

PINELANDS COMPREHENSIVE MANAGEMENT PLAN

Authority
N.J.S.A. 13:18A-1 et. seq.
Source and Effective Date
R.1981 d.13, effective January 14, 1981.
See: 12 N.J.R. 513(b), 13 N.J.R. 91(e)



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PART X-SCENIC

7:50-6.101 Purpose

The Pinelands is a complex of environmental values that presents a definable visual character to residents and visitors. This character contributes substantially to the attractiveness of the area and therefore is an important element to the area's economy. This Part is intended to ensure that development will take advantage of and enhance the visual character of the Pinelands.

7:50-6.102 Scenic management program

In order to be certified under the provisions of N.J.A.C. 7:50-3, a municipal master plan or land use ordinance must provide a program for the protection of the scenic values of the Pinelands. It is not necessary that the municipal program incorporate the literal terms of the program set out in this Part; rather, a municipality may adopt alternative and additional techniques which will achieve equivalent protection of scenic values which would be achieved under the provisions of this Part.

7:50-6.103 Scenic corridors

- (a) Except for those roads which provide for internal circulation within residentially developed areas, all public, paved roads in the Preservation Area District, the Rural Development and Forest Areas shall be considered scenic corridors.
- (b) Those rivers designated in N.J.A.C. 7:50-6.105 shall be considered as special scenic corridors in any part of the Pinelands.

7:50-6.104 Requirements for scenic corridors

- (a) Except as provided in this section, no permit shall be issued for development other than for agricultural commercial establishments unless the applicant demonstrates that all buildings are set back at least 200 feet from the center line of the scenic corridor.
- (b) If compliance with the 200-foot setback is constrained by environmental or other physical considerations, such as wetland, or active agricultural operation, the building shall be set back as close to 200 feet as practical and the site shall be landscaped in accordance with the provisions of Part II of this subchapter so as to provide screening from the corridor.
- (c) If an applicant for development approval demonstrates that existing development patterns of the corridor are such that buildings are setback less than 200 feet within 1,000 feet of the site proposed for development, then a setback shall be set for the proposed development which is consistent with the established development pattern, provided that the site is landscaped in accordance with the provisions of Part II of this subchapter so as to provide screening between the building and the corridor.

- (d) The requirements of this section shall not apply to cluster developments within the Forest and Rural Development Areas which comply with the standards of N.J.A.C. 7:50-5.19(c) and (d).

7:50-6.105 Requirements for special scenic corridors

- (a) The following rivers are hereby designated to be wild and scenic rivers and scenic corridors of special significance to the Pinelands. All structures within 1,000 feet of the center line of these rivers shall be designed to avoid visual impacts as viewed from the river:
1. Great Egg Harbor River-Great Egg Bay (Garden State Parkway) to Route 536.
 2. Tuckahoe River-Great Egg Bay to the Route 552 crossing in Milmay.
 3. Middle River-Great Egg Bay to Schoolhouse Lane crossing north of Corbin City.
 4. Mullica River-Garden State Parkway to Medford Road crossing at the Medford, Waterford, and Shamong Township boundaries.
 5. Wading River-Confluence with the Mullica River to Route 563 crossing at Speedwell.
 6. Oswego River-Confluence with the Wading River to Sim Place reservoir dam.
 7. Batsto River-Confluence with Mullica River to Carranza Memorial Road crossing at Shamong and Tabernacle Township boundaries.
 8. Bass River-Confluence with the Mullica River to Stage Road crossing in Bass River State Forest.
 9. Nescochague Creek-Confluence with the Mullica River to confluence with Great Swamp Branch and Albertson Branch.
 10. Great Swamp Branch-Confluence with Nescochague Creek to Route 206 bridge in Hammonton.
 11. Rancocas Creek-Route 530 crossing in Browns Mills to the Pinelands boundary.
 12. Cedar Creek-Route 9 crossing to the dam at Bamber Lake.
 13. West Creek-Confluence with Delaware Bay to Pickle Factory Pond above Route 550.
 14. Dennis Creek-Confluence with Delaware Bay to the headwaters of the mainstem in the Great Cedar Swamp west on Route 9.
 15. North Branch of the Forked River-Garden State Parkway to the confluence with Cave Cabin Branch east of Howardsville.
 16. Toms River-From the Central Railroad of New Jersey bridge to the Route 528 crossing east of Cassville.
 17. Maurice River-Delaware Bay to Manumuskin River.
 18. Manumuskin River-Confluence with the Maurice River to the Route 49 crossing near Cumberland Road.
 19. Mount Misery Branch-Route 70 crossing to the Greenwood Branch continuing to the North Branch of the Rancocas Creek.

