

# Management Report for October, November & December 2014



Updates are in italics

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# I. Executive

## A. Plan Review

- *An implementation schedule including staff responsibilities is being developed.*

## B. Litigation

- STATE COURT CASES

### Law Division

**Frank Murphy v. Medford Township Zoning Board of Adjustment, Medford Township and John Does** – Docket No. BUR-L-3026-13: This is a prerogative writ action filed by the property owner challenging the zoning board's second denial of his bulk variance and seeking damages for inverse condemnation. Medford Township filed a third-party complaint against the Pinelands Commission seeking joint liability and contribution on the takings claim. The property owner sought the bulk variances to permit construction of a single family dwelling on the parcel. Nearly the entire lot is a hardwood swamp wetland. The property owner sought and received a Waiver of Strict compliance from the wetland buffer standards of the Comprehensive Management Plan to permit construction of a single family dwelling. A motion to dismiss the Third-Party Complaint was filed on behalf of the Pinelands Commission on or about March 13, 2014. The return date for this Motion was scheduled for May 1, 2014. The Court converted this to a Motion for Summary Judgment. Additionally, Plaintiff has also filed a Summary Judgment motion. The return date for all motions in this case is now scheduled for August 12, 2014. A ruling on the motions has been postponed in order to afford the parties an opportunity to engage in settlement discussion. *Oral argument was conducted in this matter on December 18, 2014. Following argument, the court requested supplemental briefs, which are due on January 14, 2015.*

**Pinelands Preservation Alliance v. Pinelands Commission** – Docket No. BUR-L-1744-14- *This matter involves a proceeding to challenge the Commission's Records Custodian's response to the Pineland Preservation Alliance's Open Public Record Act request pertaining to the proposed Memorandum of Agreement for a natural gas transmission pipeline. OPRA provides two vehicles by which a requestor may challenge a Records Custodian's response to an OPRA request. Specifically, the requester may file an action in Superior Court or, in lieu of filing in Superior Court, may file a complaint with the Government Records Council. PPA chose the former course of action, because it was not satisfied with the records that were produced by the Commission in response to its OPRA request. A scheduling conference was conducted with Judge Bookbinder regarding this matter on August 1, 2014. At that time, the Judge instructed the parties to work together to try and amicably resolve the issue. After discussions*

*between counsels for the parties resulted in a clearer understanding of the privileges asserted and refinement of the scope of the government records sought, additional documents were produced to PPA. At this point, all responsive documents have been produced. A status conference is scheduled in this matter on January 21, 2015.*

### **Appellate Division**

**In re Application of Robert T. Winzinger** – Docket No. A-5441-12T4. This matter involves an appeal of the Commission’s denial of a resource extraction operation on 30 acres of a 284.9 acre parcel known as Block 6402, Lot 7 in Woodland Township. The basis of that denial was that the proposed resource extraction operation was inconsistent with the threatened and endangered wildlife standards of the Pinelands CMP at N.J.A.C. 7:50-6.33. The applicant’s own consultant opined that the proposed development would have an irreversible adverse impact on Northern pine snake, a threatened species. The applicant, as it did before the Commission, is arguing on appeal that it has a right to mine the property without regard to the development standards of the Pinelands CMP, specifically the threatened and endangered species standards. The applicant filed its brief in January. The Commission filed its response brief at the end of April, and the applicant filed its response brief in early May. *Oral argument was conducted on October 16, 2014. The Appellate Division issued its decision on December 22, 2014, affirming the Commission’s denial of Winzinger’s application to renew resource extraction operations on its property. The Court concluded that, although Winzinger’s business is grandfathered in as a preexisting use, it must nonetheless comply with the permit process and satisfy the resource extraction standards of the Pinelands CMP.*

**I/M/O The Resolution Authorizing the Executive Director to Enter Into a Memorandum of Agreement** – Docket No. A-3035-13T1 – South Jersey Gas filed an appeal of the Commission’s failure to execute the proposed Memorandum of Agreement with the Board of Public Utilities that would have authorized the construction of a 24-inch natural gas transmission line within a Forest Area. A Motion to Dismiss the Appeal was filed on behalf of the Commission and South Jersey Gas subsequently filed a brief in opposition to this motion. The Court denied the Commission’s motion without prejudice by Order dated July 2, 2014. *On August 6, 2014, the Pinelands Preservation Alliance filed a motion to intervene in this matter as a matter of right or in the alternative for permissive intervention. PPA’s motion to dismiss was dismissed on both counts on September 4, 2014. We are still awaiting a schedule from the Court for submission dates for merits briefs.*

- **FEDERAL COURT**

*No new action as of December 31, 2014.*

- **OTHER LITIGATION MATTERS OF INTEREST**

*No new action as of December 31, 2014.*

## C. Legislation

*The Legislature's last date of action before the Holiday recess was December 22, 2014. It will reconvene on January 12, 2015.*

- A3257 expands the type of use qualifying as low intensity recreational use on lands in Pinelands Agricultural Production Areas. The bill was introduced and referred to the Assembly Agriculture and Natural Resources Committee on May 22, 2014. On June 12, 2014 the bill was reported out of the Committee with amendments. The bill was amended on the floor on September 15, 2014 to identify youth soccer as one example of a low intensity recreational use. The bill was passed by the Assembly on September 29, 2014 and sent to the Senate. *No new action as of December 31, 2014.*
- S2125 expands the type of use qualifying as low intensity recreational use on lands in Pinelands agricultural production areas. The bill was introduced in the Senate on June 2, 2014 and Referred to Senate Economic Growth Committee. *No new action as of December 31, 2014.*

## D. Memorandum of Agreements (MOA) Under Review

- **County/Municipal Permit MOA:** At its July 9, 2010 meeting, the Commission approved a proposed MOA with the seven Pinelands Area counties. By letter dated August 5, 2010, the Commission staff sent the MOA to each of the seven Pinelands Area counties and requested that the counties sign and return the MOA to the Commission. The staff will now initiate work on pursuing adoption of the MOA by Pinelands Area municipalities. The staff is currently evaluating the most effective means to both implement the MOA with Pinelands municipalities and integrate the roadside management practices included in the seven county MOAs into the municipal MOAs. As of September 30, 2012, the Commission has received signed MOAs from Atlantic, Camden, Burlington, Gloucester and Ocean counties. *No new action as of December 31, 2014.*
- **NJDOT:** The Commission has been working with NJDOT on a permit streamlining MOA since November 2008. Several meetings have been held. NJDOT was encouraged to prepare a draft MOA patterned after the existing County permitting MOA that the Commission approved. The most recent draft MOA was submitted on December 12, 2012. The Commission staff has completed its review of the submitted draft MOA and will be meeting with NJDOT representatives to discuss necessary revisions. *No new action as of December 31, 2014.*
- **NJDEP, Forestry:** The NJDEP and the Commission have been working to identify a means to clarify and streamline review of forestry activities conducted by NJDEP and provide expanded opportunities for Commission input on planned forestry activities. The agencies have agreed to a new

process which will address DEP's concerns with the Commission review times and the Commission's need to be provided earlier opportunities to comment. A management level meeting was held on August 20, 2014 and the two agencies continued to work on clarifying the processes to be implemented going forward. This will include the use of checklists and Pinelands Commission staff participating in DEP's internal stakeholder review. DEP and Pinelands staff met on September 3, 2014 to further refine the details of the reviews. The next steps will include the documentation of the processes to be used going forward and an informal review of a DEP Forest Stewardship Plan. *Staff reviewed the Forest Stewardship Plan for Double Trouble State Park and submitted comments to DEP in December. A follow up meeting with DEP was held on December 10, 2014.*

- **Richard Stockton College Master Plan & Implementing Memorandum of Agreement (MOA):** A draft of a proposed alternative permitting process MOA was presented to the P&I Committee at its September 28, 2012 Committee meeting. A public hearing was held on the proposed MOA in the evening on October 2, 2012 at the Galloway Township Municipal Building. Written comment was received on the MOA until close of business on October 5, 2012. The Commission staff met with representatives of Stockton College at the College campus on February 14, 2013, to discuss comments submitted concerning activities conducted at the campus without prior Commission approval. At that meeting, it was agreed the Commission staff would accompany a representative of Stockton and Stockton's engineering consultant on a site inspection to look at the areas where the commenter asserted violations had occurred. Additionally, the Commission staff agreed to participate in Stockton's annual training session for its employees in order to review the requirements of the CMP. The Commission staff conducted a site inspection on April 8, 2013 to review the areas of concern. As a result of the site inspections, four activities conducted by the College were determined to be violations that required application to the Commission. Commission staff advised Stockton that these violations had to be addressed before it would move forward with the remaining administrative process for the proposed MOA and present it for consideration by the Commission's Policy & Implementation Committee and the full Commission. The College subsequently submitted Public Development Applications to the Commission for these development activities, and the Commission approved the first public development application January 1, 2014 and the remaining three applications on March 14, 2014. The draft MOA, with minor revisions, was posted on the Commission's website on September 9, 2014. Written comments are being accepted through October 15, 2014. *The Commission approved the execution of the MOA, by unanimous vote of all Commissioners present, at its November 14, 2014 meeting.*

## **E. Efficiency**

- The rule proposal, which included a number of efficiency measures, was adopted by the Commission at its June 12, 2014 meeting. The CMP

amendments were published in the New Jersey Register on September 2, 2014 and took effect on that date. Among the amendments was the extension of the duration of Letters of Interpretation from two to five years. *Letters were sent to all affected LOI holders to inform them of the extension. Also, notice of the extension has been posted on the Commission's website.*

## **F. Pinelands Municipal Council**

- *The Council met on November 15, 2014 in Estell Manor. During the meeting, Commission staff delivered a presentation on the recently completed Screening Level Assessment of Pinelands Area Landfills.*
- *The next Council meeting is scheduled for January 21, 2015 in Bass River Township.*

## **G. Open Public Records Act**

- *Open Public Records Act this quarter: A total of 10 requests for government records were received and processed under the Open Public Records Act this quarter.*

## **II. Business Services**

### **A. Facilities**

Ongoing and routine maintenance activities were conducted including:

- *Leak investigation in Fenwick Manor.*
- *Elevator inspection (passed).*
- *Fire Extinguisher inspection (passed).*
- *Patched crack in RJS Basement wall.*
- *Replaced Air Filters in all buildings.*

### **B. Financial Management**

- *\$206,000 (approx. 81% of annual anticipated fees) in application fees were received during this quarter. The FY 2015 budget estimate for fees is \$253,000.*
- *Requested an extension of the EPA Buffer grant.*
- *Completed the correction of the EPA Audit finding.*
- *Renewed contract with Prime Pay for payroll services.*

### **C. Human Resources**

- *A part time Cultural Resource Planner has been hired.*
- *Three interns from Drexel University helped the Science Office with a variety of field work from June through August 2014. One of the previous interns from Drexel University will begin a cooperative education agreement in March 2015.*
- *A webinar, Building Trust & Cooperation Across Organizational Lines, was held for staff.*
- *Open enrollment was held for health and dental benefits along with the flexible spending plan.*
- *The Credit Union held an informational session at the Commission.*
- *The NJ Department of Labor & Workforce Development Survey was completed.*



### III. Land Use and Technology

#### A. CMP Amendments

- A rule proposal was prepared for the Commission's review and consideration at the June 13, 2013 meeting. The proposed amendments would extend the Alternate Design Treatment Systems Pilot Program and implement a variety of efficiency measures identified during the Plan Review process. The proposed amendments were reviewed by both the Plan Review and Policy and Implementation Committees and were submitted to the Governor's Policy Office for review and approval on 5/22/13. On 7/10/13, the Commission was notified that the proposed amendments were not approved. A revised version of the rule proposal, including amendments related to the removal of Cromaglass from the Alternate Design Treatment Systems Pilot Program, was subsequently prepared and resubmitted to the Governor's office on 8/15/13. On 12/4/13, the Commission was notified that the revised rule proposal was approved. The Commission authorized the rule proposal at its 12/13/13 meeting. The adoption notice for the first round efficiency and alternate design septic CMP amendments were published in the New Jersey Register on September 2, 2014. *No new action as of December 31, 2014.*

#### B. Conformance

- See Attachment #1 for summary of ongoing conformance items.
- 16 new ordinances and/or master plan amendments were received this quarter. (34 this fiscal year)
- 46 interpretations and municipal requests for technical assistance were completed this quarter (95 this fiscal year).

