

# Management Report for October, November & December 2015



Updates are in italics

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# I. Executive

## A. Plan Review

- **Black Run Watershed**: Staff delivered presentations on potential rule changes related to the Black Run watershed at the P&I Committee's March 27, 2015 and April 24, 2015 meetings. Among the options presented that would offer greater protection to the watershed were a management area change from Rural Development Area to Forest Area and an off-site clustering pilot program. A presentation on the Medford/Evesham Plan was also made at the April 2015 Committee meeting to provide the Committee with background information. The Committee voted to advance a management area change coupled with an off-site clustering pilot program. The staff will now prepare draft regulations for the Committee's consideration. *No new action as of December 31, 2015.*
- **Memoranda of Agreement**: An ad hoc MOA Policy Advisory Committee was established at the end of March 2015 to examine the MOA process and its implementation, as well as issues raised by Commissioners and the public during the plan review process. The Committee is composed of Commissioners and representatives of the Pinelands Municipal Council, Pinelands counties and the public. The Committee held public meetings on April 24, 2015 and June 26, 2015 and also met with Commission staff on May 29, 2015. *A revised MOA process document was drafted and discussed with the Committee at its October 30, 2015 meeting. After minor changes are made, Committee Chairperson Ashmun will be distributing the process document to all Committee members for their final review. It will then be presented to the full Commission for discussion.*
- **PDC Enhancements**: After a series of outreach meetings in 2014, Commission staff drafted a comprehensive list of issues, suggestions and alternatives to the 2009 rule proposal. This list was discussed with the New Jersey Builders Association (NJBA) on May 13, 2015. NJBA provided comments on June 16, 2015 and requested a follow-up meeting, *which was held November 10, 2015. An update briefing for P&I will be scheduled.*

## B. Litigation

- STATE COURT CASES

### Law Division

**Strong v. New Jersey Pinelands Commission, et al., Docket No. BUR-L-000482-15** - This matter involves a proceeding to challenge the Commission's Records Custodian's response to a Commission employee's Open Public Records Act (OPRA) request. Through several requests, the employee sought copies of closed session minutes for the closed session

portions of several Personnel and Budget Committee and Commission meetings. The Commission's Records Custodian initially denied access to the October 1, 2013 Personnel and Budget closed session minutes on the basis of various privileges. In response, the employee first filed a challenge with the Government Records Council, but then withdrew that challenge and filed the instant litigation. A redacted copy of these minutes was provided in response to the employee's subsequent OPRA requests. Only one document remains in dispute. A brief in opposition to Plaintiff's Order to Show Cause was filed on behalf of the Commission. Oral argument was scheduled for October 7, 2015. The court, however, postponed argument to review the document in camera. The matter is still on going. *No new action as of December 31, 2015.*

**Strong v. New Jersey Pinelands Commission, et al., Docket No. BUR-L-0002100-15** - This matter involves a proceeding to challenge the Commission's Records Custodian's response to a Commission employee's Open Public Records Act (OPRA) request. Through this request, the employee sought copies of certain Commission employee's text messages and e-mails from January 1, 2011 to April 1, 2015. These OPRA requests were further clarified to include "all documents, written notes, and any other electronically- or digitally- recorded records kept by the Commission generated, sent, copied, blind-copied, or forwarded by the Commission. The Commission's records custodian provided copies of responsive documents on July 21, 2015. However, certain documents were redacted or withheld because such documents either did not constitute government records under OPRA or were expressly exempted from disclosure by such Act. On August 5, 2015, the employee submitted a subsequent OPRA request seeking "every government record submitted to the Pinelands Commission's records custodian between the dates of April 16, 2015 and July 21, 2015 that was withheld in response to prior OPRA requests. This OPRA request also asked for unredacted copies of documents and a privilege log of redacted documents provided in response to the prior OPRA request. The records custodian provided a copy of the requested privilege log on August 13, 2015 and denied the remainder of the request. Attorney for Plaintiff initiated the within action on September 4, 2015. *No new action as of December 31, 2015.*

### **Appellate Division**

**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. *No new action as of December 31, 2015.*

**Brooks v. Pinelands Commission, et al., Docket No. BUR-L-2479-15** – *This matter involves a challenge to the Commission’s Records Custodian’s response to an Open Public Records (OPRA) request. The request sought closed session meeting minutes as well as emails and correspondence pertaining to the Tuckahoe Turf Farm matter. Although the request was overly broad and, therefore, invalid under OPRA, the Record’s Custodian provided documents responsive to the request. With regard to the closed session minutes, the Record’s Custodian denied this portion of the request. The requester challenged the response to the OPRA request in Superior Court on or about October 27, 2015. The matter is pending.*

**In re The Pinelands Commission’s Consistency Determination Approving Tuckahoe Turf Farm Inc.’s Application No. 1984-0389.009 – Docket No. A-005025-14-** This is an appeal of the Commission’s issuance of a letter of no further review which permits the amended site plan approval issued by the Town of Hammonton Planning Board to take effect. This amended approval was consistent with the terms of a settlement agreement entered into between Tuckahoe Turf Farm, Inc. MSSL and the Pinelands Commission concerning soccer activities occurring at the farm. PPA and NJCF allege that the Commission’s action violates the Pinelands Protection Act and CMP regulations applicable to commercial uses in an Agricultural Production Area, because the use in question is not among the uses set forth in the CMP; that such action violates the terms of the deed restriction recorded for Tuckahoe Turf Farm’s Hammonton properties and that the action was arbitrary and capricious, because it was taken without a hearing and findings of fact and law on the public record. By letter dated July 23, 2015, the Appellate Division raised the question as to whether the Commission’s letter determining that the Hammonton Planning Board’s Amended Final Site Plan approval could take effect was a final agency action. Counsel for PPA and NJCF submitted its response to this question by letter dated August 4, 2015. Letter briefs were submitted on behalf of Tuckahoe Turf Farm and the Pinelands Commission on September 10, 2015 and September 11, 2015, respectively. Counsel for PPA and NJCF submitted a response to Tuckahoe Turf Farm’s letter brief on September 18, 2015. A briefing schedule has not been established for this matter. *The Statement of Items Comprising the Record in this matter has been filed.*

- **FEDERAL COURT**

*No new action as of December 31, 2015.*

- **OTHER LITIGATION MATTERS OF INTEREST**

*No new action as of December 31 2015.*

## C. Legislation

- *The 4<sup>th</sup> Quarter included the close of the 216<sup>th</sup> Legislative Session and a very active final month of December. S2125/A3247, which pertained to youth soccer events on lands located with Pinelands Agricultural Production Areas, was transferred to the Senate Community and Urban Affairs Committee. The bill was amended to permit farm-based recreation on all lands located within the Protection Area of the Pinelands. Additionally, the bill would have authorized the county agriculture development boards and the State Agricultural Development Committee to decide whether an activity constituted farm-based recreation and would have made such decision binding on the Commission. The Amended Bill cleared committee and was passed by both houses on December 17, 2015.*

## 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. To date the Commission has received signed MOAs from Atlantic, Camden, Burlington, Gloucester and Ocean counties. *No new action as of December 31, 2015.*
- **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, 2015.*
- **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 NJDEP'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 NJDEP's internal stakeholder

review. Steps included the documentation of the processes to be used going forward and an informal review of a NJDEP Forest Stewardship Plan. The Commission and NJDEP continue to work cooperatively on the review of NJDEP forestry applications. A formal agreement on the review process is being developed. *No new action as of December 31, 2015.*

