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*New Jersey's Largest  
Municipality*

July 29, 2009

Ken Carter  
NJ Pinelands Commission  
PO Box 7  
New Lisbon, NJ

VIA EMAIL

Re: Woods Edge General Development Plan  
Block 1134 Lot 1  
Pinelands Application # 2004-0351.002

Dear Ken:

This is being sent regarding the comments in your July 23, 2009 letter to Harding Highway, LLC regarding the proposed development of "public improvements" (e.g. sidewalks, roads, water & sewer infrastructure, etc) through wetlands and/or wetland buffers that are located on or near the subject parcel. The purpose of this letter is to verify that the proposed road and sidewalk improvements are consistent with the Township's Master Plan & Development Ordinance and supported by the Township.

Regarding the sidewalk issue, the Township Development Ordinance (Chapter 203 of the Township Code) has included a provision requiring the installation of sidewalk along all streets, which can be found at §203-124.C., since its initial certification by the Commission in mid- 1980's. In order to improve pedestrian safety the Township Planning Board adopted the Township's Pedestrian Plan in 2004, which identifies and prioritizes roads and highways where the installation of sidewalks is prioritized and to be constructed through developer funding either as an on-site improvement or, if applicable, as a pro-rata off tract contribution. A copy of the Pedestrian Plan map is enclosed with this letter. As indicated on this plan, the Township has identified both Route 40 (aka Harding Highway) and Cologne Avenue as pedestrian arterials with sidewalks to be developed along both sides of the roadway.

Similarly, the proposed development of the New York Avenue extension through the subject parcel connecting Route 40 (at the existing New York Avenue intersection) to Cologne Avenue, at the intersection with Denmead Drive, was adopted by the Township Planning Board as part of the Updated Vehicular Transportation Plan, which was incorporated in the Master Plan Re-Examination Report in November 2006. The Re-Examination Report was filed with the Pinelands Commission upon adoption of Township Ordinance # 1579-2006, which established the Township's Planned Village Development Zones. The Vehicular Transportation Plan was prepared to identify roads and intersections that required development or improvement to help reduce traffic congestion in the area. Copies of the Vehicular Plan maps are also enclosed.

In closing, the Township of Hamilton is supportive of the inclusion on the above referenced General Development Plan of the proposed development of roads, sidewalks and other 'public' infrastructure through wetlands and wetland buffer areas, where those improvements are consistent with the Township's objectives of improving pedestrian safety and reduction of traffic congestion. On balance these improvements will provide both a community and environmental benefit (fewer vehicle miles traveled, a reduction in traffic congestion and air quality improvements). It is also recognized that the location(s) of the improvements in question may be adjusted as this application moves through the approval process, which will include General Development Plan approval as well as Site Plan and Subdivision Approvals.

Sincerely



Philip Sartorio, PP/AICP

cc Ed Sasdelli, Administrator (w/o encl)  
Nancy Rainbow, PB Administrator (w/o encl)  
Phil Caton, PP/AICP (via email)  
Bill Leonard (Camco Mgt.) (via email)

RITONDA WARD

**CERTIFICATE OF FILING**

(Inconsistent)

September 11, 2009

Harding Highway, LLC  
30 Washington Avenue, Suite B-4  
Haddonfield, NJ 08033

Please Always Refer To  
This Application Number

Re: Application #2004-0351.002  
Block 1134, Lot 1  
Hamilton Township

Dear Applicant:

This application for a 252 lot subdivision, the development of 608 dwelling units (121 single family detached dwellings, 122 townhouses and 365 apartment units within 23 apartment buildings) and associated site improvements on the above referenced 111.68 acre lot is complete. Two of the proposed lots will contain the proposed apartment units, 122 lots will contain the proposed townhouses, 121 lots will contain the proposed single family dwellings and 7 lots will contain stormwater management and recreation facilities. The lot is located within a Pinelands Regional Growth 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 5 days of receiving any approval.

This application seeks General Development Plan approval in accordance with the New Jersey Municipal Land Use Law (MLUL) from Hamilton Township. The applicant will subsequently submit plans to the municipality for preliminary and final approval of the proposed development.

The development plan, consisting of 6 sheets, submitted to the Pinelands Commission was prepared by Taylor, Wiseman & Taylor and dated as follows:

Sheets 1, 2 & 4-6 – August 10, 2007; revised May 27, 2009

Sheet 3 – August 10, 2007; revised July 27, 2009

Our records indicate that ongoing hazardous waste groundwater remediation activities are occurring on the above referenced lot under New Jersey Department of Environmental Protection (NJDEP) oversight (Application No. 1985-0396.001). The Pinelands Commission has a Memorandum of Agreement with the NJDEP which allows certain remediation activities within the Pinelands Area to occur under NJDEP oversight without application to the Commission.

An application for a two lot subdivision of the above referenced lot and no further development was initiated, but not completed, with the Commission (Application No. 2004-0351.001).