7:50-6.106 Signs

Each municipality shall adopt provisions governing signs in its municipal master plan and ordinances. N.J.A.C. 7:50-6.107 contains provisions which must be included in all municipalities; N.J.A.C. 7:50-6.108 contains mandatory provisions for municipalities in the Preservation Area District and Special Agricultural Production Areas; and N.J.A.C.

7:50-6.107 Mandatory sign provisions

- (a) No sign, other than warning or safety signs, which is designed or intended to attract attention by sudden, intermittent or rhythmic movement, or physical or lighting change, shall be permitted in any area.
- (b) No sign, other than warning or safety signs, which changes physical position by any movement or rotation or which gives the visual impression of such movement or rotation shall be permitted in any area.
- (c) No outdoor off-site commercial advertising sign, other than those off-site signs specifically authorized in N.J.A.C. 7:50-6.108 and 6.109, shall be permitted in the Pinelands except as follows:
 - 1. Off-site outdoor signs advertising agricultural commercial establishments shall be permitted in Agricultural Production Areas and Special Agricultural Production Areas and may be permitted in any other management area. All such off-site signs shall be subject to the following conditions:
 - i. A maximum of two signs may be placed in any one direction along each road directly approaching the stand, and
 - ii. Each sign along four lane State or U.S. highways shall be limited to a maximum of 50 square feet in area; each sign along all other roads shall be limited to a maximum of 32 square feet in area.
 - 2. Off-site outdoor directional signs may be permitted in any management area, provided that such signs do not contain advertising and are restricted to the name of the public or private use and any necessary directions, the number of signs per use is the minimum necessary to give adequate directions and the size of such signs does not exceed that necessary to convey directions.
 - 3. Existing lawful off-site commercial advertising signs, in existence as of January 14, 1981, shall be permitted in:
 - i. Regional Growth Areas;
 - ii. Pinelands Towns; and
 - iii. Certified municipal non-residential zones in Rural Development Areas and Villages in existence as of December 5, 1994 if the sign is located within 1,000 feet of a Regional Growth Area or Pinelands Town and is located on a United States Highway.
- (d) Any existing sign that violates (a) or (b) above shall be removed immediately. Any existing off-site commercial advertising sign which does not conform to (c) above shall be removed no later than December 5, 1996.
- (e) To the maximum extent practical, the character and composition of construction materials for all signs shall be harmonious with the scenic values of the Pinelands.

7:50-6.108 Mandatory sign provisions in the Preservation Area District and Special Agricultural Production Areas

- (a) No sign shall be constructed, repaired or maintained except in accordance with the provisions of N.J.A.C. 7:50-6.107 and this section.
- (b) The following signs are permitted in the Preservation Area District and the Special Agricultural Production Areas:
 - 1. Official public safety and information signs displaying road names, numbers and safety directions;
 - 2. On-site signs advertising the sale or rental of the premises, provided that:
 - i. The area on one side of any such sign shall not exceed 12 square feet;
 - ii. No more than one sign is located on any parcel of land held in common ownership.
 - 3. On-site identification signs for schools, churches, hospitals, or similar public service institutions, provided that:
 - i. The size of any such sign shall not exceed 12 square feet;
 - ii. No more than one sign is placed on any single property.
 - 4. Trespassing signs or signs indicating the private nature of a road, driveway or premises, and signs prohibiting or otherwise controlling fishing or hunting, provided that the size of such signs does not exceed 12 square feet;
 - 5. On-site professional, home occupation, or name signs indicating the profession and/or activity and/or name of the occupant of the dwelling, provided that:
 - i. The size of any such sign shall not exceed 12 square feet;
 - ii. No more than one sign is permitted for any individual parcel of land.
 - 6. On-site business or advertising signs, provided that:
 - i. No more than two signs are located on any one premise or on the premises leased or utilized by any one business establishment;
 - ii. The total area of such signs shall not exceed 20 square feet per side, with the maximum height to the top of the sign not to exceed 15 feet from ground level.
 - 7. Temporary signs advertising political parties or candidates for election, provided that the size of any such sign does not exceed four square feet.
 - 8. Temporary on- and off-site signs advertising civil, social or political gatherings and activities, provided that the size of such signs does not exceed four square feet.