#### C. Special Planning Projects

- **Pine Barrens Byway:** Two municipalities (Corbin City and Port Republic) and one county (Ocean) have donated \$250 each to the byway association. The Pine Barrens Byway Association meeting originally scheduled for July 31, 2014 is being rescheduled. *No new action as of December 31, 2014.*
- **Hammonton Wastewater Recharge Project:** Commission staff has been working with Hammonton to eliminate wastewater discharge to Hammonton Creek since 1994. The construction of the Boyer Avenue Land Application Facility completed in 2001, failed to eliminate the discharge to Hammonton Creek. A Commission approved water allocation increase in 2011 required that Hammonton prepare and obtain a long-term comprehensive wastewater plan by December 10, 2013. NJDEP issued a Draft Discharge to Ground Water (DGW) Draft Permit on June 24, 2013.

The draft permit includes provisions for a wastewater drip irrigation system to maximize land application of wastewater and ultimately eliminate routine wastewater discharges to Hammonton Creek. The implementation of wastewater drip irrigation at the Boyer Avenue facilities wooded areas and athletic fields is a critical component of Hammonton's long-term wastewater management strategy to cease routine stream discharges. Staff met with Hammonton's mayor, select council members, professional staff and consulting engineers to assist the Town in the development of the required plan, provided a plan outline and established a submission schedule to ensure review of the plan could occur at the January 31, 2014 P&I Committee. The Commission adopted Resolution No. PC4-14-10 at its March 14, 2014 meeting to approve, with conditions, Hammonton's Long Term Comprehensive Wastewater Plan to eliminate the discharge of treated wastewater to Hammonton Creek. The plan primarily relies upon the construction of overland/ surface and underground/subsurface wastewater drip irrigation systems at the Boyer Ave. wastewater dispersal facility, rehabilitation of sections of the Town's wastewater conveyance system that currently allows inflow and infiltration of stormwater into the sanitary sewers, and ongoing maintenance of the rapid infiltration trenches. Hammonton submitted a revised Long Term Comprehensive Wastewater Management Plan (LTCWMP) to address the conditions of Resolution No. PC4-14-10. Staff is currently reviewing the revised LTCWMP for its conformance with the conditions. Staff is also working with the NJ Environmental Infrastructure Trust with respect to the financing of the subsurface drip irrigation system at the Boyer Avenue athletic fields. Staff has determined that Hammonton's revised LTCWMP (April 28, 2014) is in substantial compliance with the conditions of Resolution No. PC-4-14-10. The Town is making progress to install the first phase of the overland drip irrigation system intended to eliminate wastewater discharges to Hammonton Creek. *Staff was accompanied by local officials during a tour of the 26 acre overland drip irrigation system at the Boyer Avenue wastewater recharge site. While progress was delayed due to equipment delivery issues, substantial progress has been made on the system. The system will reportedly be fully operational this winter (weather permitting). Staff also toured the Town's water treatment facilities installed to remove Volatile Organic Compounds and Radon from raw water supplies.*

- **Roadside Maintenance:** County efforts to implement the Best Management Practices (BMPs) are at varying stages and ongoing. Staff efforts to field verify the anecdotal threatened and endangered species data (known as rare plant "hotspots" on roadsides) provided to the Commission by area botanists during the development of the BMPs did not progress very far due to failed GPS equipment. In August, staff provided comments to the Task Force for a Sustainable Galloway on a roadside maintenance BMP brochure to be distributed throughout the municipality. *No new action as of December 31, 2014.*
- **Landfill Closure:** With the approval of solar placement on the Stafford landfill, approximately \$170,000 was made available for a Pinelands-wide comprehensive landfill study. The Commission has engaged USGS to perform a Rapid Assessment of Pinelands Area Landfills. USGS reviewed

NJDEP data and conducted supplemental landfill monitoring-well sampling at the Berkeley Township, Woodbine, and Weymouth landfills in December 2012. The USGS presented the Pinelands Area Screening Level Assessment tool at a meeting with NJDEP and later at the February 28, 2014 Pinelands Policy and Implementation Committee meeting. Using existing monitoring well data and GIS analysis, the screening level assessment tool estimates the level of concern for leachate to impact human and ecological receptors. Commission staff has begun to use the findings with respect to specific Pinelands Area landfills. Staff provided USGS with comments on the pre-publication draft report entitled: Screening Level Assessment of Pinelands Area Landfills. USGS is finalizing the Quick Domenico Excel spreadsheet program for landfill assessments and is scheduled to provide the Commission with this project deliverable in July 2014. Staff and USGS continue to refine the project deliverables for the Screening Level Assessment of Pinelands Landfills. We are working with a draft of the Quick Domenico Multi-scenario Spreadsheet and have completed our review of the draft journal article that describes the project and will serve as a user guide for the Excel-based landfill assessment tool. *USGS has delivered the Screening Level Assessment of Pinelands Area Landfills and staff is using the assessment tool to evaluate and categorize existing landfills.*

- **Estell Manor Landfill:** Staff, with the assistance of USGS, completed its review of the proposed Remedial Action Selection Report/Remedial Action Workplan and provided comments to the City's consultant on December 20, 2011. Most significantly, the consultant was requested to re-run data and transport modeling using model input values that are more consistent with USGS data for the K/C aquifer. At the consultant's request, Staff and USGS held a second meeting with the City's landfill consultant in August 2012 to provide technical guidance toward resolving report deficiencies. The Town's consultant has advised that they have resumed work on the workplan and are preparing responses to the Commission's review comments. A revised landfill assessment report has been received and is currently undergoing review by Commission staff and USGS. Response to Estell Manor's landfill report will be timed to await completion of the USGS rapid landfill assessment project. Staff met with the Township's landfill consultant to review their findings relative to the USGS screening level assessment. Both the screening level assessment and the consultant's sampling of temporary well points along the nearest wetland boundary preliminarily indicate the presence of lead. Staff anticipates working with USGS and the Town's landfill consultant to further assess these findings and determine an appropriate remediation strategy, if warranted. Staff provided the Town's landfill consultant with review comments related to the need for further assessment of landfill plume monitoring results. *No new action as of December 31, 2014.*
- **Borough of Woodbine Wastewater Planning:** Commission staff met with representatives of the (Cape May County Municipal Utilities Authority) CCMUA and Woodbine Borough to review objectives and discuss regulatory issues associated with the possible construction of a sanitary sewer line connecting the Cape May County Landfill, portions of

Woodbine Borough, and possibly the NJ Dept. of Human Services Woodbine Developmental Center to the Cape May County regional sewage treatment plant. The Commission is providing financial assistance to Woodbine Borough to aid in the Borough's feasibility study of providing centralized sewerage service to portions of Woodbine. Staff met with the project cooperators and provided the cooperators with comments on the 50% complete sewer line feasibility study. Staff has also been instrumental in coordinating a meeting with the NJDEP CAFRA program to address potential issues related to the proposed construction of the landfill leachate / public sanitary sewer line in the Pinelands National Reserve Forest Area. Staff facilitated and attended a July 28, 2014 meeting between NJDEP, CMCMUA and Woodbine Borough to ensure inter-agency coordination on the proposed wastewater conveyance line. Staff also provided CMCMUA and Woodbine Borough with review comments on the CMCMUA's 90% complete draft feasibility report and attended a meeting on September 8, 2014 to review all outstanding issues. *CMCMUA's consultants have completed the sewer feasibility study. Commission staff has authorized the payment of \$20,000 to the CMCMUA. This payment constitutes the Commission's financial contribution to the study.*

#### **D. Economic Monitoring**

- *Work on the 2014 Long-Term Economic Monitoring Program's Annual Report is underway. Currently, the project is in the data collection and analysis phase.*

#### **E. Permanent Land Protection**

- **Pinelands Development Credit (PDC) Program:** *Eight (5 original; 3 amended) Letters of Interpretation (LOIs) were issued, allocating 26.25 PDCs (105 rights) with the potential to protect 643 acres. Three of the properties are farms on Burlington County's targeted Farmland Preservation Program list, with the potential to preserve 367 acres and extinguish 16.25 PDCs. Two PDC severances were processed (10 acres in Galloway APA -0.25 PDCs; 1.83 acres in Woodland PAD-0.25 PDCs). Two rights were redeemed (one each for projects in Mullica and Stafford townships) by the PDC Bank.*
- *Letters from the Commission were sent (October 8, 2014) to all current holders of PDC LOIs regarding new rules extending duration of LOIs from 2 to 5 years.*
- **Farmland Preservation program:** *Atlantic County preserved one farm in Mullica Township's Agricultural Production Area, protecting 61 acres and extinguishing 3.25 PDCs. Ocean County preserved one farm in the Rural Development Area in Plumsted Township (preserved acreage to be determined). Burlington County preserved one farm in Southampton Township's APA, protecting 140 acres and extinguishing 6.75 PDCs. Nine other Burlington County farms are at various stages of review by State*

*Agricultural Development Committee, with the potential to protect 915 acres and extinguish 33.25 PDCs (133 rights).*

- **Pinelands Conservation Fund (PCF):** As of December 31, 2014, the Commission has approved the allocation of \$9.6 million to 33 land preservation projects in the Pinelands Area. Of these 33 projects, 32 have proceeded to closing, resulting in the permanent protection of 7,228 acres. On June 30, 2014, the remaining funds reserved for the acquisition of land associated with the potential for secondary impacts related to the 2009 Garden State Parkway widening became unrestricted. On August 8, 2014, the Commission voted to revise the PCF policies and increase the amount of PCF money available for land acquisition and easement monitoring. *No new action as of December 31, 2014.*
- **Limited Practical Use (LPU) Program:** *Green Acres has shut down its Quick Action program, although it has invited any potential sellers to apply directly to Green Acres to sell their properties before/instead of applying to the Commission for a Waiver of Strict Compliance and completing the Commission's program.*
- *Ocean County closed on a 588-acre parcel in Lacey Township's Preservation Area District at the end of December 2014. The parcel will be deed restricted to meet the County's obligations under the Robert J. Miller Airpark MOA. The County also acquired a significant amount of additional land in the Preservation Area District and Forest Area in Manchester and Lacey townships from the same property owner.*

## **F. Other Planning Items**

- **Water supply: Use of the K/C Study - CMP Implementation:** After presenting the concepts of a possible CMP rule for water allocations to the NJBA, NJ DEP, and the State Water Supply Advisory Board, in September 2013 Commission staff met with USGS to further provide details on how such a rule on regional and local impacts due to well pumping could be practically implemented. USGS submitted a scope of work and a cost estimate to prepare additional necessary tools for implementation of the study's results. Staff is reviewing the proposal and investigating if, how and when it should be funded. Partial funding was included in the Commission's FY 2015 budget. *No new action as of December 31, 2014.*

Buildout & water use estimates for WQMP and purveyors planning: Staff has completed scenarios one and two of the of the build-out estimates (high and medium). The drafts of the medium scenario have been shared with counties and municipalities working on WQMPs and with COAH staff. Next, staff will work with purveyors/municipalities on conceptual water supply plans to address buildout in terms of current watershed stress and the availability of the surface K/C aquifer for future needs. A presentation on methods and uses of the analysis is currently being planned for interested county officials. *No new action as of December 31, 2014.*

- **Data collection:** *Agreements with the Camden County Municipal Utilities Authority and the United States Geological Survey are underway to continue stream flow monitoring in the Mullica River basin for an additional five years.*
  
- **State Water Supply Advisory Committee:** Presentations of environmental findings and the potential application of the K/C study results in water supply policy were given to the Committee on September 20, 2013. The NJDEP's new statewide Water supply plan is on hold to ensure consistency with the new State Strategic Plan. *Commission staff was invited in December to provide input into a Rutgers University research project to estimate water demand by land use and to project statewide water demand to the year 2040.*
  
- **Cultural resources:** 9 (33 this fiscal year) cultural resource activities undertaken:
  - 8 (24) applications reviewed
  - 0 (0) forestry inquiries
  - 1 (3) surveys reviewed
  - 0 (0) CAFRA reviews
  - 0 (0) Preliminary Investigation
  - 0 (3) site coordination with other agencies/meetings & phone conferences
  - 0 (1) coordinated reviews w/SHPO
  - 0 (2) Municipal/consultant inquiries
  
- **NJDEP Wastewater Planning Rules/County Implementation:** Since mid-2012, staff has worked with staff from NJDEP and each of the seven Pinelands counties to coordinate the sewer service area (SSA)/future wastewater service area (FWSA) mapping for the Pinelands Area. The goal of the coordinated effort is to ensure that the counties' SSA/FWSA mapping is fully consistent with the CMP and the April 2012 MOU between the Commission and NJDEP. *All Pinelands counties adopted SSA maps and presented them to NJDEP for approval. Staff continues to work with NJDEP to correct mapping errors that occurred during the adoption process. Although a schedule was established to correct all of the mapping errors throughout the entire Pinelands Area by summer 2014, errors in DEP's noticing process for the 8/12/14 public hearing occurred. DEP determined that the notice of correction to the SSAs would need to be republished in the NJ Register, with another public hearing held, and that these two steps could only be completed upon DEP's receipt of official concurrence with the map corrections from several Pinelands counties. Such concurrence was not received until mid-December. NJDEP is now working on scheduling a second hearing for March or April 2015 and providing all required notices. NJDEP is also holding stakeholder meetings on new wastewater planning rules.*
  
