

# Management Report for April, May & June 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.*
- **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 number of possible changes to MOA procedures and standards have been identified and are under discussion by the Committee. The next meeting has been scheduled for September 25, 2015.*
- **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.*

## B. Litigation

- STATE COURT CASES

### Law Division

**Frank Murphy v. Medford Township Zoning Board of Adjustment, Medford Township and John Does** – Docket No. BUR-L-3026-13: This is a prerogative writ action filed by the property owner challenging the zoning board's second denial of his bulk variance and seeking damages for inverse condemnation. Medford Township filed a third-party complaint against the Pinelands Commission seeking joint liability and contribution on the takings claim. The property owner sought the bulk variances to permit construction of a single family dwelling on the parcel. Nearly the entire lot is a hardwood swamp wetland. The property owner sought and

received a Waiver of Strict compliance from the wetland buffer standards of the Comprehensive Management Plan to permit construction of a single family dwelling. A motion to dismiss the Third-Party Complaint was filed on behalf of the Pinelands Commission on or about March 13, 2014. The return date for this Motion was scheduled for May 1, 2014. The Court converted this to a Motion for Summary Judgment. Additionally, Plaintiff has also filed a Summary Judgment motion. The return date for all motions in this case was initially scheduled for August 12, 2014. A ruling on the motions was postponed in order to afford the parties an opportunity to engage in settlement discussion. Oral argument was conducted in this matter on December 18, 2014. Following argument, the court requested supplemental briefs, which were due on January 14, 2015. The judge issued a tentative decision and conducted oral argument on the pending motions on March 3, 2015. At the conclusion of the argument, the Judge sent the matter to the Office of Dispute Settlement for Mediation. A mediation session was conducted on March 16, 2015, during which the parties moved toward reaching an amicable resolution of this litigation. *The Commission authorized its Deputy Attorney General to negotiate and resolve this matter at its April 10, 2015 Commission meeting. The parties subsequently agreed to an amicable resolution of the matter, and it was dismissed by the court with prejudice on June 11, 2015.*

**Pinelands Preservation Alliance v. Pinelands Commission** – Docket No. BUR-L-1744-14- This matter involves a proceeding to challenge the Commission’s Records Custodian’s response to the Pineland Preservation Alliance’s Open Public Record Act request pertaining to the proposed Memorandum of Agreement for a natural gas transmission pipeline. OPRA provides two vehicles by which a requestor may challenge a Records Custodian’s response to an OPRA request. Specifically, the requester may file an action in Superior Court or, in lieu of filing in Superior Court, may file a complaint with the Government Records Council. PPA chose the former course of action, because it was not satisfied with the records that were produced by the Commission in response to its OPRA request. A scheduling conference was conducted with Judge Bookbinder regarding this matter on August 1, 2014. At that time, the Judge instructed the parties to work together to try and amicably resolve the issue. After discussions between counsels for the parties resulted in a clearer understanding of the privileges asserted and refinement of the scope of the government records sought, additional documents were produced to PPA. At this point, all responsive documents have been produced. The parties negotiated a settlement of this matter. *This matter was declared settled by Order of the Court dated May 29, 2015.*

**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 this request, the employee sought copies of closed session minutes for the October 1, 2013 closed session portion of the Personnel and Budget Committee meeting. The employee subsequently submitted two more OPRA requests seeking closed session meeting minutes of the Pinelands Commission and the

Personnel and Budget Committee from January 1, 2013 to the date of the Commission's response. 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. *The matter is still ongoing.*

### **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 June 30, 2015.*

- **FEDERAL COURT**

*No new action as of June 30, 2015.*

- **OTHER LITIGATION MATTERS OF INTEREST**

*No new action as of June 30, 2015.*

## **C. Legislation**

*The last legislative session before the summer recess occurred on June 29<sup>th</sup>. The Senate, however, continues to meet during the summer.*

- A3257 expands the type of use qualifying as low intensity recreational use on lands in Pinelands Agricultural Production Areas. The bill was introduced and referred to the Assembly Agriculture and Natural Resources Committee on May 22, 2014. On June 12, 2014 the bill was reported out of the Committee with amendments. The bill was amended on the floor on September 15, 2014 to identify youth soccer as one example of a low intensity recreational use. The bill was passed by the Assembly on September 29, 2014 and sent to the Senate. *No new action as of June 30, 2015.*

- S2125 expands the type of use qualifying as low intensity recreational use on lands in Pinelands agricultural production areas. The bill was introduced in the Senate on June 2, 2014 and Referred to Senate Economic Growth Committee. The Senate Economic Growth Committee conducted a hearing on the matter on February 12, 2015. Executive Director Nancy Wittenberg testified at the Committee hearing. The Committee held the bill as a result of Ms. Wittenberg's testimony and commitment to explore the possibility of the Commission implementing a pilot program. *No new action as of June 30, 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 June 30, 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 June 30, 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 June 30, 2015.*

## **E. Pinelands Municipal Council**

- *The Council met on May 27, 2015 in Weymouth Township.*

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

- *Open Public Records Act this quarter: A total of 24 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:

- *Annual HVAC maintenance was performed on all buildings. All vents and filters have been cleaned.*
- *The elevator inspector performed a routine inspection on the elevator.*
- *The exterminator performed an annual inspection of the facilities.*
- *Lammey & Giorgio visited the facility to inspect the Fenwick Manor exterior paint.*
- *Spring landscaping was performed to remove damaged branches and shrubbery.*

### **B. Financial Management**

- *\$524,000 (approx. 207% of annual anticipated fees) in application fees were received for the year ending June 30, 2015. The FY 2015 budget estimate for fees is \$253,000.*
- *FY 2016 Budget process has begun.*
- *FY2014 Audit has begun and the Auditors are located in the Carriage House.*

### **C. Human Resources**

- *Three unpaid interns began at the Commission. Land Use & Technology, Science and Regulatory Programs each have one intern.*
- *The tentative union agreement with the Communications Workers of America (CWA) for the period of 7/1/11-6/30/15 has been signed.*
- *Supervisor/Manager level training was held on The NJ State Policy Prohibiting Discrimination In the Workplace.*
- *A 2015 Annual Survey of Public Employment & Payroll from the US Census Survey was completed.*
- *Performance evaluations for staff have begun.*
- *Revisions to the Personnel Policies were reviewed by the Personnel & Budget Committee.*



### 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.
- *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's next meeting is scheduled for July 31, 2015, at which time representatives from State Agriculture Development Committee (SADC) will be present to discuss their on-farm direct marketing regulations.*

