

Management Report for October, November & December 2017



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. The Committee voted to advance a management area change coupled with an off-site clustering pilot program. After several meetings with Evesham Township and representatives of the major landowner in the area, staff drafted CMP amendments and reviewed them with the P&I Committee at its June and July 2016 meetings. The proposed amendments were submitted to the Governor's office for review on August 15, 2016. Staff met with Evesham Township on September 6, 2016 to discuss several issues concerning the pilot program. Staff met with representatives of the Governor's office on September 28, 2016 to review the proposal. At the request of the Governor's office, the proposed amendments were resubmitted for review on March 21, 2017. *No new action as of December 31, 2017.*
- **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 stakeholders including builders, farmers, land conservation groups and municipalities at meetings held during 2015 and 2016. Staff briefed the P&I Committee on February 26, 2016. Representatives of the New Jersey Builders Association and the Builders League of South Jersey identified concerns with the PDC Enhancement proposal as part of their public comment at the June 24, 2016 Policy & Implementation Committee meeting. Staff subsequently met with representatives of both organizations on July 27, 2016 to discuss their concerns in further detail, clarify how the proposed PDC enhancements would apply to specific projects and review a series of new suggestions. Staff also met with the New Jersey Farm Bureau on July 26, 2016 to discuss the PDC enhancements. Staff briefed the P&I Committee on the concerns raised by NJBA, BLSJ and the Farm Bureau on October 25, 2016, provided detailed information on recent projects in Regional Growth Areas and Pinelands Towns and outlined suggested revisions to the PDC enhancement proposal. Staff also drafted amendments to the PDC Bank legislation designed to enhance the Bank's ability to buy and sell PDCs. Comments and questions from NJBA on the amended PDC Bank legislation were received on March 8, 2017. Staff responded via letter dated April 18, 2017 and provided a revised version of the PDC Bank legislation for review. NJBA subsequently advised the staff that while it would not oppose the legislation, it would also not actively support it. Staff met with Senator Van Drew on July 27, 2017 to discuss the legislation, which was subsequently provided to the Office of Legislative Services

(OLS). Questions from OLS were received on September 19, 2017; staff is in the process of responding. *No new action as of December 31, 2017.*

- **Signs:** Staff made a presentation at the P&I Committee's March 24, 2016 meeting, outlining current CMP signs standards, a recent Supreme Court decision and recommendations related to on-site signs, off-site commercial advertising signs and digital/LED signs. Draft regulations were prepared and discussed with the Committee on June 24, 2016. The proposal includes substantial changes to regulation of on-site signs with minor changes to clarify regulation of off-site signs. A full rule proposal was drafted and reviewed with the Committee on July 29, 2016. At the request of the Governor's office, the proposed amendments were resubmitted for review on March 21, 2017. The Governor's office completed its review of the proposal on June 30, 2017, with no objections to the sign amendments. The Commission authorized a formal rule proposal on July 14, 2017. The proposal was published in the NJ Register on September 18, 2017. *A public hearing was held on October 4, 2017 and written comments were accepted through November 17, 2017. No public comments on the proposed sign amendments were received. The Commission adopted the CMP amendments on December 12, 2017.*

B. Litigation

- **STATE COURT CASES**

Law Division

- *None.*

Appellate Division

In the Matter of New Jersey Pinelands Commission Resolution PC4-16-42 – Docket No. A-002015-16 – The Pinelands Preservation Alliance filed an appeal of Commission Resolution PC4-16-42 on January 17, 2017. The resolution being challenged sets forth the process by which the Commission would review the South Jersey Gas Company's application in response to the Remand Decision of the Appellate Division in I/M/O the Petition of the South Jersey Gas Company issued on November 7, 2016 (see above.) On that same date, Pinelands Preservation Alliance also filed a Notice of Motion to Stay Resolution PC4-16-42 Pending Appeal with the Pinelands Commission in accordance with R. 2:9-7. The Commission denied this Motion for Stay on January 23, 2017 through Resolution PC4-17-01. PPA, later that day, filed a Request for Emergent Relief with the Appellate Division. That request was denied by the Appellate Division for failure to demonstrate irreparable harm. This appeal is pending. On March 27, 2017, PPA filed a Motion to Consolidate this appeal with its appeal of Resolution PC4-17-03. All future updates of this matter will be discussed under the appeal of Pinelands Commission Resolution PC4-17-03. See below.

In the Matter of New Jersey Pinelands Commission Resolution PC4-17-03 – Docket No. A-3055-16 – On March 27, 2017, the Pinelands Preservation Alliance filed a Notice of Appeal of Pinelands Commission Resolution PC4-17-03 and a Motion to Consolidate this new appeal with pending Appeal A-002015-16 (*discussed above*) with the Appellate Division. On this same date, PPA filed a Notice of Motion to Stay Resolution PC4-17-03 Pending Appeal with the Pinelands Commission in accordance with R. 2:9-7. The resolution being challenged adopted the Commission’s Executive Director’s Recommendation Report and found that the South Jersey Gas Company’s proposed 22-mile natural gas transmission line was consistent with the CMP. The Commission considered PPA’s Motion for Stay at its April 7, 2017 meeting and denied that request. On April 10, 2017, the Sierra Club filed an appeal of Resolution PC4-17-03. RC Cape May filed a Motion to Intervene or, in the alternative file an amicus brief, in this matter with the Appellate Division on April 11, 2017. On April 13, 2017, the South Jersey Gas Company made a motion to the Appellate Division to accelerate the appeals. PPA filed an Emergency Motion for Stay of the resolution with the Appellate Division on April 18, 2017 and a brief in opposition to PPA’s motion was filed on behalf of the Commission on April 21, 2017. PPA’s stay motion was subsequently denied by the court on April 24, 2017. By Orders dated May 4, 2017, the Appellate Division granted: 1) South Jersey Gas Company’s Motion to Accelerate; 2) PPA’s Motion to Consolidate its appeals; and 3) RC Cape May’s Motion to Intervene. A Scheduling Order setting forth the briefing schedule for this matter was issued by the court on May 24, 2017. On June 13, 2017, the South Jersey Gas Company submitted a Request for Oral Argument. PPA and the Sierra Club filed their merits briefs on July 11, 2017. On July 21, 2017, three attorneys from Cole Schotz P.C. seeking admission Pro Hac Vice to represent the three governors (James Florio, Christine Todd Whitman and Brendan Byrne) in this appeal. The Commission, South Jersey Gas Company and RC Cape May filed their respective response briefs on August 10, 2017 and PPA and Sierra Club filed their respective reply briefs on August 21, 2017. On August 21, 2017, Motions to Appear as Amici Curiae were submitted on behalf of the three governors and on Council, the Cape May County Chamber of Commerce, the Atlantic City Chamber of Commerce, the South Jersey Building Trades Council, the Southern New Jersey Building Trades Council, and the South Jersey Mechanical Contractors Association. On September 1, 2017, the South Jersey Gas Company and RC Cape May filed briefs in support of Amici motion of the NJ Chamber of Commerce et al. On September 18, 2017, the Appellate Division granted the motions of the amici and in those Orders allowed both groups to participate in oral argument. *Oral argument has not yet been scheduled in this matter.*

In re New Jersey Natural Gas Company Proposed Natural Gas Transmission Pipeline Pinelands Application No. 2014-0045.001 – These matters involve appeals of the Executive Director’s March 10, 2016 correspondence to the Board of Public Utilities, indicating that the New Jersey Natural Gas Company’s proposed natural gas transmission line was consistent with the CMP. The first appeal was filed on behalf of the Sierra Club on April 22, 2016 (Docket No. A-3753-15.) PPA, subsequently filed

its appeal on April 29, 2016 (A-3762-15). The Commission's Civil Case Information Statements was filed for both appeals on June 30, 2016. On December 9, 2016, following the issuance of the Appellate Division's decision in I/M/O the Petition of the South Jersey Gas Company, the Commission adopted Resolution PC4-16-43, which authorized the Division of Law to file motions in both appeals to have the New Jersey Natural Gas Pipeline Project remanded back to the Commission. The purpose of the remand as to permit the Commission to review the Executive Director's recommendation and issue a final decision as to the consistency of the project with the requirements of the CMP. The Remand Motion was filed with the Appellate Division on January 10, 2017. Sierra Club filed a brief in response to the Commission's remand motion on January 19, 2017. The Pinelands Preservation Alliance also filed its response motion on January 19, 2017 and included a cross motion for and order invalidating Resolution PC4-16-42. An Order granting the Commission's Remand Motion with regard to the Sierra Club appeal was issued by the Appellate Division on January 31, 2017 and with regard to the Pinelands Preservation Alliance's appeal on February 15, 2017. Additionally, PPA's cross motion was denied as part of the same order. At its June 9, 2017 meeting, the Commission passed Resolution PC4-17-10 which sets forth the process by which the Commission will review the consistency determination of the Executive Director concerning a 12.1 mile 30-inch natural gas transmission pipeline proposed by New Jersey Natural Gas Company. On July 17, 2017, the Pinelands Preservation Alliance filed an appeal of Pinelands Resolution PC4-17-10 (Docket No. A-4997-16). The Commission conducted a Special Commission meeting on July 26, 2017 at the Pine Belt Arena in Toms River to receive oral comment on the NJNG application from the public. Additionally, a written comment period was provided from June 9, 2017 until August 8, 2017. The Commission received 4 requests for it to hold other opportunities for oral public comment at night and at different locations. On August 29, 2017, the Commission's Ethics Liaison Officer and the Acting Executive Director of the State Ethics Commission received a letter from a member of the public raising allegations that certain Pinelands Commissioners may have a conflict of interest requiring recusal from the vote on the New Jersey Natural Gas Company application. On September 11, 2017 and on September 13, 2017, the Commission's ELO received letters from other entities joining in the conflict of interest issues previously raised. After review of the information provided and consultation with the Commission's ELO, the State Ethics Commission staff determined that neither Commissioner in question has a conflict of interest requiring recusal in this matter. On or about September 11 through September 13, 2017, the Commission received 4 requests for an adjudicatory hearing. However, none of the requestors had a particularized property interest or a statutory right to a hearing. Consequently, these requests were denied. At its meeting on September 14, 2017, the Commission considered the Executive Director's recommendation report finding NJNG's proposed development consistent with the requirements of the Pinelands CMP and approved the application. On September 29, 2017, PPA requested a one month extension of the date to file its brief in this matter, *which was subsequently filed with the Appellate Division on November 1, 2017.*

In the Matter of the Pinelands Commission's Denial of Daniel Caruso's, Patricia Caruso's and Jean Kovath's Request for an Adjudicatory Hearing as to New Jersey Natural Gas's Application for the Installation and Operation of the Southern Reliability Link Project – Docket No. A-001005-17 – This is an appeal of the Commission's denial of the adjudicatory hearing requests of Daniel and Patricia Caruso and Jean Kovath concerning the New Jersey Natural Gas Company's application for the portion of its Southern Reliability Link project to be constructed in the Pinelands. The Appellants reside in Upper Freehold Township. In their hearing requests, the appellants failed to state a particularized property interest or a statutory right which would have entitled them to a hearing. Consequently, their requests were denied. This appeal was filed October 26, 2017.

In the Matter of the Pinelands Commission's Denial of the Pinelands Preservation Alliance's Request for an Adjudicatory Hearing as to New Jersey Natural Gas's Application (No. 2014-0045.001) for the Installation and Operation of the Southern Reliability Link – Docket No. A-00999-17 – Like the Caruso/Kovath matter discussed above, this is an appeal of the Commission's denial of the Pinelands Preservation Alliance's (PPA's) request for an adjudicatory hearing concerning the New Jersey Natural Gas Company's application for the portion of its Southern Reliability Link project to be constructed in the Pinelands. In its hearing request, the PPA failed to articulate a particularized property interest or a statutory right which would have entitled them to a hearing. Consequently, PPA's request was denied. This appeal was filed on October 26, 2017.

In the Matter of the Pinelands Commission's Approval of New Jersey Natural Gas's Application (No. 2014-0045.001) for the Installation and Operation of the Southern Reliability Link Project – Docket No. A-01004-17 – Appellant: Pinelands Preservation Alliance

In the Matter of New Jersey Natural Gas Application for the Installation and Operation of the Southern Reliability Link – Docket No. A-00925-17 – Appellant: Sierra Club

In the Matter of the Pinelands Commission's Approval of New Jersey Natural Gas's Application (No. 2014-0045.001) for the Installation and Operation of the Southern Reliability Link Project – Docket No. A-00972-17 – Appellant: Bordentown Township

In the Matter of the Pinelands Commission's Approval of New Jersey Natural Gas's Application (No. 2014-0045.001) for the Installation and Operation of the Southern Reliability Link Project – Docket No. A-001089-17 – Appellant: Chesterfield Township – All four of these appeals challenge the Commission's approval of the New Jersey Natural Gas Company's application for the portion of its Southern Reliability Link project to be constructed in the Pinelands. These appeals were filed on October 26, 27, 30 & 31, 2017, respectively. The Sierra Club filed an Amended Notice of Appeal on November 17, 2017.

