
16.08.160 Special procedures for subdivisions and site plans on land within the Pinelands area.

A. Applicability of Procedures.

1. No person shall carry out any development within the Pinelands area without obtaining approval from an approval agency and without obtaining development approval in accordance with the procedures set forth in this section.
2. Except as provided in subsection A(3) of this section, the following shall not be subject to the procedures set forth in this section:
 - a. The improvement, expansion or reconstruction within five years of destruction or demolition of any single-family dwelling unit or appurtenance thereto;
 - b. The improvement, expansion, construction, or construction of any structure accessory to a single-family dwelling;
 - c. The improvement, expansion, construction, or reconstruction of any structure used exclusively for agricultural or horticultural purposes;
 - d. The construction, repair or removal of any sign, except for the construction or replacement of any off-site commercial advertising sign;
 - e. The repair of existing utility distribution lines.
 - f. The clearing of less than one thousand five hundred (1,500) square feet of land;
 - g. The construction of any addition or accessory structure for any nonresidential use or any multi-family residential structure provided that:
 - (i) If the addition or structure will be located on or below an existing impervious surface, either the existing use is served by public sewers or the addition or structure will generate no wastewater flows, and said addition or structure will cover an area of no more than four thousand nine hundred and ninety-nine (4,999) square feet; and
 - (ii) If the addition or structure will not be located on or below an impervious surface, said addition or structure will generate no wastewater flows and will cover an area of no more than one thousand (1,000) square feet;
 - h. The demolition of any structure that is less than fifty (50) years old;
 - i. The installation of utility distribution lines, except for sewage lines, to serve areas which are effectively developed or development which has received all necessary approvals and permits;
 - j. The repair or replacement of any existing on-site wastewater disposal system;
 - k. The repaving of existing paved roads and other paved surfaces, provided no increase in the paved width or area of said roads and surfaces will occur;
 - l. The clearing of land solely for agricultural or horticultural purposes;
 - m. Fences, provided no more than one thousand five hundred (1,500) square feet of land is to be cleared;
 - n. Above-ground telephone equipment cabinets;
 - o. Tree pruning;

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- p. The following forestry activities:
- (1) Normal and customary forestry practices on residentially improved parcels of land that are five acres or less in size;
 - (2) Tree harvesting, provided that no more than one cord of wood per five acres of land is harvested in any one year and that no more than five cords of wood are harvested from the entire parcel in any one year;
 - (3) Tree planting, provided that the area to be planted does not exceed five acres in any one year, no soil disturbance occurs other than that caused by the planting activity and no trees other than those authorized by N.J.A.C. 7:50-6.25 are to be planted; and
 - (4) Forest stand improvement designed to selectively thin trees and brush, provided that no clearing or soil disturbance occurs and that the total land area on the parcel in which the activity occurs does not exceed five acres in any one year;
- q. Prescribed burning and the clearing and maintaining of fire breaks; or
- r. Normal and customary landscape plantings, unless a landscaping plan is required pursuant to subsection 17.20.180D. of the zoning ordinance (Ordinance 82-4, as amended);
- s. The installation of an accessory solar energy facility on any existing structure or impervious surface;
- t. The installation of a local communications facilities antenna on an existing communications or other suitable structure, provided such antenna is not inconsistent with any comprehensive plan for local communications facilities approved by the Pinelands Commission pursuant to N.J.A.C. 7:50-5.4(c)6;
- u. The establishment of a home occupation within an existing dwelling unit or structure accessory thereto, provided that no additional development is proposed;
- v. The change of one nonresidential use to another nonresidential use, provided that the existing and proposed uses are or will be served by public sewers and no additional development is proposed.
3. The exceptions contained in subsection A(2) of this section shall not apply to any historic resources designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154.
4. Nothing herein shall preclude any local or state agency from reviewing, in accordance with the provisions of any applicable ordinance or regulation, any proposed development which does not require an application to the Pinelands Commission pursuant to this section.
- B. Application Requirements for Minor Development.
1. Any application for approval of minor development shall include at least the following information:
 - a. The applicant's name and address and his or her interest in the subject property;
 - b. The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application;
 - c. The legal description, including block and lot designation and street address, if any, of the subject property;
 - d. A description of all existing uses of the subject property;