7:50-6.109 Guidelines for sign provisions outside the Preservation Area District and Special Agricultural Production Areas

- (a) The following guidelines may be used in formulating municipal sign ordinances:
 - 1. Official public safety and information signs displaying road names, numbers and safety directions may be permitted;
 - 2. On-site signs advertising the sale or rental of the premises maybe permitted, provided that:
 - i. The area on one side of any such sign does not exceed 12 square feet;
 - ii. No more than one sign is located on any parcel of land held in common ownership.

3. On-site identification signs for schools, churches, hospitals, or similar public service institutions may be permitted; provided that:
 - i. The size of any such sign does not exceed 12 square feet;
 - ii. No more than one sign is placed on any single property.
4. Temporary signs advertising political parties or candidates for election may be permitted, provided that the size of any such sign does not exceed 12 square feet;
5. Temporary on- and off-site signs advertising civil, social or political gatherings and activities may be permitted, provided that the size of such signs does not exceed 12 square feet;
6. Trespassing signs or signs indicating the private nature of a road, driveway, or premise, and signs prohibiting or otherwise controlling fishing or hunting may be permitted, provided that the size of such signs does not exceed 12 square feet;
7. On-site professional, home occupation, or name signs indicating the profession and/or activity and/or name of the occupant of the dwelling may be permitted, provided that:
 - i. The size of such sign does not exceed four square feet;
 - ii. No more than one sign is permitted for any individual parcel of land.
8. On-site business or advertising signs may be permitted provided that:
 - i. No more than two signs are located on any one premise or on the premises leased or utilized by any one business establishment;
 - ii. The total area of such signs does not exceed 20 square feet per side with the maximum height to the top of the sign not to exceed 15 feet from ground level.
9. New off-site commercial advertising signs may be permitted by certified municipalities in Regional Growth Areas and Pinelands Towns provided that the applicant can demonstrate that for each new sign an existing lawful off-site commercial advertising sign has been removed by the applicant pursuant to N.J.A.C. 7:50-6.107(d).

7:50-6.110 Motor vehicle screening and storage

In order to obtain certification, municipalities shall adopt local ordinances which provide that no more than 10 automobiles, trucks or other motor vehicles, whether or not they are in operating condition, shall be stored on any lot unless such motor vehicles are adequately screened from adjacent residential uses and scenic corridors. All vehicles not in operating condition shall be stored only if the gasoline tanks of such vehicles are drained. This section shall not apply to vehicles which are in operating condition and which are maintained for agricultural purposes.

7:50-6.111 Location of utilities

- (a) New utility distribution lines to locations not presently served by utilities shall be placed underground, except for those lines which are located on or adjacent to active agricultural operations.

- (b) All electric transmission lines shall be located on existing towers or underground to the maximum extent practical.
- (c) Above-ground generating facilities, switching complexes, pumping stations, and substations shall be screened with vegetation from adjacent uses in accordance with N.J.A.C. 7:50-6, Part II.

PART XI-RESERVED

7:50-6.112 through 7:50-6.120 (Reserved)

PART XII-FIRE MANAGEMENT

7:50-6.121 Purpose

Forest vegetation represents a significant wildfire threat to structures developed within the Pinelands. Therefore all development in the Pinelands shall conform to the requirements of this Part in order to protect life and property from catastrophic forest fires and to ensure the maintenance of the Pinelands forest ecosystems.

7:50-6.122 Fire management program

In order to be certified under the provisions of N.J.A.C. 7:50-3, a municipal master plan or land use ordinance must provide a fire management program. It is not necessary that the municipal program incorporate the literal terms of the program set out in this Part; rather, a municipality may adopt alternative and additional techniques which will achieve the equivalent management objectives as would be achieved under the provisions of this Part.

