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State of New Jersey

THE PINELANDS COMMISSION

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Executive Director

CERTIFICATE OF FILING

July 7, 2010

Ira Mendelsohn
Image, LLC
8003 Lagoon Drive
Margate, NJ 08402

Please Always Refer To
This Application Number

Re: Application #1995-1662.002
Block 1904, Lots 5-7
Block 2409, Lots 2-4
Block 2501, Lot 1
Block 2503, Lots 3 & 11
Block 2504, Lots 1 & 9-11
Block 3302, Lots 3 & 7.08
Block 3303, Lot 1
Buena Vista Township

Dear Mr. Mendelsohn:

This application for the resubdivision of the above referenced parcel (excluding Block 2503, Lot 3) resulting in 109 lots and the development of 95 single family dwellings on that 260.57 acre parcel is complete. There are two existing dwellings on the parcel. This application also proposes a two lot subdivision of 3.7 acre non-contiguous Block 2503, Lot 3, resulting in the development of one single family dwelling on a 3.2 acre lot and a stormwater infiltration basin on a 0.5 acre lot. Therefore, a total of 96 single family dwellings are proposed on the 264.27 acres subject of the application. The parcel is located in a Pinelands Rural Development Area.

The completion of this application has resulted in the issuance of this Certificate of Filing. This Certificate of Filing is required before any other agency can deem an application complete and take action on your proposed development. The agency may proceed to review and take action on the proposed development. The applicant must give notice to the Pinelands Commission of any modification of the proposed development and of any approval received for the proposed development within five days of receiving any approval.

The subdivision plan, consisting of 42 sheets, submitted to the Pinelands Commission was prepared by Swiderski Associates and dated as follows:

www.nj.gov/pinelands
E-mail: info@njpines.state.nj.us



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Sheets 1 & 42 - March 8, 2010; revised June 23, 2010

Sheets 2, 3, 6, 10, 13-18, 20-26, 31, 32, 36 & 38-42 - March 8, 2010

Sheets 4, 5, 7-9, 11, 12, 19, 27-30, 33- 35- & 37 - March 8, 2010; revised May 24, 2010

An application for a five lot subdivision of Block 2504, Lot 10 in Buena Vista Township and the development of five single family dwellings was previously completed with the Commission (App. No. 1995-1662.001).

An application for the resubdivision of a 35.5 acre parcel (consisting of Block 1904, Lot 5-7, Block 2501, Lot 1, Block 2502, Lot 2, Block 2503, Lots 1 & 2 and Block 2504, Lot 2) in Buena Vista Township, resulting in 55 lots and the development of 50 single family dwellings, was previously initiated, but not completed, with the Commission (App. No. 2007-0117.001).

An application for the development of one single family dwelling on Block 2503, Lot 3 in Buena Vista Township was previously initiated, but not completed, with the Commission (App. No. 2007-0162.001).

An application for the development of one single family dwelling on Block 2501, Lot 1 in Buena Vista Township was previously initiated, but not completed, with the Commission (App. No. 1998-3205.001).

The development proposed in the current application is instead of the development proposed in App. Nos. 1995-1662.001, 2007-0117.001, 2007-0162.001 and 1998-3205.001.

Of the 109 proposed lots on the 260.57 acre parcel, two lots will contain existing single family dwellings and 95 of the proposed lots will contain proposed dwellings. Five of the proposed lots will contain proposed stormwater infiltration basins. Six of the proposed lots will remain vacant and be used as open space for the proposed development. One of the proposed lots will contain a proposed infiltration basin and will also be used as open space. This application also proposes to improve portions of Norman Road, Ninth Street and Tenth Street to access the proposed development.

There are wetlands located on and within 300 feet of the above referenced 260.57 acre parcel. All development, including the septic systems, clearing and land disturbance, shall maintain a 300 foot buffer to wetlands. The above referenced plan indicates that this requirement is being met.

The above referenced 260.57 acre parcel appears to be located within Buena Vista Township's RDR-1 zoning district (a Pinelands Rural Development Area). Single family dwellings are permitted in this zoning district at a residential density of 1 dwelling unit per 3.2 acres. Considering only the current Township land use ordinance, a total of 81 dwelling units would be permitted on the parcel. The Township land use ordinance also currently allows for the optional clustering of those dwellings on lots of at least 1.0 acre.

