

(c) The standards for Certificates of Appropriateness are as follows:

1. Certificates of appropriateness shall be issued which require one of the following treatments:

- i. Preservation of the resource in place if possible;
- ii. Preservation of the resource at another location if in place preservation is not possible; or
- iii. Recordation of the resource if neither preservation of the resource in place or at another location is possible.

2. In determining the type of treatment required pursuant to (c)1 above, the "Cultural Resource Management Plan," dated April 1991, as amended, may be utilized as a guide. In general, the criteria shall include, but not be limited to, consideration of the following:

i. Preservation in place;

(1) Whether the resource represents the last or best remaining example of its kind in the Pinelands that possesses research potential or public educational values;

(2) Whether the resource can be preserved by protecting its location from disturbance;

(3) Whether affirmative measures, such as stabilization, rehabilitation, or reuse can result in preservation;

(4) Whether redesign of the development proposal to avoid impacts can result in preservation;

(5) Whether the steps necessary to preserve the resource are both technically and economically feasible and practical; and

(6) Whether protective measures will result in long term preservation of the resource.

ii. Preservation at another location;

(1) Whether the resource can be moved and still retain its historic significance;

(2) Whether the resource is sufficiently well preserved to permit relocation;

(3) Whether alternative locations which are compatible with the resource are available;

(4) Whether it is both technically and economically feasible and practical to relocate the resource; and

(5) Whether the relocation will result in long term preservation of the resource.

iii. Recordation;

(1) Whether the resource possesses significance other than its association with an important person;

(2) Whether recording the qualities that make the resource significant can increase information beyond that already known; and

(3) Whether the recorded information will help to address important research questions concerning this type of resource.

3. The following requirements shall apply to the treatments specified in (c)1 above:

i. Preservation in Place:

(1) Buildings, architectural features, and engineering features:

(A) Deed covenants, easements, or other appropriate mechanisms must be developed to provide that: any rehabilitation, including additions, of the building or feature must be performed in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (Federal Register/Vol. 48, No. 190/Thursday, September 29, 1983, as amended), incorporated herein by reference; and the structure or feature must be protected sufficiently to preserve those qualities that make it significant.

(B) Before beginning rehabilitation, the original condition of the building or other architectural or engineering feature must be documented photographically in accordance with the Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation.

(2) Archaeological sites:

(A) A deed covenant, easement, or other appropriate mechanism must be developed to provide for protection, through restricted access if necessary, to preserve those qualities that make the resource important. Any on-site activities must have no detrimental effect on the preservation of the resource. The covenant or other appropriate mechanism must further direct that any stabilization of the resource will be carried out in conformance with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.

(B) The archaeological resource shall be incorporated into open space whenever project designs or land use activities permit.

(C) Land allocated for resource preservation may need to be set aside for that single use if the preservation of the resource is not compatible with other activities.

ii. Preservation at Another Location:

(1) Deed covenants, easements, or other appropriate mechanisms must be developed to provide that: any new construction or rehabilitation, including additions, of a building or feature must be performed in accordance with the Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation (Federal Register/Vol. 48, No. 190/Thursday, September 29, 1983, as amended); and the structure or feature must be protected and maintained sufficiently to preserve those qualities that make it significant.

(2) The relocation of the resource must be designed to minimize the damage to the resource and to preserve those qualities that make it significant. The relocation shall be undertaken in accordance with the Secretary of the Interior's publication "Moving Historic Buildings".

(3) The resource shall be recorded to the requirements of the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation prior to removal from its original location. Minimally this will include the preparation of a site plan, appropriate photographs and/or drawings, and a narrative description of any historical functions or processes carried out at the site.

iii. Recordation: The Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (Federal Register/Vol. 48, No. 190/Thursday, September 29, 1983, as amended) shall be utilized when recording resources. In addition, the "Pinelands Cultural Resource Management Plan," dated April 1991, as amended, may be utilized as a further guide for recording resources.

