrastructure, including roads, is a permitted use in a Pinelands Forest Management Area provided that the road is intended to primarily serve only the needs of the Pinelands. The road will service existing residential development which is located entirely within the Pinelands.

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

The proposed development will be located over existing gravel, vegetated shoulders and within forested land. The proposed development will disturb approximately 2,900 square feet of forested land. The proposed clearing and soil disturbance is limited to that which is necessary to accommodate the proposed development.

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

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

The applicant has demonstrated that the proposed development is consistent with the CMP stormwater management standards. To meet these standards, the applicant proposes to construct a stormwater infiltration swale.

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

The Commission staff reviewed the application for evidence of cultural resources. Based upon the lack of potential for significant cultural resources in the right-of-way, a cultural resource survey was not required.

**PUBLIC COMMENT**

The applicant has provided the requisite public notice. Newspaper public notice was completed on August 12, 2019. The application was designated as complete on the Commission's website on January 31, 2020. The Commission's public comment period closed on February 14, 2020. 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 prepared by the Upper Township Engineer's Office dated May 20, 2019 and last revised January 3, 2020.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed revegetation shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

**CONCLUSION**

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





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RICHARD PRICKETT  
Chairman  
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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 March 10, 2020 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. PC4-20- 11

**TITLE:** To Authorize the Executive Director to Submit an Application to the New Jersey Historic Trust for a 2020 Preserve New Jersey Historic Preservation Fund Grant

Commissioner Avesy moves and Commissioner Pitolycky seconds the motion that:

**WHEREAS**, the New Jersey Historic Trust is offering Capital Level I matching grants through the Preserve New Jersey Historic Preservation Fund in 2020 for a wide range of historic preservation construction projects; and

**WHEREAS**, agencies and entities of the State government are eligible to apply for grants through this program; and

**WHEREAS**, to be eligible for a grant, a property must be listed in or eligible to be listed in the New Jersey Register of Historic Places and/or the National Register of Historic Places; and

**WHEREAS**, for the 2020 grant round, the New Jersey Historic Trust will give special consideration to grant applicants whose properties address and/or embody the themes of the 100<sup>th</sup> anniversary of the 19<sup>th</sup> Amendment, and the role of women in New Jersey history; and

**WHEREAS**, Fenwick Manor is listed in both the New Jersey and National Registers of Historic Places; and

**WHEREAS**, Fenwick Manor is the family home of pioneering agriculturist and advocate for migrant worker's rights Elizabeth Coleman White and is the architectural centerpiece of the Pinelands Commission campus, making it an ideal candidate for the Historic Trust's 2020 grant round; and

**WHEREAS**, the Commission wishes to apply for a Capital Level I grant which will be used to preserve the exterior of Fenwick Manor through activities which will include: the removal of all old and exfoliating paint, re-painting of the entire structure, and the stabilization and repair of any damaged exterior features according to the *Secretary of the Interior's Standards*; and

**WHEREAS**, Capital Level I applicants may apply for grants of \$5,000-\$150,000; and

**WHEREAS**, Capital Level I grants require the recipient to provide matching funds on a 3:2 basis, with the Historic Trust funding 60 percent of the total project cost and the grantee responsible for the remaining 40 percent; and

**WHEREAS**, in its Fiscal Year 2016, 2017, 2018 and 2019 adopted budgets, the Pinelands Commission reserved a total of \$120,000 for the rehabilitation of Fenwick Manor, all of which is available to match a Capital Level I grant; and

**WHEREAS**, the New Jersey Historic Trust requires the applicant to obtain the formal authorization of its governing body for the submission of application and to document the availability and commitment of matching funds; and

**WHEREAS**, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, be it resolved that:

1. The Pinelands Commission hereby approves and endorses an application for a Capital Level I grant through the New Jersey Historic Trust and the Preserve New Jersey Historic Preservation Fund for the preservation of National and State Register listed Fenwick Manor.
2. The Pinelands Commission hereby certifies that it will provide all necessary matching funds, up to a maximum of \$120,000.
3. The Executive Director is hereby authorized to submit the grant application and confirm and sign all assurances associated with that application.

