



NEW JERSEY PINELANDS COMMISSION APPLICATION EXEMPTIONS¹

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Development

An application must be submitted to the Pinelands Commission for proposed development in the Pinelands Area. The Pinelands Comprehensive Management Plan (CMP) contains a detailed definition of “development”:

CMP DEFINITION: DEVELOPMENT

The change of or enlargement of any use or disturbance of any land, the performance of any building or mining operation, the division of land into two or more parcels, and the creation of termination of rights of access or riparian rights including, but not limited to:

1. A change in type of use of a structure or land;
2. A reconstruction, alteration of the size, or material change in the external appearance of a structure or land;
3. A material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land;
4. Commencement of resource extraction or drilling or excavation on a parcel of land;
5. Demolition of a structure or removal of trees;
6. Commencement of forestry activities;
7. Deposit of refuse, solid or liquid waste or fill on a parcel of land;
8. In connection with the use of land, the making of any material change in noise levels, thermal conditions, or emissions of waste material; and
9. Alteration, either physically or chemically, of a shore, bank, or floodplain, seacoast, river, stream, lake, pond, wetlands or artificial body of water.

Exempt¹ Subdivisions

The Pinelands CMP specifies that certain development does not require application to the Pinelands Commission. One such type of development that does not require application to the Commission includes certain types of subdivisions **with no proposed site improvements**, as follows:

1. Divisions of property by testamentary or intestate provisions (i.e., divisions amongst heirs as specified in a final will or testament);
2. Divisions of property upon court order; and
3. Conveyances so as to combine existing lots by deed or other instrument (i.e., lot consolidations).

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Other Exempt¹ Development Activities

The Pinelands CMP also contains a list of development and activities that do not require application to the Pinelands Commission, **provided that an historic resource is not involved**. The following list provides examples of these types of development and activities. If you are unsure whether your proposed development or activity involves an historic resource, please contact the Pinelands Commission at (609) 894-7300.

Permitting & Environmental Standards for Exempt¹ Activities

Even if your proposed development or activity does not require application to the Pinelands Commission, **you must still apply for and receive all other necessary permits and approvals** (i.e. municipal, county and state), including zoning and construction permits, as required by law.

In addition, even if your proposed development or activity is exempt¹ from application to the Pinelands Commission, **the Pinelands Commission's environmental standards must still be met**. In most cases, compliance with these environmental standards is typically determined by the municipality, who often requires some form of permit or approval and whose certified land use ordinances contain the Commission's environmental standards. Some common environmental standards to be aware of include:

1. Wetlands protection standards – no development, including clearing and land disturbance, is permitted in or within 300 feet of wetlands. Exempt¹ development should be located at least 300 feet from wetlands or no closer to wetlands than existing structures, whichever is greater.
2. Threatened and endangered species (T&E) protection standards – no development, including clearing and land disturbance, may be carried out that will result in an irreversible adverse impact on (1) habitat critical to survival of any local populations of T&E wildlife or (2) the survival of any local populations of T&E plants.

For a complete list of development and activities that are exempt¹ from application to the Pinelands Commission, please refer to N.J.A.C. 7:50-4.1(a) in the Pinelands CMP, which can be downloaded at <http://www.state.nj.us/pinelands/cmp/>. Definitions of some terms are provided at N.J.A.C. 7:50-2.11.

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Application Exemptions¹ [N.J.A.C. 7:50-4.1(a)]

4.1(a)1	Exemption¹:	The improvement, expansion, or reconstruction within 5 years of destruction or demolition, of any single family dwelling or appurtenance thereto.
	Examples that qualify²:	<ul style="list-style-type: none"> • An addition to an existing house • Interior or exterior renovations of an existing house in existing footprint • Reconstruction of a house within 5 years of demolition/destruction
	Examples that do NOT qualify²:	<ul style="list-style-type: none"> • The addition of an in-law suite constituting a separate dwelling to an existing house • The reconstruction of a non-residential structure within 5 years of demolition

4.1(a)2	Exemption¹:	The improvement, expansion, construction or reconstruction of any structure accessory to a single family dwelling.
	Examples that qualify²:	<ul style="list-style-type: none"> • Construction of a garage that is accessory to an existing house • Installation of a swimming pool accessory to an existing house • Reconstruction of a barn accessory to an existing house
	Examples that do NOT qualify²:	<ul style="list-style-type: none"> • Construction of a second dwelling • Establishment of an in-law suite constituting a separate dwelling on the second floor of an existing garage • Construction of a garage that is twice the size of the existing house

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² The listed examples are based on common proposals and are used here to guide applicants’ understanding of the meaning of the application exemption. The listed examples do **NOT** include all situations that do and do not qualify under the application exemption.