### **E. Pinelands Municipal Council**

- *The Council met on November 24, 2015 in Estell Manor. The next Pinelands Municipal Council meeting is scheduled for January 26, 2016 in Waterford Township.*

### **F. Open Public Records Act**

- Open Public Records Act this quarter: A total of 26 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:

- *Elevator inspection.*
- *Inspections of the fire equipment, fire extinguishers, sprinklers and smoke detectors.*
- *Replacement of the main electrical breaker in the Carriage House.*

### **B. Financial Management**

- *Application Fees are at \$322,000 for the end of the 2<sup>nd</sup> Qtr. This is 76% of the FY2016 Anticipated Application Fee Revenue of \$425,000.*
- *Inquiries for the New Accounting firm to review the FY 2015 Audit material have begun.*
- *The Auditors finalized the FY 2014 Audit Report.*
- *Staff updated the Disaster Recovery Management Plan a requirement of the FY14 Audit.*
- *Interviews, evaluations and the final decision for the RJS Interpretive Center were completed. (Please see Part IV, section D for further information)*

### **C. Human Resources**

- *Interim Assessments for staff are being completed.*
- *A new Resource Planner has started employment at the Commission.*
- *Open Enrollment for health insurance was held during October. A webinar for Aetna was held on-site and available to all staff.*
- *Open Enrollment for the Flexible Spending Plan was held during December.*
- *The Commission passed a resolution to join the dental plans offered by the NJ State Health Benefits Program.*
- *A representative from Deferred Compensation held an informational session along with individual meetings with staff.*
- *A hearing is being scheduled through Public Employment Relations Commission (PERC) regarding a filed grievance.*

### III. Land Use and Technology

#### A. CMP Amendments

- CMP amendments are being drafted to address multiple Plan Review matters and will be presented to the P&I Committee for discussion at upcoming meetings throughout 2015 and 2016.
- Commission staff began work to develop a new pilot program to address special events and activities on agricultural lands. Nine meetings were held with interested parties (state agencies, non-profit conservation organizations, county farmland preservation staff, etc.) during April-June. A comprehensive list of issues and suggestions was prepared and shared with the Commission's newly formed Agriculture Committee on June 16, 2015. The Committee met on July 31, 2015. Susan Payne, Executive Director of the State Agriculture Development Committee (SADC), made a presentation on SADC's on-farm direct marketing regulations. The Committee will meet again in October or November. *The Committee will meet again in 2016 to discuss the pilot program and recent legislation.*

#### B. Conformance

- See Attachment #1 for summary of ongoing conformance items.
- 23 new ordinances and/or master plan amendments were received this quarter. (50 this fiscal year)
- 30 interpretations and municipal requests for technical assistance were completed this quarter (70 this fiscal year).

#### C. Special Planning Projects

- **Pine Barrens Byway:** The Department of Transportation has sent signage agreements to those entities having oversight of the various segments of the Byway. To date, only Burlington County has not adopted a resolution endorsing the signage agreements. A State-wide Byway workshop was conducted on June 16, 2015 at the State Library. *As of December 31, 2015, Burlington County has not endorsed the signage agreements.*
- **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. 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 determined that Hammonton's revised LTCWMP (April 28, 2014) is in substantial compliance with the conditions of Resolution No. PC-4-14-10. Work is continuing on Hammonton's wastewater drip irrigation system. The entire 26.47 acres of overland drip irrigation tubing is now installed and operational. The Phase I, 7.47 acre multi-depth subsurface drip irrigation system installed beneath four Town recreational soccer fields is now complete and operational and progress continues to be made on the Town's I&I Study. *Commission staff provided Hammonton with an Excel Spreadsheet Report Form to assist the Town in complying with the annual wastewater infrastructure reporting requirements of Pinelands Commission Resolution No. PC4-14-10. Staff continues to await submission of the annual summary report that was due on May 1, 2015.*

- The Town of Hammonton has filed an appeal of the 1.6 million gallons per day (MGD) flow limit in its existing New Jersey Pollutant Discharge Elimination System-Discharge to Surface Water (NJPDES-DSW) Permit. NJDEP denied the appeal and has ruled that the permit flow limit shall remain unchanged unless and until the Pinelands Commission agrees to the requested permit modification. *Hammonton advocated that the permit's 1.6 MGD "flow limit", which is enforceable by NJDEP be changed to a "flow condition", which is not enforceable. Hammonton further requested that the 1.6 MGD flow limit be applied only to discharges to Hammonton Creek, thus allowing discharges to the Creek provided they don't exceed 1.6 MGD. After review, Commission staff advised the NJDEP and its DAG that the Commission cannot support lifting the existing 1.6 MGD flow limit to the Hammonton treatment plant and that all discharges of wastewater to Hammonton Creek are prohibited by the Pinelands CMP.*
- **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 December, staff attended a*

*webinar hosted by the Transportation Research Board of the Academies of Sciences, Engineering and Medicine regarding the economic and ecological impacts of roadside mowing BMPs.*

- **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 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. USGS has delivered the Screening Level Assessment of Pinelands Area Landfills and staff is using the assessment tool to evaluate and categorize existing landfills. At the request of individual municipalities, staff has met with municipal officials to give an overview of the QDM landfill assessment tool and discuss the results of the analysis. To date, staff has met with representatives from Dennis Township, Upper Township, and Tabernacle Township. Planning staff has provided Tabernacle Township with the results of the USGS landfill assessment and have offered to assist the Township in the environmental closure of the landfill. *Staff met with South Toms River municipal officials to begin the process of evaluating the Borough's closed but uncapped sanitary landfill.*
- **Borough of Woodbine Wastewater Planning:** Commission staff has coordinated with representatives of the (Cape May County Municipal Utilities Authority) CMCMUA 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. CMCMUA has met with Woodbine to determine the next steps. They are awaiting a decision from both Woodbine and DCA by the end of the calendar year. Dennis Township has expressed concerns with the project and CMCMUA will be meeting with them. *No new action as of December 31, 2015.*

- **Alternate Design Wastewater Treatment Systems Pilot Program:** Staff completed the 2015 Pilot Program Annual Report, distributed copies of the report to Commission members in August 2015 and posted the report on the Commission's web site. *Staff is developing a database to assist Pinelands Area health departments ensure that advanced wastewater treatment systems authorized for use through the Pinelands Alternate Design Pilot Program are covered under operation and maintenance contracts as required by NJDEP's regulations at N.J.A.C 7:9A- 12.3.*

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

- Work on an informational brochure for the environmental and economic monitoring programs is underway. Each program will occupy one side of a standard NPS sized brochure. Drafts were produced by staff and a meeting was held to discuss how to best merge them into one cohesive document. *Final drafts are nearly complete and proofs will be printed.*
- Data collection for the 2015 Annual Report is *nearly complete. Writing will begin in early 2016.*
- Staff is also reviewing alternatives to the current method of reporting program findings. The goal is to have a more reader friendly method of reporting as well as reducing the staff time required in writing and editing, thereby allowing for more time to collect and analyze data. *To make the reporting of variables more straight forward, explanations of historical trends will be replaced with explanations of more recent trends.*