(d) Effect of Issuance of Certificate of Appropriateness:

1. The issuance of a certificate of appropriateness authorizes the applicant to apply for any additional approvals which may be required by the municipality or any other jurisdiction prior to the commencement of work. All subsequent development approvals shall be issued or denied in a manner consistent with the certificate of appropriateness except as provided in (d)2 below.

2. Notwithstanding (d)1 above, a certificate of appropriateness issued for a resource determined to be significant pursuant to N.J.A.C. 7:50-6.155 but not presently designated pursuant to N.J.A.C. 7:50-6.154 shall be valid for two years. If the resource is not designated by the Pinelands Commission or by the municipal governing body in the zoning ordinance within two years, the standards of this Part shall not apply to the cultural resource in question until such time as the Pinelands Commission designates the resource pursuant to N.J.A.C. 7:50-6.154.

Amended by R.1990 d.170, effective March 19, 1990.

See: 21 N.J.R. 3381(a), 22 N.J.R. 948(a).

In (d)2, "cultural resource in question" was "property ...".

Amended by R.1994 d.590, effective December 5, 1994.

See: 26 N.J.R. 165(a), 26 N.J.R. 4795(a).

Amended by R.1995 d.449, effective August 21, 1995.

See: 27 N.J.R. 1557(a), 27 N.J.R. 1927(a), 27 N.J.R. 3158(a).

Amended (d)2.

7:50-6.157 Documentation required for sites with sufficient remains

(a) Sites with sufficient remains are those sites which present graphic evidence of a cultural activity (that is, human alteration of the natural landscape for purposes of occupation or extended use) but which are not found to be significant.

(b) If additional documentation of sites determined to have sufficient remains will provide information beyond that provided in the application for development or the cultural resource survey, these sites shall be documented to include:

1. A narrative description of the resource and its cultural environment;

2. Photographic documentation to record the exterior appearance of buildings, structures, and engineering resources;

3. A site plan depicting in correct scale the location of all buildings, structures, and engineering resources; and

4. A New Jersey State inventory form as published by the New Jersey Department of Environmental Protection for buildings and a narrative description of any process or technology if necessary to elaborate upon the photographic record.

7:50-6.158 Emergency provisions

(a) Notwithstanding any other provisions of this Part, in any case where the Executive Director determines that alteration, remodeling or demolition of a designated structure is necessary to remedy a condition that is dangerous to life, health or safety, a certificate of appropriateness which is required under the provisions of this Part may be issued under the signature of the Executive Director. The Executive Director shall inform the Commission of any action taken pursuant to this provision at its next regularly scheduled meeting.

(b) If at any time after construction has been commenced, archaeological data is discovered on a site, the developer shall immediately cease construction, notify the Commission and the local permitting agency; and take all reasonable steps to protect the archaeological data in accordance with the Guidelines for Recovery of Scientific, Prehistoric, Historic, and Archaeological Data: Procedures for Notification, Reporting, and Data Recovery (36 C.F.R. Part 66).

APPENDIX A

PINELANDS SEPTIC DILUTION MODEL

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The water quality standards of the Pinelands Comprehensive Management Plan allow the use of individual on-site septic systems provided that the design of the system and the size of the parcel on which the system is located will ensure that the concentration of nitrate-nitrogen in the groundwater exiting the parcel or entering a surface water body will not exceed 2 ppm (N.J.A.C. 7:50-6.84(a)4iii). The model used to calculate the minimum land area necessary to dilute nitrogen from septic systems to concentrations that will comply with the water quality standards was developed by K.W. Brown (An Assessment of the Impact of Septic Leach Fields, Home Lawn Fertilization and Agricultural Activities on Groundwater Quality, 1980). The following formula is used:

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- Where:
- At = total parcel area
 - Af = area of disposal field
 - F = unit conversion factor of 10
 - Lf = flux of nitrate-nitrogen below disposal field (kg/ha/yr)
 - C = concentration of nitrate-nitrogen (ppm)
 - Df = equivalent depth of percolate below disposal field (cm/yr)
 - Do = equivalent depth of percolate below open acres (cm/yr)

In using this model, it is necessary to assume values for factors such as wastewater flow into the system, the concentration of nitrogen in the wastewater and the amount of rainfall diluting the nitrogen. The standard assumptions required for use in the Pinelands Dilution Model are contained in Table 1.