7:50-6.123 Fire hazard classification

The following vegetation classifications shall be used in determining the fire hazard of a parcel of land:

Fire Hazard Classification

Hazard	Vegetation Type
Low	Atlantic white cedar. Hardwood swamps.
Moderate	Non-Pine Barrens forest and prescribed burned areas.
High	Pine Barrens forest including mature forms of pine, pine-oak, and oak-pine.
Extreme	Immature or dwarf forms of pine-oak or oak-pine, all classes of pine-scrub oak and pine-lowland.

7:50-6.124 Fire hazard mitigation standards

- (a) No application for development approval shall be granted in moderate, high and extreme hazard areas unless the applicant demonstrates that:

Senior citizen (bocce, shuffle board, horseshoe)	1 per 1,000	.50 acre	¼ mile
Pre-school playground	1 per 2,000	.25 acre	½ mile
Advanced playground	1 per 2,000	.25 acre	1 mile
Multi-purpose turf area	1 per 2,000	.50 acre	1 mile
Football/soccer Fields	1 per 10,000	Field dimensions 140 feet x 280 feet-youth 190 feet x 420 feet-adult	1 mile
Baseball- regulation 90-foot diamond	1 per 6,000	2.8 acres 325-foot outfield	1 mile
Baseball-youth Softball 60-foot diamond	1 per 6,000	1.0 acre 200-foot outfield	1 mile
Picnic area	1 per 6,000	8-foot tables	1 mile

7:50-6.145 through 7:50-6.150 (Reserved)

PART XV-HISTORIC, ARCHAEOLOGICAL, AND CULTURAL PRESERVATION

7:50-6.151 Purpose

- (a) Historically distinctive resources, including buildings, structures, sites and districts of historic, archaeological, architectural, or cultural importance help to define the Pinelands environment and must be properly managed in furtherance of the following public purposes:
1. To effect and accomplish the protection, enhancement, perpetuation and use of improvements and areas of special historic and archaeological interest or value which represent or reflect significant elements of the Pinelands' cultural, social, economic, political and architectural history and prehistory;
 2. To safeguard the Pinelands' prehistoric, historic and cultural heritage as embodied and reflected in such improvements and areas;
 3. To stabilize and improve property values in such areas;
 4. To prevent neglect and vandalism of historic, archaeological and cultural sites;
 5. To foster pride in the beauty and noble accomplishments of the past; and
 6. To preserve opportunities for traditional life styles related to and compatible with the ecological values of the Pinelands.

7:50-6.152 Historic resource management program

In order to be certified under the provisions of N.J.A.C. 7:50-3, a municipal master plan or land use ordinance must provide a program for the protection of historic resources. It is not necessary that the municipal program incorporate the literal terms of

the program set out in this Part; rather, a municipality may adopt alternative and additional techniques which will achieve the equivalent protection provided under the provisions of this Part.

7:50-6.153 Authorities of municipal officials and agencies

- (a) The Planning Board of each municipality shall have the following powers and duties:
 1. To initiate, hear, review and make recommendations to the Pinelands Commission regarding designation of historic resources and districts of local Pinelands, national or state significance in accordance with the provisions of N.J.A.C. 7:50-6.154;
 2. To initiate, hear, review and identify historic resources and districts of local Pinelands, national or state significance and recommend same to the governing body for designation in the zoning ordinance, in accordance with the provisions of N.J.A.C. 7:50-6.154 and the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.;
 3. To review and issue certificates of appropriateness in accordance with the provisions of N.J.A.C. 7:50-6.155 and 6.156 for any application for development which it is otherwise empowered to review;
 4. To review and report on any matter related to this Part referred to it by the Pinelands Commission;
 5. To make its general knowledge and expertise available upon reasonable written request to the Pinelands Commission or any agency of the municipality, county, state or federal government;
 6. To consult with any county, state or national agency with special expertise in the area of historic resources;
 7. To prepare and adopt plans implementing measures to preserve the cultural heritage of traditional Pinelands Villages;
 8. To develop and maintain a manual of recommended rehabilitation techniques and the relationship of new construction to natural areas for the guidance of the public; and
 9. To adopt rules of procedure which are not in conflict with the provisions of this Part and the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.
- (b) The Board of Adjustment shall review and issue certificates of appropriateness, in accordance with the provisions of N.J.A.C. 7:50-6.155 and 6.156 for any application for development which it is otherwise empowered to review.
- (c) The governing body may by ordinance provide for an Historic Preservation Commission in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. The Historic Preservation Commission shall have those duties and responsibilities set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. and shall:
 1. Advise the Planning Board and Board of Adjustment on the issuance of certificates of appropriateness for all applications for development which otherwise require approval of the Boards; and
 2. Unless the governing body expressly authorizes the Planning Board to do so, issue certificates of appropriateness, pursuant to N.J.A.C. 7:50-6.155 and 6.156, for all zoning, construction or other permits which are not issued

