

Management Report for October, November & December 2013



Updates are in *italics*

For more information:
Pinelands Commission
P.O. Box 359
New Lisbon, NJ 08064
<http://www.nj.gov/pinelands>

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I. PLANNING

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 CMP 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. It will be filed with Office of Administrative Law (OAL) for publication in the New Jersey Register in February 2014.*

B) CONFORMANCE: Attachment #1 summarizes ongoing conformance items.

1. Ordinances/plans received this quarter: 14 (45 this FY; average FY=100)
2. Interpretations/consultations/assistance this quarter: 45 (82 this FY; average FY=150)
3. Status of municipal clustering/ forestry responses:

Ordinances not yet adopted: Estell Manor and Port Republic

PCF Reimbursement: \$41,898.58; Dennis, Franklin, Manchester, Maurice River and Ocean Townships

C) SPECIAL PLANNING PROJECTS

1. Pine Barrens Byway: *A Pine Barrens Byway meeting was held on October 24, 2013 in Mays Landing primarily to discuss funding solicitations. Participants at the meeting decided to make presentations at local and county governing body meetings in order to request donations from each municipality and county through which the byway passes. Barry Brady drafted a letter to go to each governing body in advance of the solicitations. Corbin City had already made a donation to the byway association.*

2. Hammonton wastewater recharge project: Commission staff issued a letter to Hammonton on December 3, 2012 requesting a status update and construction schedule for proposed drip irrigation infiltration enhancements. The letter also indicated that the Commission was establishing an escrow budget in order to permit the Commission to retain a water quality consultant. Staff met with Hammonton officials on January 18, 2013 to discuss methods Hammonton intended to pursue to address its continued stream discharge. Staff has prepared a timeline to trace the history of Hammonton's treatment plant replacement, land application of wastewater operations and the ongoing stream discharge issue. There has been limited progress made concerning Hammonton's development of drip and surface irrigation facilities intended to beneficially reuse wastewater and reduce or eliminate Hammonton's continued stream discharges. With regard to Hammonton's application for such facilities, the last action was Regulatory Program's issuance of an incomplete application letter in August 2012. 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. With slow progress made by Hammonton in developing an acceptable long term wastewater management plan, staff provided the Town with an urgent reminder that the Commission needs a viable plan by December 10, 2013. The establishment of an escrow budget in order to permit the Commission to retain a water quality consultant was put on hold. The Town has not yet responded to the Commission's incomplete new land disposal application letter from August 2012. *Effective December 10, 2013, Commission staff will be calling up all new sewer development in Hammonton as a result of the Town's having missed the December 10, 2013 deadline to submit and attain Commission approval of a long term wastewater management plan. Plan submission and approval was a condition of the Commission's February 10, 2011 approval of an increase in potable water allocation. 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.*

3. College Master Plans:

Stockton: 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 5th. The Commission staff met with representatives of Stockton College at the College campus in February, 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. *No new action as of December 31, 2013.*

4. Roadside Maintenance: County efforts to implement the BMPs are at varying stages and ongoing. The revised Permanent Vegetative Cover for Soil Stabilization standard, which contains a new subsection for "Pinelands National Reserve Specifications", was published in the NJ Register on August 5, 2013. The State Soil Conservation Committee (SSCC) published the standards and is seeking public comment on substantive revisions. *No new action as of December 31, 2013.*

5. Landfill Closure:

a. Comprehensive Study: 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. USGS provided a preliminary rapid landfill assessment presentation to staff in Mid-September 2013. *Staff met with USGS on December 20, 2013 to review the Rapid Landfill Assessment project deliverables. USGS is finalizing the assessment tool and a presentation of the assessment tool is tentatively scheduled for the February 28, 2014 P&I meeting.*

b. Individual Closures

(1) **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. *No new action as of December 31, 2013.*

6. Sprint Amendment: In January 2013, Sprint submitted a proposed amendment for the Commission's review. Sprint's proposed amendment includes a total of 74 local communications facilities, only one of which is a new site. Sprint's Plan was deemed complete for purposes of Commission review on August 27, 2013. A public hearing to receive testimony concerning the consistency of Sprint's proposed amendment with the CMP was duly advertised, noticed and held on September 10, 2013. The Commission's Policy & Implementation Committee is scheduled to review Sprint's proposed amendment at its October 23rd meeting with the full Commission reviewing the same at its November 8th meeting. *The Commission's Policy & Implementation Committee reviewed Sprint's proposed amendment at its October 23rd meeting and the Commission approved the same at its November 8th meeting.*

D) ECONOMIC MONITORING

1. Annual Report: In July 2013, Larry Liggett presented the results of the 2010-2011 Long-Term Economic Monitoring report to the Pinelands Municipal Council. The 2010 – 2011 Municipal Fact Book was re-released in August 2013. *Acquisition of data from Environmental Systems Research Institute (ESRI) is complete and writing is currently underway. It is anticipated that the 2013 report will be released in early 2014.*

E) PERMANENT LAND PROTECTION

1. Pinelands Development Credit Program: *Three original LOIs were issued, allocating 32 rights with potential preservation of 223 acres; 1 severance pending (0.25 PDCs [1 right] protecting 10 acres in Galloway Township's PAD) and 15 rights sold for prices ranging from \$9,500 to \$20,000 per right, with an average sale price of \$9,546 per right.*

