RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19-05

TITLE: **Approving** With Conditions an Application for **Public Development** (Application Number 2018-0098.001)

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

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

2018-0098.001	
Applicant:	**Cape May County**
Municipality:	Borough of Woodbine
Management Area:	Pinelands Town
Date of Report:	January 17, 2019
Proposed Development:	Improvements to the Dehirsch Avenue 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 this application; and

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

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms 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 Number 2018-0098.001 for public development is 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		Howell	X				Prickett	A			
Avery	X				Jannarone	X				Quinn			X	
Barr	X				Lloyd	X				Rohan Green			X	
Chila			X		Lohbauer	X				Earlen	A			
Galletta	X				Pikolycky				R					

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 8, 2019

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman

State of New Jersey
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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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

January 17, 2019

Dale Foster (via email)
Cape May County
4 Moore Road
Cape May Court House, NJ 08210

Re: Application # 2018-0098.001
Dehirsch Avenue
Borough of Woodbine

Dear Mr. Foster:

The Commission staff has completed its review of this application for improvements to the Dehirsch Avenue 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 February 8, 2019 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, Borough of Woodbine Planning Board (via email)
Borough of Woodbine Construction Code Official (via email)
Secretary, Cape May County Planning Board (via email)
Steven C. Morey, CEP (via email)
Nancy Lawrence, NJDEP

20180098.001

State of New Jersey
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General Information: Info@pinelands.nj.gov
Application Specific Information: AppInfo@pinelands.nj.gov

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

PUBLIC DEVELOPMENT APPLICATION REPORT

January 17, 2019

Dale Foster (via email)
Cape May County
4 Moore Road
Cape May Court House, NJ 08210

Application No.: 2018-0098.001
Dehirsch Avenue
Borough of Woodbine

This application proposes road improvements to the Dehirsch Avenue right-of-way in the Borough of Woodbine.

The application proposes to widen Dehirsch Avenue from 36 feet to 40 feet for 700 linear feet between Adams Avenue and Madison Avenue. The application also proposes the installation of eight foot wide sidewalk on the south side of Dehirsch Avenue between Adams Avenue and Madison Avenue.

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 Woodbine. The proposed road improvements 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 maintained lawn areas and developed areas. 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 replant non-native lawn grasses along the road shoulder.

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 the stormwater management standards, the applicant will be constructing two underground stormwater infiltration trenches.

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notice. Newspaper public notice was completed on June 27, 2018. The application was designated as complete on the Commission's website on December 14, 2018. The Commission's public comment period closed on January 11, 2019. The Commission received one written public comment (attached) regarding this application.

Commenter #1: The commenter from the New Jersey Department of Environmental Protection, Green Acres Program indicated that the proposed development is located adjacent to Green Acres parkland (Block 132, Lot 2) and was unable to determine whether the proposed widening was occurring within the designated road right-of-way.

Staff Response: The proposed road improvements are located within the Dehirsch Avenue right-of-way and are not located in the vicinity of Block 132, Lot 2.

CONDITIONS

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of ten sheets, prepared by Mott MacDonald and dated as follows:

   Sheet 1 - June 2018
   Sheets 2-6 & 8 - June 21, 2018; revised to November 19, 2018
   Sheets 7, 9 & 10 - June 21, 2018

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.

From: Info, PC (info@pinelands.nj.gov)
Received: 11/15/2018 2:56:39 PM
To: AppInfo, PC (AppInfo@pinelands.nj.gov)
CC:
Subject: FW: Application# 2018-0098.001 - Cape May County
Attachments: None

From: Lawrence, Nancy
Sent: Thursday, November 15, 2018 2:23 PM
To: Info, PC
Cc: Patterson, Jessica
Subject: Application# 2018-0098.001 - Cape May County

Hello.
I did not see another email address on the Pinelands Commission website so I am using this address and hope it is passed to the correct individual. Perhaps when the Adjacent Property Owner letters go out they could include an email address?