There are wetlands located on and within 300 feet of the above referenced lot. All development, including clearing and land disturbance, shall be located at least:

- 50 feet from the three isolated wetlands located on the northwestern portion of the lot
- 110 feet from the wetlands located on adjacent Block 1133, Lots 1 & 2 immediately north of the Harding Highway/New York Avenue intersection
- 110 feet from the wetlands located on the northeastern portion of the lot adjacent to Block 1134, Lot 7
- 110 feet from the wetlands located on adjacent Block 1134, Lot 6
- 110 feet from the wetlands located south of Harding Highway on Block 1132.05, Lot 1.02
- 175 feet from the wetlands located on adjacent Block 1134, Lot 5
- 175 feet from the wetlands located south of Harding Highway on Block 1132.01, Lot 7.02
- 175 feet from the two wetland areas located adjacent to Block 1134, Lot 3.03
- 175 feet from the two onsite wetlands located adjacent to Cologne Avenue
- 300 feet from the wetlands located west of Cologne Avenue and south of Harding Highway near the Harding Highway/Cologne Avenue intersection

The above referenced plan indicates that these requirements are being met.

The above referenced plan proposes the installation of sidewalks, an entrance road and public sanitary sewer main along Harding Highway and Cologne Avenue within required wetlands buffers. Based upon the above referenced plan, it is unclear whether the proposed sidewalk along Cologne Avenue and its associated disturbance will also occur within wetlands. The Hamilton Township land use ordinance and the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-6.13) permit the proposed improvements within wetlands or a required buffer to wetlands provided certain provisions are met. These provisions include a demonstration that no feasible alternative locations exist for the proposed improvements. The applicant has not demonstrated that there is no feasible alternative to the proposed location of all linear improvements proposed in wetlands/wetlands buffers. As a result, this application is inconsistent with the wetlands protection standards of the Hamilton Township land use ordinance and the CMP with respect to these proposed linear improvements. This issue is potentially resolvable by revising the above referenced plan to remove all proposed linear improvements from wetlands/wetlands buffers or for any municipal resolution of approval for the proposed development to contain findings demonstrating that there is no feasible alternative to the proposed locations.

The Hamilton Township land use ordinance and the CMP require that any proposed development be consistent with the threatened and endangered species protection standards. These standards require that no development shall be carried out unless it is designed to avoid irreversible adverse impacts on the survival of any local populations of threatened or endangered plant species. Specifically, the applicant has identified a population of a threatened plant species within the wetlands located west of Cologne Avenue from the above referenced lot. The applicant has not demonstrated that the proposed sidewalk along Cologne Avenue will be designed to meet these standards relative to this plant species. As a result, the application is inconsistent with the threatened and endangered species protection requirements of the Hamilton Township land use ordinance and the CMP. Since the applicant has not submitted information demonstrating that the proposed sidewalk along Cologne Avenue will meet the threatened and endangered species standards, the proposed sidewalk does not meet N.J.A.C. 7:50-6.13(a)(5) regarding linear improvements in wetlands/wetlands buffers. This issue is potentially resolvable by revising the plan to remove the proposed sidewalk or demonstrate that the proposed sidewalk will be designed to avoid irreversible adverse impacts to the local population of the concerned threatened plant species.

The above referenced lot appears to be located in a moderate fire hazard area. The Hamilton Township land use ordinance and the CMP require that any proposed developments of 25 dwelling units or more will have two accessways of a width and surface composition sufficient to accommodate and support fire fighting equipment. The application proposes one access road to the lot from Cologne Avenue. As a result, the application is inconsistent with the fire hazard mitigation standards of the Hamilton Township land use ordinance and the CMP. This issue is potentially resolvable by revising the plan to propose an additional access road to the site, an emergency access road or a divided access road containing a center median.

The applicant is seeking General Development Plan approval from Hamilton Township. The applicant proposes to construct stormwater infiltration basins for this project. The applicant previously submitted a conceptual stormwater management design, soil test pit data, soil

permeability test data and stormwater calculations projecting stormwater retention volume and rates of stormwater runoff for this project. The submitted information is sufficient to enable the Commission staff to complete its review of the submitted stormwater management plan for a General Development Plan. Any subsequent municipal approval received for preliminary or final approval must address the stormwater management standards of the Hamilton Township land use ordinance and the CMP (N.J.A.C. 7:50-6.84(a)6 et. seq.). The proposed development does not appear to have been designed to meet the permeability rate and stormwater infiltration facility siting standards (N.J.A.C. 7:50-6.84(a)6iv(2)) and the low impact stormwater design standards (N.J.A.C. 7:50-6.84(a)6iv(4)). Additionally, the future proposed stormwater management design must include a groundwater mounding analysis and a plan identifying all proposed structural and non-structural stormwater management measures.

The applicant's Pinelands application represents that the proposed development will be served by public sanitary sewer.