2. Farmland Preservation program: *Burlington County settled on three farms: Cramer (48 acres in Tabernacle); Simon's Berry Farm (266 acres in Tabernacle); and Chung (103 acres in Shamong).*

3. Pinelands Conservation Fund: *As of December 31, 2013, the Commission has approved the allocation of \$9.6 million to 33 projects in the Pinelands Area. Of these 33 projects, 30 have proceeded to closing, resulting in the permanent protection of 6,763 acres.*

4. Limited Practical Use (LPU) Program: *Green Acres is contacting all eligible LPU applicants with notices of "Last Chance". Of 51 applicants contacted thus far, four have rejected the offer; two are trying to decide if they wish to apply for PDCs, and nine have shown some interest.*

F) OTHER PLANNING ITEMS

1. Water supply:

a. K/C Planning: An outreach/update meeting was held with Pinelands municipal officials in early July 2013. A group of staff working on the K/C study met with representatives from USGS in July 2013 to discuss next steps and how USGS could continue to be involved. In September 2013, commission staff received a proposal from USGS to further study regional and local impacts to well pumping. In September 2013, staff also met with NJDEP, where Larry Liggett presented the Commissions possible application of the K/C study results in water supply policy. The Scenario #2 Build-Out Analysis (medium estimate) is complete as of September 2013, and work is currently underway on Scenario #1 (high buildout estimate) and Scenario #3 (low buildout estimate, both of which are expected to be complete by January - February 2014. scenario 1 = "high" buildout estimate, based upon zone capacity (all vacant land used to the fullest). Scenario 2 = "medium" buildout estimate, based upon constrained zoned capacity (all vacant land used but reduced by wetlands and other site constraints). Scenario 3 = "low" buildout estimate, based upon actual past building trends.

No new action as of December 31, 2013.

b. State Water Supply Advisory Committee: Presentations of environmental findings and the potential application of the K/C study results in a 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.*

2. Cultural resources: 26 (42 this fiscal year) cultural resource activities undertaken:

- a. 19 (27) applications reviewed
- b. 1 (1) forestry inquiries
- c. 2 (5) surveys reviewed
- d. 0 (1) CAFRA reviews
- e. 0 (0) Preliminary Investigation
- f. 2 (6) site coordination with other agencies/meetings & phone conferences
- g. 2 (2) coordinated reviews w/SHPO
- h. 0 (2) Municipal/consultant inquiries

3. DEP wastewater planning rules/County implementation:

■ **County Plans:** 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. While the process is not yet complete, significant progress has been made toward achieving this goal and all Pinelands counties have already presented versions of their maps for public hearing. Staff is currently working with DEP to correct mapping errors which occurred during the adoption process. *DEP and Commission staff have established a schedule to correct all of the mapping errors throughout the entire Pinelands Area and anticipate that the correction process should be completed no later than summer 2014.*

4. Agricultural Advisory Committee: Members were invited to a staff presentation and discussion of potential enhancements to the PDC Program on June 18, 2013. *No new action as of December 31, 2013.*

G) PLAN REVIEW

1. *The Plan Review Committee met once in October.*
 - *During the October 11, 2013 meeting, staff reviewed feedback provided by builders, environmentalists, PDC holders and municipalities regarding the PDC use enhancement proposal and discussed potential CMP amendments to consider regarding the organized off-road vehicle event application process.*
2. The Plan Review web page (<http://www.state.nj.us/pinelands/cmp/planreview/index.html>) is fully updated with scanned copies of written public comment and summarized verbal comments from public comment meetings. Committee meeting agendas and minutes are also available on the web page.
3. *Staff convened a meeting of representatives of off-road vehicle groups operating in the Pinelands to discuss possible changes to application forms and requirements. Representatives of DEP also attended the meeting, which was held on November 20, 2013.*
4. *The Governor's Authorities Unit completed its review of the first-round efficiency and alternate design septic system rule proposal and subsequent revisions in early December 2013. The Commission voted to authorize the proposal at its December 13, 2013 meeting and may be able to adopt the amendments as soon as May 2014.*
5. Staff continues to draft the Plan Review Report.

II. DEVELOPMENT APPLICATIONS

A) APPLICATION ACTIVITY

		3 rd Quarter	4th Quarter
New applications received for the last two quarters with a comparison to last year:	2013	127	99
	2012	91	90
Total applications active for the last two quarters with a comparison to last year:	2013	665	618
	2012	633	594
"No Call-ups" issued for the last two quarters:	By mail	66	62
	By fax	50	54
Certificates of Filing issued for the last two quarters:		57	54
"Call-ups" issued for the last two quarters:		27	23
Streamlined permitting actions taken during the last two quarters:	LRO	6	4
	MOA	8	5