pursuant to a valid site plan, conditional use, or variance approval granted by the Planning Board or Board of Adjustment.

- (d) Where the governing body has not provided for an Historic Preservation Commission, the local permitting agency responsible for ruling on the application for development shall exercise the duties set forth in (c)2 above.

7:50-6.154 Designation of historic resources and districts

- (a) Those historic resources within the Pinelands which are from time to time listed in the State or National Registers of Historic Places, pursuant to N.J.S.A. 13:1B-15.128 et seq. and P.L. 89-665; 80 Stat. 915; 16 U.S.C. 470, respectively, are hereby designated by the Pinelands Commission as historic resources of significance to the Pinelands.
- (b) Standards for designation of additional resources are as follows:
1. The Pinelands Commission may designate additional historic resources and districts if it determines that the resource or district possesses integrity of location, design, setting, materials, workmanship, feeling, and association which reflects its significance in American history, architecture, archaeology or culture under one or more of the following criteria:
 - i. The presence of structures, sites or areas associated with events of significance to the cultural, political, economic or social history of the nation, state, local community or the Pinelands; or
 - ii. The presence of structures, sites or areas associated with the lives of persons or institutions of significance to the cultural, political, economic or social history of the nation, state, local community or the Pinelands; or
 - iii. The presence of structures that represent the work of a master, or that possess high artistic values, or that embody the distinctive characteristics of a type, period or method of construction, or that represent a distinguishable entity of significance to the architectural, cultural, political, economic or social history of the nation, state, local community or the Pinelands; or
 - iv. The presence of a site or area which has yielded or is likely to yield significant information regarding the history or archaeological history of the Pinelands; and
 2. The Planning Board shall utilize these standards in identifying areas, sites, structures or districts as resources of significance in accordance with the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and recommending that the governing body designate same in the zoning ordinance.
- (c) Initiation of Designation: The designation of historic resources or districts of Pinelands significance may be initiated by the Pinelands Commission, the Executive Director, a Historic Preservation Commission, a Planning Board, or any other person.
- (d) Designation Application:
1. If designation by the Pinelands Commission is proposed by an Historic Preservation Commission, a Planning Board or other person, the application shall be submitted on a National Register of Historic Places

Inventory-Nomination Form with the accompanying information listed in the State and National Register Manual as published by the New Jersey Department of Environmental Protection. The application shall contain the following information:

- i. A statement setting forth the basis for designation with specific reference to the standards set forth in (b) above;
 - ii. Comments from the local Planning Board if the designation is proposed by a person who is not a member of the Planning Board; and
 - iii. Such additional information as may be required from time to time by the Pinelands Commission to facilitate adequate review of the application.
2. If local designation is proposed, the application shall include the information required in (d)l above and any other information as may be required by the Planning Board.
- (e) Pinelands Commission Review: All proposed designations by the Pinelands Commission shall be reviewed and a public hearing held in the manner provided in N.J.A.C. 7:50-4.
- (f) Effect of Designation: All resources and districts designated pursuant to this section will be governed by the standards of N.J.A.C. 7:50-6.156.
- (g) Removing Designation: Any resource designated by the Pinelands Commission or by a municipality may be removed from designation if the designating agency determines that the resource no longer meets the standards of (b) above. In the event the Pinelands Commission considers removal of any designation, a public hearing shall be held in the manner provided in N.J.A.C. 7:50-4. All resources and districts designated pursuant to this section will be governed by the standards of N.J.A.C. 7:50-6.156.