**In re The Pinelands Commission's Consistency Determination
Approving Tuckahoe Turf Farm Inc.'s Application No. 1984-0389.009**

- Docket No. A-005025-14- This is an appeal of the Commission's issuance of a letter of no further review which permits the amended site plan approval issued by the Town of Hammonton Planning Board to take effect. This amended approval was consistent with the terms of a settlement agreement entered into between Tuckahoe Turf Farm, Inc. MSSL and the Pinelands Commission concerning soccer activities occurring at the farm. PPA and NJCF allege that the Commission's action violates the Pinelands Protection Act and CMP regulations applicable to commercial uses in an Agricultural Production Area, because the use in question is not among the uses set forth in the CMP; that such action violates the terms of the deed restriction recorded for Tuckahoe Turf Farm's Hammonton properties and that the action was arbitrary and capricious, because it was taken without a hearing and findings of fact and law on the public record. The Statement of Items Comprising the Record (SICR) in this matter has been filed. An amended SICR was filed in this matter on March 28, 2016. This matter was subsequently consolidated with Docket No. A-0034-17. An Amended SICRA was filed in the consolidated matters. A briefing schedule has been set. The Appellants' brief is due November 25, 2016 and the Commission's response brief is due December 20, 2016. The Appellant's initial brief was rejected by the Court because it failed to contain the Decision on Appeal Table required by the revised New Jersey Court Rules. On or about January 23, 2017, Appellants refiled their brief with the Appellate Division. At the end of April, a Motion to Dismiss the Consolidated Appeals as Moot was filed in this matter on behalf of the Pinelands Commission. The basis for the motion was that the Commission action being appealed (issuance of no call up letters for the Hammonton and Waterford Planning Boards' approvals) were no longer of effect, given amended municipal approvals had been issued that superseded the prior municipal approvals. On April 28, 2017, PPA and NJCF filed a third notice of appeal challenging the Commission's January 16, 2017 no call up letter. On May 3, 2017, Tuckahoe Turf Farm filed a letter brief in support of the Commission's Motion to Dismiss. PPA and NJCF, on that same date, filed a Motion to deem their April 28, 2017 Notice of Appeal Timely Filed and to consolidate that new appeal with their pending appeals. Tuckahoe Turf Farm filed a brief in Opposition to PPA's and NJCF's Notice of Motion. By Order dated June 8, 2017, the Appellate Division denied the Commission's Motion and granted PPA's and NJCF's Motion. *The Commission's brief was filed on December 13, 2017.*

**In re The Pinelands Commission's Consistency Determination
Approving Tuckahoe Turf Farm Inc.'s Application No. 1984-**

00389.009 - Docket No A-003417- This is an appeal of the Commission's issuance of a letter of no further review (no call up letter) that permits the amended site plan approval issued by the Waterford Township Planning Board to take effect and permits soccer activities to be conducted on the portions of Tuckahoe Turf Farm located in Waterford Township. This no call up letter was issued following the enactment of P.L.2015, c.285, which provided that certain field sports conducted or occurring in Agricultural

Production Areas in the Pinelands Area constitute low intensity recreational uses under the Comprehensive Management Plan. PPA and NJCF allege that the Commission's action violates the Pinelands Protection Act, as supplemented by P.L.2015, c.285, the CMP regulations applicable to commercial uses in an Agricultural Production Areas and Sec. 502 of the National Parks and Recreation Act of 1978. Additionally, PPA and NJCF allege that the Commission's action violate the terms of the conservation deed restriction recorded on Tuckahoe Turf Farms' Waterford Properties and that the Commission acted arbitrarily and capriciously in taking its action without holding a hearing and/or making findings of fact justifying the action and by invalidly delegating to its Executive Director the decision as to whether the proposed development conformed with the minimum standards of the CMP without review by the Commission. Because this appeal and the Hammonton appeal involve the same parties and similar issues, PPA and NJCF moved to consolidate this matter with the Hammonton appeal (A-005025-14). The consolidation motion was granted and all further updates will appear under the Hammonton Appeal. This matter was subsequently consolidated with Docket No. A-0034-17. An Amended SICRA was filed in the consolidated matters. (See above for updates).

Peg Leg Webb, LLC. V. New Jersey Pinelands Commission, Docket No. A-4016-14T4 - 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 Commission, at its March 11, 2016 meeting, issued its Final Decision in the administrative hearing conducted by the Office of Administrative Law, in which it adopted the Administrative Law Judge's Initial Decision finding that Jackson Township's preliminary approval of Peg Leg Webb's proposed resource extraction operation did not conform to the minimum standards of the Pinelands Comprehensive Management Plan. On appeal, the applicant is arguing that the Commission's Final Decision was arbitrary, capricious and unreasonable and that the Superior Court's invalidation of a Jackson Township's ordinance, in a matter in which the Commission was not a party, restored the status quo ante and governs the Commission's actions. All briefs have been filed and the appellant has requested oral argument. *On October 11, 2017, the Appellate Division issued its decision upholding the Commission's call-up and invalidation of the local approval.*

- **FEDERAL COURT**

No new action as of December 31, 2017.

- **OTHER LITIGATION MATTERS OF INTEREST**

No new action as of December 31, 2017.

C. Legislation

- *The 218th New Jersey Legislature will convene on January 9, 2018 with the swearing in of members in both houses.*

D. Office of Administrative Law

- **Summerfields West Partners, LLC v. New Jersey Pinelands Commission, - OAL Docket No. EPC-13768-2017 (Pinelands Development Application No. 1981-0880.004)** – *This is a call-up of ten construction permits issued by the Monroe Township municipal construction code official as part of the proposed development of 145 single family dwellings (age-restricted mobile homes) and one existing dwelling for a total of 146 dwellings on the above-referenced 114.24 acre parcel. The permits were called up because they were inconsistent with the residential density requirements for the zone in which the parcel was located, the RG-RA zone. Specifically, the final site plan approval for the proposed development was issued by the Monroe Township Planning Board on April 12, 2007. On April 13, 2007, the Commission certified (approved) Monroe Township Ordinance Section 175-161.1G (8) that changed the zoning district of the portion of the parcel where the 145 mobile homes were proposed to RG-RA. A provision in that ordinance section specifies that Pinelands Development Credits (PDCs) be used for 25% of all market rate units in Monroe’s RG-RA zoning district. As a result of the Permit Extension Act of 2008, any construction permits issued prior to June 30, 2016 were protected from zoning changes. Any construction permit issued after June 30, 2016, must meet current zoning. The Applicant requested that the matter be transmitted to the Office of Administrative Law for an administrative hearing.*

E. 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 is currently evaluating the most effective means to both implement the MOA with Pinelands municipalities and integrate the roadside management practices included in the seven county MOAs into the municipal MOAs. To date the Commission has received signed MOAs from Atlantic, Camden, Burlington, Gloucester and Ocean counties. *No new action as of December 31, 2017.*
- **NJDOT:** The Commission has been working with NJDOT on a permit streamlining MOA since November 2008. Several meetings have been held. NJDOT was encouraged to prepare a draft MOA patterned after the existing County permitting MOA that the Commission approved. The most recent draft MOA was submitted on December 12, 2012. The Commission staff has completed its review of the submitted draft MOA and will be

meeting with NJDOT representatives to discuss necessary revisions. *No new action as of December 31, 2017.*

F. Pinelands Municipal Council

- *The Council met on November 28, 2017 in Egg Harbor Township.*

G. Open Public Records Act

- *Open Public Records Act this quarter: A total of 17 requests for government records were received and processed under the Open Public Records Act this quarter.*

II. Business Services

A. Facilities

- *Fenwick Manor experienced rodent problems requiring the procurement of an exterminator.*

B. Financial Management

- *Application Fees are at \$221,000 for the end of the 2rd Qtr. This is 65% of the FY 2018 anticipated application fee revenue of \$340,000.*
- *The annual insurance renewal process has been completed.*
- *The Hartford Insurance was on-site to conduct an annual Workers Compensation Audit.*

C. Human Resources

- *The interim performance evaluation process has begun.*
- *Health and dental insurance open enrollment was during the month of October.*
- *Recruitment for a Research Scientist has begun.*
- *Flexible Spending open enrollment was during the month of December.*

III. Land Use and Technology

A. CMP Amendments

- CMP amendments were drafted to address multiple Plan Review matters, including signs, landfills and various efficiency measures. They were presented to the P&I Committee for discussion throughout 2015 and 2016. A full rule proposal was prepared, discussed with the P&I Committee and formally submitted to the Governor's office for review on August 3, 2016. Staff met with representatives of the Governor's office on September 28, 2016 to review the proposal. At the request of the Governor's office, the proposed amendments were resubmitted for review on March 21, 2017. The Governor's office completed its review of the proposal on June 30, 2017. The Commission authorized a formal rule proposal at its July 14, 2017 meeting. The proposal was published in the NJ Register on September 18, 2017 and has been posted on the Commission's website. *A public hearing was held on October 4, 2017, and public comments were accepted through November 17, 2017. The Commission adopted the CMP amendments on December 12, 2017, after removing those amendments relating to prescribed burning, fire breaks and the definition of "interested party".*
- Commission staff has worked 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 2015. A comprehensive list of issues and suggestions was prepared and shared with the Commission's newly formed Agriculture Committee on June 16, 2015. The Committee met on July 31, 2015. Susan Payne, Executive Director of the State Agriculture Development Committee (SADC), made a presentation on SADC's on-farm direct marketing regulations. The Committee met on April 22, 2016 to discuss the proposed PDC enhancements and recent legislation on rural microenterprises. The Committee asked staff to discontinue work on a pilot program and instead focus its efforts on specific CMP amendments to address exemptions and other agriculturally-related issues. The Agriculture Committee met on December 2, 2016 and asked the staff to draft amendments to the CMP in response to P.L.2015, c.285, which provides that certain field sports conducted or occurring in Agricultural Production constitute low-intensity recreational uses under the Comprehensive Management Plan. The pilot program remains on hold, pending litigation.
- An inquiry for expanding solar use in Forest Area by a former mayor and Commissioner Galletta is being evaluated by staff and will be discussed with the P&I Committee. *No new action as of December 31, 2017.*

B. Conformance

- See Attachment #1 for summary of ongoing conformance items.
- 23 new ordinances and/or master plan amendments were received this quarter. (52 this fiscal year).

- 23 interpretations and municipal requests for technical assistance were completed this quarter (72 this fiscal year).

C. Special Planning Projects

- **Pine Barrens Byway:** The Department of Transportation (DOT) has requested that all NJ Byways complete the “Annual Benefits Review Form.” The Pine Barrens Byway steering Committee did not meet in 2016. One member of the original Byway Steering Committee, Michael Hogan, delivered a well-received presentation on the Byway at the March 11, 2017 Pinelands Short Course. *No new action as of December 31, 2017.*
- **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 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 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. The entire 26.47 acres of overland drip irrigation tubing is installed and operational. The Phase I, 7.47 acre multi-depth subsurface drip irrigation system installed beneath four Town recreational soccer fields is complete and operational and progress continues to be made on the Town’s I&I Study. The Commission received Hammonton’s Annual Summary Report on wastewater disposal activities on February 19, 2016. The Annual Report covers the period of May 1, 2014 through April 30, 2015. Highlights of the report include:
 The Town’s wastewater drip irrigation system came online in December 2014. It was taken off line in January, February and part of March 2015 for winterization. Over an eight-day period in March 2015, Hammonton discharged slightly more than 8 million gallons of wastewater to Hammonton Creek, an “emergency” situation addressed in the LTCWMP. Ten-thousand LF (of a total 98,000 LF) of sanitary sewer line (subject to inflow and infiltration) has been or will be replaced through the end of May 2016. The investigation into the rest has been deferred as the recharge appears to be working.

Status: Hammonton remains behind in providing the Commission with a report summarizing the results of a two year sewerage system inspection program, intended to identify and eliminate inflow and infiltration (unauthorized connections and leakage of stormwater and groundwater) into the Town’s sewage conveyance system. The Commission’s March 14, 2014 conditional approval of Hammonton’s

Long Term Comprehensive Wastewater Plan (Resolution No. PC4-14-10) is predicated on a number of conditions including the completion of the inspection program and submission of the summary report. At the Town's request, Commission staff met with Elected and appointed town officials in May 2016, at which time the officials expressed a desire to appear before the Commission to seek modifications/flexibility to the conditional approval. Staff requested and awaits documents prepared by the Town in which desired changes to the conditional approval are identified. The report required by Resolution No. PC4-14-10 was due in March 2016. The Hammonton wastewater treatment plant and wastewater infiltration facilities continue to successfully infiltrate all wastewater using its infiltration lagoons, and surface and subsurface infiltration facilities and has not discharged wastewater to Hammonton Creek since March 2015. *No new action as of December 31, 2017.*

- **Roadside Maintenance:** County efforts to implement the Best Management Practices (BMPs) are at varying stages and ongoing. The Commission-produced laminated field mowing guides were distributed for use by mowing crews. A webpage highlighting the roadside BMP program was created (www.state.nj.us/pinelands/landuse/current/roadhab/). A new Commission-produced educational brochure on roadside habitats and the mowing and maintenance BMPs was printed and distributed to various outlets for display, including each municipality in counties implementing the BMPs. Staff continues to conduct roadside site inspections at least monthly during the growing season to ensure compliance with the BMPs and to confirm the locations of rare plants for the Commission's records. *Staff received positive public feedback on the state of Pinelands roadsides. Staff emailed each county to thank them for their efforts and remind them that the dormant mowing season began on December 1, 2017.*
- **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. The USGS presented the Pinelands Area Screening Level Assessment tool at a meeting with NJDEP and later at the February 28, 2014 Pinelands Policy and Implementation Committee meeting. Using existing monitoring well data and GIS analysis, the screening level assessment tool estimates the level of concern for leachate to impact human and ecological receptors. USGS has delivered the Screening Level Assessment of Pinelands Area Landfills and staff is using the assessment tool to evaluate and categorize existing landfills. At the request of individual municipalities, staff has met with municipal officials to give an overview of the landfill assessment tool and discuss the results of the analysis. Staff delivered a presentation to the Pinelands Municipal Council on the findings of the Pinelands Commission - USGS Rapid Landfill Assessment Project, sent letters to landfill owners advising them of the Assessment findings and offering to meet to discuss the specifics of individual landfills and has begun working with several municipalities to conduct in-depth evaluations of their closed but uncapped landfills. Staff met with engineers from South Toms River Borough to discuss installing an impermeable cap on the Borough's closed landfill. The Borough preliminarily proposed to accept dredge spoils for placement on the landfill to generate tipping fees to finance the impermeable cap installation. The Borough was advised that the dredge material would need to be demonstrated to be contaminant free through laboratory analysis before its use in the Pinelands Area

could be considered. *Staff continues to work on assessing the Medford Township Landfill using the USGS landfill assessment methodology.*