B) NOTABLE DEVELOPMENT APPLICATIONS

- 1. Winzinger Mining Application, Woodland Township (App. No. 1980-0062.001):** On February 13, 2007, the Commission received an application proposing mining on a site in the Township. Upon completion of the application with the Commission, a Certificate of Filing for the proposed mining operation was issued. The Certificate of Filing noted that it has not been demonstrated that the proposed mining was consistent with the applicable threatened and endangered species standards and that it appeared the proposed mining constituted a new mine and was, therefore, not a permitted land use in the Pinelands Preservation Area. Subsequently, the Township approved the proposed mining application. The Commission staff then issued a letter indicating that the Township approval raised an issue with the standards of the Township land use ordinance and the CMP. That letter scheduled a Commission staff Public Hearing to review the issue. The Commission staff Public Hearing was held on January 29, 2013. The Commission staff prepared a “Staff Report on Public Hearing.” and the Commission voted to deny the application for resource extraction at the June 13, 2013 Commission meeting. On June 26, 2013, the Commission issued a letter indicating that the Woodland Township Land Development Board must revoke its approvals and deny the application for resource extraction. On July 15, 2013, the Commission staff received a letter from the applicant’s attorney indicating that the applicant is appealing the Commission’s denial of the application for resource extraction to New Jersey Superior Court – Appellate Division. *No new action as of December 31, 2013.*
- 2. Hamilton Mall, Hamilton Township (App. No. 1985-0708.001):** On October 23, 2008, the staff received an application for a proposed 138,227 square foot addition to the mall (Application No. 1985-0708.007). A Certificate of Filing requiring the development and implementation of a stormwater basin rehabilitation plan for five existing basins was issued. On April 26, 2012, the Commission staff issued a letter indicating that the final site plan approval for Phase 1 issued by the Atlantic County for the proposed development could take effect. On June 8, 2012, the Commission staff received a stormwater basin remediation plan approved by the Township Planning Board engineer. On July 19, 2012, the Commission staff issued a letter indicating that the submitted remediation plan fulfilled the requirement of the municipal approval. The required stormwater basin remediation is ongoing. On March 8 2013, the Commission staff received an amended site plan approval issued by the Township Planning Board. That amended municipal approval allowed for the issuance of municipal certificates of occupancy for two restaurants while certain existing stormwater basins were being remediated. On March 28, 2013, the Commission staff issued a letter indicating that the amended site plan approval could take effect. On June 7, 2013, the Commission staff received another amended site plan approval issued by the Township Planning Board. That amended municipal approval allowed for the issuance of municipal Certificates of Occupancy for two junior anchor retail stores while certain existing stormwater basins were being remediated. On June 19, 2013, the Commission staff issued a letter indicating that the amended site plan approval could take effect. *On October 4, 2013, the Commission staff received an amended municipal site plan approval allowing for the applicant to complete construction of an approximately 63,000 square foot retail addition to the Mall prior to completing certain required minor improvements to the existing stormwater basins needed to meet municipal ordinance standards. On October 30, 2013, the Commission staff issued a letter indicating that the amended site plan approval could take effect.*
- 3. Ocean County (Robert Miller) Airport (App. No. 1985-0949.020):** Commission staff has been in discussions with the County regarding two issues at the Airport: an increase in the local population of sickle-leaved golden aster and the timing of tree clearing for a firebreak

associated with the construction of the Reptile Habitat Management Areas. Staff has recently obtained information from the County that demonstrates that, although the number of Sick-leaved golden aster plants located in the area of the proposed crosswind and parallel runway project has increased, implementation of that project does not alter the conclusion in the June 8, 2012 Memorandum of Agreement (MOA) that there will not be an irreversible adverse impact to the local population of Sick-leaved golden aster at the airport. There is an extremely large and healthy population of Sick-leaved golden aster at the airport that continues to flourish as a result of the establishment and maintenance of extensive grassland habitat there. With regard to the timing of tree clearing, the County was able to demonstrate that given that the clearing activities would not result in any soil disturbance, there was no threatened or endangered snake concerns regarding implementation of such clearing activities. Staff issued a letter dated February 15, 2013 indicating that the proposed development of a crosswind runway, parallel taxiway and associated site improvements was consistent with the MOA and development could proceed. Staff has been informed that the two Reptile Habitat Management Areas have been constructed and Northern pine snakes have been observed at some of the constructed hibernacula. Several Northern pine snakes have been caught and relocated away from the runway construction area as a result of the required snake monitoring, and the monitoring is ongoing. The applicant contacted the Commission with a proposal to remove the MOA-required snake exclusion fencing prior to completion of the crosswind runway. The MOA requires that the snake exclusion fencing be maintained until October 31 if construction activities are ongoing. After consultation with the Commission staff, the applicant withdrew their request to remove the snake exclusion fencing prior to October 31. *No new action as of December 31, 2013.*

4. **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. That information is currently under review by the Commission staff.*

5. **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 March 7, 2013, the staff met with the Township Administrator, Township Engineer and the Township's consultant to discuss the proposed stormwater basin and the requirements to address the threatened and endangered species standards. 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 Najarian Associates 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 Najarian Associates to discuss the proposed stormwater basin and the objectives of Najarian's review. On December 31, 2013, the Commission received a draft report on the review of the stormwater basin from Najarian Associates. That information is currently under review.