7:50-6.155 Evaluation of development proposals

- (a) Identification of Resources:
1. A cultural resource survey shall accompany all applications for development in a Pinelands Village or Town and applications for major development in other Pinelands Management Areas in order to determine whether any significant historic resources exist on the property. Guidelines for this survey are contained in Appendix B of the "Cultural Resource Management Plan," dated April 1991, as amended. In general, the survey shall include: a statement as to the presence of any properties listed on the National and State Registers of Historic Places on the site or within the area of the project's potential environmental impacts; a thorough search of state, local and any other pertinent inventories to identify sites of potential significance; a review of the literature and consultation with professional and a vocational archaeologists knowledgeable about the area; thorough pedestrian and natural resource surveys; archaeological testing as necessary to provide reasonable evidence of the presence or absence of historic resources of significance; adequate recording of the information gained and methodologies and sources used; and a list of personnel involved and qualifications of the person(s) performing the survey.

2. The Pinelands Commission shall assume the responsibility for completing a cultural resource survey when a request to do so is submitted pursuant to N.J.A.C. 7:50-6.43(b) in conjunction with an application for a forestry operation.
- (b) Survey Exemptions:
1. Notwithstanding (a) above, the need for a cultural resource survey may be:
 - i. Eliminated by a municipality, as part of its certified land use ordinance, in portions of a Pinelands Village or Town if there is insufficient evidence of significant cultural activity within the area or, in the case of archaeological resources, within the vicinity; and
 - ii. Waived by the Pinelands Commission or by an approval agency for individual applications for development if it is determined that:
 - (1) There is insufficient evidence of cultural activity on the project site or, in the case of archaeological resources, within the vicinity;
 - (2) The evidence of cultural activity on the site lacks the potential for importance because further recording of the available data will not contribute to a more comprehensive understanding of Pinelands culture; or
 - (3) The evidence of cultural activity lacks any potential for significance pursuant to the standards of N.J.A.C. 7:50-6.154(b).
- (c) Evaluation of Resources:
1. The "Cultural Resource Management Plan," dated April 1991, as amended, may be utilized as a guide in the evaluation and treatment of cultural resources.
 2. Except for those resources designated pursuant to N.J.A.C. 7:50-6.154, each historic resource identified through the survey shall be evaluated to determine its significance according to the individual criteria set forth in N.J.A.C. 7:50-6.154(b). The evaluation questions contained within the "Cultural Resource Management Plan," dated April 1991, as amended, may be utilized as a guide to assist in this determination of significance.
 3. Should a resource be determined not to be significant, the evaluation must determine whether the resource constitutes a site with sufficient remains pursuant to N.J.A.C. 7:50-6.157(a).

7:50-6.156 Treatment of resources

- (a) A Certificate of Appropriateness is required and issued as follows:
1. No construction, or encroachment upon nor alteration, remodeling, removal, disturbance, or demolition of any resource, structure or area designated pursuant to N.J.A.C. 7:50-6.154 nor any action which shall render such a site inaccessible, shall be permitted without first obtaining a certificate of appropriateness. A certificate of appropriateness shall not be required for routine repair or maintenance, nor interior renovations unless the interior has been expressly found to possess significance according to the designation criteria of N.J.A.C. 7:50-6.154.