4.1(a)3	Exemption¹:	The improvement, expansion, construction or reconstruction of any structure used exclusively for agricultural or horticultural purposes.
	Examples that qualify²:	<ul style="list-style-type: none"> • Construction of a barn for equipment accessory to an active farm • Establishment of structures for aquaculture • Construction of greenhouses for an active horticultural operation
	Examples that do NOT qualify²:	<ul style="list-style-type: none"> • Establishment of a roadside market to sell produce • Construction of a building used to process grapes into wine, bottle and label the product, sell the wine and offer tastings • Establishment of a for-profit horse boarding and lesson facility • Construction of seasonal agricultural employee housing • Use of an existing building to process berries into jelly, bottle the jelly, label the bottles and ship the bottles to grocery stores

4.1(a)4	Exemption¹:	The construction, repair or removal of any sign, except for the construction or replacement of any off-site sign in accordance with N.J.A.C. 7:50-6.108(a)3, 4, or 5.
	Examples that qualify²:	<ul style="list-style-type: none"> • Construction, repair or removal of on-site signs (i.e., signs on the subject property) • Repair of off-site commercial advertising signs (i.e., billboards)
	Examples that do NOT qualify²:	<ul style="list-style-type: none"> • Construction or replacement of off-site commercial advertising signs (i.e., billboards)

4.1(a)5	Exemption¹:	The repair of existing utility distribution lines.
	Examples that qualify²:	<ul style="list-style-type: none"> • The repair of existing water and sewer mains • The repair of existing natural gas, electricity, telephone, cable television, and storm water discharge distribution lines
	Examples that do NOT qualify²:	<ul style="list-style-type: none"> • The replacement of a 10” sewer main with a 27” sewer main

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4.1(a)6	Exemption¹:	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.
	Examples that qualify²:	<ul style="list-style-type: none"> • Installation of natural gas and water distribution lines to serve a two block area comprised of 5,000 square foot lots that are all residentially developed
	Examples that do NOT qualify²:	<ul style="list-style-type: none"> • Installation of sewer mains • Installation of electric transmission lines • Installation of cable television lines to serve a two square mile area of 5-acre lots that are 50% developed

4.1(a)7	Exemption¹:	The clearing of less than 1,500 square feet of land.
	Examples that qualify²:	<ul style="list-style-type: none"> • Clearing 800 square feet adjacent to an existing commercial use
	Examples that do NOT qualify²:	<ul style="list-style-type: none"> • Clearing an acre accessory to an existing commercial use

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<p>4.1(a)8 Exemption¹:</p>	<p>The construction of any addition or accessory structure for any non-residential use or any multi-family residential structure provided that:</p> <ul style="list-style-type: none"> a. 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 4,999 square feet; and b. 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 1,000 square feet.
<p>Examples that qualify²:</p>	<ul style="list-style-type: none"> • Installation of a 3,200 square foot gas station canopy over an existing, paved pump island, where the gas station is served by a septic system (<i>the canopy will not generate any wastewater flows</i>) • Establishment of a 4,500 square foot entrance vestibule to a restaurant over existing paved parking lot, where restaurant is served by sewer • Addition of a 980 square foot concrete pad for a dumpster enclosure on a grassed area adjacent to a convenience store (<i>the dumpster will not generate any wastewater flows</i>)
<p>Examples that do NOT qualify²:</p>	<ul style="list-style-type: none"> • Construction of a 1,000 square foot deck addition to a restaurant over an existing paved or gravel parking lot, where the restaurant is served by a septic system (<i>additional floor area generates increased wastewater flows</i>) • Establishment of a concession stand with restroom, accessory to an existing athletic facility, on existing lawn

<p>4.1(a)9 Exemption¹:</p>	<p>The demolition of any structure less than 50 years old.</p>
<p>Examples that qualify²:</p>	<ul style="list-style-type: none"> • Any structure (e.g., house, garage, shed, chicken coop, greenhouse, retail store, church, municipal building, industrial plant, etc.) less than 50 years old
<p>Examples that do NOT qualify²:</p>	<ul style="list-style-type: none"> • Any structure (e.g., house, garage, shed, chicken coop, greenhouse, retail store, church, municipal building, industrial plant, etc.) 50 years old or older • Any structure (e.g., house, garage, shed, chicken coop, greenhouse, retail store, church, municipal building, industrial plant, etc.) that has been designated by the Pinelands Commission as an historic resource or that is located within a Pinelands Commission-designated historic district