#### B. Conformance

- See Attachment #1 for summary of ongoing conformance items.
- 26 new ordinances and/or master plan amendments were received this quarter. (73 this fiscal year)
- 30 interpretations and municipal requests for technical assistance were completed this quarter (163 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.*
- **Hammonton Wastewater Recharge Project:** Commission staff has been working with Hammonton to eliminate wastewater discharge to Hammonton Creek since 1994. The construction of the Boyer Avenue Land Application Facility completed in 2001, failed to eliminate the discharge to Hammonton Creek. A Commission approved water allocation increase in 2011 required that Hammonton prepare and obtain a long-term comprehensive wastewater plan by December 10, 2013. NJDEP issued a Draft Discharge to Ground Water (DGW) Draft Permit on June 24, 2013. The draft permit includes provisions for a wastewater drip irrigation system to maximize land application of wastewater and ultimately eliminate

routine wastewater discharges to Hammonton Creek. The implementation of wastewater drip irrigation at the Boyer Avenue facilities wooded areas and athletic fields is a critical component of Hammonton's long-term wastewater management strategy to cease routine stream discharges. Staff met with Hammonton's mayor, select council members, professional staff and consulting engineers to assist the Town in the development of the required plan, provided a plan outline and established a submission schedule to ensure review of the plan could occur at the January 31, 2014 P&I Committee. The Commission adopted Resolution No. PC4-14-10 at its March 14, 2014 meeting to approve, with conditions, Hammonton's Long Term Comprehensive Wastewater Plan to eliminate the discharge of treated wastewater to Hammonton Creek. The plan primarily relies upon the construction of overland/ surface and underground/subsurface wastewater drip irrigation systems at the Boyer Ave. wastewater dispersal facility, rehabilitation of sections of the Town's wastewater conveyance system that currently allows inflow and infiltration of stormwater into the sanitary sewers, and ongoing maintenance of the rapid infiltration trenches. Hammonton submitted a revised Long Term Comprehensive Wastewater Management Plan (LTCWMP) to address the conditions of Resolution No. PC4-14-10. Staff 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, and significant progress is being made on the Town's I&I Study and on the installation of the subsurface drip irrigation system.*

- **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. *Staff provided a presentation on roadsides and rare plants to the Burlington County Natural Sciences Club on May 13, 2015 at Medford Leas at Lumberton.*
- **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. We are working with a draft of the Quick Domenico Multi -scenario Spreadsheet (QDM) and have completed our review of the draft journal article that describes the project and will serve as a user guide for the Excel-based landfill assessment tool. USGS has

delivered the Screening Level Assessment of Pinelands Area Landfills and staff is using the assessment tool to evaluate and categorize existing landfills. 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.*

*Waste Management Journal has recently published an article by New Jersey Water Science Center authors Ron Baker, Tim Reilly, Anthony Lopez, Kristin Romanok, and Pinelands Commission author Ed Wengrowski. The journal article describes the work funded by the Pinelands Commission to assess the level of concern assigned to landfills using monitoring well and hydrologic data, physical characteristics of the landfill (or other point source) and chemical properties of the contaminant(s) to estimate groundwater contaminant concentrations at receptor locations.*

- **Estell Manor Landfill:** Staff, with the assistance of USGS, completed its review of the proposed Remedial Action Selection Report/Remedial Action Workplan and provided comments to the City's consultant on December 20, 2011. Most significantly, the consultant was requested to re-run data and transport modeling using model input values that are more consistent with USGS data for the K/C aquifer. At the consultant's request, Staff and USGS held a second meeting with the City's landfill consultant in August 2012 to provide technical guidance toward resolving report deficiencies. Response to Estell Manor's landfill report was timed to await completion of the USGS rapid landfill assessment project. Staff met with the Township's landfill consultant to review their findings relative to the USGS screening level assessment. Both the screening level assessment and the consultant's sampling of temporary well points along the nearest wetland boundary preliminarily indicate the presence of lead. Staff anticipates working with USGS and the Town's landfill consultant to further assess these findings and determine an appropriate remediation strategy, if warranted. Staff provided the Town's landfill consultant with review comments related to the need for further assessment of landfill plume monitoring results. *An application is being reviewed to install new monitoring wells to provide the needed information.*
- **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.*

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

- The 2014 Long-Term Economic Monitoring Program Annual Report was presented to the Commission on June 12, 2015. New sources for home sales data has been added to the report that allows for a more precise analysis of real estate activity happening inside and outside of the Pinelands Area boundary. Additionally, census housing data has been added as a supplemental variable. *Work on an informational brochure for the environmental and economic monitoring programs is underway. A review of the economic monitoring program is expected to begin in the summer/fall 2015.*

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

- **Pinelands Development Credit (PDC) Program:** *Seven Letters of Interpretation (LOIs) were issued, allocating 56 rights with the potential to protect 398 acres in the Agricultural Production Area (APA). Three of these LOIs are for farms targeted for protection by the Burlington County Farmland Preservation Program. Two severances (2.50 PDCs) occurred, protecting 18 APA acres in Hamilton Township and 119 APA acres in Franklin Township. Nine rights were sold at a median price of \$9,500 and mean price at \$9,361.*
- **Farmland Preservation Program:** *SADC purchased an easement on the Liepe Farm, a 35 acre property in Hamilton Township's Rural Development Area. Burlington County closed on easements for farms as follows: Haines Farm (161 acres in Pemberton Township's APA, extinguishing 3.25 PDCs) and Whalen Farms (145 acres in Shamong Township's APA, extinguishing 2.75 PDCs).*

- **Pinelands Conservation Fund (PCF):** *As of June 30, 2015, the Commission has approved the allocation of \$9.6 million to 33 land preservation projects in the Pinelands Area. All 33 projects have now proceeded to closing, resulting in the permanent protection of 7,700 acres. Staff provided a presentation to the Policy and Implementation Committee at its June 26, 2015 meeting regarding recommendations for a new round of PCF land acquisition. The Committee supported the staff's recommendations.*
- **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. One applicant is currently pursuing a waiver (denial) in order to qualify for the traditional LPU program as Green Acres has no interest in acquiring the property through its own program. The subject property is a 0.57 acre parcel in Medford Township's Regional Growth Area.*
- *The New Jersey Turnpike Authority closed on a 458 acre parcel in Lacey Township's Forest Area in December 2014. The parcel was deed restricted in January 2015 to meet the Turnpike Authority's obligation to obviate secondary impacts under the Garden State Parkway widening MOA. The Turnpike Authority also acquired an additional lot from the same property owner, resulting in the deed restriction of an additional 173 acres.*

## **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.*

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 June 30, 2015.*

- **Data collection:** A yearly Mullica Basin flows report by USGS looked at collected data to determine overall trends. Their analysis “does not suggest an overall decrease in the study basins,” but they recommend further study to validate their results. *No new action as of June 30, 2015.*
- **State Water Supply Advisory Committee:** Presentations of environmental findings and the potential application of the K/C study results in water supply policy were given to the Committee on September 20, 2013. The NJDEP’s new statewide Water Supply Plan is on hold to ensure consistency with the new State Strategic Plan. Commission staff was invited in December to provide input into a Rutgers University research project to estimate water demand by land use and to project statewide water demand to the year 2040. *No new action as of June 30, 2015.*
- **Cultural resources:** 23 (82 this fiscal year) cultural resource activities undertaken:

*14 (57) applications reviewed*

0 (0) forestry inquiries

*3 (9) surveys reviewed*

0 (0) CAFRA reviews

0 (0) Preliminary Investigation

0 (4) site coordination with other agencies/meetings & phone conferences

*3 (6) coordinated reviews w/SHPO*

0 (3) Municipal/consultant inquiries

*3 (3) on-site consultant research facilitation*

- **NJDEP Wastewater Planning Rules/County Implementation:** Since mid-2012, staff has worked with staff from NJDEP and each of the seven Pinelands counties to coordinate the sewer service area (SSA)/future wastewater service area (FWSA) mapping for the Pinelands Area. The goal of the coordinated effort is to ensure that the counties’ SSA/FWSA mapping is fully consistent with the CMP and the April 2012 MOU between the Commission and NJDEP. All Pinelands counties adopted SSA maps and presented them to NJDEP for approval. Staff continues to work with NJDEP to correct mapping errors that occurred during the adoption process. Although a schedule was established to correct all of the mapping errors throughout the entire Pinelands Area by summer 2014, errors in DEP’s noticing process for the 8/12/14 public hearing occurred. DEP determined that the notice of correction to the SSAs would need to be republished in the NJ Register, with another public hearing held, and that these two steps could only be completed upon DEP’s receipt of official concurrence with the map corrections from several Pinelands counties. Such concurrence was not received until mid-December. NJDEP is now working on scheduling a second hearing for March or April 2015 and providing all required notices. *NJDEP 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 is in the process of drafting*

*responses to the public comments in the form of an adoption notice to be published in a future NJ Register.*

- **Affordable housing:** The Council on Affordable Housing (COAH) published two rule proposals on June 2, 2014, setting forth procedural and substantives third round rules. Staff provided data on vacant land and buildout projections for use in COAH’s determinations of “buildable limit capacity” by municipality. Staff submitted written comments on the proposed rules on July 30, 2014 and continues to engage in discussions with COAH staff on how the new rules would work. *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, the 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 an 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 one Pinelands municipality.*

## **G. Geographic Information System**

- *Zoning & PMA Updates: Reviewed the Preservation Area/National Reserve/PA boundary and made minor edits to be consistent with current parcel data.*
- *Threatened and Endangered Species Layer: Completed the data transfer with DEP, which completes the requirements of the existing data sharing agreement, and archived the non-verified T&E data. The Data Sharing Agreement will continue and new data will continue to be transferred and shared between the agencies.*
- *LOIs for PDCs: 9 applications involving 10 lots were analyzed. Eight of the applications required photo interpretation.*
- *Analysis/Map Products/Programming: Made improvements to the user interface of the PineView program.*

*Signed an agreement with OIT to begin programming the Pinelands specific version of the "Site Evaluator" interactive web map. When completed (estimated for October 2015), the map will allow public access, and users will be able to search by block/lot or address and see base layers such as wetlands, soils, zoning, management areas, etc. In addition, the map will be able to generate a basic summery report with data from the layers.*

*Continued setup of new GIS server including: Installed ArcServer, and ArcSDE; Developed storage structure of data in Oracle; Created Database owner accounts, Tablespace, Schemas, and datafiles; Tested loading data layers into geodatabase; Edited tuning files for maximum efficiency of storage space and performance.*

## **H. Management Information System**

### **PCIS:**

- *Made 31 modifications and additions to improve efficiency in all aspects of project review.*



**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.*

*Began review of data for the annual map update and presentation to the Commission.*

**Network Infrastructure:**

- *Installed the two new servers to be used as Active Directory domain controllers. The State Office of Information Technology will be assisting with the setup of Active Directory during August/September time frame.*

## **IV. Public Programs**

### **A. Communication**

- *There were 44,924 views of the Commission's web site during the last quarter.*
- *The Commission officially launched a new, greatly enhanced website on May 4, 2015. The Commission's staff created the new site with designers and programmers from the New Jersey Office of Information Technology (OIT). The site features hundreds of digital photographs of Pinelands plants, animals, agriculture and other natural resources, as well as a new layout aimed at improving navigation. New form-based e-mail systems have been created for the public to submit formal, written comments on various matters, such as pending resolutions or proposed amendments to the Comprehensive Management Plan. The public can also use the form-based e-mail system to send questions or comments regarding development applications or Commission decisions. The new site also features a new Fee Calculator that applicants can use to determine their development application fee. Applicants simply type in their proposal, such as the number of dwelling units, and the new system calculates their fee. Numerous members of the public have expressed their support for the new site.*
- *A total of 36 media inquiries and 206 general inquiries were handled this quarter. Of the general inquiries, 102 inquiries came via e-mail, 93 came via telephone and 11 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 is drafting the 2014 Annual Report.*

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

- *Commission staff have begun planning next year's Pinelands Short Course. The event will be held on March 12, 2016 at Stockton University.*
- *Commission staff continues to plan for this year's World Water Monitoring Challenge. The event will held on October 23, 2015 at Batsto Lake.*
- *Staff educated approximately 650 people about the Pinelands during five public programs that were held during the quarter.*

- *Staff is organizing the annual Pinelands Orientation for Newly Elected Officials. The event is set for 4 p.m. on July 30, 2015 in the Richard J. Sullivan Center for Environmental Policy and Education.*

#### **D. Interpretive Program**

- *Staff continued to track the distribution of the Pinelands National Reserve (PNR) brochure.*
- *Staff has drafted a Request for Proposals to produce and install Pinelands exhibits as part of a project to convert the Sullivan Center into a Pinelands Visitor Center.*

## V. Regulatory Programs

### A. Application Activity

		1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter
New applications received for the last two quarters with a comparison to last year:	2015	114	117
	2014	93	103
Total applications active for the last two quarters with a comparison to last year:	2015	615	682
	2014	581	644
“No Call-ups” issued for the last two quarters:	By mail	50	52
	By fax	43	61
Certificates of Filing issued for the last two quarters:		48	53
“Call-ups” issued for the last two quarters:		22	26
Streamlined permitting actions taken during the last two quarters:	LRO	6	8
	MOA	1	21

### 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 staff is awaiting Township submission of additional information.*

- **Thomas Betts (App. No. 1984-0389.009)** The 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. Additional information was submitted at the end of May. On September 2, 2014, an application was submitted to the Commission proposing to establish a recreational use (soccer fields) on certain lands located in Hammonton's Agricultural Production zoning district. On September 17, 2014, the Commission staff received the required supplemental application fee necessary to review the application. 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 January 8, 2015, the Commission staff received a request for an Amended Certificate of Filing for the proposed soccer use. The applicant requested that lands within Waterford township and Winslow township be included in the application. *On April 24, 2015, the staff issued an Amended Certificate of Filing for the proposed recreational facilities. The Amended Certificate of Filing included Waterford and Winslow townships in the application. The Certificate of Filing continued to note that the proposed use was inconsistent with the permitted land use standard in the respective agricultural zoning district in each of the three concerned municipalities.*