- **Affordable housing:** The Council on Affordable Housing (COAH) published two rule proposals on June 2, 2014, setting forth procedural and substantives third round rules. Staff provided data on vacant land and

buildout projections for use in COAH's determinations of "buildable limit capacity" by municipality. A meeting with COAH staff was in July to discuss how the proposed rules would apply to and be used by Pinelands municipalities. Staff submitted written comments on the proposed rules on July 30, 2014 and continues to engage in discussions with COAH staff on how the new rules would work. *No new action as of December 31, 2014.*

## G. Geographic Information System

- **System planning and development:** *Made enhancements to the new PDC/LOI GIS to improve formatting and data checking.*
- **Pinelands Data Layer Maintenance:** *Completed the updates to latest parcel layer from the State (which was downloaded last quarter) to ensure parcel lines are coincident with other Pinelands layers (e.g. Pinelands Boundary, Zoning, Management Areas and Garden State Parkway Overlay District).*
- **Zoning Layer Updates:** *Updated Maurice River Zoning and verified that corrected zoning layer received from Manchester Township has no discrepancies with the layer that is maintained by the Pinelands Commission.*
- **Threatened and Endangered Species Layer:** *Entered 65 data sheets and updated the Data Layer. Created a shapefile and scanned T&E Reporting forms to PDFs for transfer of Northern Pine Snakes data to DEP.*
- **Lot Status Layer Updates:** *No new action as of December 31, 2014.*
- **LOIs for PDCs:** *Four applications involving 7 lots, all of which involved photo interpretation, were analyzed.*
- **Analysis/Map Products:** *None requested*

## H. Management Information System

### PCIS:

- *Modified the Reviewer Inbox to allow the more flexibility regarding due dates for delegated items.*
- *Developed new program code to automate the creation of resolution documents for public development applications. Resolution documents have never been part of PCIS due to the complexity involved with respect to multiple applications being referenced in a single resolution. The new program code prompts the user for a list of application numbers that are to be included in the resolution and when the user clicks OK, it creates the resolution document and adds a document record to the database table for each application. It also allows the user to remove an application from the*

*resolution and it then re-creates the resolution document and removes the associated document record from the database table. The program was used to create the resolution the public development application for the January 2015 meeting and feedback from the users was positive. Plans are underway to load the historical resolution documents into PCIS as PDF files.*

- *Developed new program code to automatically re-write the proposed development paragraph of draft Completeness Documents (e.g. CFs, Forestry MOA/CFs, etc.) when the users edits the proposed development information on the General Screen in PCIS. The revised document is then automatically launched for user verification.*
- *Modified the Septic Permits screen to include a count of the different Septic Types at the bottom of screen and improved overall formatting based upon user feedback. Made several program code changes to more tightly integrate the data that is on the septic screen with the business process regarding incoming county health department septic permits, including the ability view the Agency Approvals data screen and the Septic Systems data at the same time.*
- *Completed new document types for Alternate Design Septic Systems. (Alternate Design Certificate of Compliance Checklist, Certificate of Compliance - Do Not Issue, Certificate of Compliance - Ok to Issue, Certificate of Compliance - Incomplete Submission).*
- *Developed PCIS program code (and VBA program code in Word) to allow the user to attach Standard Forms and Checklists to outgoing emails in PCIS and/or to append them to the bottom of Word document. The program allows the user to choose forms or checklists from a drop-down list.*
- *Completed several minor bug fixes in previously released program code.*

#### **Permanent Land Protection:**

- *Continued to enter deed restrictions as they are received. Since Oct 1, 2014, 124 new deed restrictions have been added.*
- *Continued to research and enter the date that land was deed restricted for all previously entered deed restrictions.*
- *Corrected 52 deed restrictions regarding T&E to indicate they are “Option 1” deed restrictions, which do not permanently protect the land.*
- *Added 60 Density Transfer deed restrictions that were not previously recorded. These deed restrictions were located by researching municipal tax data and by performing a text search on Pinelands Commission legacy Word Perfect documents.*
- *Continued to perform quality assurance checks on the Limited Practical Use data that was received from the State. Created a searchable PDF file for the Planning department regarding “quick action” purchases.*



- *Researched CAP deeds (NJDEP's Community Action Program) on the internet and downloaded all deeds that could be located for permanent filing*
- **Block/Lot data** – *created a cross-reference table for Waterford Township that lists old block/lot numbers and corresponding new block/lot numbers. In addition, updated PCIS by adding the new block/lot numbers to all existing Waterford Township applications.*
- **Network Infrastructure:** *No new action as of December 31, 2014.*

## **IV. Public Programs**

### **A. Communication**

- *There were 49,204 views of the Commission's web site during the last quarter.*
- *In late October 2014, the Commission signed a Service Agreement with the state Office of Information Technology (OIT) to undertake the redesign of the Commission's website. The agreement spells out the scope of work and the costs to complete the redesign. Staff has updated and revised more than 20 web pages during the past two months. In December 2014, staff created a new Meeting Minutes Archive page and a new Resolutions Archive page on the existing site. These pages and others will be migrated to the new web site. In mid-December, a graphic designer with OIT provided several "mock-up" designs of the new website. Staff is reviewing the designs and will provide comments.*
- *A total of 24 media inquiries and 241 general inquiries were handled this quarter. Of the general inquiries, 135 inquiries came via e-mail, 100 came via telephone and six came by mail. Most of the inquiries pertained to general Pinelands information.*

### **B. Publications**

- *The Commission adopted a resolution to accept the 2013 Annual Report during its regular meeting on October 10, 2014.*

### **C. Events and Outreach**

- *Staff finalized the lineup for the 26<sup>th</sup> Pinelands Short Course, which will be held at The Richard Stockton College of New Jersey on March 14, 2015. The event will feature 35 educational presentations, including 22 new programs and a new family-friendly track of courses. The family-friendly track is aimed at instilling a sense of stewardship among younger generations.*
- *Staff held the annual Pinelands-themed World Water Monitoring Day event on October 24, 2014 at Batsto Lake. Approximately 250 students from five school districts attended.*
- *Staff educated an additional 200 students during programs that were delivered at Rowan University and at Shawnee High School.*

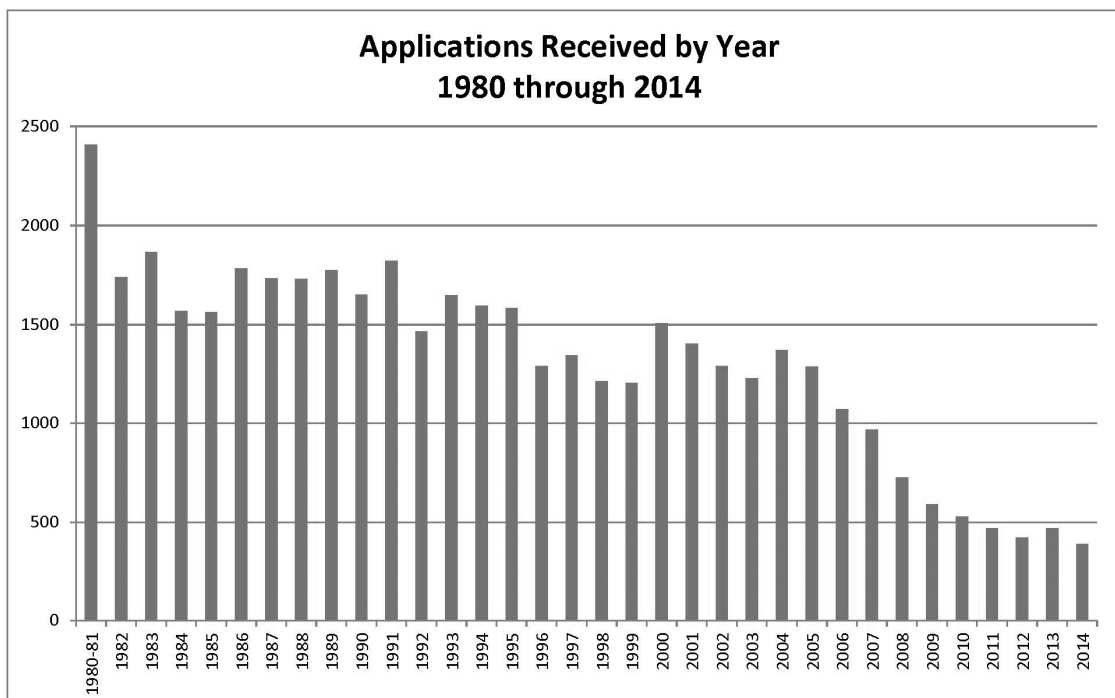
## **D. Interpretive Program**

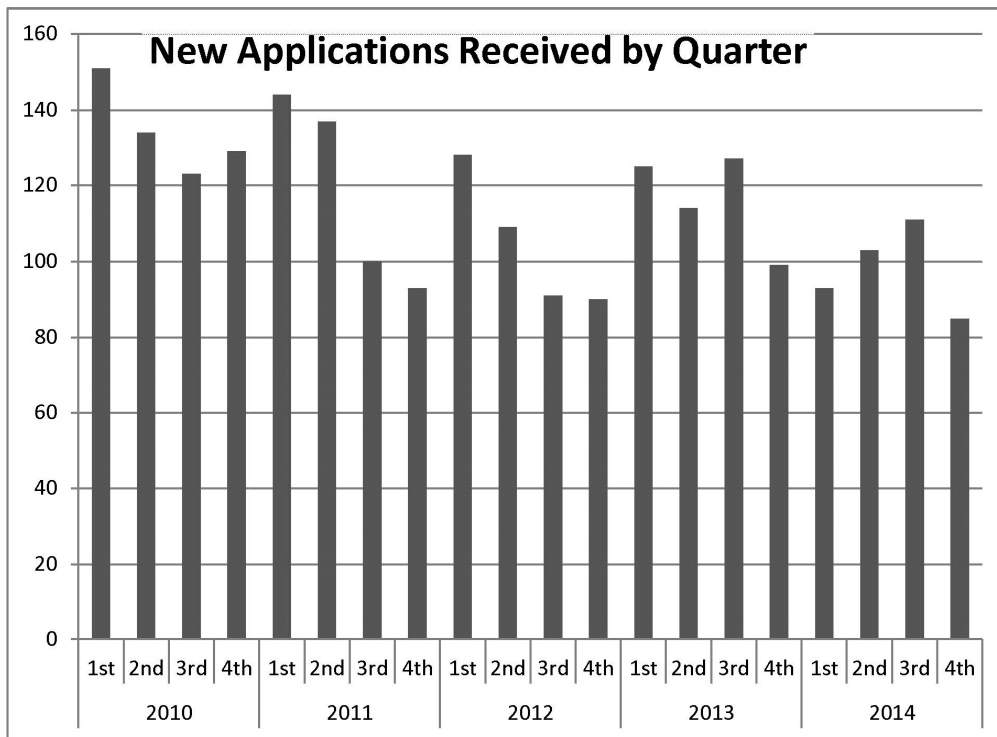
- *Staff continued to track the distribution of the Pinelands National Reserve (PNR) brochure. Additionally, Commission staff worked with the National Park Service (NPS) to revise the existing PNR brochure. The NPS will provide the funds to print copies of the revised brochures. The brochures will be printed in 2015 and delivered in February 2015.*
- *Commission staff continues to search for grant opportunities to fund the fabrication and installation of Pinelands-themed exhibits in the Richard J. Sullivan Center. Staff continues to draft a Request for Proposals (RFP) for the installation and fabrication of the exhibits.*

# V. Regulatory Programs

## A. Application Activity

		3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter
New applications received for the last two quarters with a comparison to last year:	2014	111	85
	2013	127	99
Total applications active for the last two quarters with a comparison to last year:	2014	589	649
	2013	665	618
“No Call-ups” issued for the last two quarters:	By mail	50	50
	By fax	54	62
Certificates of Filing issued for the last two quarters:		36	42
“Call-ups” issued for the last two quarters:		30	18
Streamlined permitting actions taken during the last two quarters:	LRO	4	410
	MOA	10	1