- **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. The project is on hold by CMCMUA. Woodbine et al still have interest. *No new action as of December 31, 2017 but targeted for consideration/discussion in 2018.*
- **Alternate Design Wastewater Treatment Systems Pilot Program:** Staff has prepared CMP amendments to "graduate" the FAST technology from the pilot program and authorize it for residential use in the Pinelands Area on 1.4 acre lots. These amendments were formally proposed by the Commission on July 14, 2017 and published in the NJ Register on September 18, 2017 and adopted on December 12, 2017. Staff completed the 15th annual report on the Commission's advanced wastewater treatment systems pilot program. The report was provided to Commissioners in August 2017. *Staff completed the Pilot Program Implementation Report in November 2017.*

The advanced wastewater treatment systems authorized for use through the Pinelands Alternate Design Pilot Program must be covered under operation and maintenance (O&M) contracts as required by NJDEP's regulations at N.J.A.C 7:9A- 12.3. The Commission's septic system operation and maintenance (O&M) tracking database has been finalized and is being updated with O&M status information contained in the most current semi-annual reports provided by the alternate design system vendors. Status reports will be provided to the county health departments and NJDEP. Staff met with Atlantic, Burlington, Cape May, Ocean, Cumberland, Camden, and Gloucester Health Department personnel to review NJDEP's requirements related to the operation and maintenance (O&M) of

alternate design wastewater treatment systems. Many of the counties have noted that they are processing a number of applications for advanced wastewater treatment systems in areas outside of the Pinelands Area (as these systems are now authorized for use by NJDEP as a means to reduce system size and depth to seasonal high water table requirements and that these non-Pinelands Area systems are also subject to long term O&M contract requirements. The majority of the health departments report that they are gearing up to address these contract obligations.

Staff attended the State Onsite Regulators Association (SORA) Educational Conference in Maryland in October 2017. Participating states are particularly interested in nutrient reducing onsite wastewater treatment technologies such as those being piloted in the NJ Pinelands. The Commission's Environmental Technologies Coordinator accepted an invitation to serve on the SORA Board of Directors as the representative of US EPA Region 2. SORA is a 501(c)(6) association. Its mission is to advance the field of knowledge and practice of those who regulate onsite wastewater programs by increasing awareness of the latest technology, research, environmental health issues, and new federal initiatives that will affect the decentralized wastewater industry.

D. Economic Monitoring

- Commission staff is currently undertaking a reexamination of the Long-Term Economic Monitoring Program. As part of this process, a meeting was held on August 9, 2017 to receive input from a large group of municipal, county, regional and state agencies involved with community and economic development in the Pinelands. *In addition, a meeting with a panel of experts was held on October 30, 2017. Experts discussed available and relevant data sources, data analyses and reporting.*
- Rutgers University faculty is under contract to provide expert support and review of the Long-Term Economic Monitoring Report. The Rutgers team prepared an initial summary of both panel sessions to address phase one of the contract with them. *Staff expects to hear from the Rutgers team by the end of December 2017. The Rutgers report should have recommendations for economic parameters to add to or remove from the report that will provide a better picture of the economy of the region.*
- *Data collection for the 2016-2017 Annual Report is mostly completed. Data processing has begun on economic parameters that are not expected to be removed from the LTEM report.*
- Planning for an enhanced website has been initiated. Staff met with NJ Office of Information Technology (NJ-OIT) and consultants to review options available through NJ-OIT.
- Staff is considering topics for a special economic study.

E. Permanent Land Protection

- **Pinelands Development Credit (PDC) Program:** *Five Letters of Interpretation (LOI) were issued this quarter, allocating 13 rights to 141 acres in three Burlington County municipalities (Shamong, Washington & Woodland) and one right to a 10-acre parcel in Galloway Township (Atlantic County). One hundred eighty-nine (189) rights were sold at prices ranging from \$4,750.00 to \$9,000.00 per right with a median sales price of \$9,000 per right and a mean sales price of \$8,513.00 per right. Three rights were redeemed on two projects in Winslow Township and one in Manchester Township.*
- **Farmland Preservation Program:** *Burlington County Preserved four farms (two each in Pemberton and Southampton townships) protecting 293 acres in the Agricultural Production Area and retiring 12.50 PDCs.*
- **Pinelands Conservation Fund (PCF):** *As of June 30, 2017, the Commission has approved the contribution of \$8.95 million to 36 successful land preservation projects in the Pinelands Area that have proceeded to closing, resulting in the permanent protection of 8,190 acres. In the currently active round, the Commission has allocated \$500,000 to four land preservation projects, totaling 801 acres in the Pinelands Area, all of which are currently in progress. As of December 31, 2017, two projects are under grant agreement, and two projects were granted extensions of time to execute their grant agreements until May 1, 2018.*
- **Limited Practical Use (LPU) Program:** *The owner of a 2.37 acre parcel deemed eligible in Round 1 (August, 1995), who never responded to repeated purchase offers from Green Acres, has come forth requesting purchase. Green Acres has assigned it Project #9164 and is pursuing acquisition.*

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 New Jersey Builders Association (NJBA), NJDEP, 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. A discussion on technical issues was held with experts from NJDEP, USGS, PPA, NJBA, and local water purveyors on April 13, 2016. Staff is processing the information gleaned from the discussions to inform what would be included in a Pinelands water supply rule. Staff attended a hearing on the State Water Supply Plan at Stockton University and drafted a letter with comments on the Water Supply Plan. That letter was submitted by the Executive Director on July 19, 2017 and it included issues involving the lack of detail and direction*

with regard to completed K/C Studies. Staff briefed the P&I Committee on September 29, 2017. *Work on a possible rule continues.*

Buildout & water use estimates for WQMP and purveyors planning: Staff previously 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. *No new action as of December 31, 2017.*

- Winslow Water Purchase Agreement (non K/C water for all new development) *At the October 24 and the November 17, 2017 P & I Committee meetings, staff discussed an amendment to the agreement between Winslow Township, the Camden County Utility Authority and the Pinelands Commission. Winslow requested credit for conservation measures they implemented that reduced their water consumption by over 250 million gallons per year. Staff concurred with that request and also suggested implementing certain annual and monthly caps to water withdrawals from the K/C via an amended agreement. The P&I Committee recommended the amended agreement for authorization by the full Commission. A resolution that authorized entering into an amended agreement was adopted by the Commission on December 12, 2017. The agreement will be forwarded to the parties for signature.*
- *Ms. Berg and Mr. Wengrowski attended the Kirkwood Cohansey Aquifer Delaware Expert Workshop Conference sponsored by the Partnership for the Delaware Estuary on December 15, 2017.*
- **Barnegat Bay Partnership:**
Planning staff continues to participate in the Barnegat Bay Partnership's Advisory Committee and has been requested to participate in the Partnership's water supply subcommittee.
- **Cultural resources:** 28 (72 this fiscal year) cultural resource activities were undertaken as follows:
 - 10 (35) applications reviewed
 - 0 (0) forestry inquiries
 - 2 (3) surveys reviewed
 - 0 (1) CAFRA reviews
 - 0 (1) Preliminary Investigation
 - 5 (10) site coordination with other agencies/meetings & phone conferences
 - 3 (5) coordinated reviews w/ NJDEP/SHPO
 - 4 (10) Municipal/consultant inquiries
 - 2 (4) on-site consultant research facilitation
 - 2 (3) formal meeting with consultants/project stakeholders on behalf of Pinelands Commission
- **Archaeology and Anthropology Symposium-** *Staff organized an Archaeological Symposium held at the Pinelands Commission office in October of 2017. Over 40 people attended the symposium which was held*

in conjunction with the Archaeological Society of New Jersey (ASNJ). A formal Call for Papers was distributed. Five papers were vetted for inclusion in the Symposium and a program schedule generated.

- **Brotherton Indian Reservation-Archaeological Field School-** Staff is coordinating with Monmouth University and Shamong Township on the organization of a joint archaeological field school to occur in early Spring 2018. Excavations would be conducted on a parcel recently purchased by Shamong Township in the town of Indian Mills where the first Native American reservation in the United States was once situated. Primary sources for the area appear to indicate that the house of the reservation's founder, Rev. John Brainerd, existed on this parcel at one time, as did the homesteads of multiple Brotherton Reservation occupants. Logistical coordination with Shamong Township is ongoing. *No new action as of December 31, 2017.*
- **Affordable housing:** 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 decision shifted the landscape regarding municipal compliance with its affordable housing obligations by creating a new process by which municipalities would seek a declaration of compliance with affordable housing obligations through the judiciary.

As a result of the Supreme Court's decision, a number of Pinelands municipalities filed declaratory judgment actions with the Superior Court in order to obtain a judicial declaration that their housing plans and implementing ordinances are constitutionally compliant. Low and moderate income citizens and those acting on their behalf, as well as developer, have been permitted to participate in these actions as parties. Both the Fair Share Housing Center (FSHC) and the New Jersey State League of Municipalities are parties in all of the pending declaratory judgment lawsuits

As part of the judicial process, municipalities obtained immunity from exclusionary zoning actions (builders remedy suits). Additionally, many Pinelands municipalities have negotiated settlements with the FHSC resolving their fair share of the regional and prospective affordable housing needs. The Commission continues to receive and review amended Housing Elements & Fair Share Plans resulting from court approved settlements between municipalities and the FHSC. *An update will be provided at a future Policy and Implementation Committee meeting.*

- **Enhanced GIS data for Local Communications Facilities Plans:** In an effort to provide up-to-date, accurate and usable GIS data related to local communications facilities (e.g., cellular towers), the Planning staff is reexamining the previously adopted comprehensive plans for such facilities and compiling a detailed GIS dataset of the various proposed and existing sites for such facilities. The data in the plans will be supplemented further by data regarding particular applications for these facilities documented in PCIS. Utilizing these two datasets together will provide a means for tracking the build-out of these comprehensive plans and provide a decision

support tool for both Development Review and Planning staff. Planning staff is continuing to compile and process the data.

Staff met with representatives of Verizon Wireless and Tilson on February 8, 2017. The meeting was in regards to Verizon Wireless's efforts to deploy Small Network Nodes in the Pinelands Area. At the conclusion of the meeting, staff requested additional information in order to more accurately determine consistency with the CMP and approved LCF plans. On May 22, 2017, staff received written correspondence from Verizon Wireless regarding the requested information. Verizon Wireless requested a meeting with Commission staff, which was held on June 27, 2017. The meeting included further discussion on the permissibility and application requirements for Small Network Nodes. *No new action as of December 31, 2017.*

Staff met with representatives of Mobilitie on March 8, 2017. The meeting was in regards to Mobilitie's efforts to deploy wireless telecommunication infrastructure in the Pinelands Area. At the conclusion of the meeting, staff requested additional information in order to more accurately determine consistency with the CMP and approved LCF plans. Coordinates of proposed locations were received on March 9, 2017. Mobilitie requested a meeting with Commission staff, which was held on June 29, 2017. The meeting included further discussion on the permissibility and application requirements for Small Network Nodes. *No new action as of December 31, 2017.*

- **Climate Change:** Mr. Wengrowski and Ms. Jeney attended a conference on sea level rise on October 17, 2017.