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

- **Pinelands Development Credit (PDC) Program:** *Seven new or amended Letters of Interpretation (LOIs) were issued, allocating 4.25 PDCs with the potential to preserve 340 acres. Three severances were completed, one of which is the result of a settlement agreement (Frank Murphy, Medford Township, 0.50 PDCs, 2.95 ac. in RGA [see page 3](#)). The other two have protected 15 acres in the APA and nearly 3 acres in the PAD. Forty-three rights were sold @ mean price of \$8,610.00 each. Five rights were transferred between related entities (individuals, corporate interests) and 37 rights were redeemed with the Bank. The PDC Bank Board met on September 8, 2015 and authorized the readoption of its rules with one technical change to reflect the current website address. The readopted rules were published and took effect on October 15, 2015. The Department of Banking and Insurance notified the Bank that Aileen Egan, Chief of Staff to Acting Commissioner Badolato, would serve as Chair of the PDC Bank Board as of November 10, 2015.*

- **Farmland Preservation Program:** *The State Agriculture Development Committee (SADC) has issued six Green Light Reviews, authorizing Burlington County to contract for farm appraisals with the potential to preserve 727 acres (400 acres in Pemberton; 258 acres in Shamong; and 69 acres in Southampton) and extinguish 33.25 PDCs.*
- **Pinelands Conservation Fund (PCF):** *As of December 31, 2015, the Commission has approved the allocation of \$10.44 million to 38 land preservation projects in the Pinelands Area. All 33 projects receiving funding prior to 2015 have closed. As of the September 30, 2015 deadline for the 2015 round of PCF grants, 11 applications for funding were received by the Commission, requesting a total of \$1,772,332 for the permanent protection of approximately 2,800 acres. Staff evaluated the applications using in-house information, an evaluation rubric authorized by the P&I Committee at its June 26, 2015 meeting, and site inspections of each of the subject parcels. Staff provided a presentation to the P&I Committee at its October 30, 2015 meeting to review each submitted application and make recommendations for funding. As a result, the P&I Committee approved the allocation of \$750,000 to five land preservation projects in the Pinelands Area for the potential preservation of approximately 2,650 acres. The P&I Committee established a deadline of February 29, 2016 for each of the projects to meet specified program requirements*
- **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. Green Acres preserved 18.50 acres through the FY-2015 LPU program. At its August 14, 2015 meeting, through its traditional LPU program, the Commission approved the eligibility of a 0.57 parcel in Medford Township's Regional Growth Area. Green Acres is actively pursuing acquisition of this property.*

## **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. Discussions have been held with NJDEP but progress is slow. A presentation is planned for the Delaware River Basin Commission and a meeting was held November 10, 2015 with the New Jersey Builders

Association. A workshop on technical issues is being planned for this spring.

Delaware River Basin Commission: *Mr. Liggett delivered a presentation on 10/22/15 to the Water Management Committee on the Kirkwood-Cohansey study*

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, 2015.

Data collection: The yearly Mullica Basin flows report by USGS to assess impact on stream flow from withdrawals for development looked at collected data to determine overall trends in streamflow. *The four study sites in Camden County are Hays Mill Creek near Chesilhurst (station number: 0140940200), Clark Branch at railroad bridge near Atsion (0140940480), Pump Branch near Waterford Works (01409408), and Blue Anchor Branch at Elm (0140940950). USGS reports that the “correlations between the [four] study sites and [six] index sites were fair to good”. A Mann-Kendall test on regression residuals show a statistically decreasing streamflow trends for Hays Mill Creek near Chesilhurst and Clark Branch at railroad bridge near Atsion. Tests on Pump Branch near Waterford Works and Blue Anchor Branch at Elm show increases in streamflow trends – possibly in response to decreased water withdrawals. USGS recommends further monitoring and that a more comprehensive analysis is needed to validate the results of their testing.*

**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, 2015.
  - The NJDEP’s new statewide Water Supply Plan remains on hold. However, data from the draft plan, absent policy analysis, is being released and a briefing of planning initiatives being undertaken by the Department is scheduled for the November 20 WSAC meeting.
  - 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 state-wide water demand to the year 2040. The 2040 analysis is moving ahead and scheduled for completion by December 31, 2015.
- **Cultural resources:** 17 (41 this fiscal year) cultural resource activities undertaken:

10 (24) applications reviewed

0 (0) forestry inquiries  
 1 (6) surveys reviewed  
 0 (0) CAFRA reviews  
 0 (0) Preliminary Investigation  
 0 (0) site coordination with other agencies/meetings & phone conferences  
 2 (5) coordinated reviews w/ NJDEP/SHPO  
 0 (0) Municipal/consultant inquiries  
 3 (5) on-site consultant research facilitation  
 1 (1) *formal meeting with consultants/project stakeholders on behalf of Pinelands Commission*

- 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 re-published the notice in the NJ Register and held a second hearing on May 13, 2015. Oral testimony and written comments were received. *NJDEP drafted several versions of an adoption document, most recently on December 4, 2015, and requested the staff's assistance in completing responses to public comment. The staff provided a revised document to NJDEP on December 21, 2015.*

The Ocean County Planning Board has completed the final draft of the Ocean County Wastewater Management Plan (WMP) and has submitted the WMP to the Pinelands Commission, requesting final consent on the plan and adoption of a resolution consenting to the proposed plan. *Staff reviewed the WMP and submitted comments to DEP on November 24, 2015. DEP adopted the Ocean County WMP, with minor revisions as suggested by Commission staff, on December 30, 2015.*

- Affordable housing:** The Council on Affordable Housing (COAH) published two rule proposals on June 2, 2014, setting forth procedural and substantive third round rules. Staff provided data on vacant land and buildout projections for use in COAH's determinations of "buildable limit capacity" by municipality. Staff submitted written comments on the proposed rules on July 30, 2014. On March 10, 2015, the New Jersey Supreme Court issued its decision in In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015). This case

removed the adjudication of a municipality's compliance with its constitutional obligation to create a realistic opportunity for producing a fair share of affordable housing from the Council on Affordable Housing ("COAH") and returned it to the judiciary. This decision shifted the landscape regarding municipal compliance with its affordable housing obligations in two ways: First it created a new process by which municipalities would seek a declaration of compliance with affordable housing obligations. Second, the ruling now permits low and moderate income citizens and those acting on their behalf, as well as developers the right to challenge, under certain circumstances, any municipality that fails to develop an adequate housing plan to bring the municipality into compliance with its fair share of the regional and prospective affordable housing needs. The rights afforded by the decision depend upon the class of the municipality involved.

The decision establishes three classes of municipalities depending on the current status of such municipality vis-a-vis the former COAH third round rules. "First Class" municipalities, of which there are approximately 60 towns, have been granted "substantive certification" by COAH under the third round rules. "Second Class" Towns, estimated at more than 300 towns, have submitted a resolution of participation with COAH sufficient to be recognized as "participating" municipalities and "Third Class" municipalities, approximately 200 towns, are those municipalities that appear to have done nothing to subject them to COAH's jurisdiction.

First Class Towns had 120 days – 90 days from the date of the Court's Order plus an additional 30 days thereafter (i.e. July 8, 2015), to file a declaratory judgment action with the Superior Court seeking a judicial declaration that their housing plans and implementing ordinances are constitutionally compliant. After the additional 30-day period expired, any interested party may file a lawsuit seeking to challenge a municipality's compliance. The towns, although not entitled to the statutory presumption of validity provided by the FHA, will have the benefit of the Supreme Court's direction to judges to be "generously inclined" to grant applications of immunity from exclusionary zoning actions during the review process.

