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Application Specific Information: [AppInfo@pinelands.nj.gov](mailto:AppInfo@pinelands.nj.gov)

## **LETTER OF INTERPRETATION #2198**

May 24, 2021

Gary Cicero (via email)  
BEMS Southampton, LLC  
125 Half Mile Road, Suite 300  
Red Bank, NJ 07701

Re: Application # 1981-1601.007  
Block 2702, Lots 3 - 5  
Southampton Township

### **FINDINGS OF FACT**

This application is for a Letter of Interpretation (LOI) regarding the extent of wetlands on the above referenced parcel in Southampton Township. In accordance with the provisions of the Pinelands Comprehensive Management Plan (CMP, N.J.A.C. 7:50-4.72(a)2), the applicant is requesting a LOI as to the extent of wetlands on the parcel.

The parcel has been inspected by a member of the Commission's staff. The Commission staff has reviewed the information submitted by the applicant. In addition, the appropriate resource capability maps and data available to the staff have been reviewed.

There is an existing closed and capped landfill on the parcel. The parcel is comprised of oak/pine forested uplands and an herbaceous field associated with the closed landfill.

The applicant has provided the requisite public notice. The Pinelands Commission has not received public comments regarding the application.

### **CONCLUSION**

There are no wetlands located on the parcel.

This LOI is only for the extent of wetlands located on the above referenced parcel. This LOI makes no finding of fact or conclusion regarding the presence or absence of wetlands within 300 feet of the parcel or the required buffer to any such wetlands that may be present.

This LOI does not authorize the commencement of any development on this parcel (N.J.A.C. 7:50-4.76(a)). The applicant must still file a development application as set forth in Part III of Subchapter 4 of the CMP. The proposed development must meet all requirements of the CMP.

This LOI is valid for a period of five years only, unless final approval pursuant to the CMP has been granted within that period, and development is thereafter diligently pursued to completion or is legally commenced within that period.

### **APPEAL**

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI 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 hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must 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 within eighteen days of the date of this LOI, the LOI shall become binding.

Sincerely,



Charles M. Horner, P.P.

Director of Regulatory Programs

- c: Secretary, Southampton Township Planning Board (via email)  
 Southampton Township Construction Code Official (via email)  
 Southampton Township Environmental Commission (via email)  
 Secretary, Burlington County Planning Board (via email)  
 Ryan Merritt (via email)