2. No application for development which involves a resource, structure or area found significant pursuant to N.J.A.C. 7:50-6.155 shall be approved without first obtaining a certificate of appropriateness unless the cultural resource survey accomplishes the recording in accordance with (c) below, in which case no certificate of appropriateness shall be required. A certificate of appropriateness shall not be required for routine repair and maintenance, nor interior renovations unless the interior has been expressly found to possess significance according to the designation criteria of N.J.A.C. 7:50-6.154.
 3. The issuance of certificates of appropriateness by a certified municipality shall be subject to the Pinelands Commission notice and review procedures of N.J.A.C. 7:50-4 unless the proposed developments are exempted pursuant to N.J.A.C. 7:50-4.1(a). The exemptions of N.J.A.C. 7:50-4.1(a) shall not apply to activities set forth in (a)1 above which affect a resource listed in the State or National Registers of Historic Places or which is specifically designated by the Pinelands Commission pursuant to N.J.A.C. 7:50-6.154. In uncertified municipalities, certificates of appropriateness shall be issued by the Pinelands Commission except as provided above. The Commission's review of a certificate of appropriateness for locally designated sites or areas shall accept the determination for treatment of the local permitting agency, unless the Commission finds the resource meets the standards of N.J.A.C. 7:50-6.154(b), in which case the certificate of appropriateness must meet the standards of N.J.A.C. 7:50-6.156(c).
 4. Notwithstanding (a)1, 2 and 3 above, development proposed by a county, State or Federal agency shall require that a certificate of appropriateness be issued by the Pinelands Commission only if the site is listed in the State or National Registers of Historic Places, has been specifically designated by the Commission, or determined by the Commission to be significant pursuant to N.J.A.C. 7:50-6.155.
- (b) The application requirements for a Certificate of Appropriateness are as follows:
1. An application for a certificate of appropriateness shall contain the following information:
 - i. Detailed plans depicting the exact work to be performed, including detailed renderings of the exterior of any proposed new structure or any exterior alterations to existing structures. A delineation of the relationship of the renderings of the proposal in relation to adjacent structures or surrounding lands may be requested.
 - ii. A statement of the relationship of the proposed work to the standards for designation in N.J.A.C. 7:50-6.154(b) and the standards for approval of certificates of appropriateness set forth in (c) below.
 - iii. Such other information as may be required from time to time by the Executive Director or the appropriate municipal reviewing agency or official.
- (c) The standards for Certificates of Appropriateness are as follows:
1. Certificates of appropriateness shall be issued which require one of the following treatments:
 - i. Preservation of the resource in place if possible;
 - ii. Preservation of the resource at another location if in place preservation is not possible; or

- iii. Recordation of the resource if neither preservation of the resource in place or at another location is possible.
 - 2. In determining the type of treatment required pursuant to (c)1 above, the "Cultural Resource Management Plan," dated April 1991, as amended, may be utilized as a guide. In general, the criteria shall include, but not be limited to, consideration of the following:
 - i. Preservation in place;
 - (1) Whether the resource represents the last or best remaining example of its kind in the Pinelands that possesses research potential or public educational values;
 - (2) Whether the resource can be preserved by protecting its location from disturbance;
 - (3) Whether affirmative measures, such as stabilization, rehabilitation, or reuse can result in preservation;
 - (4) Whether redesign of the development proposal to avoid impacts can result in preservation;
 - (5) Whether the steps necessary to preserve the resource are both technically and economically feasible and practical; and
 - (6) Whether protective measures will result in long term preservation of the resource.
 - ii. Preservation at another location;
 - (1) Whether the resource can be moved and still retain its historic significance;
 - (2) Whether the resource is sufficiently well preserved to permit relocation;
 - (3) Whether alternative locations which are compatible with the resource are available;
 - (4) Whether it is both technically and economically feasible and practical to relocate the resource; and
 - (5) Whether the relocation will result in long term preservation of the resource.
 - iii. Recordation;
 - (1) Whether the resource possesses significance other than its association with an important person;
 - (2) Whether recording the qualities that make the resource significant can increase information beyond that already known; and
 - (3) Whether the recorded information will help to address important research questions concerning this type of resource.
 - 3. The following requirements shall apply to the treatments specified in (c)1 above:
 - i. Preservation in Place:
 - (1) Buildings, architectural features, and engineering features:
 - (A) Deed covenants, easements, or other appropriate mechanisms must be developed to provide that: any rehabilitation, including additions, of the building or

feature must be performed in accordance with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (Federal Register/Vol. 48, No. 190/Thursday, September 29, 1983, as amended), incorporated herein by reference; and the structure or feature must be protected sufficiently to preserve those qualities that make it significant.

- (B) Before beginning rehabilitation, the original condition of the building or other architectural or engineering feature must be documented photographically in accordance with the Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation.