## B. Notable Development Applications

- **Winzinger Mining Application, Woodland Township** (App. No. 1980-0062.001): *See Section I. Litigation for an update.*
- **Ocean County (Robert Miller) Airport (App. No. 1985-0949.034)**: On October 31, 2013, December 4, 2013, December 6, 2013, December 11, 2013, and December 18, 2013, the applicant submitted information to demonstrate consistency with the existing Memorandum of Agreement (MOA) between the Pinelands Commission and Ocean County for proposed obstruction (tree) removal project that is subject of the MOA. On December 18, 2013 the Commission staff received a letter from Ocean County, referencing a December 1, 2013 letter from the United States Environmental Protection Agency. In response, the staff issued a letter to the County on January 31, 2014 clarifying that the proposed obstruction removal project was reviewed and considered when the Airpark MOA was approved. Provided that the County submits the information required by the MOA (Section VI.A.1) and demonstrates consistency with the MOA and the required CMP standards, the Commission staff would issue a letter indicating that the project is consistent with the MOA and development may proceed. *The County submitted information regarding the proposed tree removal on July 11, 2014 and October 14, 2014. On October 28, 2014, the Commission staff issued a letter indicating that the proposed removal of*

*17 acres of trees and topping of 120 acres of trees was consistent with the requirements of the MOA and may proceed.*

- **Stafford Township, Ocean Acres/Rt. 72 Stormwater Basin (App. No. 1993-0732.012):** On October 3, 2012, the staff met with the Mayor and the Township Administrator to discuss the construction of a seven acre stormwater basin on the south side of Rt. 72. The purpose of the proposed basin was to address certain flooding issues associated with the Ocean Acres residential development on the north side of Rt. 72. The proposed stormwater basin on the south side of Rt.72 would be located in a Pinelands Forest Area and would not be a permitted land use. On April 1, 2013, an application for the proposed stormwater basin was submitted to the Commission. On May 30, 2013, the Commission issued a letter providing comments concerning the submitted threatened and endangered species protocol. On July 2, 2013, the Commission staff issued a letter requesting additional information to complete the application. On July 29, 2013, the applicant submitted additional information. On August 1, 2013, the Commission staff met with the Township and its consultant to discuss the application and potential need for the Commission to hire an independent Professional Engineer (P.E.) to review the proposed stormwater design. On September 19, 2013, the Commission staff issued a Request for Quotes from P.E.s for the review of the proposed stormwater design. On November 13, 2013, the Commission contracted with an engineering firm to review feasible alternatives to the proposed stormwater basin and the proposed stormwater basin design. On December 6, 2013, the Commission staff met with representatives of the engineering firm to discuss the proposed stormwater basin and the objectives of the review. On December 31, 2013, the Commission received a draft report on the review of the stormwater basin from the engineering firm. On April 4, 2014, the Commission staff briefed the Commission's Policy and Implementation Committee regarding alternatives approaches (e.g. waiver of strict compliance, rezoning) available to the applicant and the Commission staff to address a permitted land use issue raised by the proposed stormwater basin development. On May 20, 2014, the Commission staff asked the engineering firm retained by the Commission to address several questions raised by its draft report. On July 9, 2014, the engineering firm retained by the Commission submitted a final draft of the report. The Commission staff has drafted a letter indicating the information that must be submitted to complete an application for a Commission Waiver of Strict Compliance based upon a compelling public need, a public development application and the advising the applicant of the need for a Commission public hearing on the Waiver application. *On October 2, 2014, the Commission staff sent a letter to the Township advising of the information necessary to complete the Waiver of Strict Compliance based upon a compelling public need application and the corresponding public development application. On December 15, 2014, the Township submitted information responding to the Commission staff's letter. That information is currently under review.*
- **NJDEP, Martha's Furnace Bridge Replacement (App. No. 2010-0055.001)** The Commission approved an application to replace the existing Martha's Furnace bridge with a pedestrian bridge on September 14, 2012.

Subsequent to the Commission's approval, NJDEP advised the Commission staff that a population of threatened plant species was identified within the footprint of the existing/proposed bridge. By letter dated June 6, 2013, the Commission staff suggested an additional site inspection be completed by NJDEP to determine the full extent of the population. Additional information regarding the extent of the population was submitted to the Commission in July 2013. The Commission staff performed a site inspection of the project area on September 17, 2013. NJDEP submitted a letter on October 15, 2013, indicating that they are withdrawing the application. Information was received by the Commission staff on February 14, 2014 requesting a meeting to discuss the project and threatened plant issue. The Commission staff met with the applicant and representatives of the NJDEP, Division of Parks and Forestry on February 25, 2014. The Commission staff issued a letter on February 28, 2014 which summarized the discussions from the concerned meeting. *No new action as of December 31, 2014.*

- **Thomas Betts (App. No. 1984-0389.009)** The Commission received information on October 23, 2013, October 24, November 22, 2013, November 25, 2013, December 2, 2013 and December 11, 2013 regarding the use of an existing sod farm located partly in Waterford, Winslow and Hammonton Townships as a recreational facility (soccer fields). The Commission staff met with the applicant/owner and officials of Waterford Township to discuss the matter on December 5, 2013. Information was received on February 14, 2014 from the concerned soccer clubs regarding the proposed use of the sod farm in 2014. By letter dated April 21, 2014, the Commission staff advised the property owner that the proposed use of the parcel for recreational facilities (soccer fields) was not a permitted land use in the concerned agricultural municipal zoning districts and that such use was also inconsistent with the Pinelands Development Credit (PDC) deed restriction that had been imposed on the parcel by the property owner(s). Commission staff met with the property owners, their counsel and representatives of the soccer groups and their counsel on May 19, 2014 to discuss the issue. The Commission's Executive Director agreed to permit soccer events to continue at the site pending her receipt of information establishing a pre-existing legal obligation regarding these events. Additional information was submitted at the end of May. On September 2, 2014, an application was submitted to the Commission proposing to establish a recreational use (soccer fields) on certain lands located in Hammonton's Agricultural Production zoning district. On September 17, 2014, the Commission staff received the required supplemental application fee necessary to review the application. The application is currently under review. *On December 17, 2014, the Commission issued an Inconsistent Certificate of Filing for the establishment of a private commercial use with no site improvements on a 204 acre parcel located exclusively in Hammonton.*
- **Residential Development, Galloway Township (App. No. 1996-1157.004)** On May 14, 2014, an application was initiated with the Commission for the development of 61 dwelling units on a 6.84 acre lot. The lot is owned by the Township. The applicant has indicated that the

proposed dwellings are intended to provide low and moderate income housing. By letter dated June 24 2014, the Commission staff advised the applicant of the information necessary to complete the application. The staff's letter indicated that a threatened bird species had been sited on the lot. On July 7, 2014, the Commission staff met with the applicant and a representative of the Township to further discuss the threatened bird species issue. The applicant is reviewing the issue to determine the extent of critical habitat that may be present on the lot for the concerned bird species. *No new action as of December 31, 2014*

- **English Creek Manor, Egg Harbor Township (App. No. 1999-0485.004).** In 2014, an applicant obtained approval for a three lot subdivision and no other development of an approximately 89 acre parcel. The proposed subdivision would create; a 21.9 acre lot where an existing 129 unit mobile home park served by septic systems would remain, 40.5 acre vacant lot for acquisition by the Township for future open space/recreational use, and a 26.2 acre vacant lot for future low-and moderate-income housing. Both proposed vacant lots are the subject of a deed restriction that precludes development of the lots until the existing mobile home park is served by public sanitary sewer. The Township is seeking funding from Atlantic County for the acquisition/development of the open space/recreational lot. The County expressed concerns about funding for the lot based upon the existing deed restriction. The Township contacted the Commission staff seeking to revise the concerned deed restriction. The Commission staff discussed the matter with Atlantic County officials. It is the Commission staff's current understanding that, given the nature of the concerned deed restriction, Atlantic County believes it can proceed with the Township's funding application. *No new action as of December 31, 2014.*
- **Proposed Commercial Use, Galloway Township (App. No. 1985-0666.015).** *On December 18, 2014, an application was submitted to the Commission for the reuse of the former Lenox China building on Tilton Road to manufacture fencing. That application is currently under review.*

### **C. Office of Administrative Law Matters**

- **Peg Leg Webb LLC v. New Jersey Pinelands Commission (App No. 1984-0454.003/ OAL Docket No.: EPC 15772-2013 S).** This matter involves a preliminary major site plan approval granted by the Jackson Township Planning Board for the establishment of a new resource extraction (mining) operation and the construction of a 1,008 square foot building, containing an office and scale house, on the above-referenced 109.8 acre parcel and a mining permit. The parcel is located within a Forest Area. In accordance with the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50-5.23, new resource extraction operations are not permitted in the Forest Area. This matter is currently pending in the Office of Administrative Law for an adjudicatory hearing. *Discovery is ongoing.*



## D. Violations

- **Commercial Development, Maurice River Township (App. No. 1991-1011.001 & .002):** This violation concerns vegetation clearing and construction of buildings without application to the Commission. A Certificate of Filing was issued for the proposed development on February 1, 2012. By letter dated May 21, 2012, we responded to multiple submissions by the applicant regarding the application. On June 4, 2012, the Commission staff participated in a conference call with the Planning Board Attorney and the applicant's representatives. On June 8, 2012, we received a letter from the applicant representatives requesting information regarding the application. On September 20, 2012, the Commission staff received notice that the Township Land Use Board approved the proposed development. Upon staff review of the municipal approval, we issued a letter on December 7, 2012 scheduling a Commission staff public hearing to review an issue raised by the concerned municipal approval. The issue concerns submission of proposed deed restriction of certain lands to meet the groundwater quality (septic dilution) standard. The applicant requested that the hearing date be rescheduled. At the applicant's request, the public hearing to review an issue raised by the municipal approval was rescheduled to July 11, 2013. The applicant requested that the July 11, 2013 hearing date be rescheduled. We issued a letter on June 26, 2013, rescheduling the hearing date to October 9, 2013. At the request of the applicant's attorney, the hearing was adjourned. The Public Hearing has been rescheduled for February 3, 2014. Prior to the February 3, 2014 Public Hearing, the applicant submitted revised draft deed restrictions in an effort to address the groundwater quality (septic dilution) standard. On multiple occasions, the applicant requested that the public hearing date be rescheduled. At the applicant's request, the public hearing to review the issue raised by the municipal approval was rescheduled to July 11, 2013, October 9, 2013, February 3, 2014 and June 4, 2014. The public hearing is now scheduled for September 15, 2014. On June 25, 2014, the applicant submitted recorded copies of the proposed deed restrictions. Those deed restrictions are currently under review. Based upon Commission staff review of the recorded deed restrictions, the Commission staff issued a letter allowing the applicable county and municipal permits and approvals to take effect. By issuance of the August 21, 2014 letter, development violations that occurred between 1991 and 2008 were resolved. *No new action as of December 31, 2014.*
- **Shooting Range, Lacey Township (App. No. 1982-3059.002):** This violation concerns expansion of an existing shooting range without application to the Commission. *No new action as of December 31, 2014.*
- **Buena Vista Township/Railroad Station and Western Rt. 40 Sidewalk (App No. 2009-0089.001):** By letter to Buena Vista Township dated January 8, 2010, Commission staff indicated that an application is required for development that has occurred within the NJ Transit right-of-way and on municipally owned property. Information was submitted by the applicant on December 7, 2011 and December 15, 2011. On February 15,

2012, the staff issued a letter to the applicant requesting additional information to complete the application. On September 27, 2012, the staff met with the Township Administrator to discuss the information necessary to resolve this matter. On November 1, 2012, the applicant submitted information regarding the application. By letter dated January 2, 2013, the staff requested additional information. Staff met with the new municipal engineer on April 25, 2013 to discuss the items that must be submitted to resolve the violation and complete an application for development. The Commission staff issued a letter dated October 16, 2013 requesting a timeframe for when information previously requested to complete a development application would be submitted to the Commission. The Commission staff held a telephone conference with representatives of Buena Vista Township on January 24, 2014 to discuss development that had occurred without application to the Commission and the information required to be submitted to the Commission staff to complete the concerned application and resolve the violation. Information to address the outstanding violation and application was received on February 14, 2014. Commission staff issued a letter on March 13, 2014 requesting additional information. On April 23, 2014, the Township submitted additional information regarding this application. By letter dated May 20, 2014, the Commission staff advised the applicant of the stormwater and public notice information necessary to complete the application. On June 9, 2014, the Township submitted additional information to the Commission. That information is currently under review. By letter dated July 16, 2014, the Commission responded to the Township's submission requesting additional information regarding stormwater and public notice to complete the application. The Township submitted additional information on August 1, 4 and 13, 2014. On August 20, 2014, the Commission staff issued a letter in response to the three submissions requesting completion of the required public notices to complete the development application. *On December 10, 2014, the Township submitted additional information regarding the application. The Commission staff responded by letter dated December 23, 2014 asking that the Township clarify the various tax lots subject of the application versus the lots specified in the public notices completed for the application.*