On April 6, 2009, certain amendments to the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-5.19(c)) regarding mandatory clustering of residential development in Pinelands Forest and Rural Development Areas became effective. This application proposes the clustering of residential development on the above referenced 260.57 acre parcel in accordance with this provision of the CMP. The CMP also allows for a residential density bonus for proposed residential cluster development in Pinelands Forest and Rural Development Areas based upon the permitted municipal residential density and total acreage of the parcel (N.J.A.C. 7:50-5.19(d)1).

Utilizing the residential density bonus specified in the CMP for this application, it appears that 16 additional dwelling units could be permitted under the CMP clustering bonus provision, for a total of 97 (81+16) dwelling units.

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

To meet the groundwater quality (septic dilution) standard of the Buena Vista Township land use ordinance and the CMP, 3.2 acres is required for each existing and proposed dwelling utilizing a conventional septic system.

This application proposes to utilize 23 alternate design and 74 conventional septic systems on a 260.57 acre parcel. Each individual lot will contain at least 1.0 acre. A total of 23 of the existing/proposed dwellings shall utilize one of three alternate design wastewater systems (Amphidrome, Bioclere and FAST) currently authorized by the CMP and designed so that the average nitrogen concentration in the groundwater at the limits of a parcel of at least 1.0 acre in size does not exceed 2 ppm. The CMP (N.J.A.C. 7:50-10.22(a)6i.) provides that no more than 10 alternate design septic systems utilizing the same technology shall be installed in the development of any parcel if those systems are each serving one single family dwelling. Since the proposed development requires the use of 23 alternate design septic systems, all three of the currently authorized alternate design septic systems must be utilized for this application. The above referenced plan indicates that this requirement is being met.

For the proposed development to meet the residential density/clustering and groundwater quality (septic dilution) standards, the applicant proposes to permanently deed restrict the proposed open space areas to preclude future development. As required by the CMP (N.J.A.C. 7:50-5.19(d)4), such open space must be owned and managed by a homeowner's association, a non profit conservation organization or the municipality. The applicant proposes to establish a homeowner's association.

The Buena Vista Township land use ordinance and the CMP provide that proposed development be designed to meet the nonstructural stormwater management strategy standards of the New Jersey Department of Environmental Protection's regulations (N.J.A.C. 7:8-5.3) as incorporated by reference into the Buena Vista Township land use ordinance and the CMP. These standards require that any land area used as a nonstructural stormwater management measure be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office or equivalent restriction that ensures that such measure is maintained in perpetuity. The stormwater management plan for this development proposes to maintain 204 acres as indigenous woods to meet the nonstructural stormwater management strategy standards of the CMP. Any approval granted by Buena Vista Township shall require that the area to remain in its existing state be protected by one of the above specified methods.

Copies of all municipal or county permits or approvals received for the proposed development must be submitted to the Pinelands Commission. Prior to Commission issuance of a letter advising that the final municipal subdivision approval may take effect, a recorded copy of the deed restriction for residential density/clustering, in accordance with the CMP (N.J.A.C. 7:50-5.19(d)4) and for groundwater quality (septic dilution) must be submitted to the Commission.

The New Jersey State Legislature amended the State's Fair Housing Act on July 17, 2008 through adoption of P.L. 2008, Chapter 46. The amendments (Section 18(a)) require that developments consisting of newly-constructed residential units located within the jurisdiction of certain regional planning entities, including the Pinelands Commission, include a 20% set-aside for low and moderate income households, to the extent such a set-aside is economically feasible. This legal obligation must be addressed by municipalities and those who propose residential development in the Pinelands Area. Since the Pinelands Commission is not responsible for administering this amendment, you may wish to discuss with the municipality or the Council on Affordable Housing how best to fulfill the obligation. The Council on Affordable Housing may be reached at 609-292-3000 or coahmail@dca.state.nj.us.

THIS CERTIFICATE OF FILING IS NOT AN APPROVAL. It is the letter necessary for other agencies to review and act on your application. If either a municipal or county agency grants an approval or permit for the proposed development, that approval is subject to review by the Pinelands Commission. No local approval shall take effect and no construction or development shall occur unless written notice from the Pinelands Commission has been received, indicating either that the Commission will not review the local approval or that the Commission has approved the local approval.

This Certificate of Filing is transferable to future owners of this parcel.

If you have any questions, please contact the Regulatory Programs staff.

Sincerely,



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

FCS/KC/CH

c: Secretary, Buena Vista Township Planning Board
Buena Vista Township Construction Code Official
Buena Vista Township Environmental Commission
Secretary, Atlantic County Department of Regional Planning & Development
Atlantic County Division of Public Health
William Swiderski
Fredrick C. Seeber
Susan Grogan