With regard to Second Class Towns, the Supreme Court established a different procedure and treatment. These towns, if they affirmatively seek to obtain a court declaration that their affordable housing plans are presumptively valid, have 5 months to submit their supplemental housing element and affordable housing plan. After that 5 month period, they provide initial immunity insulating these towns from exclusionary zoning actions (i.e. builder remedy suits). As was the case with First Class Towns, Second Class Towns have 120 days to proceed with a declaratory judgment action. These towns, however, are not automatically granted immunity from exclusionary zoning actions, rather the court will assess on a case by case basis the extent to which a grant of immunity is appropriate. *The Commission has received a copy of declaratory judgment papers from many Pinelands municipalities and revised housing plans from several. Buildout data is being supplied upon request.*

## **G. Geographic Information System**

- *Zoning & PMA Updates: Added Galloway Twp Ordinance 1909-2015; Added Monroe Twp Ordinance O:35-2015; Edited Lakehurst Ordinance 03-10.*
- *Threatened and Endangered Species Layer: Performed quality assurance checking on the T&E database by comparing original data sheets to the database attributes. Process is ongoing.*
- *LOIs for PDCs: Five applications involving 11 lots were analyzed. One of the applications required photo interpretation on one lot.*
- *Analysis/Map Products/Programming: OIT continued programming and loading data layers. They are currently fine-tuning the information to be presented regarding soils data. We are expecting to receive a beta test version of the program early in the first quarter of 2016.*
- *Continued setup of new GIS server including: Continued to load data into the new system. Downloaded most current data from the NJDEP (e.g. Land Use, CAFRA data, census block data, historic districts, etc.). Copied and repointed layer files to point to the data on the new server and continued examining existing legacy data how to best migrate and re-organize it on the new server. Maintaining documentation in Excel regarding source and name of data from old server and location and name on new server.*

## **H. Management Information System**

### **PCIS:**

- *Made 15 programming modifications and additions to improve efficiency in all aspects of project review and one programming modification to facilitate system administration.*

### **Permanent Land Protection:**

- *Continued to enter deed restrictions as they are received and continued QA/QC (quality assurance / quality control).*
- *Continued to research and enter the date that land was deed restricted for all previously entered deed restrictions.*
- *In preparation for the next Permanent Land Protection report, began re-compiling the deed restriction data maintained in PCIS by joining it to the most current parcel data from the State. Approximately 600 of the nearly 51,000 deed restriction records failed to join and are now being manually reconciled. Join failures are usually due to lot sub-divisions that are not yet in the State parcel data.*

- *117 deed restriction records were added to the database in the Pinelands Area and two deed restriction records were to the Pinelands National Reserve (PNR).*

#### **Network Infrastructure:**

- *The two additional required components for the domain controllers were received and installed by MIS and the Office of Information Technology (OIT) completed the installation and configuration of Pinelands Commission Active Directory domain, pinelands.state.nj.us. OIT training for MIS system administrators has begun and MIS staff will begin joining user computers to the new domain in January, to be followed by the Pinelands servers.*

#### **Other Programming and Systems:**

- *Conformance Tracking System: Made a minor programming modification regarding the calculation of due dates.*
- *Alternate Septic System Maintenance Contract Tracking System: Bulk loaded data for the Bioclere systems.*
- *MOA Tracking System: Completed programming the MOA Tracking System. Bulk loaded all the existing data from the spreadsheets and placed the system into production.*

## **IV. Public Programs**

### **A. Communication**

- *There were 33,584 views of the Commission's web site during the last quarter.*
- *A total of 40 media inquiries and 220 general inquiries were handled this quarter. Of the general inquiries, 115 inquiries came via e-mail, 98 came via telephone and seven came by mail. Most of the inquiries pertained to general Pinelands information, development application questions, the South Jersey Gas application and the Pinelands Short Course.*

### **B. Publications**

- *The Commission adopted a resolution to accept the 2014 Annual Report during its October 9, 2015 meeting.*

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

- *Commission staff members continue to plan next year's Pinelands Short Course. The event will be held on March 12, 2016 at Stockton University. Staff finalized the lineup for the event in December 2015. The registration brochure will be printed and distributed in January 2016.*
- *Commission staff educated 214 students during the Pinelands-themed World Water Monitoring Challenge on October 23, 2015 at Batsto Lake.*
- *Staff educated an additional 75 people about the Pinelands during a program that was delivered in Mount Laurel.*