Green Acres comments with respect to the Dehirsch Avenue (Route 550) widening and resurfacing in Woodbine Borough (Application# 2018-0098.001 - Cape May County):
the proposed project will be occurring next to State / DEP held parkland (Block 132, Lot 2 – Belleplain State Forest). I was unable to determine whether the project will occur within the designated rights-of-way for CR 550 and CR 610. Any activities on Green Acres encumbered parkland that are not in direct support of conservation or recreational uses are highly discouraged. Such uses will be considered a diversion and will require prior approval from Green Acres, the Commissioner of the Department of Environmental Protection and the State House Commission. (please see N.J.A.C 7:36-26 for more information). If a non-recreation / non-conservation use is being proposed to impact park please have the applicant contact Jessica Patterson, Cape May County Steward, at 609-984-0558 with questions regarding the State House Commission approval process. Jessica is copied on this email. Please note that Green Acres relies on the information provided by the local unit(s) in maintaining the accuracy of our database. Since it is the responsibility of the local unit(s) to ensure compliance with Green Acres rules, it is strongly recommended that you confirm the following information with the local unit(s) involved.

Regards,

Nancy Lawrence
Compliance Officer
Bureau of Legal Services and Stewardship

NJDEP Green Acres Program
Mail Code 501-01, P.O. Box 420
501 East State Street, 1st Floor
Trenton, NJ 08625-0420
609.341.2054 direct
609.984.0608 fax

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Philip D. Murphy
Governor

Sheila Y. Oliver
Lt. Governor

General Information: Info@njpines.state.nj.us
Application Specific Information: AppInfo@njpines.state.nj.us

Sean W. Earlen
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 the by 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 at the Commission office no later than 4:00 PM on February 4, 2019 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. PC4-19-06

TITLE: **Approving** With Conditions an Application for an **Amended Waiver of Strict Compliance** (Application Number 1987-0127.001)

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

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

1987-0127.001	
Applicant:	**Joe Oppen**
Municipality:	Jackson Township
Management Area:	Pinelands Regional Growth Area
Date of Report:	January 17, 2019
Proposed Development:	Single family dwelling.

WHEREAS, on June 5, 1987, the Pinelands Commission approved a Waiver from the required buffer to wetlands for the development of a single family dwelling served by an onsite septic system on the parcel; and

WHEREAS, it has not been demonstrated that a proposed septic system for the development of a single family dwelling can be located in an area on the parcel where the minimum depth to the seasonal high water table is at least five feet below the natural ground surface; and

WHEREAS, an application for an Amended Waiver of Strict Compliance has been completed for both the required buffer to wetlands and the minimum depth to seasonal high water table of five feet below the natural ground surface for a proposed septic system; and

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

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

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

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

NOW, THEREFORE BE IT RESOLVED that Application Number 1987-0127.001 for an Amended Waiver of Strict Compliance is 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		Howell	X				Prickett	X			
Avery	X				Jannarone	X				Quinn			X	
Barr	X				Lloyd	X				Rohan Green			X	
Chila			X		Lohbauer	X				Earlen	X			
Galletta	X				Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 8, 2019

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman

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PHIL MURPHY
Governor
SHEILA OLIVER
Lt. Governor

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

SEAN W. EARLEN
Chairman
NANCY WITTENBERG
Executive Director

REPORT ON AN APPLICATION FOR AN AMENDED WAIVER OF STRICT COMPLIANCE

January 17, 2019

Joe Oppen (via email)
Rose Place
Lakewood, NJ 08701

Re: Application # 1987-0127.001
Block 20801, Lots 24 & 25
Jackson Township

Dear Mr. Oppen:

The Commission staff has completed its review of the above referenced application for an Amended Waiver of Strict Compliance ("Waiver") proposing the development of a single family dwelling on the above referenced parcel. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its February 8, 2019 meeting.

FINDINGS OF FACT

This application is for the development of a single family dwelling serviced by an alternate design onsite septic wastewater treatment system ("alternate design septic system") on the above referenced 2.07 acre parcel in Jackson Township. The parcel is located within a Pinelands Regional Growth Area and in Jackson Township's Regional Growth 2 (RG-2) zoning district. In this zoning district, Jackson Township's certified land use ordinance requires a residential density of one dwelling unit per 1.0 acre for a single family dwelling serviced by an alternate design septic system.

