



Plan Review Recommendations

P&I Committee
January 29, 2016

2014 Plan Review Report

New Jersey Pinelands Commission

Comprehensive Management Plan



The Fourth Progress Report on Plan Implementation

September 2014

Nancy Wittenberg, Executive Director

- Describes the Commission's actions from July 1, 2001 to June 30, 2012, the period since the last report was issued.
- Features chapters on Land Use and Planning, Regulatory Programs, Permanent Land Protection, Memorandums of Agreement, Public Information and Outreach, Economic Monitoring, Science and Recommendations.

Public Process

- The Commission formed a Plan Review Committee that met regularly and provided a forum to discuss ways to improve the CMP.
- The Commission gathered comments from 109 groups and individuals during two public hearings and a 2½-month public comment period.
- The Plan Review Report was issued in October 2014.

Recommendations

- Dozens of action items are listed in the recommendations chapter of the report.
- Commission staff is using the list of recommendations to guide its work program through 2019.
- The need for additional CMP amendments has also been identified.

Recommendations

Revise application review fees and escrows to address solar facilities, violations, general development plans, construction cost statements, and purchase of software and specialized equipment

Status: A rule proposal was drafted and discussed with the P&I Committee in May 2013.

Next Steps: Consider fee increases for appropriate categories of applications; resubmit proposal to Governor's office.

Recommendations

Implement additional efficiency and administrative improvements

Status: A rule proposal incorporating numerous improvements was drafted and discussed with the P&I Committee in May 2013. The Commission adopted CMP amendments in 2014 to extend LOIs, streamline PDC LOI reviews and expand the list of application exemptions.

Next Steps: Resubmit proposal to Governor's office.

Recommendations

Change the definition of “interested person” to “interested party” and clarify who has the right to formally participate in the Commission’s decision-making processes.

Status: A rule proposal incorporating these amendments was drafted and discussed with the P&I Committee in May 2013.

Next Steps: Resubmit proposal to Governor’s office.

Recommendations

Amend CMP notification procedures and requirements to allow for email communication, eliminate certified mailing requirements, require posting of notices on the Commission's website and eliminate newspaper advertisements.

Status: A rule proposal incorporating additional improvements was drafted and discussed with the P&I Committee in May 2013.

Next Steps: Resubmit proposal to Governor's office.

Recommendations

Amend and simplify CMP procedural requirements for municipal and county permits and approvals

Status: A rule proposal incorporating additional improvements was drafted and discussed with the P&I Committee in May 2013.

Next Steps: Incorporate expiration dates for “old” waivers, CFs and “no call ups”; address MLUL time of application provisions. Submit revised proposal to Governor’s office.

Recommendations

Increase protection for the Black Run headwaters area of Southern Evesham/Medford

Status: The P&I Committee endorsed the staff's recommendation for a management area change from RDA to FA and the creation of a new pilot program at its April 2015 meeting.

Next Steps: Staff will prepare a draft rule proposal for review by the P&I Committee in spring 2016.

Recommendations

Codify application standards for organized off-road vehicle events and discuss ways to address deviations from approved routes

Status: The Plan Review Committee reviewed draft CMP amendments in October 2013. Staff then met with the Enduro groups in 2013 and 2014 to discuss concerns and possible revisions. A revised version of the draft CMP amendments is under staff review. Staff also designed and distributed new application forms and approval documents.

Next Steps: Staff will prepare a draft rule proposal for review by the P&I Committee in spring 2016.

Recommendations

Enhance the Pinelands Development Credit Program: increase demand; ensure adequate opportunities exist for PDC use; provide sufficient design flexibility to ensure densities can be achieved; allow for nonresidential PDC programs to replace residential programs.

Status: Staff discussed PDC rule proposal with interested parties throughout 2014-2015. Revisions and simplifications were identified, as well as possible changes to the PDC Bank.

Next Steps: Staff will update the P&I Committee in spring 2016 and then prepare a revised rule proposal for review by the Committee and Governor's office.

Recommendations

Improve CMP water management standards (both quality and quantity) in response to the Kirkwood-Cohansey Aquifer study

Status: Staff briefed the P&I Committee, the State WSAC, DRBC and other interested parties throughout 2014-2015. Development of water supply planning policy is ongoing.

Next Steps: USGS may be engaged to refine currently available groundwater modeling tools to ensure applicability in the Pinelands Area. Water supply policy options will be discussed with a variety of technical experts this spring. An open public meeting to gather input may also be held, after which CMP amendments will be drafted and provided to the P&I Committee for discussion.