G. Geographic Information System

- Zoning/PMA updates
 - *10/23/2017 Galloway Twp Ordinance 1970-2017*
 - *10/23/2017 Manchester Twp Ordinance 17-008*
 - *10/23/2017 Maurice River Twp Ordinance 662*
 - *10/30/2017 Galloway Twp Correction*
 - *11/29/2017 South Toms River Borough Ordinance 9-17*
 - *12/22/2017 Hamilton Twp corrections*
 - *12/27/2017 Franklin Twp corrections*
 - *11/20/2017 Barnegat Twp- (PMA Corrections)*
 - *12/22/2017 Hamilton Twp- (PMA Corrections)*
- *Processed five PDC requests with a total of 1,223 parcels*
- *Examined and compared the GIS layer for Pinelands Protections Act with the original mylars*
- *Created extract of the 2017 PDC severances for Department of Agriculture*
- *Working on rolling updates of 2018 deed restrictions for Permanent Land Protection*

H. Management Information System

PCIS:

- *Continued digitizing old applications into PCIS (still working on 1997)*
- *Modified the Publics and Waivers reporting to run and post to the web weekly*
- *Worked with the process of handling fees and escrows, designing new prototype screens for evaluation*
- *PCIS QA/QC*

Network Infrastructure:

- *Continued Outlook365 email migration project. Migrated MIS department, as well as all shared calendars and resources. Finalized testing prior to broad roll out in next quarter*
- *Oracle 11g migration completed for all systems except time reporting (CATS). CATS will be retired and replaced by Edmunds HR module*
- *Active Directory planning to collaborate with OIT on statewide AD consolidation project*
- *Assisted with fixed asset audit and preparation of old assets for disposal*
- *Purchased and deployed Windows 2016 server “Wharton” hosting MS SQL Server 2016 for Edmunds Accounting software*

IV. Public Programs

A. Communication

- *A total of 31 media inquiries and approximately 275 general inquiries were handled this quarter. Of the general inquiries, approximately 213 inquiries came via e-mail, approximately 57 came via telephone and five came by mail. Most of the inquiries pertained to recreation, the Pinelands Short Course, off-road vehicles and general Pinelands information.*
- *The Pinelands Commission's website was viewed a total of 36,877 times during the quarter.*

B. Publications

- *The Commission's staff worked with a graphic designer from Rowan College at Burlington County to create a Pinelands National Reserve wall calendar for 2018. A total of 1,000 copies of the calendar were printed and distributed in early December 2017.*

C. Events and Outreach

- *Commission staff members are working with staff from Stockton University to organize the 2018 Pinelands Short Course and the 2018 Pinelands Summer Short Course.*
- *Pinelands Commission staff members educated approximately 180 students during the annual World Water Monitoring Challenge at Batsto Lake.*
- *Joel Mott delivered three educational presentations during the quarter, educating a total of approximately 240 students.*

D. Interpretive Program

- *Staff continued to track the distribution of the Pinelands National Reserve (PNR) brochure.*
- *Staff continued to work with the Commission's contractor, architect and exhibit fabrication firm to obtain the permits need to convert a portion of the Richard J. Sullivan Center into a Pinelands Visitor Center.*

V. Regulatory Programs

A. Application Activity

		3rd Quarter 2017	4th Quarter 2017
New applications received for the last two quarters with a comparison to last year:	This year	129	107
	Last year	94	73
Total applications active for the last two quarters with a comparison to last year:	This year	688	678
	Last year	650	637
“No Call-ups” issued for the last two quarters:	By mail	58	49
	By fax	72	55
Certificates of Filing issued for the last two quarters:		51	47
“Call-ups” issued for the last two quarters:		29	29
Streamlined permitting actions taken during the last two quarters:	LRO	5	8
	MOA	1	0

B. Notable Development Applications

- Hanson Mining, Woodland Township (App. No. 1983-4185.001)** This is a pre-1981 mining operation on a 122 acre parcel in the Pinelands Preservation Area District. Mining has been occurring on the portion of the parcel that was cleared and mined as of adoption of the CMP in 1981. An applicant now proposes to expand mining into forested areas on the parcel. On December 16, 2015, the Commission staff met with the applicant to discuss the proposal. There are known threatened and endangered (T&E) species on or in the immediate vicinity of the parcel. The applicant previously conducted T&E species surveys on the parcel. The staff advised the applicant of the need to conduct additional T&E species surveys as part of the current proposal. As an alternative to conducting additional T&E species surveys, the applicant discussed provisions of a habitat conservation plan for the overall 122 acre parcel. On January 19, 2016, the applicant submitted a habitat conservation plan. The staff advised the applicant that the submitted habitat conservation plan did not demonstrate consistency with the T&E species protection standards. On May 25, 2016, the staff met with the applicant to further discuss the habitat conservation plan. A site inspection between the representatives of the applicant and the Commission staff was conducted on June 14, 2016. Subsequently, the Commission staff advised the applicant that if all mining was confined to approximately 23 acres that were currently forested, but were subject to

pre-1981 mining activities and the remaining 59 forested acres of the parcel was deed restricted for conservation purposes, it was the Commission staff's opinion that the proposed mining would be consistent with the applicable T&E species protection standards. On September 15, 2016, the applicant submitted a revised habitat conservation plan. By letter dated October 18, 2016, the staff advised that the submitted information did not limit proposed mining to the approximately 23 concerned acres and that the proposal remained inconsistent with the applicable T&E protection standards. In November of 2016, the applicant submitted a further revised habitat conservation plan. Upon receipt of the required application fee on December 27, 2016, the Commission staff issued a letter on February 28, 2017 advising that the revised plan did not limit proposed mining to the approximately 23 acres and that the proposal remained inconsistent with the applicable T&E protection standards. On April 12, 2017, the applicant submitted additional information, including an aerial photograph of the proposed 23 acre mining area. By letter dated April 17, 2017, the Commission staff responded indicating that the approximately 23 acres proposed for mining was consistent with the T&E protection standards. On June 14, 2017, additional application information was received by the Commission staff. By letter dated July 25, 2017, the Commission staff requested clarification of the acreage to be mined as the submitted site plan proposed to mine 40.3 acres and the application form proposes to mine 57.58 acres. On August 8, 2017, a revised site plan was submitted to the Commission. On September 8, 2017, the Commission staff issued a Certificate of Filing for the proposed mining of a total of 57.8 acres (34.8 acres of ongoing mining and 23 acres subject to pre-1981 mining activities). *As of December 31, 2017, the Commission staff has not received notice of county or municipal permits or approvals for the proposed mining.*

- **Taunton Lakes Road, Evesham Township (App. No. 1987-0914.004)**
Burlington County is proposing to widen Taunton Lakes Road to increase the width of the existing road shoulders to address public safety. The presence of extensive wetlands limits the applicant's alternatives for managing stormwater. On September 15, 2015, the Commission staff met with the applicant to discuss approaches to address the stormwater management issue. At that meeting, a feasible approach was agreed upon. The applicant submitted information on April 11, 2016 to address the stormwater management issue. By letters dated June 17, 2016, July 22, 2016 and August 24, 2016, the Commission staff has responded to submissions by the County indicating that the submitted stormwater management information was not consistent with the agreement reached at the September 15, 2015 meeting. The Commission staff letters have also offered to meet to further discuss the stormwater issue. On February 7, 2017, the County submitted additional information regarding the application. The submitted information indicated that the County could not meet the stormwater approach proposed by the County at the September 15, 2015 meeting. The County requested that the full Commission vote on the application. By letter dated February 23, 2017, the Commission staff advised of the need to complete newspaper public notice to complete the application. That letter also indicated that the County's application was

inconsistent with the Commission's stormwater management standards, but upon receipt of the information to complete the application, the staff would advance the application to the Commission for a vote on the application. By letter dated April 18, 2017, the County asked that the Commission staff not advance the application to the full Commission for a vote. On April 29, 2017, a conference call was held between County staff and Commission staff. Alternative approaches to addressing the stormwater management issue raised by the application were discussed. On May 25, 2017, a plan of conceptual locations for stormwater management facilities was submitted to the Commission. The Commission staff discussed the conceptual locations with both the County staff and staff of Evesham Township. The Commission staff is awaiting the submission of additional information by the County. The Commission staff discussed the conceptual locations with both the County staff and staff of Evesham Township. On July 27, 2017, a meeting was held with County representatives to further discuss stormwater management alternatives for the proposed road improvement. On August 18 and September 27, 2017, the County submitted additional information to the Commission. *On October 13, 2017, the Commission staff issued a Report on an Application for Public Development recommending approval of the proposed road widening at the Commission's November 3, 2017 meeting. On November 3, 2017, the Commission voted to approve the application.*

- **Great Bay Mitigation Site, Washington Township (App. No. 1990-0285.007)** On August 4, 2014, the Commission staff issued a Certificate of Filing for the proposed herbiciding of Phragmites on a 50 acre parcel and the subsequent replanting of the 50 acres with native Pinelands vegetation. The applicant has now filed an amended application with the Commission proposing to breach an existing berm surrounding the 50 acres to allow for tidal inundation of the concerned acreage, grading of the 50 acres and offsite soil removal. After discussion with NJDEP regarding "Wetland Banking" requirements, the applicant is currently completing certain threatened and endangered (T&E) plant survey requirements. On September 23, 2016, the applicant submitted a T&E plant survey for the proposed project. A pre-application meeting with the Commission staff was held on January 4, 2017. By letter dated January 10, 2017, the Commission staff advised the applicant regarding the status of certain threatened and endangered plant issues and of the need to address cultural resources upon submission of the remaining application requirements. *On October 10, 2017, a formal application for the proposed 50 acre wetlands mitigation project was filed with the Commission proposing the breaching an existing berm surrounding the 50 acres to allow for tidal inundation of the concerned acreage, grading of the 50 acres and offsite soil removal. On November 21, 2017, the Commission staff issued a Certificate of Filing for the proposed wetlands mitigation activities.*
- **Ocean County Garden State Parkway Park and Ride/ Little Egg Harbor Township (App. No. 1997-0257.012)** On March 23, 2016, Ocean County requested a pre-application meeting with Commission staff to discuss an approximately 50 stall parking area. The pre-application meeting was held on April 19, 2016. At that meeting the staff advised of the

probable need to complete a threatened and endangered species survey. On July 5, 2016, the Commission staff sent a letter to the applicant advising of a potential issue raised by the time period in which the Spring T&E snake survey may be conducted. On January 31, 2017 and in February 2017, the applicant submitted an application for the proposed development. By letter dated March 27, 2017, the Commission staff advised the applicant of the information necessary to complete the application. On May 10, 2017, information addressing the cultural resource standard of the CMP was submitted to the Commission. By letter dated May 24, 2017, the Commission staff accepted the results of the submitted cultural resource survey and reminded the applicant of the remaining information that must be submitted to complete the application. On June 30, 2017, T&E species survey information was received by the Commission. On July 5, 2017, the County submitted additional information. By letter dated August 16, 2017, the Commission staff requested certain information to complete the application. On four dates in late August 2017, the County submitted additional information, including stormwater management information. By letter dated August 31, 2017, the Commission staff advised of an issue with the proposed stormwater management plan. On September 15, 2017, the County submitted additional stormwater management information. On September 22, 2017, the Commission staff issued a Report on an Application for Public Development recommending approval of the proposed development. *The Commission voted to approve the application at its October 13, 2017 meeting.*

- **Atlantic City Electric Company/Reconstruction of 9.4 miles (in Pinelands) of an existing electric transmission line, Atlantic County (App. No. 1981-0479.011)** This application was initiated on February 18, 2016. The application proposes to remove and replace 105 existing electric transmission towers. The applicant has completed wetlands mapping and certain threatened and endangered species surveys for the proposed development. On May 4, 2016, the Commission staff issued a letter to the applicant providing comments on the submitted wetlands delineation and threatened and endangered species information. The applicant submitted additional information in June, July, August and September of 2016. The Commission staff issued a letter on September 9, 2016 specifying the remaining information necessary to complete the application. The applicant submitted additional information in September 2016. On October 11, 2016, the Commission staff sent a letter requesting certain additional information to complete the application. In October and November, the applicant submitted additional information. On November 22, 2016, the Commission staff issued a Certificate of Filing for the proposed development. On July 5, 2017, the Commission staff received a copy of a BPU Order dated June 30, 2017 (subsequently amended to July 26, 2017) constituting BPU's authorization of the proposed development. *On November 11, 2017, the Commission staff issued a Report to the Commission finding that the proposed development was consistent with the standards of the CMP. On December 12, 2017, the Commission approved a Resolution finding that the proposed development was consistent with the standards of the CMP.*

- **Country Club Acres, Evesham Township (App. No. 1983-9307.004)** An application for the development of 33 dwelling units was initiated with the Commission in April of 2013. By letter dated July 31, 2013, the Commission staff specified the information necessary to complete the application. The applicant was required to complete a threatened and endangered species survey. While the T&E species survey was progressing, the applicant submitted additional information and requested that the Commission staff issue a Certificate of Filing By letter dated June 11, 2014, the Commission staff advised of the information necessary to complete the application. On July 8, 2014, the applicant submitted additional information. On September 15, 2014, the staff advised of the remaining information necessary to complete the application. On July 27, 2015 and April 25, 2016, the applicant met with the staff to discuss the required buffers to wetlands. The staff indicated that the required buffers to wetlands would be highly dependent on the results of the required T&E species surveys. On June 3, 2016, the applicant submitted the results of the T&E species surveys. By letter dated July 28, 2016, the Commission staff provided its comments regarding the submitted T&E surveys, the resulting required buffers to wetlands and the remaining information necessary to complete the application. On October 21, 2016, the applicant submitted a plan depicting a revised layout of the proposed development. That plan is currently under review by the Commission staff. Upon review of that plan, on March 13, 2017, the Commission staff provided the applicant with its comments on the layout of the proposed development. *On November 11, 2017, a formal application was submitted to the Commission proposing 16 single family dwellings on the 138 acre parcel. As of December 31, 2017, that information was under review.*
- **Mining Sites, Lacey Township (App. No. 1980-0012.001 & App. No. 1981-0145.001)** On April 5, 2016, the Commission staff met with the owner of the two concerned mining sites. The owner expressed an interest in selling the mines, totaling approximately 139 acres, to the New Jersey Department of Environmental Protection as additions to Double Trouble State Park. The purpose of the meeting was to discuss the mine revegetation/restoration requirements required by the Township land use ordinance and the CMP. On May 2, 2016, the Commission received a letter from Lacey Township indicating that the two mine sites have been restored to the Township's satisfaction and no further action was required by the property owner. On May 20, 2016, the Commission staff site inspected the two mine sites. By letter dated October 20, 2016, the Commission staff advised the owner that certain public safety mine restoration requirements must be completed. On January 19, 2017, the applicant's engineer submitted information addressing the status of the required mine restoration. The Commission staff continues to discuss the mining restoration requirements with all concerned parties. Additional discussions between the Commission staff and NJDEP have occurred to facilitate a joint inspection of the mining sites by the owner's engineer and representatives of the NJDEP. *By letter dated October 25, 2017, the applicant's engineer advised the Commission staff that shoreline grading of ponds located on the sites that were create by the mining had been completed. On November 14, 2017, the Commission staff acknowledged*

receipt of the letter and indicated that compliance with the conditions of the municipal mining permit, including mine restoration requirements, were administered by the municipality. By letter dated December 27, 2017, the Township advised the Commission staff that by letter dated December 13, 2017, the Township Engineer concurred with the applicant engineer's October 25, 2017 letter that all shoreline grading on the parcel was in substantial conformance with the mining standards of the Township land use ordinance.