On June 5, 1987, the Pinelands Commission approved a Waiver from the required buffer to wetlands for the development of a single family dwelling serviced by an alternate design onsite septic wastewater treatment system on the parcel.

The current applicant has not demonstrated that the proposed septic system can be located in an area on the parcel where the minimum depth to the seasonal high water table is at least 5 feet below the natural surface of the ground. The current applicant has completed this application for an Amended Waiver for both the required buffer to wetlands and the minimum depth to seasonal high water table of five feet below the natural ground surface when utilizing an onsite septic system.

The parcel has been site inspected by three members of the Commission's staff. Additionally, the appropriate resource capability maps and data available to the staff have been reviewed.

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

The Ocean County Soil Survey indicates that there are Mullica and Downer soils on the parcel. The Mullica soils typically have a seasonal high water table of less than 2 feet below the natural ground surface. Downer soils typically have a seasonal high water table greater than 5 feet below the natural ground surface. Based on a May 21, 2018 Commission staff site inspection, the seasonal high water table on the parcel is less than 5 feet below the natural ground surface. Since available information indicates that the seasonal high water table on the parcel is less than 5 feet below the natural ground surface, the applicant is requesting a Waiver from the seasonal high water table requirement contained in the CMP (N.J.A.C. 7:50-6.84(a)5vi).

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

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

PUBLIC COMMENT

The applicant has provided the requisite public notices. Public notice to all property owners within 200 feet of the parcel was completed on November 14, 2018. Newspaper public notice was completed on November 16, 2018. The application was designated as complete on the Commission's website on December 19, 2018. The Commission's public comment period closed on January 11, 2019. No public comment was received by the Commission regarding this application.

CONCLUSION

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

N.J.A.C. 7:50-4.63(a) sets forth <u>five conditions</u> 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 waste water treatment system. This application is only for a Waiver from the wetlands and the seasonal high water table standards contained in N.J.A.C. 7:50-6. The applicant is proposing to develop a single family dwelling serviced by an alternate design septic system on a 2.07 acre (90,169 square feet) parcel. The parcel contains more than 20,000 square feet, excluding road rights-of-way and is located in a Pinelands Regional Growth Area. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1v.

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

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

The fourth condition is that all necessary municipal lot area and 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. Jackson Township's master plan and land use ordinance have been certified by the Pinelands Commission. The certified ordinance does not require a lot area or density variance. 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. N.J.A.C. 7:50-4.65(b) sets forth the circumstances which do not comply with N.J.A.C. 7:50-4.65(a). With the conditions recommended below, the proposed development will not violate any of the circumstances contained in N.J.A.C. 7:50-4.65(b). As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)5.

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

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

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

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

The CMP (N.J.A.C. 7:50-4.62(d)1.iii) 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 wetlands standard (N.J.A.C. 7:50-6.14) and the seasonal high water table standard (N.J.A.C. 7:50-6.84 (a)5vi) a condition is included to require the applicant to purchase the requisite 0.25 PDCs.

To meet the requirements of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65, the Pinelands Commission staff has determined that the parcel must be developed in accordance with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan prepared by Patterson Surveying & Engineering, dated November 20, 2018.

2. Appropriate measures, such as silt fencing or comparable alternative, shall be taken during construction to preclude sedimentation from entering wetlands.

3. All development, including clearing and land disturbance, shall be located within the proposed development envelope as shown on the above referenced plan.

4. Sufficient dry wells or a comparable alternative shall be installed to contain all stormwater runoff from the house.

5. The driveway shall be constructed of crushed stone or other permeable material.

6. The proposed single family dwelling shall utilize an alternate design onsite septic wastewater treatment system currently authorized by the Pinelands Comprehensive Management Plan for use on lots of at least 1.0 acre.

7. The septic system shall be located in an area where the seasonal high water table is at least 2 feet below the natural ground surface. Sufficient fill shall be placed in the area of the septic system to meet the requirements of NJDEP, Standards for Individual Subsurface Sewage Disposal Systems (N.J.A.C 7:9A).

8. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole use of the parcel.