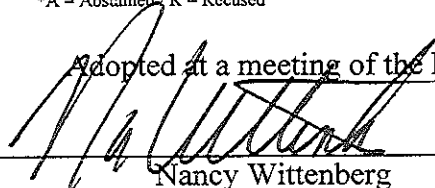
**Record of Commission Votes**

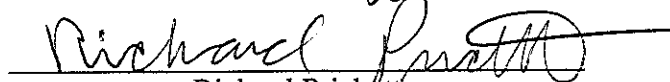
| AYE NAY NP A/R* |   |  |   | AYE NAY NP A/R* |   |  |   | AYE NAY NP A/R* |   |  |   |
|-----------------|---|--|---|-----------------|---|--|---|-----------------|---|--|---|
| Ashmun          |   |  | X | Irick           |   |  | X | Quinn           |   |  | X |
| Avery           | X |  |   | Jannarone       | X |  |   | Rohan Green     |   |  | X |
| Christy         | X |  |   | Lloyd           | X |  |   | Prickett        | X |  |   |
| Earlen          | X |  |   | Lohbauer        | X |  |   |                 |   |  |   |
| Howell          | X |  |   | Pikolycky       | X |  |   |                 |   |  |   |

\*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: March 13, 2020

  
 Nancy Wittenberg  
 Executive Director

  
 Richard Prickett  
 Chairman

MARK DEMITROFF  
822 MAIN AVENUE, VINELAND (RICHLAND), NJ 08360-9346

RE: APPLICATION NO. 2009-0089.002

March 13, 2020  
Attn: Deputy Attorney General Kristina Miles  
Pinelands Commission  
PO Box 359  
New Lisbon, NJ 08064

Demolition of a Building

Deputy Attorney General Miles,

Pursuant to N.J.S.A. 52:17A-11, I ask your assistance in resolving the matter of Application No. 2009-0089.002. It is my understanding that the Deputy Attorney General counsels the Pinelands Commission on all legal issues in a manner that is imbued with public trust to further the public interest.

This application to demolish a historic building should be denied for one of two conflicting reasons, as jointly issues #1 & #2 present a Catch 22 paradox.

# 1—It is unclear who the applicant is and by what authority they operate.

The structure at issue is part and parcel of Richland Redevelopment, a project duly certified by the Pinelands Commission in January 2008. In a letter provided to me (M. Demitroff) by Mr. Horner dated February 7, 2020, the relationship between the Pinelands Commission and Richland Redevelopment is laid out. The Director of Regulatory Programs (C. Horner) states:

"The Commission reviews and Redevelopment Plan for consistency with all requirements of the CMP. Until the Commission certifies (approves) a Redevelopment Plan, it does not take effect. In addition, no actual development that is proposed in a Redevelopment Plan can occur until a development application is approved by the Commission in accordance with the provisions of the CMP."

According to Mr. Horner, “no actual development that is proposed in a Redevelopment Plan can occur until a development application is approved by the Commission.”

Herein lies the dilemma, on December 30, 2013 by Ordinance No. 8-2013 (*attached as addenda*) Richland Redevelopment officially ended in plan.

The Richland Village “White House” of demolition is “real property” that is integral to Richland Village Redevelopment scheme. Its acquisition, extant, operation, and development is only enabled in-so-far as a certified plan is in place, which would in-turn be regulated by New Jersey Local Redevelopment and Housing Law. The enabling plan that Pinelands had certified in 2008 was repealed on December 30, 2013. Thus Buena Vista Township (BVT) no longer operates in the role of either the redevelopment entity or the redeveloper. My municipality is not able to meet applicable statutory criteria that would enable it to apply to the Pinelands Commission for the demolition permit in the first place.

It stands to reason that if no actual development proposed in a Redevelopment scheme can occur until a development application is approved by the Commission, then (re)development must correspondingly cease when an approved plan is repealed. If we accept Ordinance No. 08-2013—as certified by Ms. Grogan—then BVT Richland Village Redevelopment has ended, as has BVT’s role as redeveloper, ending development.