- 6. Arawak Paving, Woodbine (App. No. 1990-1124.003):** On December 14, 2012, the staff received a request for a pre-application conference for a proposed asphalt plant on a 66 acre parcel. A pre-application conference was held on January 8, 2013. On March 15, 2013, an application for a proposed asphalt plant and 1/3 of the overall application fee was submitted for Commission staff to review the threatened and endangered species protocol for the site. On April 15, 2013, staff sent a letter with comments about the submitted threatened and endangered species protocol for the site. That letter also indicated that should the applicant wish to complete an application for the proposed commercial use, the remainder of the application review fee must be submitted. *The T&E Survey was submitted to the Commission on December 12, 2013. On December 27, 2013, Commission staff sent a letter to the applicant agreeing with the conclusions of T&E survey and indicating that the proposed development is consistent the T&E species protection standards. No additional information to complete an application for the proposed asphalt plant has been submitted to the Commission as of December 31, 2013.*
- 7. 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. Commission staff met with the applicant on May 28, 2013 to discuss the issue. 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 on July 1, 2013 and July 10, 2013. The Commission staff performed a site inspection of the project area on September 17, 2013. *NJDEP submitted a letter, received by the Commission on October 15, 2013, indicating that they are withdrawing the application.*
- 8. 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.*

C) OFFICE OF ADMINISTRATIVE LAW MATTERS

- 1. Monthly activity:** 0
- 2. Pending OAL matters:** None

D) VIOLATIONS

- 1. Quarterly activity:** *10 reports received; 11 violation letters sent; 13 cases resolved.*
- 2. Notable violations:**

- a. 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.*
- b. 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, 2013.*
- c. Buena Vista Township (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.*
- d. Buena Vista Township (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.*

- e. **Jackson Township, Municipal Firing Range** (App. No. 2000-0630.002): On October 19, 2009 and November 5, 2009, the Commission received an application and information for the placement of a 1,200 square foot trailer at an existing municipal shooting range. Development had occurred on the site in violation of the application requirements of the Jackson Township land use ordinance and the CMP. On February 13, 2012, the Commission staff received a letter from the applicant inquiring as to the status of the application. On February 28, 2012, the staff issued a letter to the applicant advising that the information previously requested in a Commission June 24, 2010 letter remained necessary to complete the application. *No new action as of December 31, 2013.*

- f. **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 September 19, 21 and 28, 2012 the applicant submitted information addressing the proposed resolution of the violation. That information is currently under review. By letter dated November 13, 2012, the Commission staff recommended revisions to the proposed restoration plan. 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. This information is currently under review.*

- g. **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 recently 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, 2013.*

- h. 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, 2013.*
- i. Barnegat Township, Storm Damaged Vehicle Storage Area, (App. No.1985-00588.019):** 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, that 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. The Commission staff will issue a letter to the property owner reiterating the requirement of our September 3, 2013 letter of the need to submit an application to the Commission for the required site restoration.

- j. Various Development Berkeley Township (App. No. 1999-0481.001):** On August 14, 2012 we received notice from NJDEP about a possible wetlands violation on this 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, 2013.*
- k. 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 this 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, 2013.*
- l. 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. To date, we have not obtained such a schedule. On April 25, 2013, the Township issued Municipal Court summons to the property owner regarding this matter. The Municipal Court hearing was scheduled for May 14, 2013. The hearing was subsequently adjourned at the request of the property owner's attorney and rescheduled for June 25, 2013. The Commission staff attended the municipal court hearing on June 25, 2013. The matter was continued because the property owner raised an issue regarding the "Right to Farm." The matter will be before municipal court on August 20, 2013. The Commission staff attended the municipal court hearing on August 20, 2013. The matter was continued to September 24, 2013 in municipal court because of the applicant continuing to raise the "Right to Farm" issue. On September 9, 2013, the Commission staff issued a letter to the Ocean County Agricultural Development Board's staff. The letter requested guidance from the Board with respect to the "Right to Farm" issue raised by the property owner. A response to the September 9, 2013 letter was not received prior to the September 24, 2013 municipal court date. The Commission staff attended the municipal court hearing on September 24, 2013. At the

hearing, the Township Zoning Officer provided the Commission staff with copies of additional municipal violation summonses for other activities that had occurred on the property. The matter was continued to a November 12, 2013 Municipal Court hearing awaiting a written response from the Ocean County Agricultural Development Board. *On October 17, 2013, the Commission staff issued a letter to the property owner regarding six outstanding municipal court summonses pertaining to this lot. That letter required submission to the Commission staff, prior to the November 12, 2013 municipal court hearing, of a written proposal for restoration/revegetation of the lot by December 31, 2013. At the November 12, 2013 municipal court hearing, the matter was continued to December 17, 2013 to await the outcome of the Ocean County Agricultural Development Board's review determination. At the December 17, 2013 municipal court hearing, the court was advised that the Ocean County Agricultural Development Board had rendered it's determination that the property owner was not protected by "Right to Farm," however, a resolution memorializing that determination had not 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 property owner was not protected by "Right to Farm."*

- m. 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.*
- n. 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.*

E) OTHER NON-APPLICATION REGULATORY PROGRAMS ITEMS

1. **Hamilton Stormwater Basins:** In 2008 the Great Egg Harbor Watershed Association notified the Commission that several stormwater basins in Hamilton Township did not appear to be functioning as designed and was causing downstream flooding of nearby roads and streams.

The Township approved a plan proposing the remediation of an existing basin serving a retail store (Walmart) in an existing shopping center. The remediation of the Walmart basin has been completed.