- **Buena Vista Township/Eastern Rt. 40 Sidewalks (App. No. 2004-0319.001):** The staff met with officials from Buena Vista Township on July 27, 2010, regarding the installation of stormwater management swales that were previously required for the installation of sidewalks along Route 40. That project was approved by the staff pursuant to the Memorandum of Agreement between Buena Vista Township and the Pinelands Commission (App. #2004-0319.001). On May 20, 2011, the staff issued a letter requesting certain information to demonstrate consistency with the CMP's stormwater management standards. Additional stormwater information was received by the Commission on September 15, 2011, November 7, 2011, December 7, 2011 and December 15, 2011. On February 9, 2012, the Commission staff asked for clarification of the submitted stormwater management information. On September 27, 2012, the staff met with the Township Administrator to discuss the information necessary to resolve this matter. On November 1, 2012, the Township submitted information to

address stormwater management. By letter dated December 31, 2012, the staff requested additional information regarding proposed stormwater management. Additional information was received by the Commission on March 18, 2013. Staff met with the municipal engineer on April 25, 2013 to discuss the items that must be submitted to resolve the violation. The Commission staff issued a letter dated October 16, 2013 requesting an update to the status of the stormwater management issue. The Commission staff held a telephone conference with representatives of Buena Vista Township on January 24, 2014 to discuss this development that had occurred without application to the Commission and the information required to be submitted to the Commission staff to complete the concerned application and resolve the violation. Information to address the outstanding violation and application was received on February 14, 2014. Commission staff issued a letter on March 13, 2014 requesting additional information. After the Township's submission of information and the Commission staff issuance of letters responding to those submissions, the Commission staff issued a letter on May 20, 2014 requesting certain stormwater information for the application. On June 9, 2014, the Township submitted additional information to the Commission. That information is currently under review. Additional information was received on August 1 and 4, 2014. On August 12, 2014, the Commission staff issued a letter indicating that the stormwater management proposed for the eastern portion of the Rt. 40 sidewalk project was consistent with the stormwater management standards of the CMP. *No new action as of December 31, 2014.*

- **Barnegat Township, Commercial Use (App. No. 1988-1177.002):** By letter dated February 1, 2012, we advised a property owner of an approximately 5 acre wetlands buffer clearing violation. Materials were being stockpiled in the wetlands buffer. By letter dated April 26, 2012, we summarized the agreements reached and asked the property owner to contact our office when wetlands were delineated. By letter dated June 15, 2012, we confirmed the wetlands mapping and suggested a course of action to resolve the violation. On January 22, 2013, the Commission staff received information from the property owner's consultant indicating that one material stockpile and a portion of another had been removed from the site and that a revised restoration plan would be submitted shortly. On March 26, 2013, the Commission staff issued a letter to the property owner requesting that a revised restoration plan be submitted within 14 days. On April 11 and 15, 2013, the Commission staff received information from the property owner's consultant, including a revised restoration plan. On May 14, 2013, the Commission staff issued a letter to the property owner requesting further revisions to the restoration plan and the submission of additional information within 30 days to address the violation. On July 31, 2013 and August 2, 2013, the Commission staff received information from the property owner. On September 6, 2013, the Commission staff issued a letter to the property owner requiring further restoration plan revisions. On October 28, 29 and 31, 2013 and November 22, 2013, the Commission staff received information from the property owner. On December 17, 2013, the Commission staff performed a site inspection of the parcel in response to the submitted information. On January 28, 2014, the

Commission staff issued a letter to the property owner requiring further restoration plan revisions. On February 6, 2014, the Commission staff received information from the property owner. Two of the four stockpiles have been removed and the concerned areas have been restored. Further restoration plan revisions are required. By letter dated September 4, 2014, the applicant was advised by NJDEP that the development that occurred without application to the Township and the Commission also raised issues with NJDEP's stormwater and water quality regulations. The Commission staff continues to monitor the pace of the restoration. *No new action as of December 31, 2014.*

- **Barnegat Township, Offsite Commercial Advertising Signs (Billboards):** On March 20, 2012, the Commission staff received an inquiry regarding four billboards along Route 72. The CMP requires that the four concerned billboards be removed. After a site inspection and a review of available information, it appears that four billboards had been removed by a party and then new billboard structures had been constructed in their place by a second party. By letter dated May 14, 2012, we wrote to all concerned parties and requested the removal of the four concerned billboards. On June 6, 2012, we received an application for "transferable billboard rights" for the four concerned billboards from one of the concerned parties. By letter dated November 16, 2012, the staff advised that, based on the review of all submitted information, the ownership of the previously existing billboards was in dispute. The letter further indicated that until the ownership dispute was resolved by the two concerned parties, the application for transferable billboard rights remained incomplete. That letter also indicated that the four recently constructed billboards must be removed. On November 28, 2012, the staff received a letter from one of the concerned parties withdrawing their application for the transferable billboard rights. By letter dated December 17, 2012, the staff responded indicating that although the application was considered withdrawn, the responsible party must still remove the four recently installed billboards. *No new action as of December 31, 2014.*
- **Pemberton Township, Spring Lake Blvd. (App. No. 1995-1510.002):** The staff received information and a letter from a member of the public on August 27, 2012 regarding the placement of asphalt millings along the shoulders of Spring Lake Boulevard. On September 28, 2012, the staff met with representatives of the Township to discuss this matter and the use of asphalt millings for other Township roads. By letter dated November 15, 2012, the staff advised the Township that according to NJDEP, the use of asphalt millings without a paved top surface is not generally appropriate. The staff letter asked the Township to advise the Commission staff how it intended to resolve the matter. *No new action as of December 31, 2014.*
- **Barnegat Township, Storm Damaged Vehicle Storage Area (App. No.1985-0588.019):** On November 26, 2012, the staff received the initial report that vehicles damaged during Super Storm Sandy were being stored on a 112-acre parcel in the Township. By letter dated November 30, 2012, the staff advised the owner of the concerned parcel that the storage of vehicles on the parcel constituted a violation of the application and

permitted use requirements of the Township land use ordinance and the CMP. On December 7, 2012, members of the Commission staff met on the site with representatives of the Township, the company that has leased the land to store the vehicles and the property owners. At the site meeting, it was represented by the leasing company that approximately 5,000 vehicles were present on the parcel. On December 7, 2012, the Commission staff also received a complaint filed on December 6, 2012 in Ocean County Superior Court by the Township. Thereafter, the company that leased the land agreed not to bring any additional vehicles onto the parcel while the interested parties discuss resolution of the matter. On March 5, 2013, the Commission staff attended an Ocean County Superior Court hearing regarding restoration of the site following removal of all vehicles. On March 18, 2013, the Commission staff received a copy of the signed Consent Order filed with the Court on March 11, 2013. On May 22, 2013, the Commission staff received a copy of a letter from the attorney representing the insurance company advising that all vehicles have been removed from the parcel, all operations have ceased and that a Phase 1 Environmental Study would be performed on the parcel within 10 days. On June 7, 2013, the Commission staff issued a letter to the property owner requesting a copy of such study and, if no contamination is found, site restoration activities must be undertaken. On July 10, 2013, the Commission staff received a copy of an Environmental Study, which found no contamination on the parcel resulting from the temporary storage of motor vehicles. On September 23, 2013, the Commission staff received a copy of a letter from the Township Attorney to the attorney representing the property owner indicating that the property owner has not restored the property as required by the March 2013 Ocean County Superior Court Consent Order. On October 24, 2013, the Commission staff received a copy of an Ocean County Soil Conservation District letter issued to the property owner indicating their soil erosion/sediment control plan application remains incomplete. Also, on October 24, 2013, the Commission staff received a copy of a letter from the property owner's attorney to the Township regarding why the property owner has not restored the site in accordance with the March 11, 2013 Consent Order. *No new action as of December 31, 2014.*

- **Various Development Berkeley Township (App. No. 1999-0481.001):** On August 14, 2012 we received notice from NJDEP about a possible wetlands violation on a 28 acre parcel. Commission staff, along with NJDEP and Berkeley Township officials conducted a site inspection in November of 2012. Violations include constructing a single family dwelling without application, establishing a commercial tree processing business without application and development in wetlands and the required buffer to wetlands. A Commission violation letter was sent December 17, 2012 requesting a response by January 17, 2013. A follow-up site inspection on May 15, 2013 revealed some removal of mulch had occurred. *No new action as of December 31, 2014.*
- **Commercial Use Manchester Township (App. No. 1981-2039.002):** On February 8, 2013, we received notice from Ocean County Health Department about the establishment of a commercial use on a 19-acre lot. A

joint site inspection was conducted on February 15, 2013 with Ocean County representatives, a NJDEP representative and our staff. Violations observed included clearing of about three acres of upland and/or wetland buffer, establishment of a commercial landscaping yard onsite, storage of mulch and other vegetative waste in wetlands buffers and wetlands and placing fill in wetlands. On March 28, 2012, we sent a letter to the property owner advising of the need to address/resolve the concerned violation. On June 27, 2013, Manchester Township issued a Notice of Violation for non-permitted use, clearing and placement of fill. *No new action as of December 31, 2014.*

- **Barnegat Township (App. 2000-2700.002):** This violation pertains to the clearing and grading of vegetation on approximately 8 acres of wetlands/wetlands buffers on a 9.49 acre lot located in Pinelands Preservation Area District. The concerned clearing occurred primarily in September 2009. The property owner indicated an intention of establishing a permitted agricultural use (blueberries) on the lot. Since September 2009, the Commission staff has written to the applicant multiple times attempting to obtain a time schedule for the establishment of the proposed blueberry agricultural use. On April 25, 2013, the Township issued a Municipal Court summons to the property owner regarding this matter. The Commission staff attended a municipal court hearing on June 25, 2013. The matter was continued because the property owner raised an issue regarding the “Right to Farm.” On September 9, 2013, the Commission staff issued a letter to the Ocean County Agricultural Development Board’s staff requesting guidance from the Board with respect to the “Right to Farm” issue raised by the property owner. Multiple municipal court hearings were held in 2013. At the December 17, 2013 municipal court hearing, the court was advised that the Ocean County Agricultural Development Board had rendered its determination that the concerned activities were not protected by “Right to Farm,” however, a resolution from the Ocean County Agricultural Development Board memorializing that determination had not yet been issued. The municipal court hearing was continued to January 8, 2014. On December 20, 2013, the Commission staff received a copy of the Ocean County Agricultural Development Board’s resolution indicating that the concerned activities were not protected by “Right to Farm.” At the January 8, 2014 municipal court hearing, the property owner pleaded guilty to two of the municipal court summonses. The remaining municipal summonses were continued to February 12, 2014. The property owner agreed to submit a farm plan to the Commission by January 17, 2014 and to meet with the Commission staff on January 23, 2014 to discuss the farm plan. On January 13, 2014, the Commission staff received the farm plan. On January 27, 2014, the Commission staff issued a letter to the property owner’s attorney confirming the meeting date and providing comments on the submitted farm plan. On January 30, 2014, the Commission staff met with the property owner and his attorney. During the meeting, the property owner agreed to submit a copy of the revised farm plan to the Commission. On January 31, 2014, the Commission staff received the revised farm plan. On February 11, 2014, the Commission staff issued a letter to the property owner’s attorney indicating that some of the agricultural activities proposed on the revised farm plan were not consistent with the standards of the

Township land use ordinance and the CMP. On February 12, 2014, the Commission staff attended the municipal court hearing. The property owner pled guilty to one of the remaining municipal summons and was fined. The remaining summonses were dismissed. However, the property owner was given six months to institute permitted agricultural uses on the parcel or face additional municipal summonses. Based upon reports to our office and a Commission staff site inspection, a retail commercial farm market use may have been established on the parcel without application to the Township or the Commission. The staff is reviewing the matter. *On November 6, 2014, the Commission staff sent a letter to the property owner inquiring as to whether a commercial farm market had been established on the lot. The property owner's attorney responded by letter dated December 5, 2014 indicating that the involved structure would be removed from the lot by December 31, 2014.*