The assumed wastewater flow for non-residential uses must be consistent with the values contained in N.J.A.C. 7:9A-7.4, as amended, except that the number of employees may not be utilized in calculating wastewater flow for office uses. Absent actual monitoring of nitrogen concentration in the wastewater, the residential nitrogen concentration of 39.45 ppm will be utilized. If the applicant establishes wastewater flow based on monitoring of flows pursuant to N.J.A.C. 7:9A-7.4, then water quality monitoring must also be done to establish actual nitrogen concentration in the wastewater. All structures are assumed to contribute to the generation of wastewater unless it is demonstrated that the nature of the building construction precludes human occupancy.

TABLE 1

Parameter	Assumption
1. Number of persons/dwelling	3.5
2. Number of persons/age restricted dwelling	2.0
3. Residential wastewater flow (gallons/capita/day)	75
4. Plant uptake of nitrogen	4.5% (A soils) 9.0% (B soils)
5. Infiltrating rainfall	20 inches/year (50.8 cm/year)
6. Nitrogen production (grams/capita/day)	11.2 gms
7. Distribution of nitrogen in wastewater	83% blackwater 17% greywater
8. Nitrogen concentration in wastewater for residential uses	39.45 ppm

Amended by R.1994 d.590, effective December 5, 1994.
See: 26 N.J.R. 165(a), 26 N.J.R. 4795(a).
Administrative Correction.
See: 27 N.J.R. 2212(c).

SUBCHAPTER 7. AMENDMENTS TO THE COMPREHENSIVE MANAGEMENT PLAN

7:50-7.1 Purpose

This subchapter establishes a means for making changes in the text of this Plan and in the Land Capability Map. It is intended to be used as a tool to adjust the provisions of this Plan and the Land Capability Map in a manner consistent with the Pinelands Protection Act and the Federal Act in light of changing, newly discovered or newly important conditions, situations or knowledge. It is not intended to be used as an alternative to the procedures set forth in N.J.A.C. 7:50-4, Part V which are designed to provide relief of particular hardships and to satisfy compelling public needs, unless doing so would be of benefit to the Pinelands by furthering the intent of the Pinelands Protection Act and the Federal Act. Neither is it intended to be used to confer special privileges or rights as a means of solving the economic, competitive or other interests of particular individuals or as means of providing a specific benefit to a particular use or class of uses, except in cases where such changes would be of benefit to the Pinelands by furthering the intent of the Pinelands Protection Act and the Federal Act. The procedures established by this subchapter are designed to maximize public participation in the amendment process.

Amended by R.2001 d.103, effective April 2, 2001.
See: 32 N.J.R. 4037(a), 33 N.J.R. 1095(a).
Rewrote the section.

7:50-7.2 Authority for amendments

The Commission may amend the text, maps, charts and illustrations of this Plan and the Land Capability Map after a public hearing and pursuant to the procedures set out in this Part and in the New Jersey Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. Amendments may be proposed by any member of the Commission or the Executive Director in accordance with N.J.A.C. 7:50-7.3(a). Petitions for amendment may be submitted to the Commission in accordance with N.J.A.C. 7:50-7.3(b) by any public agency, and, except in municipalities or counties with certified plans, any resident of the Pinelands Area or the owner of, or any person having a contractual interest in, any property in the Pinelands Area.

Amended by R.2001 d.103, effective April 2, 2001.
See: 32 N.J.R. 4037(a), 33 N.J.R. 1095(a).

Inserted "in accordance with N.J.A.C. 7:50-7.3(a). Petitions for amendment may be submitted to the Commission in accordance with N.J.A.C. 7:50-7.3(b) by" preceding "any public agency".