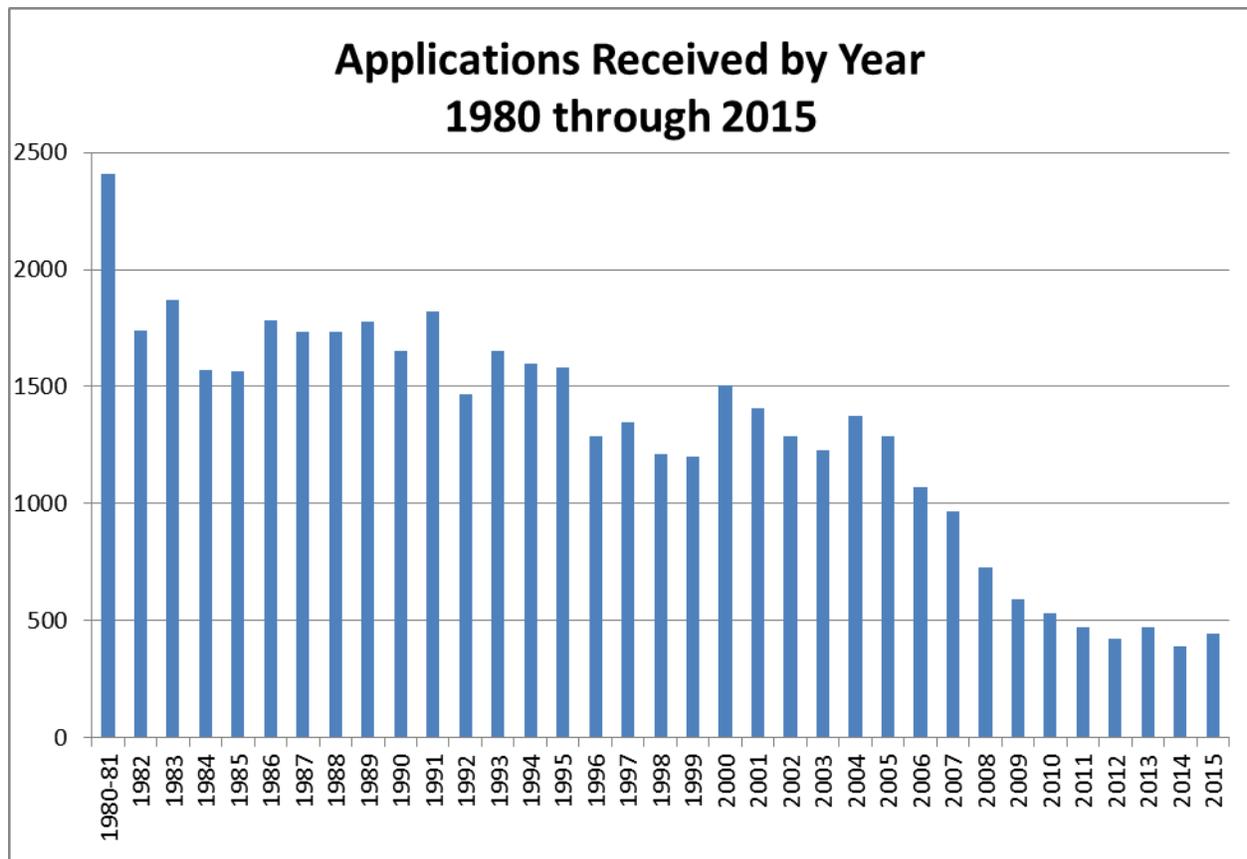
### **D. Interpretive Program**

- *Staff continued to track the distribution of the Pinelands National Reserve (PNR) brochure.*
- *The Commission received four bids to create and install Pinelands exhibits as part of a project to convert the Sullivan Center into a Pinelands Visitor Center. The Request for Proposals (RFP) was posted on the Commission's website on September 2, 2015, and prospective contractors had until October 14, 2015 to submit their bids. An RFP Evaluation Committee composed of staff members and a representative from the Commission's Educational Advisory Council reviewed and scored the bids. The Personnel and Budget Committee will discuss a resolution to award the contract during its February 2, 2016 meeting.*

# 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:	2015	111	102
	2014	111	85
Total applications active for the last two quarters with a comparison to last year:	2015	640	663
	2014	589	649
“No Call-ups” issued for the last two quarters:	By mail	37	40
	By fax	48	58
Certificates of Filing issued for the last two quarters:		42	33
“Call-ups” issued for the last two quarters:		23	23
Streamlined permitting actions taken during the last two quarters:	LRO	12	6
	MOA	7	3



## B. Notable Development Applications

- **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 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 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 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 the 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. 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. On February 19, 2015, the Commission sent a letter to the Township outlining the information necessary to complete the concerned application. On March 16, 2015, the Township provided some of the information requested in the staff's letter. The staff is scheduling a meeting with Township officials to discuss the submitted information. On June 2, 2015, the staff met with representatives of the Township to further discuss the application. The Township submitted additional information regarding the application on September 4, 2015. That information is under review. *By letter dated October 13, 2015, the Commission staff responded to the Township's submission requesting the remaining information to complete the application and providing a tentative schedule for Commission consideration of the application for a Waiver of Strict Compliance based upon a compelling public need. Subsequently, the applicant completed the public notice requirements for the Waiver and Public Development application. By letter dated December 10, 2015, the staff advised that the application was complete. The Commission staff's letter also addressed the need for the Township to schedule a Public Hearing on the Waiver application. On December 30, 2015, the Township submitted the required public notice information to the Commission regarding scheduling of a proposed January 6, 2016 Public Hearing. Upon Commission staff review, it was determined that the Township has not met*

*all the public notice requirements necessitating the rescheduling of the Public Hearing.*

- **Thomas Betts (App. No. 1984-0389.009)** he Commission staff 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. 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 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. On January 9, 2015, the Commission staff received notice that Hammonton had approved the application. The staff received multiple requests from the applicant granting an extension of time from the CMP prescribed 15 days for the staff to determine whether the municipal approval raised a substantial issue with the Commission certified municipal land use ordinances and the CMP and to schedule a Commission staff public hearing on the application. On March 27, 2015, the staff issued a letter indicating that the concerned Hammonton approval raised a substantial issue with the permitted use and other standards of the Commission certified municipal land use ordinance and the CMP and scheduled a public hearing on the application for April 30, 2015. After an exchange of information, on May 26, 2015, the Commission staff issued a letter allowing the Hammonton approval to take effect. That letter was issued based upon conditions imposed by Hammonton, including a condition limiting the number of recreational events that could occur in a given year. The applicant is also required to submit a yearly schedule of events to the municipal Zoning Officer for calendar years 2015, 2016 and 2017. If the schedule of events is consistent with the number of recreational events that could occur in a given year, the Zoning Officer will issue a zoning permit to the applicant on a yearly basis. Prior to issuance of that zoning permit to the applicant, the zoning permit will be submitted to the Commission staff for review. The Commission staff can either issue a letter allowing the zoning permit to take effect or issue a letter scheduling a Commission staff public hearing

to review any substantial issue raised by the zoning permit. On September 4, 2015, we received notification from the Hammonton Zoning Officer that a schedule of events for calendar year 2015 was submitted to Hammonton and the Zoning Officer found that schedule consistent with the conditions of Hammonton's prior approval. *On October 1, 2015, the Commission staff received a municipal zoning permit approving the calendar year 2015 events. By letter dated October 13, 2015, the Commission staff advised that the Hammonton zoning permit raised a substantial issue with the permitted land use standards of the Hammonton land use ordinance and the CMP and scheduled a Commission staff Public Hearing to review that issue. On October 22, 2015, the Commission staff received notice that the Waterford Township Planning Board had granted preliminary and final site plan approval. On November 6, 2015, the Commission staff sent a letter indicating that the Hammonton Zoning permit and the Waterford Township Planning Board's Preliminary and Final approval raised a substantial issue with the permitted land use standards of the respective municipal land use ordinances and the CMP. On December 4, 2015, Hammonton revoked its Zoning Permit.*

- **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. 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 application fee information necessary to review the County's application. On February 4, 2015 and February 11, 2015, the applicant submitted additional information to the Commission staff. By letter dated April 8, 2015, the Commission staff advised the applicant of the information required to complete a Commission application. The applicant submitted additional information to the Commission staff throughout late June, July and August 2015. In response to that information, on September 24, 2015, the staff sent a letter to the applicant indicating the information necessary to complete the application. Additional information was submitted by the applicant in September 2015. *On October 13, 2015, the Commission staff sent a letter requesting certain information necessary to complete the application. On November 24, 2015, the applicant submitted additional information. Throughout the month of December 2015, the*

*applicant submitted cultural resource survey information regarding the application. The Commission staff responded by letter dated December 29, 2015 indicating that except for certain cultural resource survey information, the application was complete. On December 29, 2015, the applicant submitted information regarding a proposed deed restriction to enable a proposed dwelling (care takers residence) at the interpretive center to meet the Township's zoning requirement.*