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4.1(a)10	Exemption ¹ :	The repair or replacement of any existing on-site waste water disposal system (i.e., septic system).
	Examples that qualify ² :	<ul style="list-style-type: none"> • Replacement of an existing septic system on a lot of any size with another septic system of the same type and technology • Replacement of an existing septic system on a lot of any size with a Pinelands-approved alternate design septic system • Replacement of an existing septic system on a lot of less than 3.2 acres with a Pinelands-approved alternate design septic system
	Examples that do NOT qualify ² :	<ul style="list-style-type: none"> • Replacement of an existing Pinelands-approved alternate design septic system on a lot of less than 3.2 acres with a conventional septic system • Relocation of an existing conventional septic system on a lot of less than 3.2 acres

4.1(a)11	Exemption ¹ :	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.
	Examples that qualify ² :	<ul style="list-style-type: none"> • Repaving an existing sidewalk in front of a school without any new paved coverage • Repaving an existing parking lot at a shopping center, provided no expansion of the parking lot will occur
	Examples that do NOT qualify ² :	<ul style="list-style-type: none"> • Repaving an existing sidewalk in front of a school and extending the sidewalk fifty linear feet across a turf area to connect with another sidewalk • Repaving an existing road including expansion of width in some areas to eliminate variation in width for the length of the road

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4.1(a)12	Exemption¹:	The clearing of land solely for agricultural or horticultural purposes.
	Examples that qualify²:	<ul style="list-style-type: none"> • Clearing land outside of wetlands and wetland buffers for planting of crops • Clearing land outside of wetlands and wetland buffers to construct a horse barn not to be used commercially • Clearing land within wetlands or wetland buffers for blueberry or cranberry farming • Clearing land outside of wetlands and wetland buffers for planting of nursery stock
	Examples that do NOT qualify²:	<ul style="list-style-type: none"> • Clearing or clear-cutting for a forestry operation; see Exemption¹ 4.1(a)16 below • Establishment of a structure in the cleared area for purposes other than agricultural or horticultural

4.1(a)13	Exemption¹:	Fences, provided no more than 1,500 square feet of land is to be cleared.
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4.1(a)14	Exemption¹:	Above-ground telephone equipment cabinets.
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4.1(a)15	Exemption¹:	Tree pruning.
	Examples that qualify²:	<ul style="list-style-type: none"> • Removing dead or diseased growth from a tree • Removing limb(s) posing a public safety hazard • Pruning for shape and vigor
	Examples that do NOT qualify²:	<ul style="list-style-type: none"> • Clear-cutting • Removing all tree limbs to create “telephone pole” appearance

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4.1(a)16	Exemption ¹ :	<p>The following forestry activities:</p> <ul style="list-style-type: none"> i. Normal and customary forestry practices on residentially improved parcels of land that are five acres or less in size; ii. 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; iii. 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 iv. 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.
	Examples that qualify ² :	<ul style="list-style-type: none"> • Harvesting 3 cords of wood on a 20-acre parcel in a given year
	Examples that do NOT qualify ² :	<ul style="list-style-type: none"> • Establishment of any structure (shed, barn, lean-to, etc.) as part of the forestry activity

4.1(a)17	Exemption ¹ :	<p>Prescribed burning and the clearing and maintaining of fire breaks.</p>
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4.1(a)18	Exemption ¹ :	<p>Normal and customary landscape plantings, unless a landscaping plan is required pursuant to N.J.A.C. 7:50-6.24.</p>
	Examples that qualify ² :	<ul style="list-style-type: none"> • Planting preferably native shrubs and flowers around an existing house
	Examples that do NOT qualify ² :	<ul style="list-style-type: none"> • Applications for public and major development (excluding forestry and mining) which propose landscape plantings • Applications that propose landscape plantings where a municipality otherwise requires a landscaping plan