7:50-7.3 Proposed amendments; petitions for amendment

(a) Any member of the Commission or the Executive Director may, at any time, propose that the Commission consider an amendment to this Plan. Prior to any formal Commission action on such a proposed amendment pursuant to N.J.A.C. 7:50-7.4, the following information shall be made available to the Commission for its review and consideration, unless the amendment is being proposed as part of

the comprehensive review required pursuant to N.J.A.C. 7:50-7.11:

1. The wording of any proposed amendment of the text of this Plan and a map depicting any proposed change to the Pinelands Land Capability Map;
 2. A statement of the need and justification for the proposed amendment, including the reason(s) why the goals which the proposed amendment is intended to achieve cannot be accomplished through adherence to the standards of this Plan or compliance with the procedures set forth in N.J.A.C. 7:50-4, Part V;
 3. A statement as to the conformity of the proposed amendment to the goals and objectives of this Plan and the intent of the Pinelands Protection Act and the Federal Act;
 4. If the proposed amendment would change the minimum standards for land use and intensities contained in N.J.A.C. 7:50-5 or the management programs and minimum standards contained in N.J.A.C. 7:50-6, an evaluation of the environmental consequences of the proposed change;
 5. If the proposed amendment involves the redesignation of Pinelands management areas for a particular parcel, documentation as to how the affected parcel meets the criteria established in this Plan for the management area to which it is proposed to be redesignated. Unless the Commission determines that it is unnecessary, any such amendment shall include a proposal for an offsetting management area change and documentation as to how all of the lands affected by the offset proposal meet the criteria established in this Plan for the management area to which they are proposed to be redesignated; and
 6. Any other information necessary or appropriate for full and proper consideration of the proposed amendment.
- (b) Any other person desiring to petition the Commission for an amendment to this Plan shall file a petition with the Executive Director in such form and number as the Executive Director shall from time to time establish and containing at least the following information:
1. The petitioner's name and address;
 2. The precise wording of any proposed amendment of the text of this Plan and a map or plat delineating any proposed change to the Pinelands Land Capability Map;
 3. A statement of the need and justification for the proposed amendment, including the reason(s) why the objectives of the petitioner cannot be accomplished through adherence to the standards of this Plan or compliance with the procedures set forth in N.J.A.C. 7:50-4, Part V;
 4. A statement as to the conformity of any proposed amendment to the goals and objectives of this Plan and the intent of the Pinelands Protection Act and the Federal Act;
 5. If the proposed amendment would change the minimum standards for land use and intensities contained in N.J.A.C. 7:50-5 or the management programs and minimum standards contained in N.J.A.C. 7:50-6, an evaluation of the environmental consequences of the proposed change;
 6. In the event that the proposed amendment would change the classification of any parcel as shown on the Land Capability Map:
 - i. The street address and legal description of the parcel proposed to be reclassified;
 - ii. The petitioner's interest in the subject parcel;
 - iii. The owner's name and address, if different from the petitioner's, and the owner's signed consent to the filing of the petition;
 - iv. The names and addresses of all owners of property required to be notified pursuant to (c)1 below;
 - v. The present classification and existing uses of the parcel proposed to be reclassified;
 - vi. The area of the parcel proposed to be reclassified stated in square feet or acres, or fraction thereof; and
 - vii. Documentation as to how the affected parcel meets the criteria established in this Plan for the management area to which it is proposed to be redesignated. Any such amendment shall include a proposal for an offsetting management area change and documentation as to how all of the lands affected by the offset proposal meet the criteria established in this Plan for the management area to which they are proposed to be redesignated. If the petitioner believes such an offset is not warranted, the submission shall include written justification as to why an offset is unnecessary; and
 7. In the event that the proposed amendment would affect zoning districts, permitted uses or the intensity of permitted uses within one or more municipalities whose master plans and land use ordinances have been certified by the Pinelands Commission, duly adopted resolutions of the planning board and governing body of each municipality setting forth their position on the proposed amendment, including an indication of whether or not they would support changes to the municipality's master plan and land use ordinances to effectuate the proposed amendment if approved by the Pinelands Commission.