(2) Archaeological sites:

- (A) A deed covenant, easement, or other appropriate mechanism must be developed to provide for protection, through restricted access if necessary, to preserve those qualities that make the resource important. Any on-site activities must have no detrimental effect on the preservation of the resource. The covenant or other appropriate mechanism must further direct that any stabilization of the resource will be carried out in conformance with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.
- (B) The archaeological resource shall be incorporated into open space whenever project designs or land use activities permit.
- (C) Land allocated for resource preservation may need to be set aside for that single use if the preservation of the resource is not compatible with other activities.

ii. Preservation at Another Location

- (1) Deed covenants, easements, or other appropriate mechanisms must be developed to provide that: any new construction or rehabilitation, including additions, of a building or feature must be performed in accordance with the Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation (Federal Register/Vol. 48, No. 190/Thursday, September 29, 1983, as amended), incorporated herein by reference; and the structure or feature must be protected and maintained sufficiently to preserve those qualities that make it significant.
- (2) The relocation of the resource must be designed to minimize the damage to the resource and to preserve those qualities that make it significant. The relocation shall be undertaken in accordance with the Secretary of the Interior's publication "Moving Historic Buildings".
- (3) The resource shall be recorded to the requirements of the Secretary of the Interior's Standards and Guidelines for Ar-

chaeology and Historic Preservation prior to removal from its original location. Minimally this will include the preparation of a site plan, appropriate photographs and/or drawings, and a narrative description of any historical functions or processes carried out at the site.

iii. Recordation: The Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (Federal Register/Vol. 48, No. 190/Thursday, September 29, 1983, as amended) shall be utilized when recording resources. In addition, the "Pinelands Cultural Resource Management Plan," dated April 1991, as amended, may be utilized as a further guide for recording resources.

(d) Effect of Issuance of Certificate of Appropriateness:

1. The issuance of a certificate of appropriateness authorizes the applicant to apply for any additional approvals which may be required by the municipality or any other jurisdiction prior to the commencement of work. All subsequent development approvals shall be issued or denied in a manner consistent with the certificate of appropriateness except as provided in (d)2 below.
2. Notwithstanding (d)1 above, a certificate of appropriateness issued for a resource determined to be significant pursuant to N.J.A.C. 7:50-6.155 but not presently designated pursuant to N.J.A.C. 7:50-6.154 shall be valid for two years. If the resource is not designated by the Pinelands Commission or by the municipal governing body in the zoning ordinance within two years, the standards of this Part shall not apply to the cultural resource in question until such time as the Pinelands Commission designates the resource pursuant to N.J.A.C. 7:50-6.154.

7:50-6.157 Documentation required for sites with sufficient remains

- (a) Sites with sufficient remains are those sites which present graphic evidence of a cultural activity (that is, human alteration of the natural landscape for purposes of occupation or extended use) but which are not found to be significant.
- (b) If additional documentation of sites determined to have sufficient remains will provide information beyond that provided in the application for development or the cultural resource survey, these sites shall be documented to include:
 1. A narrative description of the resource and its cultural environment;
 2. Photographic documentation to record the exterior appearance of buildings, structures, and engineering resources;
 3. A site plan depicting in correct scale the location of all buildings, structures, and engineering resources; and
 4. A New Jersey State inventory form as published by the New Jersey Department of Environmental Protection for buildings and a narrative description of any process or technology if necessary to elaborate upon the photographic record.

7:50-6.158 Emergency provisions

- (a) Notwithstanding any other provisions of this Part, in any case where the Executive Director determines that alteration, remodeling or demolition of a designated

structure is necessary to remedy a condition that is dangerous to life, health or safety, a certificate of appropriateness which is required under the provisions of this Part may be issued under the signature of the Executive Director. The Executive Director shall inform the Commission of any action taken pursuant to this provision at its next regularly scheduled meeting.

- (b) If at any time after construction has been commenced, archaeological data is discovered on a site, the developer shall immediately cease construction, notify the Commission and the local permitting agency; and take all reasonable steps to protect the archaeological data in accordance with the Guidelines for Recovery of Scientific, Prehistoric, Historic, and Archaeological Data: Procedures for Notification, Reporting, and Data Recovery (36 C.F.R. Part 66).