- **New Jersey Department of Environmental Protection, Forest Fire Service (App. No. 1996-1396.005)** A pre-application conference was held on December 21, 2016 with staff from the New Jersey Forest Fire Service. The Forest Fire Service is proposing tree clearing to improve visibility from the Bass River and Brendan Byrne forest fire lookout towers. *No new action as of December 31, 2017.*
- **Sweetwater Casino Restaurant, Mullica Township (App. No. 1983-4234.006)** On May 6, 2016, an application was initiated with the Commission for certain development activities on the site of the former Sweetwater Casino Restaurant. The former restaurant was destroyed by fire. By letter dated June 20, 2016, the Commission staff advised of the information necessary to complete an application for the development proposed in the submitted application and for certain additional development that has occurred on the parcel without application to the Commission. By letter dated September 13, 2016, the Commission staff sent a letter to the applicant indicating that by November 1, 2016, the commercial activities existing on the parcel must cease unless an application for the concerned development is completed with the Commission. On April 5, 2017, the applicant submitted additional information to the Commission. After review of that information, the Commission staff sent a letter on June 6, 2017 advising the applicant of the remaining information required to complete the application. Upon receipt of that letter, the applicant requested a meeting with Commission staff. On June 21, 2017, a meeting was held with the applicant, municipal staff, including the Mayor, and Commission staff to discuss the information necessary to resolve the existing violation on the parcel. On September 13, 2017, the information was submitted amending the application to include the reconstruction of the former restaurant on the parcel. *Following several Commission staff requests for additional information, on November 8, 2017, a Certificate of Filing was issued for the construction of a 13,601 square foot restaurant with 322 seats to replace the former 520 seat restaurant on the parcel that was destroyed by fire.*
- **Singer House Historic House Preservation/Restoration, Medford Township (App. No. 1987-0055.005)** On August 23, 2016, the Commission staff sent a letter to the private owner of the Singer House inquiring as to the status of the required preservation of the Singer House building. On October 5, 2016, the current owner of the Singer House, representatives of Medford Township and the Commission staff met to discuss the required preservation. At that meeting the current owner indicated that they did not have sufficient funds to accomplish the required

preservation. By letter dated November 4, 2016, the Township indicated that they will undertake a structural integrity survey of the Singer House and advise the Commission staff of the results of that survey. By letter dated February 22, 2017, the Commission staff inquired as to the status of the structural integrity survey. By letter dated April 26, 2017, the private organization that owns the Singer House requested the Commission's assistance in requiring the Township to reimburse their organization for certain costs incurred with the project. By letter dated June 13, 2017, the Commission staff responded that it would not be appropriate for the Commission staff to advocate for one of the several parties involved in this matter. The letter further indicated that the Commission staff remained available to discuss any permitting issues. *No new action as of December 31, 2017.*

- **Ocean County Communication Tower, Jackson Township (App. No. 1989-1126.007)** On July 27, 2016, the Commission staff responded to a general inquiry from Ocean County regarding the feasibility of siting a County emergency communication tower at an existing County road maintenance facility in Jackson Township. The Commission staff letter indicated that the County maintenance facility parcel was not identified as an approved site for the placement of a communication tower in the Commission approved "Comprehensive Public Safety Tower Plan for Pinelands" The letter also indicated that there was an approved site for the placement of a communications tower at nearby Patriots Park in Jackson Township. The County submitted certain application information. By letter dated February 7, 2017, the Commission staff again advised that the County maintenance facility parcel was not identified as an approved site for the placement of a communication tower in the Commission approved "Comprehensive Public Safety Tower Plan for Pinelands" and of the need for Commission review and approval of an amendment to that Plan. On July 14, 2017, the Commission approved an amendment to the "Comprehensive Public Safety Tower Plan for Pinelands." That amendment should allow for the County's proposed development of a communications tower at the existing County road maintenance facility in Jackson Township.) *On October 5, 2017, the Commission staff issued a letter requesting information to complete the application. On October 24, 2017, the applicant submitted the additional information. On November 15, 2017, the Commission staff issued a Report of an Application for Public Development recommending approval of the proposed development at the Commission's December 12, 2017 meeting. On December 12, 2017, the Commission voted to approve the application.*
- **Ecology Landfill, Winslow Township, (App. No. 1986-1167.007)** On June 17, 2016, an application was initiated with the Commission for the closure of a vegetative waste landfill on an 18.5 acre parcel. On July 19, 2016, the Commission sent a letter advising the applicant of the information necessary to complete an application. On October 4, 2016, the applicant submitted information regarding the proposed capping. By letter dated December 7, 2016, the Commission staff indicated that, based upon a review of the submitted information, a permeable landfill cap was permitted by the Commission's regulations and itemized the remaining

information necessary to complete an application. By letter dated July 20, 2017, the applicant advised that they were discussing with Atlantic City Electric (ACE) the requirements to connect the proposed solar facility to ACE's electric infrastructure. *No new action as of December 31, 2017.*

- **Residential Development Project proposing 700 dwelling units, Pemberton Township (App. No. 1981-0640.001)** In 2005, an application was completed with the Commission for the development of 700 dwelling units on a 678 acre parcel in Pemberton Township. In 2007, the Township granted General Development Plan approval to the project. On August 13, 2007, that approval was called up for review by the Commission staff. The approval raised issues with multiple CMP standards, including threatened and endangered species protection and stormwater management. Thereafter, no significant progress was made on the application until the Commission staff was contacted on December 20, 2016 by a new developer of the project. On March 23, 2017, the Commission staff met with the representatives of the new developer to discuss revisions to the proposed development. By letter dated April 19, 2017, the staff advised the applicant of the status of the various outstanding issues with the application. On April 24, 2017, the applicant submitted a plan proposing alternative secondary access roads to the proposed development. By letter dated June 26, 2017, the Commission staff provided initial guidance to the applicant regarding the feasibility of the proposed alternative access roads. On June 28, 2017, the staff met with representatives of the Township and the developer to discuss the feasibility of alternative secondary access roads to the proposed development. On August 29, 2017, the staff received an inquiry from the applicant requesting clarification of the previously delineated critical habitat on the parcel for threatened and endangered species. *Following the staff's completion of review of the critical habitat delineation, the staff responded to the applicant's inquiry on November 3, 2017 clarifying the extent of critical habitat for threatened and endangered species on the parcel.*
- **Recreation Area/Soccer Fields, Pemberton Township (App. No. 1982-3514.004)** On October 28, 2015, a pre-application meeting was held between the applicant and the Commission staff to discuss the development of a proposed recreation area on a 46 acre parcel. On November 7, 2016, the Township formally initiated an application with the Commission for the recreation area. The parcel is primarily a fallow agricultural field. By letter dated January 10, 2017, the staff indicated that based upon a site inspection, approximately 50% of the parcel was wetlands. On January 23, 2017, the applicant held a meeting with the Commission staff to discuss the wetlands issue. It was agreed that the Commission staff would meet with the applicant in the field to conduct additional soil borings to further review the Commission staff's determination as to the extent of wetlands on the parcel. On February 6, 2017, that site meeting occurred. The site meeting confirmed the Commission staff's determination regarding the extent of wetlands on the parcel. By letter dated April 25, 2017, the staff provided the applicant with further guidance on the application and identified the information necessary to complete an application with the Commission. On May 5, 2017, the staff

met with Township officials to further discuss the wetlands issue. The Township may bifurcate the application to move forward on certain portions of the application that will meet wetlands protection standards and further consider their options for proceeding with the portions of the application proposing soccer fields in wetlands. By email dated August 28, 2017, the Township advised that it intended to currently pursue development of those recreational facilities on the parcel that will meet the wetlands protection standards and revisit the issue of wetlands and proposed soccer fields in the future. *No new action as of December 31, 2017.*

- **Police Firing Range Little Egg Harbor Township (App. No. 2008-0122.001)** On March 10, 2017, the Commission Staff received a letter from Little Egg Harbor Township proposing a municipal police firing range at the site of the Township's former landfill. The landfill is located in the Pinelands Preservation Area. The Township indicated that the former landfill had historically been used by the municipal police as a firing range. The proposed firing range would have very limited site improvements. On May 4, 2017, the Commission staff conducted a pre-application conference to discuss the proposal. On June 27, 2017, the applicant submitted the required information to allow the Commission staff to initiate its review of the proposed development. On August 1, 2017, the applicant submitted a sketch of the proposed development. After review of the submitted sketch, the Commission staff requested to conduct a site inspection of the area proposed for development with the applicant. *On August 24, 2017, the Commission staff conducted a joint site inspection with the applicant. On October 3, 2017, the Commission staff sent a letter to the applicant requesting certain information to complete the application.*
- **Redevelopment Project, Barnegat Township (App. No.1981-0140.013)** Prior to submitting a formal development application, an applicant completed threatened and endangered (T&E) species surveys for a 115 acre parcel. By letter dated February 11, 2016, the Commission staff advised that the completed surveys demonstrated consistency with the T&E species protection standards of the Township land use ordinance and the CMP. On June 28, 2017, an application was submitted to the Commission proposing 715 dwellings and an assisted living facility on the parcel. By letter dated August 4, 2017, the Commission staff advised of the information required to complete the application. On September 7, 2017, the applicant submitted information to the Commission. *By letters dated October 2, 2017 and October 7, 2017, the Commission staff reiterated to the applicant the information necessary to complete the application.*
- **Expansion of an Existing Boat Manufacturing Facility, Mullica Township (App. No. 1980-0016.003):** On July 18, 2017, the Commission staff met with perspective purchasers of an existing boat building business and representatives of Mullica Township to discuss the potential for future expansion of an existing boat building business. The business is located on a parcel in the Pinelands Preservation Area. The meeting addressed several issues including the required buffers to wetlands and the municipal zoning of the parcel. It was agreed that a staff site inspection of the parcel to

further review the required buffer to wetlands would occur. *On October 25, 2017, a joint site inspection attended by a representative of the applicant and a member of the Commission staff was conducted. On October 30, 2017, the Commission staff sent a letter to the applicant providing guidance on the required buffer to wetlands for proposed development on the parcel. In response to additional inquiries from the applicant regarding the required buffer to wetlands, the Commission staff issued a letter on November 30, 2017 providing further guidance on the required buffer to wetlands.*

- **Waterford Township Elementary School Potable Water Well Replacement, Waterford Township (App. No. 19840140.003):** On August 30, 2017, the Commission received a request for emergency authorization to replace a failed potable water well serving an existing elementary school. By letter dated September 5, 2017, the Commission staff issued a letter authorizing the immediate replacement of the concerned well. The Commission letter also indicated the need to complete an after-the-fact application with the Commission. On September 13, 2017, the applicant submitted the remaining information necessary to complete the application. *On October 13, 2017, the Commission staff issued a Report on an Application for Public Development recommending approval of the proposed development at the Commission's November 3, 2017. On November 3, 2017, the Commission voted to approve the application.*
- **Recreation Area, Woodbine Borough (App. No. 2005-0162.004)** In the fall of 2016, the Borough advised the Commission staff of the proposed recreation area, comprised primarily of walking and bicycle paths. Upon filing of all required application information on December 5, 2016, the Commission staff issued a letter on January 17, 2017 requesting information to complete the application. Information responding the Commission staff's letter, including a threatened animal species survey, was submitted to the Commission on July 31, 2017. By letter dated August 30, 2017, the Commission staff requested certain clarification regarding the submitted threaten species survey. On September 13, 2017, information was submitted by the applicant regarding the threaten species survey. *On October 13, 2018, the Commission staff issued a Report on an Application for Public Development recommending approval of the application at the November 3, 2017 Commission meeting. At its November 3, 2017 meeting, the Commission voted to approve the application.*
- **Municipal Solar Facility, Jackson Township (App. No. 1984-1345.008)** On March 28, 2016, the Commission staff held a pre-application conference regarding the proposed installation of a 18 acre ground mounted solar facility on a closed municipal landfill in the Township. On August 3, 2016, the applicant submitted the required application information to allow the Commission staff to review a threatened and endangered species habitat assessment prepared by the applicant. By letter dated September 19, 2016, the Commission staff requested a habitat assessment be completed for threatened and endangered plant species and that a full survey be completed for any threatened and endangered plant species for which appropriate habitat was present. On November 9, 2016, the requested plant

habitat assessment was received. The habitat assessment confirmed the presence of a threatened plant species on the parcel. On March 13, 2017, a revised a plant habitat assessment received. The revised assessment was required by the Commission staff to clarify the location of suitable habitat for the concerned plant species. On April 13, 2017 the Commission staff requested that a full survey for the concerned threatened plant species be completed. On September 20, 2017, a survey for the threatened plant species was submitted for Commission staff review. *By letter dated October 31, 2017, the staff advised that the proposed solar facility at its presently proposed location was inconsistent with the threatened plant species protection standard of the CMP. The Commission staff letter suggested revision to the siting of the solar facility that could be consistent with the threatened plant species protection standard.*