#2—It’s complicated, but BVT’s own legal interpretation must first go to the Planning & Zoning Board.

Buena Vista Township later claimed through Ordinance that Richland Village Redevelopment had after-all not ended by the invocation of Ordinance No. 08-2013, which in process was considered *ab initio*. If the basis of BVT solicitor’s claim against Ordinance No. 08-2013 is to be accepted, then by the solicitor’s interpretation of Redevelopment Law a redeveloper first has to go the Planning & Zoning Board before reaching out to the Pinelands Commission if a redevelopment action can be deemed in compliance.

In 2004 a new governing body introduced Ordinances 2-2014 and 6-2014 to disenfranchise the will of the previous committee by the reinterpretation of a new committee. The new committee argued that Ordinance No. 08-2013 had a fatal flaw—the previous administration failed in effect of their initiative by not going before the Planning & Zoning Board first.

The Solicitor argued, “there was no public hearing held before the Planning Board as required by N.J.S.A.40A:12A-1 et seq, “The Local Redevelopment and Housing Law,” i.e., a municipality cannot circumvent the Planning and Zoning Board. I can find absolutely no reference in The Local Redevelopment and Housing Law to back up the Solicitor’s argument.

We are repeatedly told the opposite by Horner; a municipality does not have to go before a Planning & Zoning Board.

With some irony, Ordinances 2-2014 and 6-2014—as certified by Ms. Grogan—did not go before a Planning & Zoning Board. This indicates that they too are null and void. In turn, Application No. 2009-0089.002 (by the solicitor’s interpretation) is null and void since BVT too failed to go before a Planning & Zoning Board before it came before the Pinelands Commission.

It is it possible to put the toothpaste back into the empty tube.

I await your response. In the interim the Pinelands Commission cannot approve Application No. 2009-0089.002.

Sincerely,

Mark Demitroff

**ORDINANCE NO. 8 - 2013  
AN ORDINANCE REPEALING ORDINANCE NO. 4 - 2006  
AND ORDINANCE NO. 9 - 2006 OF THE TOWNSHIP OF BUENA VISTA**

WHEREAS, on March 13, 2006, the Township Committee of the Township of Buena Vista enacted Ordinance No. 4-2006 adopting a Redevelopment Plan which identified an area in Richland Village known as the Richland Village Redevelopment Area; and

WHEREAS, on July 10, 2006, the Township Committee of the Township of Buena Vista enacted Ordinance No. 9-2006 amending Ordinance 4-2006 to bring the Township Ordinance in conformity with the criteria set forth in N.J.S.A. 40A:12-5 or 40A:12A-14 as appropriate.

WHEREAS, the Township Committee has determined that after seven (7) years and the expenditure of millions of dollars in public funds through the acquisition of property in the Richland Village Redevelopment Area, the Redevelopment Plan has not resulted in the redevelopment of the Richland Village Area but has, in fact, contributed to and exacerbated the deterioration of the area; and

WHEREAS, the Township Committee determined that the redevelopment of Richland Village can best be accomplished by repealing the Ordinances which created the Richland Redevelopment Area and permit the area to be developed by the private sector.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Buena Vista, County of Atlantic, State of New Jersey as follows:

**Section 1. Repeal of Development Plans**

1. Ordinance No. 4 - 2006 is hereby repealed
2. Ordinance No. 9 - 2006 is hereby repealed

**Section 2. Severability**

If any section, sentence or any part of this ordinance is held unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not affect, and pair or invalidate the remainder of the Ordinance, but shall be confined in its effect to this section, sentence or other part of this ordinance directly involved in the controversy which judgment shall have been rendered.

**Section 3. Repealer**

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistency only.

**Section 4. Effective Date**

This Ordinance shall take effect immediately after final passage and publication as required by law.