- **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. On June 29, 2015, the applicant submitted information to the Commission in response to that letter. That information is currently under review.*

- **Proposed Commercial Use, Galloway Township (App. No. 1985-0666.015).** On December 18, 2014, an application was submitted to the Commission for the reuse of the former Lenox China building on Tilton Road to manufacture fencing. After an exchange of information, the Commission staff issued a Certificate of Filing for the proposed commercial use on March 18, 2015. *No new action as of June 30, 2015.*
- **Gas Main Installation, Bass River Township (App. No. 1999-0016.004)** On February 25, 2015, the Commission staff received an application proposing the installation of natural gas mains to serve the Village of New Gretna. *On April 23, 201, the Commission staff issued a Certificate of Filing to the applicant for the proposed development.*
- **Synthetic Turf Athletic Field, Evesham Township (App. No. 1985-0619.013)** On February 27, 2015, the Township submitted a plan for the proposed athletic field located at Memorial Park off Tuckerton Road. *After an exchange of information on June 12, 2015, the Commission approved a public development application for the proposed field.*
- **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. *On May 28, 2015, the Commission staff received notice of a municipal approval of the proposed development. On July 16, 2015, the Commission staff met with the applicant to discuss certain issues with the approved development including stormwater management and the need to acquire Pinelands Development Credits.*
- **North Hanover Board of Education, North Hanover Township (App. No. 1991-0820.013)** 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. A second pre-application conference has been scheduled for July 7, 2015.*
- **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 23, 2015, the Commission staff issued a letter requesting certain information to complete the application.*

- **Solar Facilities Joint Base Ft Dix, Lakehurst McGuire (App. No. 1991-1149.063, Ft Dix & App. No 1991-0836.068, Lakehurst).** Both applications were received by the Commission on April 21, 2015.

*On May 18, 2015, the Commission staff sent a letter requesting additional information regarding the Ft. Dix application. On June 4, 2015, the Commission staff met with the applicant's representative to discuss the May 18, 2015 letter. Subsequent to that meeting, the applicant submitted additional information regarding the Ft. Dix application. That information was reviewed and the Commission staff issued a letter on June 29, 2015 regarding the consistency of the application with CMP standards.*

*On May 13, 2015, the Commission staff sent a letter requesting additional information regarding the Lakehurst application. On June 4, 2015, the Commission staff met with the applicant's representative to discuss the May 13, 2015 letter. Subsequent to that meeting, the applicant submitted additional information regarding the Lakehurst application. That information was reviewed, and the Commission staff issued a letter on June 29, 2015 regarding the application.*

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

- **Peg Leg Webb LLC v. New Jersey Pinelands Commission (App No. 1984-0454.003/ OAL Docket No.: EPC 15772-2013 S).** This matter involves a preliminary major site plan approval granted by the Jackson Township Planning Board for the establishment of a new resource extraction (mining) operation and the construction of a 1,008 square foot building, containing an office and scale house, on the above-referenced 109.8 acre parcel and a mining permit. The parcel is located within a Forest Area. In accordance with the Pinelands Comprehensive Management Plan at N.J.A.C. 7:50-5.23, new resource extraction operations are not permitted in the Forest Area. This matter is currently pending in the Office of Administrative Law for an adjudicatory hearing. Discovery is ongoing. *The Petitioner filed a Motion for Summary Decision on June 22, 2015. The Commission staff is currently working with the Division of Law to prepare a response to this motion.*

### **D. Violations**

- **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 June 30, 2015.*
- **Buena Vista Township/Railroad Station and Western Rt. 40 Sidewalk (App No. 2009-0089.001):** By letter to Buena Vista Township dated January 8, 2010, Commission staff indicated that an application is required for development that has occurred within the NJ Transit right-of-way and on municipally owned property. Information was submitted by the applicant on December 7, 2011 and December 15, 2011. On February 15, 2012, the staff issued a letter to the applicant requesting additional



information to complete the application. On September 27, 2012, the staff met with the Township Administrator to discuss the information necessary to resolve this matter. On November 1, 2012, the applicant submitted information regarding the application. By letter dated January 2, 2013, the staff requested additional information. Staff met with the new municipal engineer on April 25, 2013 to discuss the items that must be submitted to resolve the violation and complete an application for development. The Commission staff issued a letter dated October 16, 2013 requesting a timeframe for when information previously requested to complete a development application would be submitted to the Commission. The Commission staff held a telephone conference with representatives of Buena Vista Township on January 24, 2014 to discuss development that had occurred without application to the Commission and the information required to be submitted to the Commission staff to complete the concerned application and resolve the violation. Information to address the outstanding violation and application was received on February 14, 2014. Commission staff issued a letter on March 13, 2014 requesting additional information. On April 23, 2014, the Township submitted additional information regarding this application. By letter dated May 20, 2014, the Commission staff advised the applicant of the stormwater and public notice information necessary to complete the application. On June 9, 2014, the Township submitted additional information to the Commission. That information is currently under review. By letter dated July 16, 2014, the Commission responded to the Township's submission requesting additional information regarding stormwater and public notice to complete the application. The Township submitted additional information on August 1, 4 and 13, 2014. On August 20, 2014, the Commission staff issued a letter in response to the three submissions requesting completion of the required public notices to complete the development application. On December 10, 2014, the Township submitted additional information regarding the application. The Commission staff responded by letter dated December 23, 2014 asking that the Township clarify the various tax lots subject of the application versus the lots specified in the public notices completed for the application. After an additional exchange of information with the applicant, on March 23, 2015, the Commission staff issued a Report on an Application for Public Development recommending approval of the proposed tourist railroad station. That Report also indicated that the stormwater management facilities proposed in the application would address the stormwater violation associated with the western Route 40 sidewalk violation. The concerned sidewalks were either installed without the approved stormwater management swales or the swales were subsequently filled in. *On May 8, 2015, the Commission approved a public development application for the tourist railroad station. Commission approval of that application also addressed the stormwater violation associated with the western Route 40 sidewalk violation.*