- **Barnegat Crossing, Barnegat Township (App. No. 1985-1432.009)** On March 12, 2015, an application was initiated for the development of 107,363 square feet of commercial space in six separate buildings and 150 dwellings (apartments) located on the second floor of two of the proposed commercial buildings. The Commission staff issued a Certificate of Filing for the proposed development on March 24, 2015. The proposed residential development required the purchase of 9.5 Pinelands Development Credits (PDCs). On September 2, 2015, the Commission staff called up the approval for a public hearing. The public hearing concerned the need for the applicant to acquire the required PDCs. *On October 13, 2015, the Commission staff sent a letter to the applicant inquiring as to whether development was occurring on the parcel. By letter dated October 27, 2015, the Commission staff advised the applicant that the Commission staff had verified that development was occurring on the parcel and that that development constituted a violation of the application requirements of the Township land use ordinance and the CMP. On November 12, 2015, the Commission staff received notice that the required PDCs had been redeemed. On November 18, 2015, the Commission staff issued a letter indicating that the concerned municipal approval could take effect.*
- **North Hanover Board of Education, North Hanover Township (App. No. 1991-0820.103)** On February 27, 2015, the staff conducted a pre-application conference with the representatives of the Board of Education. The applicant was proposing the demolition of three schools and the development of one new school, all on the same parcel. The applicant was advised that the proposed 50 foot buffer to wetlands appeared to be problematic. The applicant indicated that the 50 foot buffer was required to meet the design requirements of other agencies. Additional pre-application conferences were held on July 7, 2015 and on August 3, 2015. The primary issue discussed at the multiple pre-application conferences concerned the required buffer to wetlands to be maintained by the proposed school. The applicant proposed a reduced buffer to wetlands based upon the proximity to wetlands of the three existing schools on the parcel that are proposed to be demolished. On August 10, 2015, an application for the proposed school was filed with the Commission. On September 16, 2015, the Commission staff sent a letter requesting certain information to complete the application. *The applicant submitted information to the Commission staff on October 20, 26 and 28, 2015, November 9, 2015 and December 14, 2015. By letter of December 29, 2015, the Commission staff specified the remaining information necessary to complete the application.*

- **South Jersey Gas, Estell Manor, Maurice River and Upper Townships (App. No. 2012-0056.001)** On May 21, 2015, an amended application for a proposed gas main installation was submitted to the Commission. The application included a proposed interconnect station on a parcel containing certain Upper Township municipal facilities. On June 22, 2015, the Commission staff issued a letter requesting certain information to complete the application. On July 17, 2015, the applicant submitted the information requested in the staff's letter. On August 14, 2015, the staff issued a Certificate of Filing for the proposed gas main. *On December 14, 2015, the Commission staff issued a letter to the New Jersey Board of Public Utilities (BPU) regarding the portion of the proposed gas main located in the Pinelands Area. That letter indicated that the Commission staff had reviewed the documentation submitted to the BPU during the course of certain BPU hearings for South Jersey Gas Company's application to BPU for a determination under the New Jersey Municipal Land Use Law (MLUL) that the MLUL and any regulation made under the authority of the MLUL shall not apply to this application by South Jersey Gas to install gas service in multiple municipalities. The Commission staff's December 14, 2015 letter concluded that the staff's prior finding of the project's consistency with the regulations contained in the Pinelands Comprehensive Management Plan, as reflected in the Commission's August 14, 2015 Certificate of Filing for the proposed project, remained unchanged.*

**New Jersey Natural Gas, Jackson, Manchester and Plumsted Townships County (App. No. 2014-0045.001)** Pre-application conferences were held with the applicant on May 6, 2014 and October 14, 2014. On April 10, 2015, an application for the proposed gas main was filed with the Commission. On June 12, 2015, the Commission staff sent a letter requesting information to complete the application. The applicant submitted information throughout the month of July 2015. On August 3, 2015, the Commission staff sent a letter identifying the remaining information necessary to complete the application. The applicant submitted information on September 29, 2015. *The Commission staff issued a letter on November 19, 2015 specifying the information required to complete the application. Upon receipt of additional information, the Commission staff issued a Certificate of Filing for the proposed development on December 9, 2015.*

**Campground, Borough of Woodbine (App. No. 1981-0210.004 & App. No. 1981-0210.007)** On July 6, 7, and 31, 2015 the Commission staff received information regarding a proposal to develop 72 campsites on a parcel and to connect those campsites to an onsite wastewater treatment plant located on an adjacent parcel. There is an existing campground served by onsite septic systems on the parcel. The issue raised by the proposed development is whether the existing and proposed campsites meet the definition of a campground. In addition, an issue is raised by the proposal to develop additional campsites served by a wastewater treatment system located on another parcel when the existing campsites, served by onsite septic systems, already exceed the groundwater quality (septic

dilution) standard. *On October 27, 2015, the Commission staff issued a letter identifying the issues raised by the proposed development.*

### **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 complete in this matter. The Petitioner filed a motion for Summary Decision on June 22, 2015. A Cross-Motion for Summary Decision was filed on behalf of the Pinelands Commission on July 24, 2015. The petitioner then filed its reply/opposition brief on August 5, 2015 and a reply/support brief was subsequently filed for the Commission on August 14, 2015. *Oral argument on these motions was conducted on October 28, 2015. Administrative Law Judge Scarola issued her initial decision on November 20, 2015 granting the Commission's Motion for Summary Decision and finding that Jackson Township's preliminary approval of Peg Leg Webb's proposed resource extraction operation did not conform to the minimum standards of the Pinelands Comprehensive Management Plan.*

### **D. Violation**

- **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, 2015.*
- **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. During the period from March through February 2014 restoration plan revisions were submitted. On February 6, 2014, the Commission staff received information from the property owner indicating that two of the four stockpiles have been removed and the concerned areas have been restored. 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. By letter dated June 15, 2015, the staff indicated agreement with the proposed restoration plan and requesting that a filed copy of the deed for the parcel, noting the restoration requirements, be submitted to the Commission. By letter dated August 6, 2015, the staff reminded the applicant of the requirement to submit the requested information. *No new action as of December 31, 2015.*

- **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. On February 18, 2015, the Commission staff met with representatives of the Township to discuss an approach to resolving the violations. The Commission staff will send a letter to the municipality regarding the agreed upon approach. By letter dated May 12, 2015, the Commission staff asked for the Township Zoning Officer's assistance in issuing any appropriate violations notices. *No new action as of December 31, 2015.*
- **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 Commission 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. *By letter dated November 30, 2015, the Commission staff acknowledged that the commercial use had been removed from the lot but that the wetland and wetland buffer clearing violations remained to be addressed.*
- **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." 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. 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 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. 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. By letter dated January 29, 2015, the Commission staff advised the applicant that a site inspection confirmed the commercial farm market had been removed. By letter dated June 25, 2015, the Commission staff issued a letter to the property owner regarding re-establishment of a commercial farm market on the parcel without application to the Commission. On August 6, 2015, the staff issued a letter reminding the property owner of the need to respond to the staff's June 25, 2015 letter. The applicant did not respond to the staff's letter. On September 17, 2015, the Commission staff issued a letter to the municipal Zoning Officer asking assistance in issuing any appropriate violation notices and municipal court summons. *No new action as of December 31, 2015.*

- **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. On March 30, 2015, the Commission staff sent a letter to follow up on a March 25, 2015 site inspection with the Township construction code official and the property owner. Based upon that site inspection, it is the staff's understanding that the owner proposes to remove the concerned 6,000 square foot building to resolve the violation. *By letter dated December 23, 2015, the Commission staff sent a letter to the property owner regarding the status of resolving the violation.*

- **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. 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. 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. The owner has not responded to the Commission's letter. The Commission staff has scheduled a site meeting with the Township Zoning

Officer and a representative of NJDEP's Wetlands Program to discuss the next steps to resolve the violation. *On November 20, 2015, the Commission staff held a site meeting with the property owner, the Township Zoning Officer and representatives on NJDEP. At that meeting it was agreed the property owner would apply to the Commission by February 1, 2016 and then proceed to the Township by April 1, 2016 for a municipal determination regarding the pre-1981 limits of the salvage yard.*