- **Agricultural Building/Commercial Farm Market, Barnegat Township (App.No.2015-0017.002On)** By letter dated January 5, 2017, the Commission staff advised the owner of a parcel that the construction of a building used exclusively for agricultural purposes did not require application to the Commission. The Commission staff's letter also indicated that any future commercial use of the building, such as a farm market, required application to the Commission. On March 6, 2017, Barnegat Township provided the Commission staff with a copy of a notice from the New Jersey Division of Alcoholic Beverage Control that an application had been submitted by the owner for a farm winery license. By letter dated March 29, 2017, the Commission staff advised the land owner that any proposed commercial use of the parcel, including a retail commercial farm winery, required application to the Commission. *On December 12, 2017, the Township provided the Commission staff with a copy of an application filed by the property owner for a Township Zoning Permit for an agricultural commercial establishment for the sale of farm products.*

C. 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. During the period from March through February 2014 restoration plan revisions were submitted. On February 6, 2014, the Commission staff received information from the property owner indicating that two of the four stockpiles have been removed and the concerned areas have been restored. By letter dated September 4, 2014, the applicant was advised by NJDEP that the development that occurred without application to the Township and

the Commission also raised issues with NJDEP's stormwater and water quality regulations. The Commission staff continues to monitor the pace of the restoration. By letter dated June 15, 2015, the staff indicated agreement with the proposed restoration plan and requesting that a filed copy of the deed for the parcel, noting the restoration requirements, be submitted to the Commission. By letter dated August 6, 2015, the staff reminded the applicant of the requirement to submit the requested information. On December 22, 2016, the applicant submitted a requested extension of the time to complete the individual components of the restoration, but not the completion of the overall restoration. By letter dated January 11, 2017, the Commission staff granted an extension of time until June 30, 2017 to complete all restoration requirements. By telephone conference call on April 20, 2017, the owner advised that all stockpiled materials had been removed from the parcel and that the disturbed areas were being revegetated. *No further action as of December 31, 2017.*

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

summonses were dismissed. However, the property owner was given six months to institute permitted agricultural uses on the parcel or face additional municipal summonses. Based upon reports to our office and a Commission staff site inspection, a retail commercial farm market use may have been established on the parcel without application to the Township or the Commission. On November 6, 2014, the Commission staff sent a letter to the property owner inquiring as to whether a commercial farm market had been established on the lot. The property owner's attorney responded by letter dated December 5, 2014 indicating that the involved structure would be removed from the lot by December 31, 2014. By letter dated January 29, 2015, the Commission staff advised the applicant that a site inspection confirmed the commercial farm market had been removed. By letter dated June 25, 2015, the Commission staff issued a letter to the property owner regarding re-establishment of a commercial farm market on the parcel without application to the Commission. On August 6, 2015, the staff issued a letter reminding the property owner of the need to respond to the staff's June 25, 2015 letter. The applicant did not respond to the staff's letter. On September 17, 2015, the Commission staff issued a letter to the municipal Zoning Officer asking assistance in issuing any appropriate violation notices and municipal court summons. The Commission staff received notice of an application to the Township for certain approvals and permits to construct two agricultural buildings on the concerned lot. By letter dated February 3, 2016, the Commission staff indicated that the concerned permits should not be issued based upon the ongoing land use violations on the parcel. The Township issued violation/stop work notices to the property owner for the development of a wood frame building (one of the two agricultural buildings) on the parcel. By letter dated August 5, 2016, the Commission staff reiterated to the property owner the need to resolve all existing violations on the parcel. On February 17, 2017, the applicant submitted information addressing why the currently proposed non-berry agricultural crops were permitted in the Pinelands Preservation Area District. The CMP limits agriculture in the Pinelands Preservation Area District to berry agriculture, horticulture of native plants and other agricultural activities compatible with the existing soil and water conditions that support traditional Pinelands berry agriculture. The submitted information included a letter report from the Department Head of the Rutgers New Jersey Agricultural Experiment Station, Cooperative Extension of Atlantic County apparently as a consultant for the applicant, indicating that the production of most vegetables, herbs and ornamental crops would be consistent with the limitations on agricultural uses in the Pinelands Preservation Area. By letter dated March 28, 2017, the Commission staff again reiterated the need to resolve all existing violations on the parcel and expressed disagreement with the conclusions of the submitted letter report from the Department Head of the Rutgers New Jersey Agricultural Experiment Station, Cooperative Extension of Atlantic County. *By letters dated October 12, 2017 and October 17, 2017, the applicant's attorney proposed to plant four additional acres on the 9.5 acre parcel with blueberries. By letter dated November 15, 2017, the Commission staff advised that it remained necessary to establish a permitted agricultural use on all cleared acreage on the parcel. By letter dated November 27, 2017, the applicant's attorney*

proposed to establish a blueberry agricultural use on all cleared acreage on the parcel. By letter dated December 4, 2017, the Commission staff advised that upon planting of the blueberries, the violation would be resolved.

- **Galloway Township (App. No. 1990-1168.004):** This violation concerns the construction of an approximately 6,000 square foot building and the establishment of a commercial trucking business on a lot in the Preservation Area District. The lot was previously deed restricted due to the severance of PDCs. Commercial businesses are not permitted in the Preservation Area District or by the PDC deed restriction. After multiple letters to the property owner over five years, by letter dated June 20, 2013, we asked that the applicant either address the matter within 30 days or the Township should issue all appropriate municipal court summonses. On August 22, 2013, the Commission staff met with representatives of the New Jersey Attorney General's Office to discuss the matter. Commission staff inspected the site with the Galloway Township Construction Official on December 5, 2013. The site inspection found that the commercial trucking business had been discontinued. However, the approximately 6,000 square foot building was built in the required buffer to wetlands. Commission staff sent a violation letter to the property owner on January 6, 2014 requesting the property owner resolves the remaining issue of the 6,000 square foot building by contacting the Township for guidance on several issues. On March 30, 2015, the Commission staff sent a letter to follow up on a March 25, 2015 site inspection with the Township construction code official and the property owner. Based upon that site inspection, it is the staff's understanding that the owner proposes to remove the concerned 6,000 square foot building to resolve the violation. By letter dated March 16, 2017, the Township advised that a significant portion of the 6,000 square foot building has been removed. *No new action as of December 31, 2017.*
- **Waterford Township (Application No. 2013-0031.001):** This violation concerns the expansion of an auto salvage business on a parcel in the Preservation Area District on Chew Road. The auto salvage business existed in 1981. The area occupied by the business has significantly expanded over time and now occupies approximately 26 acres, part of which is in wetlands and the required buffer to wetlands. The staff issued its initial letter on March 14, 2013 and received a written response from the property owner on April 3, 2013. Additional information was received on July 9, 2013 indicating that the property owner was coordinating with the Waterford Township zoning officer to bring the matter into compliance. Commission staff consulted with the Waterford Township zoning officer, who confirmed that some progress has been made. The Commission staff met with the property owner on October 28, 2013. The Commission staff issued a letter dated November 14, 2013, that identified a "staged" approach for restoration of the parcel and requested a restoration/revegetation plan which identifies each "stage" of the restoration and provides a time frame for removal be submitted to the Commission. On September 4, 2014, the staff discussed the matter with the municipal Zoning Officer. The Zoning Officer indicated that the

required restoration of the parcel is ongoing. On November 10, 2014, the Commission staff held a site meeting with the property owner to review the progress of restoration. Approximately 6 acres of the auto salvage business has been removed. By letter dated December 4, 2014, the Commission staff requested an updated restoration proposal including timeframes. The Commission staff has scheduled a site meeting with the Township Zoning Officer and a representative of NJDEP's Wetlands Program to discuss the next steps to resolve the violation. On November 20, 2015, the Commission staff held a site meeting with the property owner, the Township Zoning Officer and representatives on NJDEP. At that meeting it was agreed the property owner would apply to the Commission by February 1, 2016 and then proceed to the Township by April 1, 2016 for a municipal determination regarding the pre-1981 limits of the salvage yard. On May 15, 2016, the Commission received an application for the expansion of the salvage yard. On August 19, 2016, the Commission staff issued a letter to the applicant indicating the information that must be submitted to complete an application and address the violation. By letter dated December 12, 2016, the Commission staff advised the property owner of the need to respond to our August 19, 2016 letter. *By letter dated November 14, 2017, the Commission staff advised the property owner of the need to resolve the violation.*

- **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. On January 6, 2015, the staff sent a letter outlining the extent of violations on the parcel and a suggested approach to resolving the overall violation. On May 11, 2015, the Commission staff met with representatives of the property owner to discuss a possible resolution of the long-standing matter. In July 2015, the property owner submitted information to the Commission staff addressing alternative accesses to the parcel that may be available to avoid wetlands. The applicant is representing that there is no other feasible access to the parcel other than the access already developed in wetlands. On July 13, 2015, the NJDEP issued a Notice of Violation to the property owner for the development of an access road in wetlands. On November 2, 2015, the NJDEP issue a follow up Notice of Violation for the same development. On January 20, 2016, the Commission staff conducted a site inspection with the applicant to confirm the width of the access road. On October 25, 2016 an application was submitted to the Commission for the proposed development. By letter dated March 2, 2017, the Commission staff advised the applicant of the information necessary to complete the application, That letter also indicated that considering the extended length of time that this

matter has been outstanding, if the applicant did not resolve the matter by June 1, 2017, the Commission staff would ask the assistance of the Township in issuing all appropriate municipal court summons. By letter dated May 25, 2017, the Commission staff asked the Township's assistance in issuing all appropriate municipal court summons. That same letter requested the assistance of NJDEP in taking all appropriate action to require the property owner who filled and cleared 1.2 acres of wetlands to bring the development into compliance with NJDEP's and the Commission's wetlands protection standards. On July 24, 2017, the Commission staff met with representatives of the Township and the property owner to conduct a site inspection and further discuss the violations on parcel. A November 1, 2017 deadline was agreed to at that meeting by which the applicant would either submit information to the Commission to complete an application or the Township would issue all appropriate court summons. *On October 30, 2017, the applicant's attorney requested an extension until November 17, 2017 to submit the requested information. By letter dated November 6, 2017, the Commission staff granted the proposed extension. On November 11, 2017, the applicant submitted information regarding the application. As of December 31, 2017, the Commission staff was reviewing the submitted information.*

- **Commercial Use, Southampton Township (App. No. 1997-0010.002)**
On February 13, 2017, the Commission staff sent a letter to the property owner advising that a landscaping business had been established in wetlands on a parcel. In addition, the letter indicated that the PDC's allocated to the parcel had been severed and that the imposed PDC deed restriction prohibited the establishment of a landscaping business on the parcel. By letter dated May 1, 2017, the property owner's attorney advised that his client had no intention to removing the structures or the activity from the parcel. By letter dated May 19, 2017, the Commission staff summarized the violations on the parcel and asked the assistance of the NJDEP in resolving the wetlands violation, the PDC Bank to address the PDC deed restriction violation and the municipality to issue the appropriate municipal court summons for establishing a commercial use without application to the Township or the Commission. Thereafter, on June 6, 2017, the Commission staff attended a site meeting with the property owner, the property owner's attorney and a representative of NJDEP to confirm the extent of wetlands on the parcel. *By letter dated October 24, 2017, the applicant's attorney requested a meeting with NJDEP to discuss the wetlands violation notices issued by NJDEP.*
- **Land Clearing, Waterford Township (App. No. 1987-1183.007)** In June of 2015, approximately 24 acres were cleared adjacent to an existing commercial use. The property owner represented that the acreage was cleared to establish a blueberry agricultural use. The cleared lands were located in an otherwise required buffer to wetlands. However, in the Pinelands Area, blueberry agricultural is a permitted use in both wetlands and the required buffer to wetlands. By letter dated June 16, 2015, the Commission staff advised the property owner that the clearing of land for a blueberry agricultural use did not require application to the Commission. By letter dated July 5, 2016, the staff advised the property owner that a

blueberry agricultural use had not been established and that the concerned clearing constituted a violation of the wetlands protection and application requirements of the Township land use ordinance and the CMP. To address the violation, our letter requested either an application be filed with the Commission for the clearing or a revegetation plan be submitted to the Commission for the cleared area. By letter dated September 22, 2016, the staff advised the property owner that if we did not receive a response to our July 5, 2015 within 60 days, we would ask the assistance of the Township in issuing all appropriate violation notices and municipal court summons. The Commission received a letter from the property owner on October 26, 2016. By letter dated February 27, 2017, the Commission staff again advised the property owner of the necessity of addressing the clearing violation. On May 9, 2017, the property owner met with the Commission staff regarding the land clearing violation and certain other development that occurred on the parcel without application to the Commission. By letter dated June 22, 2017, the Commission staff reminded the property owner of the necessity of providing certain information to the Commission by July 31, 2017. *By letter dated November 17, 2017, the Commission staff again reminded the property owner of the ongoing violation and asked the Township's assistance in issuing the appropriate municipal court summons. By letter dated December 18, 2017, the Township advised the property owner that an application must be submitted to the Commission by January 20, 2018 or the Township would issue the appropriate Municipal Court summons. No further action as of December 31, 2017.*

D. Other Matters

On December 29, 2017, the Commission staff issued a CMP required 2013-2015 Progress Report on the New Jersey Pinelands Electric Transmission Right-of-Way Vegetation Management Plan (ROW Plan). The ROW Plan identifies vegetation management prescriptions for approximately 233 miles of electric transmission rights-of-way in the Pinelands Area. The ROW Plan was amended into the CMP in 2009 as a ten year Pilot Program. The Commission staff will provide a summary of the 2013-2015 Progress Report to the Commissioners at their January 12, 2017 meeting. The Progress Report concluded that the Pilot Program and the associated ROW Plan were being successfully implemented.