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF BUENA VISTA

BY: *Sub A. Barber*  
SUB A. BARBER - MAYOR

PASSED ON FIRST READING: NOVEMBER 25, 2013  
INTRODUCTION PUBLICATION: DECEMBER 11, 2013  
PASSED ON FINAL READING ON: DECEMBER 30, 2013  
INTRODUCTION PUBLICATION: JANUARY 8, 2014

ATTEST:  
*Linda M. Gonzales*  
LINDA M. GONZALES - TOWNSHIP CLERK

|           | Y                                   | N                                   | ABSENT | ABSTAIN |
|-----------|-------------------------------------|-------------------------------------|--------|---------|
| BARBER    | <input checked="" type="checkbox"/> |                                     |        |         |
| BYLONE    | <input checked="" type="checkbox"/> |                                     |        |         |
| KELLY     |                                     | <input checked="" type="checkbox"/> |        |         |
| HARLAN    |                                     |                                     |        |         |
| CHIARELLO |                                     | <input checked="" type="checkbox"/> |        |         |

I hereby certify the above to be a true copy of Ordinance No. 8 - 2013 passed on second and final reading by the Township Committee at the Regular Meeting held on Monday, December 30, 2013.

*Linda M. Gonzales*  
LINDA M. GONZALES - TOWNSHIP CLERK

ORDINANCE NO. 6 - 2014

AN ORDINANCE OF THE TOWNSHIP OF BUENA VISTA, COUNTY OF ATLANTIC, STATE OF NEW JERSEY RESCINDING ORDINANCE NO. 8-2013 AND DECLARING THE SAME NULL AND VOID AB INITIO SINCE THE SAME WAS NOT ADOPTED IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12A-1 THE "LOCAL REDEVELOPMENT AND HOUSING LAW"

WHEREAS, by Resolution, the Township Committee of the Township of Buena Vista directed and authorized the Planning Board of the Township of Buena Vista to undertake a preliminary investigation, pursuant to the Notice, hearing and other requirements of the local Redevelopment Housing Law, N.J.S.A.40A:12A-1 et seq in order to recommend to the Township whether the Richland area of the Township is a Redevelopment Area according to the criteria set forth in N.J.S.A.40A:12A-5 and;

WHEREAS, the Planning Board of the Township Committee after proper notice and hearings as outlined and required by the Local Redevelopment and Housing Law unanimously adopted Planning Board Resolution No. 14-2005, June 30, 2005, recommending that the Richland Area be declared an area in need of Redevelopment pursuant to the said Local Redevelopment and Housing Law, and;

WHEREAS, a Redevelopment Plan, dated January 2006 entitled "Richland Village Redevelopment Plan" was ultimately approved and adopted by Planning Board Resolution No. 13-2006 on January 26, 2006 recommending that the same be adopted by the Township Committee of the Township of Buena Vista, and;

WHEREAS, all proper procedures set forth in the Local Redevelopment and Housing Law were followed including notice to effective property owners, public hearing and studies, and;

WHEREAS, the Township Committee of the Township of Buena Vista adopted Ordinance No. 4-2006 on March 13, 2006 being known as, "An Ordinance adopting a Redevelopment Plan for the Richland Village Redevelopment Area (Exhibit C Richland Village Redevelopment Area Tax Block and Lot Map dated January 2006) in the Township of Buena Vista, Atlantic County, State of New Jersey pursuant to the Local Redevelopment and Housing Law, N.J.S.A.40A:12-1 et seq," and;

WHEREAS, the Township Committee of the Township of Buena Vista on December 11, 2013 introduced Ordinance No. 8-2013 entitled "An Ordinance Repealing Ordinance No. 4-2006 and Ordinance No. 9-2006, and;

WHEREAS, there was no notification or submission of the repeal of the Richland Village Redevelopment Area submitted to the Planning Board, or notice to property owners and;

WHEREAS, there was no public hearing held before the Planning Board as required by N.J.S.A.40A:12A-1 et seq, "The Local Redevelopment and Housing Law", and;

WHEREAS, Ordinance No. 8-203 is noted with an introduction publication of January of 8, 2014 which was after the adoption date of December 30, 2013, and;

WHEREAS, the adoption of Ordinance No. 8-2013 is volatile of the Local Redevelopment and Housing Law.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Buena Vista, County of Atlantic, State of Jersey that this governing body hereby declares Ordinance No. 8-2013 null and void as being improperly adopted and shall be void ab initio; and