- **Barnegat Township, Commercial Use (App. No. 1988-1177.002):** By letter dated February 1, 2012, we advised a property owner of an approximately 5 acre wetlands buffer clearing violation. Materials were being stockpiled in the wetlands buffer. By letter dated April 26, 2012, we summarized the agreements reached and asked the property owner to

contact our office when wetlands were delineated. By letter dated June 15, 2012, we confirmed the wetlands mapping and suggested a course of action to resolve the violation. On January 22, 2013, the Commission staff received information from the property owner's consultant indicating that one material stockpile and a portion of another had been removed from the site and that a revised restoration plan would be submitted shortly. On March 26, 2013, the Commission staff issued a letter to the property owner requesting that a revised restoration plan be submitted within 14 days. On April 11 and 15, 2013, the Commission staff received information from the property owner's consultant, including a revised restoration plan. On May 14, 2013, the Commission staff issued a letter to the property owner requesting further revisions to the restoration plan and the submission of additional information within 30 days to address the violation. On July 31, 2013 and August 2, 2013, the Commission staff received information from the property owner. On September 6, 2013, the Commission staff issued a letter to the property owner requiring further restoration plan revisions. On October 28, 29 and 31, 2013 and November 22, 2013, the Commission staff received information from the property owner. On December 17, 2013, the Commission staff performed a site inspection of the parcel in response to the submitted information. On January 28, 2014, the Commission staff issued a letter to the property owner requiring further restoration plan revisions. On February 6, 2014, the Commission staff received information from the property owner. Two of the four stockpiles have been removed and the concerned areas have been restored. Further restoration plan revisions are required. By letter dated September 4, 2014, the applicant was advised by NJDEP that the development that occurred without application to the Township and the Commission also raised issues with NJDEP's stormwater and water quality regulations. The Commission staff continues to monitor the pace of the restoration. *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.*

- **Pemberton Township, Spring Lake Blvd. (App. No. 1995-1510.002):** The staff received information and a letter from a member of the public on August 27, 2012 regarding the placement of asphalt millings along the shoulders of Spring Lake Boulevard. On September 28, 2012, the staff met with representatives of the Township to discuss this matter and the use of asphalt millings for other Township roads. By letter dated November 15, 2012, the staff advised the Township that according to NJDEP, the use of asphalt millings without a paved top surface is not generally appropriate. The staff letter asked the Township to advise the Commission staff how it intended to resolve the matter. On January 20, 2015, Township officials met with the Commission's Planning staff to discuss proposed redevelopment planning. At that meeting, the Township officials were reminded of the need to address this matter. *No new action as of June 30, 2015.*
- **Barnegat Township, Storm Damaged Vehicle Storage Area (App. No.1985-0588.019):** On November 26, 2012, the staff received the initial report that vehicles damaged during Super Storm Sandy were being stored

on a 112-acre parcel in the Township. By letter dated November 30, 2012, the staff advised the owner of the concerned parcel that the storage of vehicles on the parcel constituted a violation of the application and permitted use requirements of the Township land use ordinance and the CMP. On December 7, 2012, members of the Commission staff met on the site with representatives of the Township, the company that has leased the land to store the vehicles and the property owners. At the site meeting, it was represented by the leasing company that approximately 5,000 vehicles were present on the parcel. On December 7, 2012, the Commission staff also received a complaint filed on December 6, 2012 in Ocean County Superior Court by the Township. Thereafter, the company that leased the land agreed not to bring any additional vehicles onto the parcel while the interested parties discuss resolution of the matter. On March 5, 2013, the Commission staff attended an Ocean County Superior Court hearing regarding restoration of the site following removal of all vehicles. On March 18, 2013, the Commission staff received a copy of the signed Consent Order filed with the Court on March 11, 2013. On May 22, 2013, the Commission staff received a copy of a letter from the attorney representing the insurance company advising that all vehicles have been removed from the parcel, all operations have ceased and that a Phase 1 Environmental Study would be performed on the parcel within 10 days. On June 7, 2013, the Commission staff issued a letter to the property owner requesting a copy of such study and, if no contamination is found, site restoration activities must be undertaken. On July 10, 2013, the Commission staff received a copy of an Environmental Study, which found no contamination on the parcel resulting from the temporary storage of motor vehicles. On September 23, 2013, the Commission staff received a copy of a letter from the Township Attorney to the attorney representing the property owner indicating that the property owner has not restored the property as required by the March 2013 Ocean County Superior Court Consent Order. On October 24, 2013, the Commission staff received a copy of an Ocean County Soil Conservation District letter issued to the property owner indicating their soil erosion/sediment control plan application remains incomplete. Also, on October 24, 2013, the Commission staff received a copy of a letter from the property owner's attorney to the Township regarding why the property owner has not restored the site in accordance with the March 11, 2013 Consent Order. *No new action as of June 30, 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.*

- **Commercial Use Manchester Township (App. No. 1981-2039.002):** On February 8, 2013, we received notice from Ocean County Health Department about the establishment of a commercial use on a 19-acre lot. A joint site inspection was conducted on February 15, 2013 with Ocean County representatives, a NJDEP representative and our staff. Violations observed included clearing of about three acres of upland and/or wetland buffer, establishment of a commercial landscaping yard onsite, storage of mulch and other vegetative waste in wetlands buffers and wetlands and placing fill in wetlands. On March 28, 2012, we sent a letter to the property owner advising of the need to address/resolve the concerned violation. On June 27, 2013, Manchester Township issued a Notice of Violation for non-permitted use, clearing and placement of fill. *No new action as of June 30, 2015.*
- **Barnegat Township (App. 2000-2700.002):** This violation pertains to the clearing and grading of vegetation on approximately 8 acres of wetlands/wetlands buffers on a 9.49 acre lot located in Pinelands Preservation Area District. The concerned clearing occurred primarily in September 2009. The property owner indicated an intention of establishing a permitted agricultural use (blueberries) on the lot. Since September 2009, the Commission staff has written to the applicant multiple times attempting to obtain a time schedule for the establishment of the proposed blueberry agricultural use. On April 25, 2013, the Township issued a Municipal Court summons to the property owner regarding this matter. The Commission staff attended a municipal court hearing on June 25, 2013. The matter was continued because the property owner raised an issue regarding the "Right to Farm." On September 9, 2013, the Commission staff issued a letter to the Ocean County Agricultural Development Board's staff requesting guidance from the Board with respect to the "Right to Farm" issue raised by the property owner. Multiple municipal court hearings were held in 2013. At the December 17, 2013 municipal court hearing, the court was advised that the Ocean County Agricultural Development Board had rendered its determination that the concerned activities were not protected by "Right to Farm," however, a resolution from the Ocean County Agricultural Development Board memorializing that determination had not yet been issued. The municipal court hearing was continued to January 8, 2014. On December 20, 2013, the Commission staff received a copy of the Ocean County Agricultural Development Board's resolution indicating that the concerned activities were not protected by "Right to Farm." At the January 8, 2014 municipal court hearing, the property owner pleaded guilty to two of the municipal court summonses. The remaining municipal summonses were continued to February 12, 2014. The property owner agreed to submit a farm plan to the Commission by January 17, 2014 and to meet with the Commission staff on January 23, 2014 to discuss the farm plan. On January 13, 2014, the Commission staff received the farm plan. On January 27, 2014, the Commission staff issued a letter to the property