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<p>4.1(a)19</p>	<p>Exemption¹:</p>	<p>Agricultural resource extraction, provided that:</p> <ul style="list-style-type: none"> i. All of the removed soil remains in agricultural or horticultural use within the Pinelands Area; ii. No more than 2,000 cubic yards of soil per calendar year are removed from any parcel; or iii. No more than 20,000 cubic yards of soil per calendar year are removed from any parcel and a Farm Conservation Plan is approved by the Soil Conservation District and submitted to the Pinelands Commission by the owner of the parcel to demonstrate that the proposed resource extraction is for one of the following agricultural purposes: <ul style="list-style-type: none"> (1) Agricultural irrigation ponds; (2) Blueberry/cranberry agriculture site preparation and horticulture of other wetland species, provided the activity is located on wetland soils or soil types that are somewhat poorly drained or moderately well drained with a seasonal high water table within 24 inches of the natural surface of the ground, as defined in the applicable county soil survey; or (3) The offsite removal of overlying soils to access underlying sand for cranberry management practices, provided the quantity of overlying soil removed offsite does not exceed the quantity of underlying sand to be used for the management purposes listed in N.J.A.C 7:50-6.55(a)4 and the quantity of overlying soil removed offsite does not exceed that reasonably necessary to provide access to underlying sand within a three year period.
	<p>Examples that qualify²:</p>	<ul style="list-style-type: none"> • Removal of 25,900 cubic yards of soil, to be used for agricultural or horticultural purposes on various farms in Pinelands Area • Removal of 1,700 cubic yards of soil per calendar year from one parcel • Removal of 15,000 cubic yards of soil per calendar year, with an accompanying submission to the Pinelands Commission of a Soil Conservation District approved Farm Conservation Plan that demonstrates that the soil removal is for the establishment of agricultural irrigation ponds
	<p>Examples that do NOT qualify²:</p>	<ul style="list-style-type: none"> • Removal of 21,000 cubic yards of soil per calendar year, to be used inside and outside of the Pinelands Area for agricultural purposes • Removal of 5,500 cubic yards of soil per calendar year on one parcel • Removal of 19,060 cubic yards of soil per calendar year based on a Soil Conservation District-approved Farm Conservation Plan to fill in wetlands for a corn crop

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4.1(a)20	Exemption¹:	The installation of an accessory solar energy facility on any existing structure or impervious surface.
	Examples that qualify²:	<ul style="list-style-type: none"> • Installation of solar panels on existing restaurant’s roof to primarily serve the restaurant • Installation of solar facility on existing garage accessory to existing single family dwelling, to primarily serve the house • Installation of solar facility over existing paved parking lot at municipal library to primarily serve the library
	Examples that do NOT qualify²:	<ul style="list-style-type: none"> • Installation of ground-mounted solar panels in field adjacent to restaurant • Installation of solar panels on municipal building roof to generate electricity to send back into the grid (and not to primarily serve the municipal building)

4.1(a)21.	Exemption¹:	The installation of a local communications facility 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 Commission.
	Examples that qualify²:	<ul style="list-style-type: none"> • Co-location of cell phone antennae on an existing water tower, with the consent of local communications providers who have participated in and received approval for a comprehensive plan for local communications facilities including that tower
	Examples that do NOT qualify²:	<ul style="list-style-type: none"> • Construction of a new local communications facility structure

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<p>4.1(a)22. Exemption¹:</p>	<p>The establishment of a home occupation within an existing dwelling unit or structure accessory thereto, provided that no additional development is proposed.</p>
<p>Examples that qualify²:</p>	<ul style="list-style-type: none"> • Establishment of a home office for an accounting business within an existing garage accessory to a single family dwelling, where customers will park in the existing driveway or on the street • Establishment of a home office for a pool service business within an existing single family dwelling, with no additional development proposed
<p>Examples that do NOT qualify²:</p>	<ul style="list-style-type: none"> • Establishment of a commercial business within an existing single family dwelling that exceeds the limits on size or number of employees established by the municipality for a home occupation • Establishment of a home office for an accounting business within an existing garage accessory to a single family dwelling with proposed new paved parking area

<p>4.1(a)23. Exemption¹:</p>	<p>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.</p>
<p>Examples that qualify²:</p>	<ul style="list-style-type: none"> • Change of use from a tanning salon and florist shop to a nail salon within an existing commercial building served by public sewer, with no additional development proposed • Change of use from a municipal community center to a church within an existing building served by public sewer, with no additional development proposed
<p>Examples that do NOT qualify²:</p>	<ul style="list-style-type: none"> • Change of use from a single family dwelling to a commercial roofing and siding business office served by public sewer, with no additional development proposed • Change of use from a supermarket to a restaurant within an existing building served by a septic system, with no additional development proposed • Change of use of an existing restaurant to a medical office served by public sewer, where the stone parking lot is proposed to be paved

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