- **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. On January 6, 2015, the staff sent a letter outlining the extent of violations on the parcel and a suggested approach to resolving the overall violation. On May 11, 2015, the Commission staff met with representatives of the property owner to discuss a possible resolution of the long-standing matter. In July 2015, the property owner submitted information to the Commission staff. That information addressed alternative accesses to the parcel that may be available to avoid wetlands. The applicant is representing that there is no other feasible access to the parcel other than the access already developed in wetlands. The staff is arranging another meeting with the applicant to further discuss the access road issue. *No new action as of December 31, 2015.*

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

- **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, 2015.*
- **Port Republic and Bass River Township (New Gretna Area) (App. No. 2015-0014.001)** A pre-application conference was held on March 23, 2014. Atlantic Electric is proposing to replace existing transmission towers and

possible relocation of existing utility right-of-way. *No new action as of December 31, 2015.*

## **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.*
- *Long-term anuran surveys: Staff began to assess long-term trends in pond occupancy and numbers vocalizing for the frog and toad species heard at these sites.*
- *Pinelands-wide water-quality monitoring: Staff completed the October round of water-quality sampling.*
- *Watershed-assessment Report: No new action as of December 2015.*
- *Science, Communication and Planning staff have been collaborating to create a Long-term Environmental and Economic Monitoring Program brochure that highlights various aspects of the two monitoring programs.*
- *Science staff provided southern leopard frog data to the New York State Department of Environmental Conservation as part of a collaborative multi-state study of the newly described Atlantic Coast leopard frog.*

### **B. Forest Characterization Project**

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

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

- *Staff assembled a group of unidentified plant specimens for identification and drafted a workplan to analyze a portion of the data.*

### **D. Pond-vulnerability Study**

- *Staff finalized the frog and toad vocalization data collected from natural ponds in 2014 and 2015, verified the identification of each frog and toad species using the digital recordings from field visits, began to identify plant vouchers, and delineated the boundary of each pond in the full inventory of natural ponds.*

### **E. Created-wetland Study**

- *Staff finalized the frog and toad vocalization data collected from excavated ponds and stormwater basins in 2014 and 2015, and verified the identification of each frog and toad species using the digital recordings*

*from field visits, began to identify plant vouchers, and delineated the boundary of each created wetland in the full inventory of excavated ponds and stormwater basins.*

## **F. Pinelands Research Series**

- *Three presentations were given as part of the Pinelands Research Series. “Exploring NJ Climate Variability and Change” was presented by David A. Robinson, a Rutgers University professor and State Climatologist; “Soil Lichens of the NJ Pinelands” was presented by Natalie Howe, a PhD student at Rutgers University; and “An Unexpected Journey: Anuran Decline Research and the Incidental Discovery of a New Species in the Urban Northeast and Mid-Atlantic US” was presented by Jeremy Feinberg, a guest Researcher at Brookhaven National Laboratory and recent PhD graduate from Rutgers University.*

## **G. Other Science Items**

- *Science staff assisted Executive staff by attending an NJDEP implementation meeting for the Double Trouble State Park natural resource stewardship plan.*
- *Science staff assisted Regulatory Programs staff by: providing temperature and humidity information for Pine Barrens treefrogs to assess the adequacy of consultant surveys completed for culvert replacements on Indian Cabin Road; assessing potential impacts of a dam replacement project on an American lotus population; surveying a stormwater basin for the presence of purple bladderwort; assessing the Pinelands status of wetland tree species proposed for use in a PSE&G wetland restoration project; and providing comments on upland and wetland seed mixes proposed by PSE&G for use in ROW road projects.*
- *Science staff provided U.S. Geological Survey scientists with locations for red-spotted newts for an upcoming USGS study on the occurrence of *Batrachochytrium salamandrivorans* (Bsal), which is a deadly fungal pathogen to salamanders; attended a USGS lecture on the effects of nutrient enrichment on biological communities in agricultural streams; attended a USGS sponsored webinar on Bsal; attended a webinar on the northern long-eared bat and a field trip on forestry and fire sponsored by the USDA Forest Service North Atlantic Fire Science Exchange; participated in a meeting of the Scientific and Technical Advisory Committee for the Barnegat Bay Partnership; and provided Tom Hupf, who is the Superfund Program Manager at the FAA William J. Hughes Technical Center, the locations of several acid-water ponds and associated vegetation-structure data.*

# ATTACHMENT #1

## ONGOING CONFORMANCE ACTIVITY October-December 2015

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. Staff met with representatives of the Township and the redeveloper on 12/16/14 to discuss the redevelopment plan and PDC obligation. <i>No new action since December 2014.</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</p>

MUNICIPALITY	TOPIC
	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.
Estell Manor	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. The Planning Board adopted the master plan amendment in early October 2014. No further progress has been reported.
Evesham	1. Stormwater management: The Township introduced an ordinance in late 2013 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.
Franklin	1. Signs: The Township adopted Ordinance O-6-14 on 7/22/14, allowing for digital signs in the Agricultural Production Area and Rural Development Area. The Commission received a copy of Ordinance O-6-14 on 1/2/15, held a public hearing on 2/25/15 and conditionally certified the ordinance on 4/10/15. The conditions for certification require the adoption of amendments to prohibit digital signs in the Pinelands Area portion of the municipality. The Township's response to the conditional certification order is due on 8/8/15. <i>The Township requested and was granted two extensions through 1/4/16.</i>
Galloway	1. 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. 2. Affordable housing: 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. In March 2015, staff began discussions with the Township about two other potential affordable housing sites, one in the Pinelands Town and the other in the Pinelands Village of Pomona. On 5/12/15, the Township adopted a redevelopment plan (Ordinance 1909-2015) for the Pomona Village site. Commission staff sent a substantial issue finding letter on 6/18/15. A public hearing has been scheduled for 7/15/15. A public hearing was held on 7/15/15. The Commission certified Ordinance 1909-2015 on 8/14/15.
Hamilton	1. Historic resource ordinance: The Township adopted and submitted Ordinance 1785-2015 to the Commission for review in April 2015. Ordinance 1785-2015 adopts revised regulations for designation and preservation of historic landmarks and historic districts, including a new procedure governing demolition and relocation of such resources. Commission staff sent a substantial issue finding letter on 6/8/15 and suggested the Township request an extension of the Commission's review period so that further discussion and resolution of various issues with the ordinance could occur. The Township requested and was granted such an extension through 10/16/15. A meeting with Township representatives has been scheduled for 7/8/15. A meeting with Township representatives was held on 7/8/15. The Township then submitted draft revisions to Ordinance 1785-2015 and introduced an amending ordinance (1799-2015) on 9/21/15. <i>The amending ordinance was adopted and provided to the Commission on 10/19/15. On 10/27/15, staff sent a no substantial issue finding letter to the Township, allowing the two ordinances to take effect.</i>
Hammonton	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

MUNICIPALITY	TOPIC
	<p>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. Redevelopment Plan: The Town introduced Ordinance 20-2015, approving a redevelopment plan for four lots in the Pinelands Town, on 9/28/15. Staff has requested and is awaiting a copy of the accompanying redevelopment plan.</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 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</p>