owner's attorney confirming the meeting date and providing comments on the submitted farm plan. On January 30, 2014, the Commission staff met with the property owner and his attorney. During the meeting, the property owner agreed to submit a copy of the revised farm plan to the Commission. On January 31, 2014, the Commission staff received the revised farm plan. On February 11, 2014, the Commission staff issued a letter to the property owner's attorney indicating that some of the agricultural activities proposed on the revised farm plan were not consistent with the standards of the Township land use ordinance and the CMP. On February 12, 2014, the Commission staff attended the municipal court hearing. The property owner pled guilty to one of the remaining municipal summonses and was fined. The remaining summonses were dismissed. However, the property owner was given six months to institute permitted agricultural uses on the parcel or face additional municipal summonses. Based upon reports to our office and a Commission staff site inspection, a retail commercial farm market use may have been established on the parcel without application to the Township or the Commission. The staff is reviewing the matter. On November 6, 2014, the Commission staff sent a letter to the property owner inquiring as to whether a commercial farm market had been established on the lot. The property owner's attorney responded by letter dated December 5, 2014 indicating that the involved structure would be removed from the lot by December 31, 2014. *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.*

- **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. *No new action as of June 30, 2015.*

- **Waterford Township (Application No. 2013-0031.001):** This violation concerns the expansion of an auto salvage business on a parcel in the Preservation Area District on Chew Road. The auto salvage business existed in 1981. The area occupied by the business has significantly expanded over time and now occupies approximately 26 acres, part of which is in wetlands and the required buffer to wetlands. The staff issued its initial letter on March 14, 2013 and received a written response from the property owner on April 3, 2013. The staff issued a response to the property owner's submission on June 19, 2013. Additional information was received on July 9, 2013 indicating that the property owner was coordinating with the Waterford Township zoning officer to bring the matter into compliance. Commission staff consulted with the Waterford Township zoning officer, who confirmed that some progress has been made. Commission staff issued a letter dated September 27, 2013 requesting a staff site inspection of the parcel. The Commission staff met with the property owner on October 28, 2013. The Commission staff issued a letter dated November 14, 2013, that identified a "staged" approach for restoration of the parcel and requested a restoration/revegetation plan which identifies each "stage" of the restoration and provides a time frame for removal be submitted to the Commission. On September 4, 2014, the staff discussed the matter with the municipal Zoning Officer. The Zoning Officer indicated that the required restoration of the parcel is ongoing. The Commission staff will continue to monitor the progress of the restoration. On November 10, 2014, the Commission staff held a site meeting with the property owner to review the progress of restoration. Approximately 6 acres of the auto salvage business has been removed. By letter dated December 4, 2014, the Commission staff requested an updated restoration proposal including timeframes. *No new action as of June 30, 2015.*
- **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 the beginning of July 2015, the property owner submitted*

*information to the Commission staff. That information is currently under review.*

## **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 June 30, 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 June 30, 2015.*

## **IV. Science**

### **A. Environmental Monitoring**

- *Forest-Plot and Intermittent-Pond Monitoring: Staff completed the April, May, and June rounds of forest-plot and pond water-level measurements and developed a work plan and initiated the analysis of long-term hydrology data for a comprehensive watershed-assessment report.*
- *Long-term anuran surveys: Staff completed the nighttime frog and toad vocalization surveys for April, May, and June and began entering the 2015 data.*
- *Pinelands-wide water-quality monitoring: As part of the ongoing data analysis for a comprehensive watershed-assessment report, staff completed an analysis of temporal trends in stream pH and specific conductance data and correlated the results of the trends to land-use intensity.*
- *Watershed-assessment Report: Staff began drafting the methods and results of the trend analysis mentioned in the Pinelands-wide water-quality monitoring section above.*
- *As part of a multi-state study of the newly discovered Atlantic Coast leopard frog, science staff completed daytime and nighttime vocalization surveys at several sites along the eastern portion of the Pinelands National Reserve.*

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

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

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

- *Staff began the 2015 vegetation surveys for the 48 right-of-way monitoring plots.*

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

- *Staff continued monthly water-level rounds and completed the April and May water-quality sampling at all 99 natural ponds. Staff also completed nighttime frog and toad vocalization surveys and began tadpole, fish, vegetation, and dragonfly/damselfly surveys at a subset of natural ponds scheduled to be surveyed in 2015.*



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

- *Staff continued monthly water-level rounds and completed the April and May water-quality sampling at all 98 excavated ponds and stormwater basins. Staff also completed nighttime frog and toad vocalization surveys and began tadpole, fish, and vegetation surveys at a subset of excavated ponds and stormwater basins scheduled to be surveyed in 2015.*

## **F. Pinelands Research Series**

- *Three presentations were given as part of the Pinelands Research Series. “Cranberry Domestication and Challenges of the Changing Climate” was presented by Nicholi Vorsa, who is the director of the Philip E. Marucci Center for Blueberry and Cranberry Research and Extension, “Physiographic and Anthropogenic Influences on the Genetic Structure of Timber Rattlesnake Populations” was presented by Laretta Bushar, who is a professor at Arcadia University, and “Bat Ecology in the Pinelands with a Focus on the Newly-listed Northern Long-eared Bat, *Myotis septentrionalis*” was presented by Lance Risley, who is a professor at William Paterson University. All three presentations were posted on the Commission web page.*

## **G. Other Science Items**

- *Science staff assisted Executive staff by providing comments on the technical methods used to assess water-quality and landscape conditions for the Commission’s Black Run report and by providing comments on a bill that would allow the collection of seeds and plant parts from wild plants.*
- *Science staff assisted Regulatory Programs staff by providing threatened and endangered species locations that were originally used to develop the Commission’s Right-of-way management plan for a section of Atlantic City Electric right-of-way.*
- *Science staff assisted other government agencies by providing information on carpenter frog breeding locations to Karena DiLeo of the NJDEP Land Use Regulation Program, assisting Dean Bryson of the NJDEP Bureau of Freshwater and Biological Monitoring with site access for two stream sites, attending a presentation by Superintendent Rob Auermuller on a vehicle-access plan for Wharton State Forest, attending a Barnegat Bay Partnership Science and Technical Advisory Committee meeting, attending a Southern Pine Beetle advisory meeting with NJ State Forestry Services personnel and other cooperators, participating in the Delphi processes for determining the status of fish and of reptiles and amphibians in New Jersey, attending a meeting of the New Jersey Water Monitoring Coordinating Council, and by providing wood turtle locations on Penns Creek to Kathy Gipe of the Pennsylvania Fish and Boat Commission.*

- *Science staff assisted others by giving a presentation on Pinelands Fish and leading a fish sampling trip for Drexel University students for their Pinelands ecology class, providing technical assistance to landowners who claimed to have trees infected with Southern Pine Beetle, identifying southern leopard frog calls from recordings for Jamie Cromartie and Fred Akers, and providing comments on a long-term monitoring plan for the Kirkwood-Cohansey aquifer system for Sari Rothrock of the Partnership for the Delaware Estuary.*