VI. Science

A. Environmental Monitoring

- *Forest-Plot and Intermittent-Pond Monitoring: Staff completed the October, November, and December rounds of forest-plot and pond water-level measurements and downloaded the data on the continuous water-level recorders installed in several ponds and a forest plot*
- *Long-term anuran surveys: No new action as of December 31, 2017.*
- *Pinelands-wide water-quality monitoring: In response to the audit report issued by a New Jersey State Lab auditor, staff made the recommended improvements to Science Office water-quality monitoring procedures. Staff completed the October round of water-quality sampling at 47 stream sites*

B. Right-of-way Vegetation Monitoring

- *Staff entered data collected during the annual vegetation surveys in the monitoring plots for 2017.*

C. Pond-vulnerability Study

- *Data analysis continued. Science staff explored various methods for creating synthetic hydrographs for study ponds using continuous water-level data, initiated a worst-case build-out analysis to determine the future potential vulnerability of natural ponds in growth areas, and continued to coordinate with NJDEP and PPA staff to visit mapped natural ponds and excavated ponds on state land to collect data on off-road vehicle damage. Field work for collecting data on off-road vehicle damage was completed this quarter. Science staff visited a large pond in Greenwood Wildlife Management Area that sustained extensive off-road vehicle damage.*

D. Created-wetland Study

- *Data analysis continued. Using aerial imagery, staff characterized wetland structure for the entire inventory of about 1650 excavated ponds. A draft data release and draft report for the pesticide and pathogen portion of the study was prepared by USGS staff.*

E. Endocrine Disruption Study

- *Science staff attended the Delaware Watershed Research Conference at the Academy of Natural Sciences of Drexel University and gave a presentation on the study and its status.*

F. Microorganism Study

- *The grant proposal (Effects of land use on water quality and microorganisms in natural ponds, excavated ponds, and stormwater basins) was awarded funding by the EPA. The study will begin in 2018.*

G. Pinelands Research Series

- *No presentations were given as part of the Pinelands Research Series.*

H. Other Science Items

- *Science and Regulatory Program staff met with NJ Forest Service staff to discuss potential Atlantic white cedar restoration sites and priorities and also met with NJ Forest Service, other NJDEP staff, and a consulting forester to visit sites in the field that have potential for cedar restoration and sites that have been managed for cedar in the past.*
- *Science and Planning staff attended a conference call with NASA representatives that plan to study fuel loads in the Pinelands, and provided Planning staff with U.S. Forest Service, NJ State Climatologist, and North Atlantic Fire Science Exchange contacts.*
- *Science staff met in the field with Terry Schmidt of NJDEP Park Service and Robert Zappalorti of Herpetological Associates to discuss the installation of wooden barriers to protect rare species habitat from off-road vehicles.*
- *Science staff provided water-quality data from two sections of Jade Run to Planning Office staff and the Trust for Public Land for the potential purchase of property using Pinelands Conservation Funds.*
- *Science staff reviewed a draft manuscript for a study of the newly described Mid-Atlantic Coast leopard frog and provided information on NJ chorus frog and Mid-Atlantic Coast leopard frog habitat to Allegra Mitchell of Conserve Wildlife Foundation.*
- *Science staff assisted NJDEP scientists Nicholas Procopio and Mihaela Enache and Natural Resources Conservation Service scientists in collecting sediment cores at a pond for potential use in determining pond age and historic environmental conditions based on the diatom profile.*
- *Science staff attended a conference on the Shortleaf Pine Restoration Initiative sponsored by Stockton College and two fire-related webinars sponsored by the North Atlantic Fire Science Exchange.*

ATTACHMENT #1

ONGOING CONFORMANCE ACTIVITY *October-December 2017*

MUNICIPALITY	TOPIC
Berlin Borough	<p>1. Redevelopment designation: The Borough contacted staff about an upcoming Area in Need of Redevelopment Study to seek out any initial concerns on 2/2/2016. Staff responded to initial inquiry 2/5/2016. Public notice that the study was proceeding was received 3/21/2016. The investigation will include multiple study sites in the Borough, including an area encompassing a large tract of lots in the Pinelands Regional Growth Area.</p>
Buena Vista	<p>1. <i>Housing Plan: The Township submitted its adopted Housing Element and Fair Share Plan on 10/30/17. With a prospective need of 0 units, the Plan makes no recommendations for zoning changes or the accommodation of affordable housing in the Pinelands Area portion of the Township. Staff determined that the Housing Plan raises no issues with respect to the CMP and sent a letter to that effect to the Township on 11/27/17.</i></p> <p>2. <i>Master Plan Reexamination Report: The Township submitted a draft Master Plan Reexamination report on 11/20/17 for the Commission's review and comment. On 11/27/17, staff responded via email with concerns related to the report's recommended zoning changes. The Township submitted a revised draft Master Plan Reexamination Report on 12/8/2017 for review and comment. Staff responded on 12/13/17 that there were no substantial issues found within the draft report. An adopted Planning Board resolution accepting the Master Plan Reexamination Report was submitted to the Commission on 12/26/2017, and is currently under review by staff.</i></p>
Egg Harbor City	<p>1. <i>Amended Redevelopment Plan for the Gateway Residential Rehabilitation Area: the City drafted an amended plan that would accommodate highway commercial uses in the redevelopment area (the old Acme site) in place of the high density residential uses originally permitted. Staff received the amended plan on 12/6/17 and provided comments to the City on 12/13/17.</i></p>
Egg Harbor Township	<p>1. Affordable housing: draft ordinance implementing the 20% set side required in A-500 received 7/16/09. Meeting held with Township representatives on 9/24/09 to discuss implications for PDC program and density. Township will provide a list of affordable housing projects under consideration so that staff can prepare options (densities; required PDC %'s; ordinance amendments) for the Township's review. This information from Township was received on 10/27/09. Court master requested meeting with staff and the Township be held by 4/1/11; no date scheduled as yet. New draft of affordable housing ordinance received 9/19/11; comments and suggested revisions provided 9/29/11. Copy of Ordinance 37-2011 received on 12/7/11, with notice of public hearing and second reading on 12/20/11. The ordinance requires a 20% affordable housing set aside for all residential development, as well as the use of PDCs for 25% of all market rate units. Email sent to the Township on 12/7 indicating concerns with the lack of revisions to existing density and PDC provisions in the municipal code. Copy of adopted ordinance (37-2011) received on 12/29/11. Finding letter sent 1/20/12. Public hearing held 2/22/12. The Commission conditionally certified the ordinance on 4/13/12. The Township's response to the conditions, in the form of Ordinance 22-2012, was received on 7/9/12. No substantial issue finding letter sent 7/20/12. The Builders League of South Jersey has challenged the Township's adoption of Ordinance 37-2011. The Township subsequently adopted Ordinance 4-2013, repealing Ordinances 37-2011 and 22-2012. A no substantial issue finding letter was sent on 3/11/13. As a result, the Township's previously certified zoning plan</p>

MUNICIPALITY	TOPIC
	<p>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> <p>2. Affordable housing overlay zone: The Township adopted Ordinance 3-2017, creating the Affordable Housing Overlay B Zone, on 3/15/17. The new overlay zone encompasses approximately 10 acres of land in the HB (Highway Business) Zone, in the RGA. Residential development is permitted in the overlay zone at a density of 10 units per acre, with no PDC use. The Commission received an adopted copy of the ordinance on 3/21/17, after which various issues (zoning boundaries, PDCs) were discussed with the Township. The ordinance was then deemed incomplete for purposes of the Commission’s review. The Township was notified of this determination by letter dated 4/10/17. The Township is awaiting a determination on funding sources for an affordable housing project in the new overlay zone before deciding how best to move forward with the ordinance. <i>No new action as of December 31, 2017.</i></p> <p>3. <i>Master Plan Elements: The Township submitted drafted four Master Plan elements on 8/31/17 for Commission review and comment. The Master Plan elements included: a Land Use Element, an Open Space and Recreation Element, a Community Facilities Element, and an Economic Plan Element. Upon review staff found no substantial issue with respect to conformance with the CMP. A letter to that effect was submitted to the Township on 10/16/17.</i></p> <p>4. <i>Assisted living facilities: The Township adopted Ordinance 35-2017, permitting assisted living facilities in a nonresidential zone in the RGA, and submitted it to the Commission on 12/4/17. Discussions with the Township on the need to establish density and PDC standards are ongoing.</i></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>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. The Township requested and was granted two extensions through 1/4/16. Since that time, the Township has not responded to the staff’s requests for information on the status of the required amendments.</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. Expansion of R5C Cluster Overlay Zone: The Township adopted two ordinances (1969-2017 and 1970-2017) to expand the boundaries of and permitted uses in the R5C Cluster Overlay Zone, within the Rural Development Area. By letter dated 8/18/17, staff notified the Township that formal review and approval by the Commission would be required. A public hearing was held on 9/6/17. The P&I Committee discussed the ordinances on 9/29/17 and recommended their</p>

MUNICIPALITY	TOPIC
	<p>certification by the Commission. <i>The Commission certified Ordinances 1969-2017 and 1970-2017 on 10/13/17.</i></p> <p><i>3. Signs: The Township adopted ordinance 1971-2017, which revises the Township's sign regulations to include provisions for electronic message center signs. The adopted ordinance was submitted to the Commission on 10/12/17. Commission staff notified the Township that formal review and approval was required on 10/17/17. Staff held a public hearing on 11/1/17. The P&I Committee discussed and endorsed the staff's recommendation for certification on 11/17/17, and the Commission certified the ordinance on 12/12/17.</i></p>
Hamilton	<p>1. Mays Landing Neighborhood Plan: The Planning Board approved the Neighborhood Plan as an amendment to the Township's Master Plan on 11/5/2015. The Neighborhood Plan incorporates new data, public input, analysis, and provides recommendations that address flood mitigation and resiliency as well as economic development initiatives, zoning changes, building character and land use changes, circulation and streetscape improvements, historic preservation, and the use of green infrastructure in study area. An adopted copy of the Plan was submitted to the Commission on 2/5/2016. Staff deemed the Neighborhood Plan incomplete for purposes of the Commission's review since there were not yet any implementing ordinances. A letter to that effect was sent to the Township on 2/9/16. <i>On 9/8/17, the Township submitted draft ordinance 1858-2017 implementing the Mays Landing Neighborhood Plan for Commission review and comment. Staff responded on 9/20/17 identifying issues with respect to necessary provisions for Pinelands Development Credits. Staff had a follow-up conversation with the Township on 9/25/17. The Commission received an adopted ordinance 1858-2017 on 10/23/17. Commission staff notified the Township that formal review and approval was required on 10/25/17. Staff held a public hearing on 12/6/17. The P&I Committee is scheduled to review the application for certification at its January meeting.</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&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</p>

MUNICIPALITY	TOPIC
	<p>may be in the process of reviewing ordinances intended to implement the 2009 Master Plan, staff requested the opportunity to review and comment upon the same prior to their adoption. The Township never responded to staff's request to be permitted to comment prior to adoption; instead, the Township adopted a series of implementing ordinances in November. Staff requested a copy of the Township's Zoning Map as revised by the implementing ordinances but never received one. A letter determining that, without a revised Zoning Map, the implementing ordinances were incomplete for purposes of the Commission's review was issued on December 1, 2010. Two meetings with Township representatives were held, the first on December 22, 2010 and the second on February 8, 2011. Subsequently, three Finding Letters were sent to the Township. One of which determined that nine of the Township's implementing ordinances presented no issues with respect to CMP standards; another determined that six of the Township's implementing ordinances presented no substantial issue with respect to CMP standards; and, the third determined that a single Township ordinance, which eliminated all conditional uses, including PDC use and higher density residential development, within the RG-2 and RG-3 Regional Growth Zones, presented a substantial issue with respect to CMP standards. Subsequently, the Township was granted several extensions of the Commission's review period for the final ordinance mentioned. The Township indicated it intended to adopt an ordinance that would designate all, or most of, the RG-2 and RG-3 Regional Growth Zones as commercial zoning districts, which would include a PDC-use obligation. Staff provided the Township with a model ordinance establishing a nonresidential PDC program for the lands formerly within the RG-2 and RG-3 Zones. The Township was granted a final extension through June 29, 2012 in order to allow it to adopt an ordinance substantially similar to the model ordinance provided by staff. A meeting with Township officials took place April 4th to discuss proposed changes the Township wished to make to the model ordinance the Commission sent to it in November 2011. The Township's proposed changes were determined by staff to be inconsistent with the CMP and incompatible with existing and expected conditions at the Joint Base. Another meeting with Township officials took place May 9, 2013. The Township's failure to adopt an ordinance (applicable to the RG-2 and Rg-3 Zones) that is consistent with the CMP standards was discussed at length. The Township submitted an ordinance for Commission review on May 30th. On June 11th, staff provided the Township with suggested changes to the Township's ordinance. A response from the Township was received on 8/1/13 and is under review. The Township adopted Ordinance 13-14, creating a new JB MDL RGC-3 (Joint Base McGuire-Fort Dix-Lakehurst Compatible Commercial Development) Zone on August 12, 2014. A substantial issue finding letter will be sent upon receipt of a second adopted ordinance establishing the boundaries of the new zone. Although scheduled for adoption on March 24, 2015, the rezoning ordinance (06-15) was not adopted due to concerns expressed by property owners with the loss of residential development opportunities. A meeting with Township representatives was held on 4/9/15 to discuss zoning issues, RGA regulations and options. A pre-application meeting with an affected property owner was held on 4/13/15. Commission staff met with the Township's planning consultant on 6/24/15 to review the existing and proposed RGA zoning plans. Commission staff met with Township representatives on 1/5/16 to discuss the RGA zoning issues. On 5/15/17, the Commission received a copy of Ordinance 8-17, which restores sewered densities and the opportunity to use PDCs in the RG-2 and RG-3 Zones. Staff identified a number of issues with the ordinance and conducted a conference call with Township representatives on 5/18/17. Staff drafted and provided suggested ordinance revisions to the Township on 5/23/17. The Township proceeded with adoption of Ordinance 8-17, as originally drafted, on 5/23/17. On 6/26/17, staff received the Township's response, along with a revised draft ordinance. The Township subsequently requested and was granted three extensions of the Commission's review period for Ordinance 8-17. A draft ordinance incorporating additional affordable housing provisions was provided by the Township on 9/25/17. <i>An adopted copy of a new ordinance (22-17) was submitted by the Township on 11/27/17, along with the Township's adopted 2017</i></p>