- **Galloway Township (App. No. 1990-1168.004):** This violation concerns the construction of an approximately 6,000 square foot building and the establishment of a commercial trucking business on a lot in the Preservation Area District. The lot was previously deed restricted due to the severance of PDCs. Commercial businesses are not permitted in the Preservation Area District or by the PDC deed restriction. After multiple letters to the property owner over five years, by letter dated June 20, 2013, we asked that the applicant either address the matter within 30 days or the Township should issue all appropriate municipal court summonses. On August 22, 2013, the Commission staff met with representatives of the New Jersey Attorney General's Office to discuss the matter. Commission staff inspected the site with the Galloway Township Construction Official on December 5, 2013. The site inspection found that the commercial trucking business had been discontinued. However, the approximately 6,000 square foot building was built in the required buffer to wetlands. Commission staff sent a violation letter to the property owner on January 6, 2014 requesting the property owner resolves the remaining issue of the 6,000 square foot building by contacting the Township for guidance on several issues. *No new action as of December 31, 2014.*
- **Waterford Township (Application No. 2013-0031.001):** This violation concerns the expansion of an auto salvage business on a parcel in the Preservation Area District on Chew Road. The auto salvage business existed in 1981. The area occupied by the business has significantly expanded over time and now occupies approximately 26 acres, part of which is in wetlands and the required buffer to wetlands. The staff issued its initial letter on March 14, 2013 and received a written response from the property owner on April 3, 2013. The staff issued a response to the property owner's submission on June 19, 2013. Additional information was received on July 9, 2013 indicating that the property owner was coordinating with the Waterford Township zoning officer to bring the matter into compliance. Commission staff consulted with the Waterford Township zoning officer, who confirmed that some progress has been made. Commission staff issued a letter dated September 27, 2013 requesting a staff site inspection of the parcel. The Commission staff met with the property owner on October 28, 2013. The Commission staff issued

a letter dated November 14, 2013, that identified a “staged” approach for restoration of the parcel and requested a restoration/revegetation plan which identifies each “stage” of the restoration and provides a time frame for removal be submitted to the Commission. On September 4, 2014, the staff discussed the matter with the municipal Zoning Officer. The Zoning Officer indicated that the required restoration of the parcel is ongoing. The Commission staff will continue to monitor the progress of the restoration. *On November 10, 2014, the Commission staff held a site meeting with the property owner to review the progress of restoration. Approximately 6 acres of the auto salvage business has been removed. By letter dated December 4, 2014, the Commission staff requested an updated restoration proposal including timeframes.*

- **Winslow Township (App. No.1984-0660.003):** *The Commission staff has been attempting to resolve violations regarding the establishment of a shooting range in a Pinelands Agricultural Production Area for an extended period. On July 17, 2014, the Commission staff conducted a site inspection of the 217 acre parcel with the Township Zoning Officer. That site inspection confirmed that an approximately 3,000 linear foot road to access the shooting range had been developed on the parcel. The access road included the clearing and filling of approximately 1.2 acres of wetlands. On August 5, 2014, the Commission staff sent a letter to the owner regarding the long standing violations and the access road violation on the parcel. On November 14, 2014, the staff attended a site meeting attended by Township officials, NJDEP staff and the owner. A meeting is being scheduled at the Commission office with the owner and their representatives to address the violations*

## **E. Non-Application Items**

- **Manchester Township Forest Fire Fuel Break Meeting:** On March 31, 2014, the Commission staff met with representatives of the Township and the New Jersey Forest Fire Service to discuss the establishment of 200 foot perimeter forest fire breaks around multiple existing developments in the Township. The Township will further discuss the matter and, with possible funding from the New Jersey Forest Fire Service, determine whether to move forward with the necessary applications to the Commission for the proposed forest clearing. *No new action as of December 31, 2014.*
- **Plant Partnership Meeting:** County efforts to implement the Best Management Practices (BMPs) are at varying stages and ongoing. Staff efforts to field verify the anecdotal threatened and endangered species data (known as rare plant “hotspots” on roadsides) provided to the Commission by area botanists during the development of the BMPs did not progress very far due to failed GPS equipment. In August staff provided comments to the Task Force for a Sustainable Galloway on a roadside maintenance BMP brochure to be distributed throughout the municipality. *No new action as of December 31, 2014.*



- **Wal-Mart Northern Pine Snake Mitigation Sites, Manchester Township:** On May 30, 2014, the staff conducted a pre-application conference with a representative of a company associated with a proposed Wal-Mart in Toms River. The proposed Wal-Mart is not located in the Pinelands Area. The company was proposing approximately four Northern pine snake mitigation sites in the Pineland Area associated with the proposed Wal-Mart. The mitigation sites consist of small acreages of forest thinning and clearing to create suitable habitat for the concerned snake species. To date, no application for the proposed mitigation sites has been submitted to the Commission. *No new action as of December 31, 2014.*
- **Ocean County, Cedar Bridge Tavern, Barnegat Township (App. No. 2012-0129.001):** The Commission staff has conducted several site meetings and pre-application conferences regarding the County's proposal to establish an interpretive center in this historic tavern. The concerned building was last utilized as a dwelling. The 5 acre lot is located in a Pinelands Forest Area. On June 25, 2014, the staff met with representatives of the County and the State Historic Preservation Office. The primary issues associated with the proposal are the siting of a new septic system and a new parking lot considering wetland/wetland buffer constraints, permitted land use of the interpretive center based upon the zoning of the parcel and the lot area required for a proposed dwelling unit (full time caretaker's residence). The Commission staff discussed with appropriate NJDEP staff the County's proposed development of a joint management agreement between the County and NJDEP. Such an agreement would facilitate the proposed development being a permitted land use in a Pinelands Forest Area. The County contacted Commission staff regarding the status of the proposed NJDEP agreement. In response, Commission staff contacted NJDEP regarding the matter. NJDEP advised that such an agreement would require an extended period of time to develop. Alternatively, NJDEP suggested that a "special use" permit may address the County's permitted land use issue. The Commission staff advised the County of NJDEP's guidance and suggested the County discuss the matter with NJDEP. *On December 10, 2014, the Commission received the information needed to start reviewing the County's application.*

## IV. Science

### A. Environmental Monitoring

- *Forest-Plot and Intermittent-Pond Monitoring: Staff completed the October, November, and December rounds of forest-plot and pond water-level measurements. We added the 2014 data to the existing long-term water-level dataset and Communications staff posted the dataset on the Commission web page. Water-level data were successfully downloaded from six of the seven ponds instrumented with continuous water-level recorders. At the seventh pond, we were unable to download the water-level data in October so the recording device was pulled from the pond and sent back to the company for evaluation. The company determined that a weld on the recorder had failed and the data collected since the previous download were unable to be recovered. The company loaned us a recorder to install in its place and then ultimately sent us a new recorder in late December, which was immediately installed in the pond.*
- *Long-term anuran surveys: Staff entered the 2014 anuran-survey data into a spreadsheet and proofed the data twice. These provisional data were prepared for submission to the NJDEP to obtain our 2015 research permits for state land. We will complete a third and final proof of the data in 2015.*
- *Pinelands-wide water-quality monitoring: Staff completed the October round of pH and specific conductance sampling. We completed a final proof of the pH and specific conductance data for all of 2014 and prepared the data for submission to the NJDEP to obtain our 2015 research permits for state land. As part of the ongoing data analysis for a comprehensive watershed-assessment report, we compared pH and specific conductance data from sites in watersheds dominated by agriculture to sites in watersheds dominated by developed land. We also compared pH and specific conductance between the five least-altered sites and the five most-degraded sites.*
- *Watershed-assessment Report: Staff continued to analyze the Pinelands-wide data as described above. We have not yet begun to analyze the water-level or anuran-survey monitoring data or data collected during the second round of surveys in the Mullica River, Rancocas Creek, Great Egg Harbor River, and Barnegat Bay watersheds.*
- *Staff completed a draft of the annual 2014 progress report/proposal for 2015 activities for the National Park Service.*

### B. Wetland-buffer Project

- *A no-cost extension to January 2016 was requested from the EPA.*

### **C. Forest Characterization Project**

- *This project remains on hold due to staff limitations.*

### **D. Right-of-way Vegetation Monitoring**

- *Staff entered the vegetation data collected in 2013 into a spreadsheet and proofed the data twice. The third and final proof will occur in 2015. Staff has begun to enter the vegetation data collected in 2014.*

### **E. Pond-vulnerability Study**

- *Staff entered and proofed the water-level data collected throughout the 2014 season for all 100 ponds selected for the study. We also completed the second round of plant surveys for the 53 ponds planned for biological surveys in 2014, and began the process of entering the vegetation data into a spreadsheet. For the 20 ponds chosen for odonate (dragonflies and damselflies) surveys, we identified all individuals that were photographed during the surveys and began to enter the data into a spreadsheet. We also contacted an odonate expert for advice on identifying more difficult species.*

### **F. Created-wetland Study**

- *Staff entered and proofed the water-level data collected throughout the 2014 season for all 51 excavated ponds and 46 stormwater basins chosen for the study. We also completed the second round of plant surveys for the 24 excavated ponds and 26 stormwater basins slated for biological surveys in 2014.*

### **G. Pinelands Research Series**

- *Three presentations were given as part of the Pinelands Research Series. From Soils to Streams: Characterizing Arsenic Sources and Mobility through Coastal Plain Watersheds was presented by Pamela Reilly of the U.S. Geological Survey, Nitrogen and Phosphorus in the Barnegat Bay-Little Egg Harbor Watershed: Sources and Loads was presented by Christine Wieben of the U.S. Geological Survey, and Forest Susceptibility to Southern Pine Beetle in the New Jersey Pinelands was presented by Carissa Aoki of Dartmouth College. All three presentations were posted on the Commission web page.*

### **H. Other Science Items**

- *Science staff assisted to the Communications Office by providing photographs for the re-design the Commission web page, revising parts of the Science Program portion of the web page, providing a copy of a Commission publication for a member of the public, and staffing water-*

*quality and fish-sampling stations at the World Water Monitoring Challenge in Batsto.*

- *Science staff met with Planning staff and Emery Coppola, Jr. regarding the potential for gas movement in soils and groundwater, attended a meeting with Planning staff and Pinelands Preservation Alliance staff on the Kirkwood-Cohansey aquifer, met with Planning and Regulatory Programs staff regarding Pinelands water-supply policy, and provided assistance to Regulatory Programs staff regarding a request from PSE&G to modify a series of vegetation-management prescriptions designated as part of the Commission ROW vegetation-management plan.*
- *Science staff reviewed and provided comments to Executive staff on the Double Trouble State Park forest-management plan, attended a meeting with Commission and NJDEP staff regarding the forest-management plan.*
- *Science staff submitted opinions on the distributional status of individual reptile, amphibian, and fish species to the NJDEP as part of rounds two and three of the Reptile and Amphibian Delphi and Fish Delphi processes.*
- *Science staff attended an NJDEP sponsored Barnegat Bay workshop held at the Rutgers EcoComplex, a Mid-Atlantic Vernal Pool Mapping Workshop held in Delaware, a Barnegat Bay Science and Technical Advisory Committee meeting, and a Partnership for the Delaware Estuary sponsored workshop on current and future monitoring of the Kirkwood-Cohansey aquifer.*

*Science staff provided frog-survey data to Matthew Schlesinger of the New York Department of Conservation for collaboration on a study of a new species of leopard frog, a GIS layer of pond sites with pH below 4.0 to Thomas Hupf from the FAA William J. Hughes Technical Center, a GIS layer of the Pine Barrens ecological boundary and supporting literature citation to Ed Fox the Regional Planning Coordinator of the Burlington Bridge Commission, and photographs to Elizabeth O'Casey of the National Park Service for inclusion in a publication called Scaling Up: Collaborative Approaches to Large Landscape Conservation.*

# ATTACHMENT #1

## ONGOING CONFORMANCE ACTIVITY

October - December 2014

MUNICIPALITY	TOPIC
Barnegat	<p>1. Shoreline Redevelopment Area: The Township provided a draft ordinance designed to create a redevelopment area within the RGA for approximately 140 acres. Staff met with Township representatives and the property owner/redeveloper on 3/12/14 to discuss the ordinance, proposed redevelopment and relevant CMP standards (PDCs, threatened and endangered species). Staff drafted suggested ordinance revisions and provided them to the Township on 4/9/14. <i>Staff met with representatives of the Township and the redeveloper on 12/16/14 to discuss the redevelopment plan and PDC obligation.</i></p> <p>2. Mixed use development in C-N Zone: the Township provided a draft ordinance designed to add high density residential development as a conditional use in a portion of the Neighborhood Commercial Zone in the RGA. Staff drafted suggested revisions and provided them to the Township on 5/13/14. The ordinance (2014-13) was subsequently adopted without consideration for the suggested revisions. The Township has now introduced a revised version of the ordinance incorporating the staff's suggestions and will be adopting that revised ordinance in October. <i>The Township then adopted an amended ordinance (2014-23) to incorporate the necessary revisions. Staff sent a substantial issue finding letter on 10/29/14. A public hearing was held on 11/19/14, with no comments received. Commission action is anticipated in February 2015.</i></p>
Buena Vista	<p>1. Richland Village Redevelopment Plan: the Township provided the Commission with copies of various 2013 and 2014 ordinances affecting the Richland Village Redevelopment Area and the use of off-site dilution. No substantial issue finding letters were sent to the Township on Ordinances 8-2013, 5-2014 and 6-2014 on July 11, 2014, meaning that no further Commission review is required. The Township requested and was granted a six month extension of the Commission's review period for Ordinance 5-2013, an ordinance which revises standards for the use of noncontiguous lands to meet water quality standards in the Richland Village Redevelopment Area. The extension runs through January 12, 2015.</p> <p>2. Digital sign ordinance: on June 23, 2014, the Township provided the Commission with a draft ordinance that would allow digital signs (electronic message center signs) in all zoning districts at the discretion of the Planning Board. Staff reviewed the ordinance and provided comments on July 8, 2014. An adopted version of the ordinance was received on September 12, 2014. The adopted ordinance limits digital signs to nonresidential zones in the Town and Village areas. Staff sent a substantial issue finding letter on September 19, 2014. <i>A public hearing on Ordinance 17-2014 was held on October 8, 2014. The Commission certified Ordinance 17-2014 on 11/14/14.</i></p>
Chesilhurst	<p>1. 2006 Master Plan/Zoning Map: the Borough asked that the Commission "re-start" its review and approval process for these documents, after many years of inactivity. The Zoning Map reflects numerous small changes in zoning, all within the RGA, designed to recognize existing land use and public ownership as well as to increase commercial development potential on the White Horse Pike. Staff is currently examining the impact of the changes on residential development potential, PDC opportunities and wastewater. A meeting with the Borough was held on 7/18/14. Numerous changes were recommended to the Borough's proposed zoning in order to reduce the impacts on residential development potential, PDC opportunities, and wastewater. The Borough agreed to implement those recommendations and is expected to adopt ordinances to that effect in September or October. <i>The Borough agreed to implement those recommendations and, in October 2014, adopted Ordinance 2014-7 to that effect. The Township</i></p>