The Township also approved a plan for the modification of existing basins serving an existing residential subdivision (Timber Glen Phases III & IV). Timber Glen has initiated remediation activities on its stormwater basins. *No new action as of December 31, 2013.*

The staff is working with an applicant on a proposed stormwater basin remediation plan for a shopping center known as Consumer Square.

On September 14, 2011, the staff sent a letter to the owner of the Hamilton Commons shopping center requesting that the owners address remediation of failing stormwater basins on the parcel. On December 7 and 11, 2012, a representative of Hamilton Commons submitted stormwater information and requested guidance in formulating a proposed remediation plan for the Hamilton Commons basins. On January 18, 2013, the Commission staff issued a letter to a representative of the Hamilton Commons shopping center providing guidance regarding basin remediation. *No new action as of December 31, 2013.*

III. INTERGOVERNMENTAL MEMORANDA OF AGREEMENT

A) MOAs UNDER REVIEW

1. **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, 2013.*
2. **NJDOT:** The Commission received a request in November 2008 for a Permit Streamlining MOA. The staff asked NJDOT to identify the classes of projects that could potentially be subject of the MOA. Several meetings have been held. NJDOT was encouraged to prepare a draft MOA patterned after the existing County permitting MOAs that the Commission approved. On July 21, 2011, the NJDOT submitted a draft MOA. On February 15, 2012, the Commission staff met with representatives of NJDOT to discuss the proposed MOA. On June 4, 2012, the Commission received a revised draft MOA from the NJDOT. On October 31,

2012, the Commission staff met with NJDOT officials to provide comments concerning the proposed MOA. On December 21, 2012 the Commission staff received a revised draft MOA. 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, 2013.*

3. **NJDEP, Forestry:** The NJDEP is pursuing an MOA with the Commission to streamline review of forestry activities on public and private lands. At its September 10, 2010 meeting, the Commission voted to approve a proposed MOA. On October 13, 2010, the Commission staff attended a meeting with representatives of NJDEP. At that meeting, NJDEP expressed conceptual concerns with the Commission adopted MOA. On November 22, 2010, NJDEP provided a significantly revised draft of the MOA to the Commission for review. On February 24, 2011 and March 23, 2011, the staff met with representatives of NJDEP to further discuss possible revisions to the MOA. On June 10, 2013, Commission staff met with NJDEP upper management and staff to further discuss forestry related issues. *No new action as of December 31, 2013.*
4. **Proposed Memorandum of Agreement with the Board of Public Utilities - B.L. England Retrofit:** An application to construct a natural gas pipeline that will go through a Forest Area has been under review since April 2012. Staff review determined that the project meets all CMP standards with the exception of the permitted use standards. In order to address this inconsistency, the Policy & Implementation Committee directed staff at its September 27, 2013 to develop an MOA with the Board of Public Utilities. *The Draft MOA was discussed at 14 public meetings (Policy and Implementation and Commission meetings) from March to December 2013. A public hearing on the MOA was held in Galloway Township on December 9, 2013 and the public comment period ended on December 13, 2013.*

B) OTHER MOA REQUESTS

1. **Stockton State College:** See section I.C.4

IV. SCIENCE

A) KIRKWOOD-COHANSEY STUDY

1. *Science staff continued to make slow progress on the K-C Project summary report.*

B) ENVIRONMENTAL MONITORING

1. *Streamflow monitoring: Monthly effluent data submitted by the Monroe Township and Camden County Municipal Utility Authorities and streamflow data submitted by the USGS were managed for the Planning Office.*
2. *Forest-Plot and Intermittent-Pond Monitoring: The October, November, and December rounds of forest-plot and pond water-level measurements were completed. Continuous water-level data were downloaded from the seven ponds with water-level data loggers. A malfunctioning data logger was replaced at one pond.*
3. *Long-term anuran surveys: Anuran-vocalization-survey data for 2013 from the 20 sites surveyed annually was entered and proofed.*

4. *Pinelands-wide water-quality monitoring: The October round of Pinelands-wide water-quality sampling was completed. Science staff successfully passed the annual proficiency testing and a periodic laboratory audit to maintain its NJDEP certified-laboratory status.*
5. *Watershed-assessment Report: No new action as of December 31, 2013.*

C) OTHER SCIENCE OFFICE PROJECTS

1. **Wetland-buffer Project:** *A one-year no-cost extension was requested from the EPA.*
2. **Forest Characterization Project:** *This project remains on hold due to low staffing levels.*
3. **Right-of-way Vegetation Monitoring:** *Plant surveys were completed for the fourth year in the 48 vegetation plots located within the managed ROWs.*
4. **Pond-vulnerability Study:** *Permission-request letters were sent to private, municipal, and state landowners for a large group of candidate natural ponds. Ponds for which we received permission were visited and selection of 85 of the proposed 100 ponds has been finalized. Staff gages to measure water levels were installed in 81 of the 85 ponds so far. Preliminary pond boundaries have been delineated on-screen for the full inventory of about 3,000 ponds identified in the Pinelands. Staff continued to learn to identify dragonfly and damselfly adults in the field. Science staff sought advice from USGS staff regarding the installation of wells along transects to conduct more detailed hydrologic investigations at two reference ponds.*
5. **Created-wetland Study:** *Permission-request letters were sent to private, municipal, and state landowners for a large group of candidate excavated ponds. Excavated ponds for which we received permission were visited and selection of 44 of the proposed 50 excavated ponds has been finalized. Staff gages to measure water levels were installed in 41 of the excavated ponds so far. Preliminary pond boundaries have been delineated on-screen for the full inventory of about 2,000 excavated ponds identified in the Pinelands. The selection of stormwater basin study sites from the full inventory of about 1,700 basins has been initiated.*
6. **Pinelands Research Series:** *Three presentations were given as part of the Commission Pinelands Research Series. Presenters and their talks were: John Dighton on “Beneficial Fungi in the Forest and Impacts of Pollution,” Katie Malcolm on “The Effects of Mercury on Fungal Phylloplane Communities,” and MacKenzie Hall on “Bats of New Jersey - Population Trends in a Post-white-nose World.”*