The above referenced lot appears to be located in Hamilton Township's PVD zoning district. This zoning district permits dwelling units at a maximum residential density of 5.45 dwelling units per acre and requires that Pinelands Development Credits (PDCs) be purchased and redeemed for 25 percent of all proposed market rate dwelling units. This application proposes 608 dwelling units at a residential density of 5.45 dwelling units per acre. The submitted information indicates that 91 affordable apartment dwelling units are proposed. Since 517 market rate dwelling units are proposed, PDCs would need to be purchased and redeemed for 130 (517 x 25%) of these market rate dwelling units. Therefore, a total of 32.5 PDCs are required (1.0 PDC = 4.0 dwelling units).

A copy of any municipal or county approval or permit issued for the proposed development must be submitted to the Pinelands Commission. Commission receipt of any county or municipal approval or permit for the development as currently proposed may result in the scheduling of a Commission staff public hearing to review the issues raised by the above noted inconsistencies.

Prior to Commission issuance of a letter advising that any submitted final municipal approval or permit may take effect, the Commission must receive a letter from the Pinelands Development Credit Bank indicating that the requisite 32.5 PDCs have been acquired and submitted to the PDC Bank for redemption.

Additionally, prior to Commission issuance of a letter advising that any submitted municipal or county approval or permit may take effect, correspondence from the NJDEP must be submitted to the Commission confirming the status of the ongoing site remediation/or that development may occur on the lot prior to completion of the ongoing site remediation.

**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 that the Commission will not review the local approval.

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

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

Sincerely,

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

KC/CH

c: Secretary, Hamilton Township Planning Board  
Hamilton Township Construction Code Official  
Hamilton Township Environmental Commission  
Atlantic County Department of Regional Planning & Development



State of New Jersey  
THE PINELANDS COMMISSION

PO BOX 359  
NEW LISBON, NJ 08064  
(609) 894-7300

CHRIS CHRISTIE  
Governor

JOHN C. STOKES  
Executive Director

March 10, 2010

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
Harding Highway, LLC  
30 Washington Avenue  
Suite B-4  
Haddonfield, NJ 08033

Please Always Refer To  
This Application Number

Re: Application #2004-0351.002  
Block 1134, Lot 1  
Hamilton Township

Dear Sir or Madam:

Please be advised that it has been determined that the general development plan approval providing 20 year zoning protection granted by the Hamilton Township Planning Board for the proposed 388 lot subdivision of the above-referenced 111.68 acre lot and the development of 475 residential dwelling units (190 single family detached dwellings, 190 townhouses and 95 apartment units) and associated site improvements raises a substantial issue with respect to the conformance of the proposed development with the minimum standards of the Comprehensive Management Plan (see attached). As a result, pursuant to N.J.A.C. 7:50-4.37, the Pinelands Commission will review the proposed development.

You may request a hearing be held before an Administrative Law Judge. Such a request must be made within 21 days of the date of this letter. If no hearing is requested within said time period, the Executive Director will make a recommendation to the Commission as to whether the proposed development should be approved, approved with conditions or denied. Said recommendation will be based on the material in the file.



[www.nj.gov/pinelands](http://www.nj.gov/pinelands)  
E-mail: [info@njpines.state.nj.us](mailto:info@njpines.state.nj.us)



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NO DEVELOPMENT MAY BE CARRIED OUT ON THE ABOVE-REFERENCED LOT UNTIL SUCH TIME AS THE PINELANDS COMMISSION HAS ACTED ON THE PROPOSED DEVELOPMENT.

Sincerely,

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

enc: Statement of Issues  
N.J.A.C. 7:50-6.13  
N.J.A.C. 7:50-6.27  
N.J.A.C. 7:50-6.83

c: Secretary, Hamilton Township Planning Board  
Hamilton Township Construction Code Official  
Hamilton Township Environmental Commission  
Atlantic County Department of Regional Planning & Development  
John Percy

### STATEMENT OF ISSUES

The following issues will be reviewed in order to determine whether the proposed development conforms to the minimum standards of the Comprehensive Management Plan:

1. Whether the proposed development of linear improvements in wetlands and wetlands buffers is consistent with Hamilton Township's certified land use ordinances and N.J.A.C. 7:50-6.13, a copy of which is enclosed.

Specifically, this issue is raised because a proposed entrance road and sewer main from Cologne Avenue onto the lot are proposed to be located within required wetlands buffers and, based on the approved plan, it has not been demonstrated that there is no feasible alternative to the proposed location of this entrance road and sewer main located outside of required wetlands buffers.

2. Whether the proposed development is consistent with the threatened and endangered plant protection requirements contained within Hamilton Township's certified land use ordinances and N.J.A.C. 7:50-6.27, a copy of which is enclosed.

Specifically, this issue is raised because the applicant has not demonstrated to the Pinelands Commission whether the sidewalk required by Hamilton Township along Cologne Avenue is consistent with the protection of threatened and endangered plant species.

3. Whether the proposed development is consistent with the groundwater quality requirements contained within Hamilton Township's certified land use ordinances and N.J.A.C. 7:50-6.83, a copy of which is enclosed.

Specifically, this issue is raised because the Commission has not received correspondence from the New Jersey Department of Environmental Protection confirming the status of the ongoing site remediation on the lot or that development may occur on the lot prior to completion of the ongoing site remediation.