9. Prior to Commission issuance of a letter advising that any submitted municipal or county permit or approval may take effect, the Commission must receive documentation from the Pinelands Development Credit (PDC) Bank that the requisite 0.25 PDCs have been acquired and submitted to the PDC Bank for redemption.

10. This Waiver shall expire February 8, 2024 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after February 8, 2024 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.

11. Prior to Commission issuance of a letter advising that any submitted municipal or county permit or approval may take effect, a recorded copy of a deed consolidating all the lots into one lot shall be submitted to the Pinelands Commission.

12. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to completing an application for development with the Commission. The deed shall specify that the conditions are being imposed pursuant to a January 17, 2019 Pinelands Commission Report ("Waiver Report") on an Application for a Waiver of Strict Compliance for App. No. 1987-0127.001. The deed shall indicate that the conditions previously required by the May 11, 1987 Waiver Report for App. No. 1987-0127.001, approved by the Pinelands Commission on June 5, 1987, have since expired and are superseded by the conditions required by the January 17, 2019 Waiver report approved by the Pinelands Commission on February 8, 2019. The deed shall also indicate that the conditions are enforceable by the Pinelands Commission, Jackson Township and any other party of interest.

With the above conditions, the applicant qualifies for a Waiver from the requirements of N.J.A.C. 7:50-6.14 and N.J.A.C. 7:50-6.86(a)5vi.

Since the applicant meets the provisions of 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 for the development of one single family dwelling on the parcel, it is recommended that the Pinelands Commission **APPROVE** the requested Amended 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 at the Commission office no later than 4:00 PM on February 4, 2019 and include the following information:

1. the name and address of the person requesting the appeal;

2. the application number;

3. a brief statement of the basis for the appeal; and

4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

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

Recommended for Approval by: _____

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

c: Secretary, Jackson Township Planning Board (via email)
Jackson Township Construction Code Official (via email)
Jackson Township Environmental Commission (via email)
Secretary, Ocean County Planning Board (via email)
Ocean County Health Department (via email)
Jack Birnbaum (via email)

RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-19-07

TITLE: Issuing an Order to Certify Ordinance 2018-19, Amending Chapter 211 (Zoning) of the Code of Stafford Township

Commissioner Galletta **moves and Commissioner** Barr **seconds the motion that:**

WHEREAS, on October 7, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Stafford Township; and

WHEREAS, Resolution #PC4-83-89 of the Pinelands Commission specified that any amendment to the Township's certified Master Plan and codified Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-83-89 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on September 11, 2018, Stafford Township adopted Ordinance 2018-19, amending Chapter 211 (Zoning) of the Township's Code by revising the standards applicable to planned unit developments in the HMC (Highway Medical Commercial Zone); and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 2018-19 on October 24, 2018; and

WHEREAS, by letter dated November 15, 2018, the Executive Director notified the Township that Ordinance 2018-19 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on Ordinance 2018-19 was duly advertised, noticed and held on December 12, 2018 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that Stafford Township Ordinance 2018-19 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Ordinance 2018-19, amending Chapter 211 (Zoning) of the Code of Stafford Township, is in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Commission's CMP Policy and Implementation Committee has reviewed the Executive Director's report and has recommended that Ordinance 2018-19 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony submitted to the Commission concerning Ordinance 2018-19 and has reviewed the Executive Director's report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Executive Director; 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. An Order is hereby issued to certify that Ordinance 2018-19, amending Chapter 211 (Zoning) of the Code of Stafford Township, is in conformance with the Pinelands Comprehensive Management Plan.

2. Any additional amendments to Stafford Township's certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

	AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*		AYE	NAY	NP	A/R*
Ashmun			X		Howell	X				Prickett	X			
Avery	X				Jannarone	X				Quinn			X	
Barr	X				Lloyd	X				Rohan Green			X	
Chila			X		Lohbauer	X				Earlen	X			
Galletta	X				Pikolycky	X								

*A = Abstained / R = Recused

Adopted at a meeting of the Pinelands Commission

Date: February 8, 2019

Nancy Wittenberg
Executive Director

Sean W. Earlen
Chairman