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- e. A brief written statement generally describing the proposed development;
 - f. A USGS Quadrangle map, or copy thereof, and a copy of the municipal tax map sheet on which the boundaries of the subject property and the Pinelands management area designation and the zoning designation are shown;
 - g. A plat or plan showing the location of all boundaries of the subject property, the location of all proposed development, and existing or proposed facilities to provide water for the use and consumption of occupants of all buildings and sanitary facilities which will serve the proposed development. The following information shall be included with respect to existing or proposed sanitary facilities:
 - i. On-Site Treatment Facilities. Location, size, type and capacity of any proposed on-site wastewater treatment facilities, and
 - ii. Soil Borings and Percolation Tests. If on-site sewage disposal is proposed, results of soil borings and percolation tests in accordance with N.J.S.A. 58:11-23 et seq., and the regulations adopted pursuant thereto, shall be submitted at suitable location with a tract map showing location, logs, elevations of all test holes, indicating where groundwater was encountered, estimating the seasonal high water table and demonstrating that such facility is adequate to meet the water quality standards contained in Section 17.20.190 of the zoning title. The township engineer shall receive ten (10) days' written notice prior to any soil testing;
 - h. A location map, including the area extending at least three hundred (300) feet beyond each boundary of the subject property, showing ownership boundary lines, the boundary of the proposed development, owners of holdings adjoining and adjacent to the subject property, existing facilities, buildings and structures on the site, all proposed development, wetlands, streams (including intermittent streams), rivers, lakes and other water bodies and existing roads;
 - i. A soils map including a county soils survey which conforms to the guidelines of the United States Department of Agriculture Soil Conservation Service, showing the location of all proposed development;
 - j. A map showing existing vegetation, identifying predominant vegetation types in the area, and showing proposed landscaping of the subject property, including the location of the tree line before and after development and all areas to be disturbed as a result of the proposed development;
 - k. A certificate of filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34 or until January 14, 1991, evidence of prior approval from the Pinelands Development Review Board or the Pinelands Commission pursuant to the interim rules and regulations; and
 - l. When prior approval for the development has been granted by an approval agency, evidence of Pinelands Commission review pursuant to subsection E of this section.
- C. Application Requirements for Other Development. All applications for major development shall be accompanied by the information required in N.J.A.C. 4.2(b)5, as well as the following:
- 1. A certificate of filing from the Pinelands Commission issued pursuant to N.J.A.C. 7:50-4.34 or until January 14, 1991, evidence of prior approval from the Pinelands Development Review Board or the Pinelands Commission pursuant to the interim rules and regulations; and
 - 2. When prior approval for the development has been granted by an approval agency, evidence of Pinelands Commission review pursuant to subsection E of this section.
- D. Notices to the Pinelands Commission.

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1. Application Submission and Modifications. Written notification shall be given by the approval agency, by email or regular mail, to the Pinelands Commission within seven days after a determination is made by the approval agency that an application for development in the Pinelands Area is complete or if a determination is made by the approval agency that the application has been modified. Such notice shall contain:
 - a. The name and address of the applicant,
 - b. The legal description and street address, if any, of the parcel that the applicant proposes to develop,
 - c. A brief description of the proposed development, including uses and intensity of uses proposed,
 - d. The application number of the certificate of filing issued by the Pinelands Commission and the date on which it was issued,
 - e. The date on which the application, or any change thereto, was filed and any application number or other identifying number assigned to the application by the approval agency,
 - f. The approval agency with which the application or change thereto was filed,
 - g. The content of any change made to the application since it was filed with the Commission, including a copy of any revised plans or reports, and
 - h. The nature of the municipal approval or approvals being sought;
 2. Meetings and Hearings. Where a meeting, hearing or other formal proceeding on an application for development approval in the Pinelands Area is required, the applicant shall provide notice to the Pinelands Commission by email, regular mail or delivery of the same to the principal office of the Commission at least five days prior to such meeting, hearing or other formal proceeding. Such notice shall contain at least the following information:
 - a. The name and address of the applicant,
 - b. The application number of the certificate of filing issued by the Pinelands Commission and the date on which it was issued,
 - c. The date, time and location of the meeting, hearing or other formal proceeding,
 - d. The name of the approval agency or representative thereof that will be conducting the meeting, hearing or other formal proceeding,
 - e. Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission, and
 - f. The purpose for which the meeting, hearing or other formal proceeding is to be held.
 3. Notice of Approvals and Denials. The Pinelands Commission shall be notified of all approvals and denials of development in the Pinelands Area, whether the approval occurs by action or inaction of any approval agency or an appeal of any agency's decision. The applicant shall within five days of the approval or denial give notice by email or regular mail to the Pinelands Commission. Such notice shall contain the following information:
 - a. The name and address of the applicant,
 - b. The legal description and street address, if any, of the parcel that the applicant proposes to develop,
 - c. The application number of the certificate of filing issued by the Pinelands Commission and the date on which it was issued,