# ATTACHMENT #1

## ONGOING CONFORMANCE ACTIVITY

*April- June 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.</p>
Buena Vista	<p>1. Richland Village Redevelopment Plan: the Township provided the Commission with copies of various 2013 and 2014 ordinances affecting the Richland Village Redevelopment Area and the use of off-site dilution. No substantial issue finding letters were sent to the Township on Ordinances 8-2013, 5-2014 and 6-2014 on July 11, 2014, meaning that no further Commission review is required. The Township requested and was granted a six month extension of the Commission's review period for Ordinance 5-2013, an ordinance which revises standards for the use of noncontiguous lands to meet water quality standards in the Richland Village Redevelopment Area. The Township then requested an additional extension through the end of 2015. The Executive Director granted an extension through 3/31/15, with the understanding that the Township would repeal Ordinance 5-2013 during that time period. <i>The Township introduced Ordinance 4-2015, repealing Ordinance 5-2013, and provided a copy to the Commission on 4/28/15. A final extension was granted to the Township through 5/18/15 to accommodate the Township's anticipated adoption schedule. On 5/19/15, the Commission received an adopted copy of Ordinance 4-2015. A no substantial issue finding letter was issued by Commission staff on 6/1/15.</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>

MUNICIPALITY	TOPIC
Egg Harbor Township	<p>1. Affordable housing: draft ordinance implementing the 20% set side required in A-500 received 7/16/09. Meeting held with Township representatives on 9/24/09 to discuss implications for PDC program and density. Township will provide a list of affordable housing projects under consideration so that staff can prepare options (densities; required PDC %'s; ordinance amendments) for the Township's review. This information from Township was received on 10/27/09. Court master requested meeting with staff and the Township be held by 4/1/11; no date scheduled as yet. New draft of affordable housing ordinance received 9/19/11; comments and suggested revisions provided 9/29/11. Copy of Ordinance 37-2011 received on 12/7/11, with notice of public hearing and second reading on 12/20/11. The ordinance requires a 20% affordable housing set aside for all residential development, as well as the use of PDCs for 25% of all market rate units. Email sent to the Township on 12/7 indicating concerns with the lack of revisions to existing density and PDC provisions in the municipal code. Copy of adopted ordinance (37-2011) received on 12/29/11. Finding letter sent 1/20/12. Public hearing held 2/22/12. The Commission conditionally certified the ordinance on 4/13/12. The Township's response to the conditions, in the form of Ordinance 22-2012, was received on 7/9/12. No substantial issue finding letter sent 7/20/12. The Builders League of South Jersey has challenged the Township's adoption of Ordinance 37-2011. The Township subsequently adopted Ordinance 4-2013, repealing Ordinances 37-2011 and 22-2012. A no substantial issue finding letter was sent on 3/11/13. As a result, the Township's previously certified zoning plan has been reinstated. A meeting to discuss affordable housing and PDC issues with the Township, the Builders League of South Jersey and the court appointed master (Phil Caton) was held on 4/16/13. Data on vacant land was subsequently provided to the Township. A second meeting was scheduled for 6/25/13 but was later canceled by the Township. No action since April of 2013.</p>
Estell Manor	<p>1. Clustering: Staff met with the Mayor and several City representatives in early May 2013 to discuss the clustering amendments. The City has drafted a master plan amendment and received a fourth extension through 9/30/13. Maps showing vacant lands in the Forest Area were provided to the City in response to several questions at the May meeting. The Planning Board adopted the master plan amendment in early October 2014. No further progress has been reported.</p>
Evesham	<p>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.</p>
Franklin	<p><i>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></p>
Galloway	<p>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.</p> <p>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.</p>

MUNICIPALITY	TOPIC
Hamilton	<p>1. <i>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.</i></p>
Hammonton	<p>1. In lieu recreation fees: ordinance adopted in August 2006 but not submitted to Commission until 1/22/07. \$5,000 per lot fee under review; awaiting supporting analysis from Town. Town has since indicated it will be making additional revisions to the ordinance. Provided Town with sample ordinances of other municipalities to use in developing a new ordinance 3/23/07. Multiple extensions requested by the Town and granted, most recently through 10/29/08. Awaiting adoption of revised ordinance.</p> <p>2. Expansions of Pinelands Town/sewer service area: met with Town representatives on 2/26/13 to begin discussions of the possible expansion of the Pinelands Town boundary to include the airport and residentially developed areas currently in the APA.</p>
Jackson	<p>1. Master Plan: Planning Board is beginning its reexamining the Township Master Plan. New consultant hired; meeting held with Commission staff on 7/31/08 to discuss project status and possible impacts of Navy Lakehurst on the Township's Regional Growth Area. As of 10/31/08, staff is still awaiting more detailed information from the Township on approved projects within the Regional Growth Area, as well as rezoning proposals for the RGA, RDA and Pinelands Village of Legler. Draft Land Use Plan maps received 12/30/08. Meeting with Township representatives on master plan and EIA management area changes held on 12/31/08. Airplane noise incompatibilities in RGA noted. Discussion of noise impacts and possible zoning changes to be scheduled upon the Township's completion of its response to the May 2006 CMP amendments (stormwater). The Township made a presentation to the P&amp;I Committee on 4/24/09. The Committee asked for additional information and consideration of other options which staff will pursue. The Township's draft master plan was received on May 22, 2009. A revised draft master plan was received on 7/22/09. An adopted master plan was received on 8/31/09. Finding letter sent 9/29/09. A meeting with Township representatives was scheduled for November 4, 2009 but was postponed at the Township's request. After several attempts to reschedule that meeting failed, staff sent a letter to the Township in April 2010, which comprehensively addressed the Township's 2009 Master Plan. After learning that the Township's Planning Board may be in the process of reviewing ordinances intended to implement the 2009 Master Plan, staff requested the opportunity to review and comment upon the same prior to their adoption. The Township never responded to staff's request to 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</p>