MUNICIPALITY	TOPIC
	<p>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. Although scheduled for adoption on March 24, 2015, the rezoning ordinance (06-15) was not adopted due to concerns expressed by property owners with the loss of residential development opportunities. A meeting with Township representatives was held on 4/9/15 to discuss zoning issues, RGA regulations and options. A pre-application meeting with an affected property owner was held on 4/13/15. Commission staff met with the Township's planning consultant on 6/24/15 to review the existing and proposed RGA zoning plans.</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. Met with Homes for All and Senator Singer on 11/19/13 to discuss wastewater options. Commission staff discussed the wastewater and zoning issues with the new attorney hired by Homes for All on 6/15/15.</p> <p>2. 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 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. The Township then determined it would need to readopt the ordinance. A new ordinance, 15-009, was adopted on 7/13/15 and submitted to the Commission on 8/5/15. Commission staff have requested and are awaiting receipt of the adopted zoning map accompanying Ordinance 15-009. <i>Commission staff requested and received a copy of the adopted zoning map accompanying Ordinance 15-009 on 12/8/15. The map reflects several small changes in Pinelands management area designations, thereby necessitating the Commission's formal review and approval process. A letter to that effect was sent to the Township on 12/17/15. A public hearing has been scheduled for 1/19/16.</i></p> <p>3. <i>2015 Master Plan Amendment: the Planning Board is considering adoption of an amendment to the Master Plan that recommends a change in zoning within the RGA (residential to industrial), as well as the adoption of a redevelopment plan for the Heritage Minerals site in the PNR. A number of hearings have been held on the amendment, with revisions subsequently incorporated to address concerns with other recommended zoning changes outside the Pinelands Area. The staff's</i></p>

MUNICIPALITY	TOPIC
	<p><i>attempts to schedule a meeting in December 2015 with Township representatives to discuss RGA zoning issues were unsuccessful, largely due to affordable housing deadlines. Meeting dates in early 2016 will be suggested.</i></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 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> <p>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. 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.</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 Monroe’s 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 2013, staff met with the Township to discuss these concerns. Subsequently, the Township requested, and received, several extensions of the Commission’s review period for Ordinance O:31-2012, most recently through 2/1/15. The Township then adopted another ordinance (O:02-2015) that eliminated the redevelopment plan for a portion of the Acme Redevelopment Area. That ordinance also has the effect of eliminating residential development potential from the Redevelopment Area. Staff then discussed with Township representatives the potential for shifting of residential units to another redevelopment area in the RGA. The Township requested and was granted an extension of the Commission’s review period for Ordinances O:31-2012 and O:02-2015 through 9/30/15 to provide an opportunity for the Township to continue discussions and potential revisions to its redevelopment plans that would maintain residential development potential. <i>Staff met with a Township representative on 10/14/15 to discuss new concept plans for the redevelopment area.</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>

MUNICIPALITY	TOPIC
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. 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 with Township representatives to discuss the issue was held on 1/20/15. The Township requested in late February that staff draft revisions to the Redevelopment Plan that would accommodate PDC use. These draft amendments were provided to the Township on 3/11/15. The Township then hired a new attorney to work on the redevelopment issues and identified a second potential redevelopment area within the RGA. At the Township's request, Commission staff calculated wetlands and vacant acres within the two redevelopment areas and provided this information, along with detailed maps, on 5/26/15. Staff met with Township representatives on the two redevelopment areas and potential ways to address PDC requirements on 7/31/15. At the Township's request, staff also assisted with the preparation of Pemberton's application to ULI (Urban Land Institute) Philadelphia for technical assistance on the redevelopment plans. Comments and suggested attachments were provided on 8/27/15.</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. 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</p>

MUNICIPALITY	TOPIC
	<p>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. A revised version of the master plan report was adopted by the Planning Board on September 8, 2014. A draft revised zoning map was provided to the Commission for review in late January 2015. Commission staff identified a number of discrepancies between the draft map and the certified zoning. A detailed description of these discrepancies was provided to the Township on 2/23/15. A meeting was held with the Township to review the issues on 2/27/15. Staff provided the Township with a shapefile of Pemberton's certified zoning on 3/3/15. Multiple iterations of the revised zoning map were received and reviewed between March-September 2015. Staff provided the Township with shapefiles and written descriptions of all identified discrepancies <i>and met with Township representatives to resolve them in September and October 2015. An ordinance to adopt the revised zoning map was introduced on 12/16/15 and is scheduled for adoption in January 2016.</i></p> <p><i>3. Affordable housing: The Pemberton Planning Board adopted a new Housing Element and Fair Share Plan in November 2015. The Commission received an adopted copy on 12/11/15. The documents are under review.</i></p>
Stafford	<p><i>1. Stafford Business Park Redevelopment Plan: The Township adopted an amendment to the Redevelopment Plan (Ordinance 2015-12) on 9/22/15. The amendment increases the number of affordable units permitted in the Redevelopment Area. An adopted copy of the ordinance was received on 10/9/15. Staff sent the Township a no substantial issue finding letter on 10/30/15, allowing Ordinance 2015-12 to take effect. A second amendment to the Redevelopment Plan (Ordinance 2015-15) was adopted on 9/8/15 and submitted to the Commission for review on 10/27/15. This amendment allows certain recreational uses planned in the Redevelopment Area to be replaced with additional commercial development. Ordinance 2015-15 is under review while the staff awaits receipt of additional documents from the Township.</i></p>
South Toms River	<p><i>1. Landfill redevelopment plan: Staff met with numerous Borough representatives on 11/16/15 to discuss a plan for redevelopment of municipally-owned properties in the RGA. The plan would include high-density residential development as well as closure of the Borough's old landfill. Further discussions with Borough representatives occurred in December.</i></p> <p><i>2. Municipal Complex redevelopment plans: The Borough adopted a Redevelopment Plan for one property in the RGA (Block 19, Lot 1 -Double Trouble Road) on 11/23/15. The Redevelopment Plan envisions that this property will be the site of the Borough's new municipal complex. The Commission received an adopted copy of Ordinance 12-15 on 12/31/15 and it is under review. A draft of a second redevelopment plan for a property outside the Pinelands Area, where the existing municipal complex is located, was received on 1/5/16.</i></p>
Waterford	<p><i>1. Haines Mills Blvd. Redevelopment Area: Commission staff met with Township representatives on 11/17/14 to discuss the potential addition of residential development and/or mixed use development in the redevelopment area. Potential issues with density, PDCs and water use were reviewed. An additional discussion with Township representatives occurred on 5/18/15, at which time Commission staff suggested the preparation of a more detailed proposal.</i></p> <p><i>2. Affordable housing: The Township contacted the staff in October 2015 to discuss a proposed zoning change (commercial to residential) in the RGA to accommodate affordable housing. Staff met with Township representatives on 12/2/15 to discuss the zoning change, PDC requirements, residential densities and revisions to the Haines Mills Redevelopment Plan to accommodate residential development. Adopted copies of the Township's 2015 Housing Plan and rezoning ordinance (Ordinance 2015-17) were received on 12/21/15 and are under review.</i></p>
Weymouth	<p><i>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.</i></p>

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	<p>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 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 Township forwarded its proposed zoning plan to the Commission. Comments and questions were provided to the Township on September 23 and 26, 2014. Another meeting with the Township took place on November 6, 2014. During preparations for the Township's presentation at the 1/30/15 P&amp;I meeting, issues with sewer and water supply and the Commission's MOU with Winslow and CCMUA were identified. The presentation on Winslow's RGA rezoning proposal has been deferred until these issues are fully resolved.</p>
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>