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- d. The date on which the approval or denial was issued by the approval agency,
 - e. Any written reports or comments received by the approval agency on the application for development that have not been previously submitted to the Commission,
 - f. Any revisions to the application not previously submitted to the Commission, and
 - g. A copy of the resolution, permit or other documentation of the approval or denial. If the application was approved, a copy of any preliminary or final plan, plot or similar document that was approved shall also be submitted.
- E. Review by the Pinelands Commission.
- 1. Upon receipt by the Pinelands Commission of a notice of approval pursuant to subsection (D)(3) of this section, the application for development approval shall be reviewed in accordance with the provisions in N.J.A.C. 7:50-4.37 through N.J.A.C. 7:50-4.42. The approval of the township shall not be effective and no development shall be carried out prior to a determination of whether the development approval will be reviewed by the Commission. If the applicant is notified that the Commission will review the application for development, no development shall be carried out until such review has been completed.
 - 2. Until January 14, 1991, approvals issued by the Pinelands Development Review Board or the Pinelands Commission under the interim rules and regulations shall serve as the basis for Pinelands Commission review of the local approval under this section.
 - 3. Although the Pinelands Commission shall be notified of all denials, no such denial actions are subject to further review and action by the Pinelands Commission.
- F. Condition on Prior Approvals. Where a prior approval has been granted by an approval agency, no subsequent approval of an application for development approval shall be obtained until one of the following is satisfied.
- 1. Notification is received from the Pinelands Commission that review of the development approval is not required; or
 - 2. Review of the development approval has been completed pursuant to N.J.A.C. 7:50-4.37 through 4.42 and a final order regarding the approval is received by the township from the Pinelands Commission.
- G. Effect of Pinelands Commission Decision on Development Approval. If the Pinelands Commission disapproves an application for development previously approved by an approval agency, such approval shall be revoked by the approval agency within thirty (30) days and the agency shall thereafter deny approval of the application. If the Commission approves the decision of an approval agency subject to conditions, the approval agency which had previously approved the application shall, within thirty (30) days, modify its approval to include all conditions imposed by the Commission and, if final approval of the application is required, shall grant final approval only if the application for approval demonstrates that the conditions specified by the Commission have been met by the applicant.
- H. Participation of Pinelands Commission in Public Hearings. The Pinelands Commission may participate in a hearing held in the township involving the development of land in the Pinelands area pursuant to N.J.A.C. 7:50-4.36.
- I. Environmental Commission Review. All applications for major development shall be referred to the Environmental Commission for review and comment.
- J. Public Development. All development proposed by the township or any agency thereof will comply with all the requirements for public development set forth in N.J.A.C. 7:50-4.51 et seq. and all the standards set forth in this title.

K. Amendments. In amending the township's master plan, or this title, the township shall comply with all of the requirements of N.J.A.C. 7:50-3.45.

(Ord. 1997-4, §§ 34, 35; Ord. 90-16 § 1; Ord. 89-9 § 516)

(Ord. 2018-05, §§ II, III, 1-7-19)