MUNICIPALITY	TOPIC
	<p>for the final ordinance mentioned. The Township indicated it intended to adopt an ordinance that would designate all, or most of, the RG-2 and RG-3 Regional Growth Zones as commercial zoning districts, which would include a PDC-use obligation. Staff provided the Township with a model ordinance establishing a nonresidential PDC program for the lands formerly within the RG-2 and RG-3 Zones. The Township was granted a final extension through June 29, 2012 in order to allow it to adopt an ordinance substantially similar to the model ordinance provided by staff. A meeting with Township officials took place April 4<sup>th</sup> to discuss proposed changes the Township wished to make to the model ordinance the Commission sent to it in November 2011. The Township's proposed changes were determined by staff to be inconsistent with the CMP and incompatible with existing and expected conditions at the Joint Base. Another meeting with Township officials took place May 9, 2013. The Township's failure to adopt an ordinance (applicable to the RG-2 and Rg-3 Zones) that is consistent with the CMP standards was discussed at length. The Township submitted an ordinance for Commission review on May 30<sup>th</sup>. On June 11<sup>th</sup>, staff provided the Township with suggested changes to the Township's ordinance. A response from the Township was received on 8/1/13 and is under review. The Township adopted Ordinance 13-14, creating a new JB MDL RGC-3 (Joint Base McGuire-Fort Dix-Lakehurst Compatible Commercial Development) Zone on August 12, 2014. A substantial issue finding letter will be sent upon receipt of a second adopted ordinance establishing the boundaries of the new zone. 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. <i>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.</i></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. <i>Commission staff discussed the wastewater and zoning issues with the new attorney hired by Homes for All on 6/15/15.</i></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. <i>The Township has since begun the readoption process for Ordinance 14-016, with a public hearing and adoption scheduled for 7/13/15.</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</p>

MUNICIPALITY	TOPIC
	<p>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.</p> <p>3. Signs: The Township adopted an ordinance (O:19-2013) to permit on-site digital (LED) signs along the Black Horse Pike, through the Pinelands Forest, Rural Development and Regional Growth Areas. Commission staff held a public hearing on 3/26/14 and submitted a report recommending conditional certification to the P&amp;I Committee for discussion at its 5/30/14 meeting. The Commission conditionally certified the ordinance on 6/12/14, with the Township’s response due on 10/10/14. The Township requested, and received, two extensions of the deadline for response to the conditional certification through 4/1/15. The Township adopted Ordinance O:15-2015 on 3/9/15 and submitted a copy for the Commission’s review on 3/16/15.</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</p>

MUNICIPALITY	TOPIC
	requesting an additional extension. Extension of Commission's review period granted through 4/16/13.
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. <i>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.</i></p> <p>2. 2009 Master Plan: draft of new master plan received 6/9/09. Meeting held with planning consultants on 6/18/09 to review proposed zoning and management area changes and affordable housing issues. Drafts of implementing ordinances received, including rezonings and management area changes within the Pinelands area, on 11/10/09. Draft of amended zoning map received 12/9/09 and under review. Adopted ordinances received 1/15/10. Adopted Master Plan received 2/25/10. More detail on rezoning boundaries requested and received 3/22/10. List of issues identified for the Township and under discussion. Met with Township Planner on 3/8/12 to discuss clustering amendments as well as zoning changes and master plan. Received response to Master Plan/zoning map issues on 6/13/12. Township also indicated an interest in an additional FA-APA zoning change. Advised municipality that progress would need to be made on clustering ordinance before review of other zoning changes could commence. The Township then proceeded with adoption of its response to the CMP clustering and forestry amendments. A meeting with Township representatives was held on 5/9/13 to discuss resolution of various issues related to the prior zoning map and master plan. An additional meeting was held on 2/24/14, at which time all remaining issues were resolved, including a proposal to rezone lands from the Forest Area to the Agricultural Production Area to enable their participation in the Farmland Preservation Program. On July 25, 2014, the Commission received a copy of a draft master plan reexamination report from the Township, discussing the various zoning and management area changes. Commission staff provided comments and suggestions on July 28, 2014. A revised version of the master plan report was received on August 13, 2014, with a hearing before the Planning Board scheduled for September 8, 2014. Staff provided comments and suggestions on July 28, 2014. A revised version of the master plan report was received on August 13, 2014, with a hearing before the Planning Board scheduled for September 8, 2014.</p>



MUNICIPALITY	TOPIC
	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 and is awaiting adoption of a corrected, revised zoning map.
Shamong	<b>1.</b> Solar and wind energy ordinance: In early May 2014, the Township asked staff to review a draft version of a proposed solar and alternative energy ordinance. The Township and staff collaborated together to revise the Township’s ordinance in order to ensure its consistency with applicable provisions of the CMP. <i>The Township adopted its solar and wind energy ordinance (2014-6) on 12/2/14. Upon receipt of the ordinance on 3/9/15, Commission staff advised the Township that the ordinance did not contain the revisions that had been jointly drafted during the preceding months. The Township then requested and was granted two extensions of the Commission’s review period through 6/10/15 to provide the Township with an opportunity to adopt a correctly revised version of the solar and wind ordinance. The revised ordinance (2015-4) was adopted on 6/9/15. The Commission received an adopted copy of Ordinance 2015-4 on 6/25/15.</i>
South Toms River	<b>1.</b> <i>Special Economic Development (SED) Zone: The Township adopted and submitted Ordinance 02-15 to the Commission for review on 4/9/15. Ordinance 02-15 adds “single use retail sales and gas stations” as a permitted use in the SED Zone (within the RGA). Commission staff sent a no substantial issue finding letter on 4/16/15.</i>
Tabernacle	<b>1.</b> Medford Park: A meeting was held with Township representatives on 6/25/14 to discuss the zoning of this small area in the RDA. The Township is seeking to exempt the area from the normal RDA density requirements based on the existing subdivision pattern. Staff is awaiting submission of a map of the area and data on the number of vacant lots remaining. On 11/3/14, the Township provided a map defining the geographic boundaries of the Medford Park area, information on the number of vacant lots and remaining development potential in the area and a draft ordinance to address density and lot size requirements in the area. On 11/21/14, staff responded to the Township and suggested a number of revisions to the draft ordinance. The ordinance has since been revised and scheduled for introduction in December.
Waterford	<b>1.</b> <i>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>
Weymouth	<b>1.</b> Draft ordinance (472-2008) requiring use of contiguous commonly owned lands prior to use of noncontiguous lands under the Forest Area density transfer program received 3/24/08. Comments provided to Township solicitor on 4/30. Discussed in detail with Planning Board Engineer on 5/8. Adopted ordinance received 6/12. Finding letter issued on 7/7/08 indicating ordinance raises a substantial issue requiring Commission’s formal review and approval. Meeting with Township representatives to discuss purpose of ordinance and its implications to be scheduled. Township has since repealed the ordinance and will reconsider the issue as part of an upcoming master plan review. <b>2.</b> Ordinance 468-2008 establishing a contribution in-lieu of providing recreational facilities for certain residential developments and providing regulations for recreational facilities received and reviewed. Finding Letter issued determining that Ordinance 468-2008 presented a substantial issue and requesting supporting analysis for the fee in question. Extension of Commission’s review period requested and granted through 7/11/08. Awaiting adoption and submission of revised ordinance.
Winslow	<b>1.</b> RGA zoning changes: met with Township representatives on 8/13/12 to discuss

MUNICIPALITY	TOPIC
	<p>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. <i>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.</i></p>
Woodland	<ol style="list-style-type: none"> <li>1. Expansion of Duke's Bridge infill area: rezoning proposal received 4/8/08. Meeting with Township held 5/7/08.</li> <li>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.</li> </ol>