D) OTHER SCIENCE OFFICE ITEMS

1. *Science staff attended a meeting to discuss requests made by the Plant Partnerships of NJ, a meeting with the NJ Builder’s Association, an all-day workshop on research being conducted in the Barnegat Bay, and a conference call with an EPA contact regarding revisions to the Commission Wetland Program Plan.*
2. *At the request of the Bass River State Forest superintendent, Science staff visited Lake Absegami to identify an aquatic plant that was growing in the swimming area. Science staff determined that the plant is *Utricularia purpurea* or purple bladderwort.*

3. *Science staff provided southern pine beetle-related photographs to Marjorie Kaplan of the Rutgers Climate Change Initiative.*

V. LITIGATION

A) STATE COURT CASES

No new action as of December 31, 2013.

B) FEDERAL COURT

No new action as of December 31, 2013.

C) OTHER LITIGATION MATTERS OF INTEREST

No new action as of December 31, 2013.

VI. LEGISLATION

A) NOTABLE BILLS:

There are no new bills of import to discuss this quarter.

VII. PUBLIC PROGRAMS

A) COMMUNICATION

1. **Web site:** *There were 6,305 views of the Commission's web site in October, 5,527 views in November and 6,205 views in December.*
2. **Press releases this quarter:** *A press release was issued on October 11th to announce the Commission's certification of South Toms River Borough's Master Plan.*
3. **Inquiries this quarter:** *A total of 67 media inquiries and 2,786 general inquiries were handled this quarter. Of the general inquiries, 2,680 inquiries came via e-mail, 96 came via telephone and 10 came by mail. Most of the inquiries pertained to the proposed Memorandum of Agreement with the state Board of Public Utilities.*

B) PUBLICATIONS

1. **Pinelander:** *The Winter Pinelander, the Commission's official newsletter, will be issued in late January or early February.*
2. **Annual Report:** *The 2013 Annual Report will be written, designed and printed by March 2014.*

C) EVENTS AND OUTREACH

1. **Pinelands Short Course:** *In December, the Commission finalized the lineup of presentations for the 25th annual Pinelands Short Course. The event will be held at The Richard Stockton College of New Jersey on March 8, 2014. Staff edited the registration brochure in December. The brochure will be posted on the Commission's website by January 2014.*
2. **Local Officials Seminar:** *The annual Pinelands Orientation for Newly Elected and Appointed Officials will be held in May 2014.*
3. **Pinelands-themed World Water Monitoring Day event:** *The annual Pinelands-themed World Water Monitoring Day was held at Batsto Lake on October 25th. A record total 345 students from seven schools participated in the event.*

D) INTERPRETIVE PROGRAM

1. **PNR brochure:** *Staff continued to track the distribution of the Pinelands National Reserve brochure.*
2. **Exhibits in the Pinelands Technical Center:** *Commission staff continues to search for grant opportunities to fund the fabrication and installation of Pinelands-themed exhibits in the Richard J. Sullivan Center.*

VIII. INFORMATION MANAGEMENT

A) GEOGRAPHIC INFORMATION SYSTEM

1. **System planning and development:**
 - *Reorganizing and consolidating data – ongoing.*

2. **Pinelands Data Layer Maintenance**

Zoning Layer Updates

- *Bass River Ordinance 2013-05*
- *Hammonton Ordinance 011-2013*
- *South Toms River Certification*

Threatened and Endangered Species Layer

- *Staff updated the Pinelands species list using the most current data from the Department of Environmental Protection (DEP) Natural Heritage Program*
- *Staff entered 148 data sheets and updated the Data Layer*

Lot Status Layer Updates

See "PDC Demand Study"

3. **PDC Demand Analysis**

(Note: While the following work was performed for the PDC Demand Analysis, it also supports the Lot Status Layer Update project.)

Staff analyzed lots in Galloway Township's Regional Growth Area zones and Pinelands Town zones to determine and refine the methodology to be used in the project. The work entailed

identifying vacant land that has the potential for PDC use by joining the Department of Environmental Protection (DEP) Land Use / Land Cover layer and the Office of Information Technology (OIT) ModIV Tax Data layer with the State parcel layer.