Recommendations

Improve the process for Memorandums of Agreement

Status: The Commission formed a new MOA Policy Advisory Committee that met throughout 2015 to review the process by which deviation MOAs are considered. Staff prepared a revised process document incorporating the Committee's recommendations.

Next Steps: The revised process document will be finalized, shared with the MOA Committee and forwarded to the full Commission for endorsement at its February or March 2016 meeting. Substantive issues and CMP amendments will be referred to the P&I Committee for discussion.

Recommendations

Develop standards to address the use of digital sign technology in the Pinelands Area

Status: The Planning office's intern completed a short research paper on digital signs in 2015. Additional staff research and identification of options is underway.

Next Steps: Staff will make a presentation to the P&I Committee in spring 2016 to identify options for the Committee's consideration.

Recommendations

Amend the CMP to address OPRA requirements relative to survey results for threatened and endangered species and cultural resources.

Status: Staff has completed an evaluation and determined that other state agencies have not adopted such amendments.

Next Steps: Staff will continue to evaluate whether CMP amendments are necessary.

Recommendations

Revise the Commission's public comment procedures by holding evening meetings and providing more advance notice of public comment opportunities on public development applications and MOAs.

Status: At least one evening Commission meeting was scheduled in 2014, 2015 and 2016. Public comment policies were revised in 2011 to provide more advance notice and allow the public more time to review and comment on public development applications and waivers. Website postings and increased use of email have helped to provide more advance notice.

Next Steps: Staff will continue to evaluate possible improvements

Recommendations

Amend the CMP to better protect existing roadside habitat for native and rare plants; prevent creation of turf areas in place of native vegetation; require use of clean fill or stockpiling and reuse of native soils excavated from the site; and reference Soil Conservation Committee standards

Status: Staff made a presentation on best management practices at the Plan Review Committee's May 2013 meeting. Work with Pinelands counties is ongoing.

Next Steps: Staff will develop a work plan to improve the counties' understanding of and compliance with existing mowing and maintenance best management practices. CMP amendments will be drafted for the P&I Committee's review in early summer.

Recommendations

Amend the CMP to strengthen protections for native vegetation by changing guidelines to requirements, revising the list of recommended grass types, addressing post-construction work and conducting monitoring studies.

Status: Staff made a presentation on possible CMP amendments at the Plan Review Committee's July 2013 meeting. Draft amendments are undergoing staff review.

Next Steps: Staff will provide draft CMP amendments to the P&I Committee for review in early summer.

Recommendations

Amend the CMP to reduce or eliminate survey requirements for threatened and endangered species in designated growth areas; expand the CMP's list of protected plants to include DEP's "species of concern", establish standardized protocols for plant surveys.

Status: Staff met with Partnership for NJ Plant Conservation and continues to discuss and evaluate the need for increased protection of plant species, including a plant data-sharing agreement with DEP.

Next Steps: Staff will finalize and execute the plant data-sharing agreement as soon as possible. Staff will continue to evaluate whether it is appropriate to expand the plant list or change survey requirements.

Recommendations

Review CMP stormwater management standards; identify conflicts and improvements

Status: Staff is participating in DEP Stormwater Advisory Committee meetings and routinely coordinates with other agencies (Soil Erosion and Sediment Control, NJBA). A 2015 NJBA assessment of new stormwater infiltration BMPs demonstrated that the CMP's 2005 stormwater BMP soil assessment standards are achieving desired results.

Next Steps: Staff will identify improved measures to maximize stormwater quality renovation and groundwater recharge. Draft CMP amendments will be provided to the P&I Committee for review in the latter part of 2016.

Recommendations

Develop rules and strategies to reduce contributions to climate change and adapt to climate change impacts; amend the CMP to address greenhouse gas emissions.

Status: Staff continues to monitor the work of agencies (Barnegat Bay Partnership, Rutgers University, Inst. Of Marine and Coastal Science) to identify strategies that could be applied in the Pinelands.

Next Steps: An open public meeting will be held to gather specific suggestions as to how the CMP could be amended to address climate change, after which options and recommendations will be presented to the P&I Committee for additional discussion.

Additional CMP Amendments

- “Graduate” the FAST technology from the septic pilot program for residential use on 1.5 acre lots.
- Delete septic management requirements for alternate design wastewater treatment systems and rely on DEP requirements.
- Revise the definition of “recreational facility, low intensity” in response to recent legislation.
- Establish agricultural pilot program.
- Amend procedures for Commission review and approval of applications submitted by public utilities that qualify for MLUL preemption.
- Revise water quality standards applicable to commercial uses to provide consistency between residential and commercial uses (base septic dilution on average, not maximum, flow values).

Questions?