MUNICIPALITY	TOPIC
	<p><i>submitted Ordinance 2014-7 to the Commission for review. On 10/21/14, the Commission issued a no substantial issue finding letter was sent to the Township for Borough Ordinances 14-2005, 6-2006, and 2014-7 as well as the Borough's 2005 Master Plan update.</i></p>
Egg Harbor City	<p>1. Request for review of constraints in Easterly portion of Pinelands Town. Letter sent 5/7/07 on likely wetlands buffer requirements; suggested City file applications for development for specific parcels to confirm requirements. Pursuant to City's request, a proposal to establish wetlands buffers by ordinance is under review.</p> <p>2. Development of airfield in Forest Area: request received from City on 2/24/11 to examine feasibility of use of lake area "airfield" by state police, including development of buildings and parking areas. Options discussed by staff. Response provided to the City on 3/8/11 indicating that unless the City is able to document the existence and use of airport facilities on the parcel in question in 1981, the use is not permitted in a Pinelands Forest Area. Request for management area change (40 acres from Forest to Pinelands Town) received on 4/21/11. Response provided 6/14/11, indicating that the proposed management area change is inappropriate. Meeting held with City representatives on 11/2/11 to discuss several potential sites for a new or expanded airfield. Staff is awaiting more detailed information from the City, including the required acreage for the facility.</p> <p>3. Recreation complex: request for change in management area designations received 4/14/11. City is proposing to redesignate 30 acres from Forest to Pinelands Town along Philadelphia Avenue. Offsetting management area change also proposed. Response provided 6/14/11, indicating that staff would support the proposed redesignation, with exact boundaries of offset area still to be determined.</p>
Egg Harbor Township	<p>1. Affordable housing: draft ordinance implementing the 20% set side required in A-500 received 7/16/09. Meeting held with Township representatives on 9/24/09 to discuss implications for PDC program and density. Township will provide a list of affordable housing projects under consideration so that staff can prepare options (densities; required PDC %'s; ordinance amendments) for the Township's review. This information from Township was received on 10/27/09. Court master requested meeting with staff and the Township be held by 4/1/11; no date scheduled as yet. New draft of affordable housing ordinance received 9/19/11; comments and suggested revisions provided 9/29/11. Copy of Ordinance 37-2011 received on 12/7/11, with notice of public hearing and second reading on 12/20/11. The ordinance requires a 20% affordable housing set aside for all residential development, as well as the use of PDCs for 25% of all market rate units. Email sent to the Township on 12/7 indicating concerns with the lack of revisions to existing density and PDC provisions in the municipal code. Copy of adopted ordinance (37-2011) received on 12/29/11. Finding letter sent 1/20/12. Public hearing held 2/22/12. The Commission conditionally certified the ordinance on 4/13/12. The Township's response to the conditions, in the form of Ordinance 22-2012, was received on 7/9/12. No substantial issue finding letter sent 7/20/12. The Builders League of South Jersey has challenged the Township's adoption of Ordinance 37-2011. The Township subsequently adopted Ordinance 4-2013, repealing Ordinances 37-2011 and 22-2012. A no substantial issue finding letter was sent on 3/11/13. As a result, the Township's previously certified zoning plan has been reinstated. A meeting to discuss affordable housing and PDC issues with the Township, the Builders League of South Jersey and the court appointed master (Phil Caton) was held on 4/16/13. Data on vacant land was subsequently provided to the Township. A second meeting was scheduled for 6/25/13 but was later canceled by the Township. No action since April of 2013.</p>
Estell Manor	<p>1. Clustering: Staff met with the Mayor and several City representatives in early May 2013 to discuss the clustering amendments. The City has drafted a master plan amendment and received a fourth extension through 9/30/13. Maps showing vacant lands in the Forest Area were provided to the City in response to several questions at the May meeting. <i>The Planning Board adopted the master plan amendment in early October 2014. No further progress has been reported.</i></p>
Evesham	<p>1. Stormwater management: The Township introduced an ordinance in late 2013</p>

MUNICIPALITY	TOPIC
	to exempt certain municipally-owned properties from all CMP stormwater requirements. Adoption has been delayed while Commission staff works to identify potential mitigation sites and projects. Commission staff met with the Mayor and Community Development Director on 5/21/14.
Galloway	<p>1. Redevelopment designation for White Horse Pike Corridor Phase II, Pomona Road - Determination of Need report received on January 6, 2011. A draft redevelopment plan for The White Horse Pike Corridor Phase II Pomona Road area, "Tract 3" (Kennedy's Bar and Grill and the Pomona Fire House), was received on August 21, 2014. Comments were provided to the Township on August 22, 2014. <i>The Township adopted the redevelopment plan (Ordinance 1895-2014) and submitted it to the Commission for review. A no substantial issue finding letter was sent on 12/3/14.</i></p> <p>2. Industrial Zone: A draft ordinance revising the standards for planned residential development in the Industrial Zone was received on 3/28/13. No changes in density or PDC requirements are proposed. A second draft ordinance related to general development plans was also received. Comments were provided to the Township on 4/1/13.</p> <p>3. Staff met with the Township and a potential developer of affordable housing on 3/4/14. Application procedures, PDC requirements and potential rezonings relative to a small non-residentially zoned parcel in the RGA were discussed.</p> <p>5. Lenox Redevelopment Plan: a revised draft redevelopment plan was provided to the Commission on September 30, 2014 and is under review. <i>Comments were provided to the Township on 10/3/14. The Township adopted a revised redevelopment plan for a portion of the redevelopment area (Ordinance 1899-2014) and submitted it to the Commission for review. A no substantial issue finding letter was sent on 12/3/14.</i></p>
Hammonton	<p>1. In lieu recreation fees: ordinance adopted in August 2006 but not submitted to Commission until 1/22/07. \$5,000 per lot fee under review; awaiting supporting analysis from Town. Town has since indicated it will be making additional revisions to the ordinance. Provided Town with sample ordinances of other municipalities to use in developing a new ordinance 3/23/07. Multiple extensions requested by the Town and granted, most recently through 10/29/08. Awaiting adoption of revised ordinance.</p> <p>2. Expansions of Pinelands Town/sewer service area: met with Town representatives on 2/26/13 to begin discussions of the possible expansion of the Pinelands Town boundary to include the airport and residentially developed areas currently in the APA.</p>
Jackson	<p>1. Master Plan: Planning Board is beginning its reexamining the Township Master Plan. New consultant hired; meeting held with Commission staff on 7/31/08 to discuss project status and possible impacts of Navy Lakehurst on the Township's Regional Growth Area. As of 10/31/08, staff is still awaiting more detailed information from the Township on approved projects within the Regional Growth Area, as well as rezoning proposals for the RGA, RDA and Pinelands Village of Legler. Draft Land Use Plan maps received 12/30/08. Meeting with Township representatives on master plan and EIA management area changes held on 12/31/08. Airplane noise incompatibilities in RGA noted. Discussion of noise impacts and possible zoning changes to be scheduled upon the Township's completion of its response to the May 2006 CMP amendments (stormwater). The Township made a presentation to the P&amp;I Committee on 4/24/09. The Committee asked for additional information and consideration of other options which staff will pursue. The Township's draft master plan was received on May 22, 2009. A revised draft master plan was received on 7/22/09. An adopted master plan was received on 8/31/09. Finding letter sent 9/29/09. A meeting with Township representatives was scheduled for November 4, 2009 but was postponed at the Township's request. After several attempts to reschedule that meeting failed, staff sent a letter to the Township in April 2010, which comprehensively addressed the Township's 2009 Master Plan. After learning that the Township's Planning Board may be in the process of reviewing ordinances intended to implement the 2009 Master Plan, staff requested the opportunity to review and comment upon the same prior to their adoption. The Township never responded to staff's request to</p>

MUNICIPALITY	TOPIC
	<p>be permitted to comment prior to adoption; instead, the Township adopted a series of implementing ordinances in November. Staff requested a copy of the Township's Zoning Map as revised by the implementing ordinances but never received one. A letter determining that, without a revised Zoning Map, the implementing ordinances were incomplete for purposes of the Commission's review was issued on December 1, 2010. Two meetings with Township representatives were held, the first on December 22, 2010 and the second on February 8, 2011. Subsequently, three Finding Letters were sent to the Township. One of which determined that nine of the Township's implementing ordinances presented no issues with respect to CMP standards; another determined that six of the Township's implementing ordinances presented no substantial issue with respect to CMP standards; and, the third determined that a single Township ordinance, which eliminated all conditional uses, including PDC use and higher density residential development, within the RG-2 and RG-3 Regional Growth Zones, presented a substantial issue with respect to CMP standards. Subsequently, the Township was granted several extensions of the Commission's review period for the final ordinance mentioned. The Township indicated it intended to adopt an ordinance that would designate all, or most of, the RG-2 and RG-3 Regional Growth Zones as commercial zoning districts, which would include a PDC-use obligation. Staff provided the Township with a model ordinance establishing a nonresidential PDC program for the lands formerly within the RG-2 and RG-3 Zones. The Township was granted a final extension through June 29, 2012 in order to allow it to adopt an ordinance substantially similar to the model ordinance provided by staff. A meeting with Township officials took place April 4<sup>th</sup> to discuss proposed changes the Township wished to make to the model ordinance the Commission sent to it in November 2011. The Township's proposed changes were determined by staff to be inconsistent with the CMP and incompatible with existing and expected conditions at the Joint Base. Another meeting with Township officials took place May 9, 2013. The Township's failure to adopt an ordinance (applicable to the RG-2 and Rg-3 Zones) that is consistent with the CMP standards was discussed at length. The Township submitted an ordinance for Commission review on May 30<sup>th</sup>. On June 11<sup>th</sup>, staff provided the Township with suggested changes to the Township's ordinance. A response from the Township was received on 8/1/13 and is under review. The Township adopted Ordinance 13-14, creating a new JB MDL RGC-3 (Joint Base McGuire-Fort Dix-Lakehurst Compatible Commercial Development) Zone on August 12, 2014. A substantial issue finding letter will be sent upon receipt of a second adopted ordinance establishing the boundaries of the new zone. <i>The Township has indicated that the revised zoning map will be adopted in early 2015.</i></p>
Manchester	<ol style="list-style-type: none"> <li>1. Township initiated discussion of expanding affordable housing opportunities in Beckerville Village. Met with Township and applicant 12/6/06 to discuss zoning and water quality issues. Draft ordinance received on 11/21/07 which would add age-restricted affordable apartments as a permitted use in Beckerville at a density of 5 units per acre. Response sent to Township 12/6/07 reiterating that water quality/wastewater treatment issues must be addressed first. Issue raised again by Township on 2/15/11; staff reiterated the need for a solution to the wastewater issue before proceeding with any zoning changes for Beckerville. Master plan amendment adopted on 12/5/11 recommends creation of new BVMF (Beckerville Village Multi-Family) Zone. No implementing ordinance has been adopted or provided for review. In response to an inquiry from the Township and the applicant (Homes for All), staff requested that the applicant provide details on any proposed wastewater solution. Received draft ordinance permitting density of 5 units per acre on Homes for All parcel on 9/28/12. Response to Township provided on 10/12/12, outlining issues with the lack of a wastewater solution and the number of new units that would be permitted in Beckerville. Met with Homes for All and Senator Singer on 11/19/13 to discuss wastewater options.</li> <li>2. <i>Revised Zoning Map: On August 26, 2014, the Commission received a draft copy of Ordinance 14-016, which would adopt a number of minor revisions and make corrections to the Township's Pinelands Area zoning map so as to be consistent with the map previously certified by the Commission. The ordinance</i></li> </ol>