4. LOIs for PDCs: *One application was analyzed involving 8 lots, all of which required photo interpretation.*

5. Analysis / Map Products:

- *Updated the Land Capability Map (per Zoning updates above)*
- *Developed a new line feature set to facilitate measuring transect distances in support of the Utility Right of Way Maintenance program.*

B) MANAGEMENT INFORMATION SYSTEM

1. System planning and development:

Pinelands Commission Information System (PCIS):

- *Completed testing of VBA code to remove envelopes from documents that are delivered via email.*
- *Modified the data table structure to allow for multiple documents to be attached to outgoing PCIS emails.*
- *Modified the template for Forestry memos. Now automatically fills in the reviewer name, application number, block/lot information and proposed development from PCIS data. Also prompts the author for the appropriate forester to email.*
- *Completed code to prevent completeness documents (e.g. Certificate of Filing, Notice of Filing, etc.) from being taken to the “pending” status if the application data contains “retired” municipal zone information.*
- *Added a column for “Organization” to the PCIS search results screen.*
- *Modified code to prevent documents from being taken to the “pending” status if blank “stop codes” are remaining in document.*
- *Modified the code for completeness documents by refining how “Other Conditions” are selected and added to the document.*
- *Modified code to allow administrators to edit the “advanced details” of a document whose status is “sent”.*

2. Database Updates and QA/QC:

- *Permanent Land Protection - continued to enter deed restrictions as they are received.*
- *Added two additional fields to the deed restrictions table to record the date the record was added to the table and the date the record was last modified.*
- *Populated nearly all of the Limited Practical Use deed restrictions with the date they were restricted (researched on County databases and other external sources) and populated all of the PDC restrictions with the date that the severance occurred.*

3. Operations:

- *Installed three new computers and upgraded the operating system on eight computers.*
- *Successfully performed a test migration of all of the Oracle database tables (includes PCIS and 10 other databases) from the existing MIS Oracle server to the new MIS Oracle server. During the next quarter, tape backups will be configured, the databases will be re-migrated during a weekend, non-database files will be copied to the new Network Attached Storage server, and the new equipment will be put on-line.*

- *Produced additional reports for the Regulatory Programs portion of Plan Review.*

IX. OPERATIONS

A) FACILITIES

1. Maintenance:

- Fenwick Manor and Carriage House – *State fire inspection was conducted and no violations were found.*
- RJS Center – *The elevator passed state inspection .*

B) FINANCIAL MANAGEMENT

1. Application fees: FY 2014 budget amount \$425,000; received through December \$97,293.18. *This amount is extremely low for this time of the budget year. This issue has been brought to the attention of the Executive Director and the Personnel and Budget Committee.*

2. Audit/Accounting: *GMG Management Consulting hired by the U.S. Environmental Protection Agency performed an agency review of our three EPA Grants. No significant issues were noted.*

3. Budget: *nothing to report.*

4. Procurement: *no RFQs were issued; no RFPs were issued.*

5. Miscellaneous: *The Commission's insurances policies were renewed through November 2014.*

C) HUMAN RESOURCES:

Benefits: *Open enrollment was held for health and dental benefits. It is open enrollment for the Flexible Spending Accounts.*

2. Miscellaneous:

- Union negotiations with CWA continue.*
- Three grievances were handled.*
- The part time position to digitize T & E data was filled.*
- The Regulatory Programs Specialist position was filled.*
- Nine webinars were held for all staff on various topics.*
- Human Resources attended two seminars and viewed two webinars held by the Division of Pensions and Benefits.*
- A webinar was held specifically for the Commission for employees nearing retirement by the Division of Pensions and Benefits.*

X. PINELANDS MUNICIPAL COUNCIL

A) MEETINGS

1. Last meeting: *The Municipal Council met on November 26, 2013 in Waterford Township.*

2. Upcoming meeting: *The Council is scheduled to meet on January 28, 2014 in Manchester Township.*

ATTACHMENT #1

ONGOING CONFORMANCE ACTIVITY October -December 2013

MUNICIPALITY	TOPIC
Buena Vista	<p>1. Comar Redevelopment Area: met with Township redevelopment planner on 4/25/07 to discuss concept plans for new redevelopment area incorporating the Wilmad and Comar facilities (approximately 170 acres in the Rural Development Area). Copy of Redevelopment Plan received on 12/9/08; notice of adoption received 1/14/09. Issues identified with maximum permitted height and impervious coverage, given location of Redevelopment Area in a Rural Development Area. Township has requested and been granted several extensions of the Commission's review period in order to adopt an amending ordinance. A meeting was held with the mayor to discuss this and other rezoning matters on May 5, 2009. Various information related to Comar was provided to the Township's new planner in September 2010. Awaiting Township's adoption of amendments to the Redevelopment Plan.</p>
Dennis	<p>1. Clustering/forestry: Commission staff attended a joint meeting of the Planning Board and Township Committee on 3/22/12 to answer questions about the clustering amendments. Although it was expected that the Township would form a subcommittee to facilitate further discussions, this did not occur. In May 2013, staff learned that the Township was seeking plan endorsement from the State Planning Commission for its PNR area. With the help of the Office for Planning Advocacy, the Township now appears to be moving forward with adoption of its response to the clustering/forestry CMP amendments. Staff prepared a revised ordinance for the Township and engaged in numerous discussions with the Township Engineer and new Land Use Board solicitor. An extension through 7/15/13 was granted. The Township adopted its clustering/forestry ordinance on 7/15/13 and submitted it to the Commission for approval. The Township also submitted its new Master Plan and requested that the Commission certify the plan and ordinances for the entire municipality, including that portion in the PNR outside the Pinelands Area. A public hearing was held on 10/4/13. <i>The Commission certified the Township's master plan and ordinance on 12/13/13.</i></p> <p>2. Zoning Map: Ordinance 2013-03, adopting a revised zoning map to implement planning area changes and center designations in the PNR, was received on 4/29/13. Comparison of the new zoning map and the Township's previously certified zoning map revealed numerous (small) zoning and management area changes in the Pinelands Area. These changes were mapped and provided to the Township for its review. An adopted copy of Ordinance 2013-03 has been submitted to the Commission for approval. Additional information on the zoning changes was provided by the Township by memorandum dated 8/6/13. <i>A public hearing was held on 10/4/13. The Commission certified the Township's zoning map on 12/13/13.</i></p>