MUNICIPALITY	TOPIC
	<p><i>Housing Element and Fair Share Plan. By letter dated 11/29/17, staff notified the Township that the ordinance and plan would require formal Commission review and approval. A public hearing has been scheduled for 1/3/18.</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. Commission staff discussed the wastewater and zoning issues with the new attorney hired by Homes for All on 6/15/15.</p> <p>2. 2015 Master Plan Amendment: the Planning Board is considering adoption of an amendment to the Master Plan that recommends a change in zoning within the RGA (residential to industrial), as well as the adoption of a redevelopment plan for the Heritage Minerals site in the PNR. A number of hearings have been held on the amendment, with revisions subsequently incorporated to address concerns with other recommended zoning changes outside the Pinelands Area. The staff's attempts to schedule a meeting in December 2015 with Township representatives to discuss RGA zoning issues were unsuccessful, largely due to affordable housing deadlines. The Township did not respond to the staff's request for a meeting in March 2016. Staff received a draft Ordinance 16-036 on 11/15/16, which implements the 2015 Master Plan amendment, including the recommended RGA zoning change. On 11/15/16 staff conveyed concerns with the ordinance and requested a meeting with Township representatives to discuss implications of the zoning change. Ordinance 16-036 was adopted 12/12/16 and received by staff on 12/14/16. The meeting with Township representatives was held on 12/14/16. The Township is in the process of revising Ordinance 16-036 and staff is in the process of compiling comments on the adopted ordinance to assist with the revision process. Based on Commission staff recommendation, the Township split the revised ordinance into two ordinances, one for the Pinelands Area and one for the non-Pinelands Area. Pinelands Commission staff assisted in creating the two new ordinances. Ordinance 17-002, containing the non-Pinelands Area provisions, was adopted by the Township on 2/13/2017 and received by the Commission on 2/14/17. Upon review, Commission staff found that no substantial issues were raised with respect to CMP standards. A letter to that effect was sent to the Township on 2/17/17. The second ordinance has yet to be adopted by the Township. It has been tabled pending the outcome of the Township's on-going affordable-housing court case. <i>On 10/2/17, the Township submitted draft ordinances 17-024 and 17-025 for Commission review and comment. Staff provided comments on both ordinances on 10/13/2017. On 11/14/17 staff received adopted ordinances 17-024 and 17-025. Upon review, Ordinance 17-024 was found to have no substantial issues with respect to the CMP. A letter to that effect was sent on 12/6/2017. On 12/14/17, Commission staff notified the Township that formal review and approval of Ordinance 17-025 was required. A public hearing is scheduled for 1/3/17 and the P&I Committee is scheduled to review the application for certification at its January meeting.</i></p> <p>3. Pinelands Affordable Housing Zone: On 5/23/17, the Commission received the Township's draft Ordinance 17-007. The ordinance creates a Pinelands Affordable Housing Zone within the Regional Growth Area of the Township in an effort to</p>

MUNICIPALITY	TOPIC
	<p>comply with the Township's 3rd round Mt. Laurel Obligation. Upon review, staff identified inconsistencies between the approved ordinance and the standards of the CMP. Staff contacted the Township on 6/21/17 to inform them of these inconsistencies and provided model language. On 6/27/17, the Commission received draft Ordinance 18-007, which incorporated Staff's recommended revisions to Ordinance 17-007. The Commission received adopted ordinance 17-008 on 7/11/17. By letter dated 8/15/17, staff notified the Township that formal review and approval by the Commission would be required. A public hearing was held on 9/6/17. <i>The P&I Committee discussed and endorsed the staff's recommendation for certification on 9/29/17, and the Commission certified the ordinance on 10/13/17.</i></p> <p>4. 2017 Master Plan Reexamination Report: A Planning Board resolution adopting Manchester's 2017 Master Plan Reexamination Report was received on 8/11/2017 along with the adopted Reexamination Report. Many of the recommendations in the report have been addressed in recent ordinances certified by the Commission. The report recommended, in similar fashion to the 2015 Master Plan Amendment, that a number of lots be rezoned from PRC-1 to POR-LI. Since the Reexamination Report was not accompanied by an implementing ordinance for the recommended rezoning, the Reexamination Report was deemed incomplete. A letter to that effect was sent to the Township on 8/22/17.</p>
Maurice River	<p>1. Redevelopment Plan for RDA commercial site: The Township provided a draft plan for review on 5/12/17. Staff provided comments and suggested revisions on 5/18/17. An adopted copy of the Redevelopment Plan, along with Ordinance 662, was received on 7/23/17. By letter dated 8/3/17, staff notified the Township that Ordinance 662 would require formal review and approval by the Commission. A public hearing was held on 9/6/17. The P&I Committee recommended certification of the ordinance at its 9/29/17 meeting. <i>The Commission certified Ordinance 662 on 10/13/17.</i></p>
Medford	<p>1. Revisions to Route 70 Smart Growth Redevelopment Plan/Medford Crossings South: Ordinance 2007-16 received 6/28/07. Township proposed to eliminate PDC obligation at Medford Crossings South redevelopment project by exempting affordable units. Staff advised Township representatives on 7/24/07 that affordable units could be exempted from PDC obligation only if such an exemption were coupled with a mandatory minimum percentage of PDC use for the 292 market rate units in the project. Township requested and was granted several extensions of the Commission's review period (most recently through 11/1/08) to provide an opportunity for further discussion of PDC issues and resolution of various litigation issues. No response to staff's requests for status since that time. On 3/14/11, staff learned that the Township is now in discussions with a new redeveloper for the site and is again proposing the adoption of revisions to the Redevelopment Plan which would significantly reduce or entirely eliminate any obligation for PDC use. The Township was again advised that such an ordinance would be inconsistent with the CMP and could not be recommended for certification. Discussions held with Township Solicitor on 3/21/11 and 3/22/11 and information provided re: PDC sales prices on 3/22/11.</p> <p>2. Master Plan Reexamination Report (Route 70 corridor): On July 23, 2014, the Township Planning Board adopted a master plan reexamination report recommending changes to three commercial zones along Route 70 (HM, HC-1 and HC-2). On August 25, 2014, the Commission received the Township's Master Plan Reexamination Report. It is currently under review. On 10/6/14, staff sent a letter to the Township, dated 10/6/14, explaining that review of the master plan report could not be completed until implementing ordinances had been adopted by the Township and submitted to the Commission.</p> <p>3. Stokes Square Redevelopment Plan: on 8/21/17, the Commission received Ordinance 2017-10, adopting a redevelopment plan for the Stokes Square Redevelopment Area. Located in the RGA, the redevelopment area encompasses approximately 67 acres of land that is currently split between a residential and commercial zone. Because the redevelopment plan is designed to implement one of the recommendations made in the Township's settlement agreement with Fair Share Housing, staff requested a copy of Medford's adopted Housing Element and</p>

MUNICIPALITY	TOPIC
	<p>Fair Share Plan. Staff identified concerns with the lack of opportunity for PDC use in the new redevelopment area. Discussions with the Township were initiated at the end of September. <i>Staff met with the Township and redeveloper on 12/4/17. The Township subsequently submitted a letter proposing to amend the Redevelopment Plan to provide opportunities for a certain number of PDCs. That proposal is under review. A second extension was requested and granted through 3/31/18.</i></p>
Monroe	<p>1. 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. Staff met with a Township representative on 10/14/15 to discuss new concept plans for the redevelopment area. An additional extension request was granted through 9/30/16. In March 2016, the Township provided a draft copy of the latest redevelopment plan amendment to the Commission for review. Staff provided comments and suggested revisions to the Township on 4/5/16. On 9/22/16, the Township advised staff that it would not be pursuing the revised Williamstown Square redevelopment plan due to disagreement on the residential component.</p> <p>2. Wireless Telecommunications Facility: On 4/21/17, the Commission received the Township’s adopted Ordinance O:18-2017. The ordinance replaces in its entirety the Township’s existing Wireless Telecommunication Facility regulations. Upon review, staff identified inconsistencies between the approved ordinance and the standards of the CMP. Staff contacted the Township on 5/17/17 to inform of these inconsistencies. A meeting with the Township Solicitor was held at the Township offices on 5/6/17. On 6/15/17 an extension of the Commission’s review period was granted until 9/15/17. Commission Staff will provide recommended ordinance language to remedy the identified consistencies. Recommended revisions to the ordinance were submitted to the Township solicitor on 8/23/17. Staff is awaiting further correspondence from the Township.</p>
Mullica	<p>1. Land Development Ordinance Amendments – On 9/2/16, the Township requested comment on a draft ordinance related to application fees, accessory structures, signs, height limitations and home occupations. Staff provided, on 9/6/16, comments along with model ordinance language to incorporate recent CMP amendments. On 9/22/17, the Township requested comment on the same draft ordinance related to application fees, accessory structures, signs, height limitations and home occupations.</p> <p>2. Expansion of Weekstown Village: staff met with Township representatives and the new owners Ocean Yachts on 7/18/17 to discuss possible zoning ordinance changes to recognize the existing business and facilitate its expansion. After discussion with the Planning Board in late September 2017, the Township confirmed its interest in pursuing such ordinance amendments. Staff is drafting ordinance language and mapping boundaries for the Township’s consideration.</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.</p>

MUNICIPALITY	TOPIC
	Requested status update from the Township; municipality indicated it would be requesting an additional extension. Extension of Commission's review period granted through 4/16/13.
Port Republic	1. Master Plan Reexamination Report: the Township Planning Board adopted the 2016 Master Plan Reexamination Report on 4/11/16, which included a recommendation to permit home occupations. The Commission received the adopted report on 5/12/16. Upon review, staff determined that a review could not be completed until implementing ordinances have been adopted by the City as well as ordinances implementing recent CMP amendments. A letter to that effect was sent to the City on 6/22/16. A model ordinance implementing the necessary CMP amendments was attached to the letter. No response from the City has been received as of 12/31/16. A meeting with City representatives was held on 5/3/17 to discuss closure of the municipal landfill and adoption of the necessary ordinance amendments. Staff sent a follow-up email on 5/4/17 to confirm that although the master plan report raises no substantive issues, it cannot be approved until the City has adopted the required amendments. No response from the City has been received since that time.
South Toms River	1. Municipal Public Access Plan: The Township submitted a draft Municipal Public Access Plan on 6/23/16 for Commission comment prior to its adoption into the Master Plan by the Township Planning Board. Staff provided suggested revisions to their planner on 7/5/16.
Washington	1. Draft ordinance 2016-07: The Township submitted a draft ordinance for comment on 8/11/16 amending provisions related to fire hazard management and prohibited uses. Staff corresponded with the Township on 8/17/16 to convey concerns regarding conformance with the CMPs fire hazard management standards. Revised language was discussed via correspondence on 8/18/16, which staff found to be consistent with the CMP. 2. <i>Master Plan Reexamination Report: The Township submitted a draft Master Plan Reexamination report for comment on 11/9/2017. Staff corresponded with the Township on 11/20/2017 indicating that the report was consistent with respect to the CMP. Staff is awaiting submission of an adopted report.</i>
Weymouth	1. 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	1. RGA zoning changes: met with Township representatives on 8/13/12, 1/23/13, 8/26/14 and 11/6/14 to discuss possible revisions to the RGA zoning plan along Route 73, including changes in density, permitted uses and zoning boundaries. Because the revisions would result in a significant increase in potential buildout, issues with sewer and water supply and the Commission's MOU with Winslow and CCMUA were identified. Further work on the rezoning proposal has been deferred until a revised MOU is drafted and presented to the Commission. 2. Town Center Redevelopment Plan: met with Township representatives and two landowners on 9/12/17 to discuss the feasibility of a high-density, mixed-use town center in the RGA. Reviewed density and PDC requirements, as well as the need to finalize a revised MOU to clarify water supply issues.
Woodland	1. Expansion of Duke's Bridge infill area: rezoning proposal received 4/8/08. Meeting with Township held 5/7/08. 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

MUNICIPALITY	TOPIC
	<p>Reexamination. Parcel data and other information subsequently provided to the Township. On December 14th, staff met with the Township's professionals to discuss its proposed 2011 Master Plan Reexamination Report and its 2011 Master Plan. Staff explained its concerns with the proposed zoning changes and is working with the Township's professionals on revisions. At the Mayor's request, an additional meeting was held in January 2012 for purposes of discussing commercial development opportunities on municipal property partially located in the HB (Infill) Zone. Staff met again with Township representatives in September 2017 to discuss various development proposals.</p>