MUNICIPALITY	TOPIC
	<i>was adopted on 10/14/14 and submitted to the Commission for formal review. The Commission received a copy of the revised zoning map adopted by Ordinance 14-016 on 12/11/14. A no substantial issue finding letter was issued on 12/24/14.</i>
Maurice River	1. Economic development: met with Township representatives on 6/7/11 to discuss development standards in various commercial zones, possibility of redevelopment designations, streamlined permitting, etc. The Township adopted a redevelopment plan and ordinance for the Sapello Foundry in the Pinelands Village of Port Elizabeth on 3/20/14. Upon review, Commission staff identified a number of revisions necessary for consistency with the CMP. Suggested ordinance revisions have been provided to the Township. At the Township's request, an extension of the Commission's review period for the Township's ordinance and redevelopment plan has been granted through October 1, 2014. The Township incorporated the Commission's suggested revisions and final adoption thereof is expected to occur in either September or October 2014. <i>The Township incorporated the Commission's suggested revisions and final adoption occurred in September 2014. The Commission received the revised documents in October 2014 and, on 10/28/14, issued a no substantial issue finding letter for Ordinance 633 and the Township's revised Sapello Foundry Redevelopment Plan.</i>
Medford	1. Revisions to Route 70 Smart Growth Redevelopment Plan/Medford Crossings South: Ordinance 2007-16 received 6/28/07. Township proposed to eliminate PDC obligation at Medford Crossings South redevelopment project by exempting affordable units. Staff advised Township representatives on 7/24/07 that affordable units could be exempted from PDC obligation only if such an exemption were coupled with a mandatory minimum percentage of PDC use for the 292 market rate units in the project. Township requested and was granted several extensions of the Commission's review period (most recently through 11/1/08) to provide an opportunity for further discussion of PDC issues and resolution of various litigation issues. No response to staff's requests for status since that time. On 3/14/11, staff learned that the Township is now in discussions with a new redeveloper for the site and is again proposing the adoption of revisions to the Redevelopment Plan which would significantly reduce or entirely eliminate any obligation for PDC use. The Township was again advised that such an ordinance would be inconsistent with the CMP and could not be recommended for certification. Discussions held with Township Solicitor on 3/21/11 and 3/22/11 and information provided re: PDC sales prices on 3/22/11. 2. Master Plan Reexamination Report (Route 70 corridor): On July 23, 2014, the Township Planning Board adopted a master plan reexamination report recommending changes to three commercial zones along Route 70 (HM, HC-1 and HC-2). On August 25, 2014, the Commission received the Township's Master Plan Reexamination Report. It is currently under review. <i>On 10/6/14, staff sent a letter to the Township, dated 10/6/14, explaining that review of the master plan report could not be completed until implementing ordinances had been adopted by the Township and submitted to the Commission.</i>
Monroe	1. Rezoning proposal: Township forwarded copies of a proposal it received involving redesignation of lands from APA to RGA on 5/10/12. Comments provided to the Township; unlikely they will pursue the management area changes. A meeting with the Township and a representative of the property owner was held on 2/5/13. 2. Redevelopment Plan: In January 2013, the Commission received Township Ordinance O:31-2012, which amends its Acme Shopping Center Redevelopment Plan for a third time. Upon review, staff became concerned with the amendment's negative effects on the expected number of residential dwelling units and PDC use within the Redevelopment Area. In June, staff met with the Township to discuss staff's concerns with the Township's proposed revisions to the Redevelopment Plan. Subsequently, the Township requested, and received, an extension of the Commission's review period for Ordinance O:31-2012. The Township is considering other possible revisions to the Redevelopment Plan, which are consistent with the CMP, including the expansion of the Redevelopment Area along the Black Horse Pike. The Township has requested, and received, an additional extension of the Commission's review period for Ordinance O:31-2012

MUNICIPALITY	TOPIC
	<p>through April 1, 2014. <i>The Township has requested, and received, several extensions of the Commission’s review period for Ordinance O:31-2012, most recently through 2/1/15.</i></p> <p>3. Signs: The Township adopted an ordinance (O:19-2013) to permit on-site digital (LED) signs along the Black Horse Pike, through the Pinelands Forest, Rural Development and Regional Growth Areas. Commission staff held a public hearing on 3/26/14 and submitted a report recommending conditional certification to the P&amp;I Committee for discussion at its 5/30/14 meeting. The Commission conditionally certified the ordinance on 6/12/14. The Township has requested, and received, an additional extension of the Commission’s review period for Ordinance O:31-2012 through February 1, 2015. <i>The Township requested, and received, an extension of the deadline for response to the conditional certification order for Ordinance O:31-2012 until 12/31/14. A second extension was subsequently requested and granted through 4/1/15.</i></p>
Ocean	<p>1. Landfill Redevelopment Plan – adopted ordinance (2011-1) received on 2/28/11. Redevelopment Plan allows for solar energy facilities to be developed at the Southern Ocean Landfill site, within a Pinelands Forest Area. Extension requested by the Township until such time as the Commission adopts the recently proposed solar facility amendments to the CMP. Extension granted on 3/15/11. Requested status update from the Township; municipality indicated it would be requesting an additional extension. Extension of Commission’s review period granted through 4/16/13.</p>
Pemberton	<p>1. Browns Mills Redevelopment/Revitalization Study: Township has received a grant and hired a consultant. Meeting with consultant held 2/1/08. Maps and other information on parcels, wetlands buffers and projects subsequently provided to consultant. Draft of conceptual site plan for Browns Mills redevelopment received 7/21/09. Draft of Browns Mills Strategic Revitalization and Redevelopment Study received 4/8/10. Draft of Ordinance 5-2010, adopting amendments to the 1995 Browns Mills Town Center Redevelopment Plan, received 4/19/10. Copy of 1995 Browns Mills Redevelopment Plan and adopting ordinance (8-1995) requested 4/19/10 and received 4/22/10. All documents under review. Staff met with the Township’s planners on 5/19/10 to discuss the 1995 Redevelopment Plan, recent amendments and additional plans for the revitalization of Browns Mills. Meeting held with the Township, at Mayor’s request, on 4/14/11. Received notice that Browns Mills Revitalization Plan was adopted by the Township earlier this year; awaiting receipt of adopted ordinance. Adopted ordinance (12-2011) received on 12/19/11 and under review. A meeting with Township representatives was held on 5/9/13 to discuss the analysis of residential development potential that would need to be completed. That analysis was completed by the Township and provided to the Commission in late 2013. A meeting was held with Township representatives on 2/24/14 to discuss zoning, PDC requirements and wetlands buffer issues relative to the redevelopment area. <i>On 10/16/14, the Township forwarded a series of maps to illustrate how the PDC requirements applicable to the Browns Mills Redevelopment Area might be shifted to another portion of the municipality’s RGA. A meeting has been scheduled with Township representatives to discuss the issue in January 2015.</i></p> <p>2. 2009 Master Plan: draft of new master plan received 6/9/09. Meeting held with planning consultants on 6/18/09 to review proposed zoning and management area changes and affordable housing issues. Drafts of implementing ordinances received, including rezonings and management area changes within the Pinelands area, on 11/10/09. Draft of amended zoning map received 12/9/09 and under review. Adopted ordinances received 1/15/10. Adopted Master Plan received 2/25/10. More detail on rezoning boundaries requested and received 3/22/10. List of issues identified for the Township and under discussion. Met with Township Planner on 3/8/12 to discuss clustering amendments as well as zoning changes and master plan. Received response to Master Plan/zoning map issues on 6/13/12. Township also indicated an interest in an additional FA-APA zoning change. Advised municipality that progress would need to be made on clustering ordinance before review of other zoning changes could commence. The Township then proceeded with adoption of its response to the CMP clustering and forestry</p>

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	<p>amendments. A meeting with Township representatives was held on 5/9/13 to discuss resolution of various issues related to the prior zoning map and master plan. An additional meeting was held on 2/24/14, at which time all remaining issues were resolved, including a proposal to rezone lands from the Forest Area to the Agricultural Production Area to enable their participation in the Farmland Preservation Program. On July 25, 2014, the Commission received a copy of a draft master plan reexamination report from the Township, discussing the various zoning and management area changes. Commission staff provided comments and suggestions on July 28, 2014. A revised version of the master plan report was received on August 13, 2014, with a hearing before the Planning Board scheduled for September 8, 2014. Staff provided comments and suggestions on July 28, 2014. A revised version of the master plan report was received on August 13, 2014, with a hearing before the Planning Board scheduled for September 8, 2014. <i>A revised version of the master plan report was adopted by the Planning Board on September 8, 2014. Implementing ordinances were introduced on 12/4/14 and scheduled for adoption on 12/17/14. Adoption of a revised zoning map has not yet been scheduled.</i></p>
Shamong	<p><b>1.</b> Solar and wind energy ordinance: In early May 2014, the Township asked staff to review a draft version of a proposed solar and alternative energy ordinance. The Township and staff collaborated together to revise the Township's ordinance in order to ensure its consistency with applicable provisions of the CMP. The Township is expected to adopt the revised ordinance sometime in October.</p>
Tabernacle	<p><b>1.</b> Medford Park: A meeting was held with Township representatives on 6/25/14 to discuss the zoning of this small area in the RDA. The Township is seeking to exempt the area from the normal RDA density requirements based on the existing subdivision pattern. Staff is awaiting submission of a map of the area and data on the number of vacant lots remaining. <i>On 11/3/14, the Township provided a map defining the geographic boundaries of the Medford Park area, information on the number of vacant lots and remaining development potential in the area and a draft ordinance to address density and lot size requirements in the area. On 11/21/14, staff responded to the Township and suggested a number of revisions to the draft ordinance. The ordinance has since been revised and scheduled for introduction in December.</i></p>
Weymouth	<p><b>1.</b> Draft ordinance (472-2008) requiring use of contiguous commonly owned lands prior to use of noncontiguous lands under the Forest Area density transfer program received 3/24/08. Comments provided to Township solicitor on 4/30. Discussed in detail with Planning Board Engineer on 5/8. Adopted ordinance received 6/12. Finding letter issued on 7/7/08 indicating ordinance raises a substantial issue requiring Commission's formal review and approval. Meeting with Township representatives to discuss purpose of ordinance and its implications to be scheduled. Township has since repealed the ordinance and will reconsider the issue as part of an upcoming master plan review.</p> <p><b>2.</b> Ordinance 468-2008 establishing a contribution in-lieu of providing recreational facilities for certain residential developments and providing regulations for recreational facilities received and reviewed. Finding Letter issued determining that Ordinance 468-2008 presented a substantial issue and requesting supporting analysis for the fee in question. Extension of Commission's review period requested and granted through 7/11/08. Awaiting adoption and submission of revised ordinance.</p>
Winslow	<p><b>1.</b> RGA zoning changes: met with Township representatives on 8/13/12 to discuss possible revisions to zoning plan in the RGA along Route 73. Received map identifying areas under consideration 8/17/12. Under review to determine impacts on residential density and PDCs. Commission staff provided several alternatives for the Township's consideration in December 2012. A meeting was held with the Township on 1/23/13. In August 2014, Township representatives initiated a discussion of more comprehensive revisions to the municipality's RGA zoning plan. A meeting was held on August 26, 2014 to discuss proposed densities, zoning boundaries and PDC use. Commission staff subsequently provided the Township with data on vacant land in the RGA. On September 23, 2014, the</p>

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	Township forwarded its proposed zoning plan to the Commission. Comments and questions were provided to the Township on September 23 and 26, 2014. <i>Another meeting with the Township took place on November 6, 2014. The Township is preparing a presentation for the 1/30/15 P&amp;I meeting.</i>
Woodland	<p>1. Expansion of Duke's Bridge infill area: rezoning proposal received 4/8/08. Meeting with Township held 5/7/08.</p> <p>2. Expansion of Rt. 72 infill area to incorporate municipally owned lands: rezoning proposal received 3/31/08. Meeting with Township held 5/7/08. Waiting for tax map and ownership information from municipality before proceeding to develop rezoning options. Tax map/ownership information received 10/23/08. Meeting held with Township representatives on 2/15/11 to discuss plans for Master Plan Reexamination. Parcel data and other information subsequently provided to the Township. On December 14<sup>th</sup>, staff met with the Township's professionals to discuss its proposed 2011 Master Plan Reexamination Report and its 2011 Master Plan. Staff explained its concerns with the proposed zoning changes and is working with the Township's professionals on revisions. At the Mayor's request, an additional meeting was held in January 2012 for purposes of discussing commercial development opportunities on municipal property partially located in the HB (Infill) Zone.</p>