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## LETTER OF INTERPRETATION #2239

January 22, 2024

Seth Gerszberg (via email)  
AASTMA Property, LLC  
5 Tenafly Road, Suite 416  
Englewood NJ 07631

Re: Application # 1981-1470.009  
Block 62, Lots 30 & 31.01  
Manchester Township

### FINDINGS OF FACT

This application is for a determination of the extent of wetlands on the above referenced 225 acre parcel. The parcel is located in a Pinelands Regional Growth Management Area. 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 Letter of Interpretation (LOI) as to the extent of wetlands located on the parcel.

The parcel has been inspected by a member of the Pinelands 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.

The parcel is comprised of mature forest and an area that was the site of a prior resource extraction operation. The area where resource extraction operations occurred is comprised of successional forested areas, grasslands and bare soil. There is a hardwood swamp located on the parcel.

The applicant has provided the requisite public notice. The Pinelands Commission has received two public comments regarding the application. As required by the CMP (N.J.A.C. 7:50-4.74), the commenters have been provided with a copy of this LOI.

### CONCLUSION

The hardwood swamp located on the parcel is a wetland (N.J.A.C. 7:50-6.5(a)2). The extent of those wetlands is accurately delineated on a plan, consisting of fourteen sheets, prepared by Langan Engineering and Environmental Services, Inc., all sheets dated July 26, 2021 and last revised November 14, 2023.

This LOI is only for the extent of wetlands located on the 225 acre 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 wetlands that may be present on or within 300 feet of the parcel.

This LOI does not authorize the commencement of development on the parcel (N.J.A.C. 7:50-4.76(a)). An application must be completed for any development that may be proposed on the parcel as set forth in Part III of Subchapter 4 of the CMP. Any proposed development must meet all of the requirements of Subchapters 5 & 6 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 (N.J.A.C. 7:50-4.76(b)).

### 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, Manchester Township Planning Board (via email)  
 Manchester Township Construction Code Official (via email)  
 Manchester Township Environmental Commission (via email)  
 Secretary, Ocean County Planning Board (via email)  
 Chris Cirrotti (via email)  
 Michael Gross, Esq. (via email)  
 Ernst Valsamis (via email)  
 John Campbell (via email)