MUNICIPALITY	TOPIC
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 aside 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 City has not reported any progress since September 2013.</i></p>
Galloway	<p>1. Redevelopment designation for White Horse Pike Corridor Phase II, Pomona Road - Determination of Need report received on 1/6/11.</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</p>

MUNICIPALITY	TOPIC
	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.
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> <p>3. Airport: In July of 2011, staff drafted suggested ordinance language to address permitted use issues related to a proposal for expansion of the Hammonton Municipal Airport. Included in the ordinance language were revisions to permitted uses and development standards in the AP/CLI (Airport Light Industrial) Zone and a recommended reduction in the size of the AP/CLI Zone. A copy of Ordinance 011-2013, rezoning lands from the AP/CLI Zone to the AP Zone, was received on 6/7/13. In response to the staff's concerns, Ordinance 011-2013 was amended to include revisions to the permitted uses and development standards applicable to the AP/CLI Zone. The amended ordinance was adopted on 7/22/13 and submitted to the Commission for certification. <i>A public hearing was held on 9/4/13. The Commission certified the ordinance on 10/11/13.</i></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&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 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</p>

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	<p>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 4th 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 30th. On June 11th, 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.</p>
Lacey	<p>1. In August, staff received draft copies of Lacey Township Ordinances 2013-23 and 2013-24. Ordinance 2013-23 established standards for wireless communications facilities and Ordinance 2013-24 established standards for accessory solar and wind facilities. Staff expressed concerns with some of the language the Township had included in both proposed ordinances. Staff is in the process of drafting substitute language for the Township’s consideration.</p>
Manchester	<p>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. <i>Met with Homes for All and Senator Singer on 11/19/13 to discuss wastewater options.</i></p>
Maurice River	<p>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.</p>
Medford	<p>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</p>

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	<p>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.</p>
Monroe	<p>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.</p> <p>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. <i>The Township has requested, and received, an additional extension of the Commission's review period for Ordinance O:31-2012 through April 1, 2014.</i></p> <p>3. <i>In September, the Township submitted Ordinance O:11-2013 for review. Ordinance O:11-2013 superseded Ordinance O:03-2013, which had established various standards for accessory wind and solar energy systems throughout the Township. Ordinance O:11-2013's language was developed in conjunction with Staff. A finding letter determining that Ordinance O:11-2013 raised no substantial issues with respect to CMP standards was issued on September 26, 2013.</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> <p>2. Solar facilities ordinance (2010-8) received 1/20/11. Finding letter issued on 2/22/11, indicating ordinance was not consistent with the CMP because it permitted solar facilities as a principal use in the Preservation and Forest Areas. Township requested and was granted an extension of the Commission's review period until 7/15/11 in order to provide an opportunity for adoption of amendments. Township has since repealed Ordinance 2010-8.</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</p>

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	<p>residential development potential that would need to be completed. That analysis is underway.</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 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. Additional information was requested on the potential FA-APA zoning change.</p>
South Toms River	<p>1. Original certification: Model ordinance language provided to the Borough on 8/16/12. Draft master plan received 8/26/12. Comments provided 9/13/12. Borough Council adopted a resolution confirming its intent to seek Commission certification of its master plan and land use ordinances on 9/17/12. The Planning Board adopted the revised Master Plan on 12/18/12. The Borough Council adopted an ordinance (3-13) containing Pinelands standards and procedures on 3/18/13. Additional documents (stormwater management plan; capital improvement plan) received. Borough now anticipates adopting a revised zoning map and ordinance establishing two new zoning districts within the Pinelands Area later this summer. A draft ordinance and revised zoning map were received on 6/4/13. Comments and suggested ordinance revisions related to density and PDC use were provided to the Borough on 6/5/13. The Borough adopted its new zoning map and accompanying land use ordinance amendments in the form of Ordinance 8-13 on 7/15/13 and submitted that ordinance to the Commission for approval. A public hearing was held on 8/28/13. <i>The Commission certified the Borough's master plan and ordinances on 10/11/13.</i></p>
Weymouth	<p>1. 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>2. 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>1. 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. A meeting was held with the Township on 1/23/13.</p>
Woodland	<p>1. Expansion of Duke's Bridge infill area: rezoning proposal received 4/8/08.</p>

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	<p>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 14th, 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>