

Management Report for January, February & March 2018



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. *Discussions with Evesham Township representatives occurred in January and February 2018. Staff is drafting a simplified rule proposal to be shared with the Township and the P&I Committee.*
- **PDC Enhancements:** After a series of outreach meetings in 2014, Commission staff drafted a comprehensive list of issues, suggestions and alternatives to a 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 Policy & Implementation 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 P&I 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. 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). Staff

responded to questions from OLS in September 19, 2017. A bill (S3569) was introduced in the Senate on January 1, 2018 and referred to the Senate Environment and Energy Committee. An identical bill (A3210) was introduced in the Assembly on February 8, 2018 and referred to the Assembly Agriculture and Natural Resources Committee.

- **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. *Staff is preparing letters and ordinances for Pinelands municipalities in response to all of the CMP amendments.*
- *Staff made a presentation to the P&I Committee concerning CMP amendments and the status of the recommendations made in the Plan Review Report on March 23, 2018. The same presentation will be made to the full Commission at the May 2018 meeting.*

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. 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 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 was 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)(*See below*). 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 New Jersey Pinelands Commission Resolution No. PC4-17-10 – Docket No. A-4997-16 – This appeal involves a challenge to the review process passed by the Commission (Resolution No. PC4-17-10) for its review of the portion of the New Jersey Natural Gas Company's Southern Reliability Link project proposed to be constructed within the Pinelands Area. As discussed above, on July 17, 2017, the Pinelands Preservation Alliance filed an appeal of Pinelands Resolution PC4-17-10. PPA filed its brief on November 16, 2017. The Commission's brief was filed on January 12, 2018 and PPA filed its reply brief on February 22, 2018. Oral argument has yet to be scheduled.

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. *No new action as of March 31, 2018.*

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. *No new action as of March 31, 2018.*

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- *On February 27, 2018, the Pinelands Preservation Alliance (PPA) moved to supplement the record on appeal to include documentation pertaining to former Commissioner McGlinchey's residency status at the time of the September 14, 2017 Commission meeting. Both the Commission and New Jersey Natural Gas filed briefs in opposition to PPA's motion on March 20, 2018.*

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. *The Commission filed the statement of items comprising the record on January 13, 2018.*

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. *On March 14, 2018, the Commission received notice from the Appellate Division that oral argument in this matter had been scheduled for May 2, 2018.*

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. *The Appellant subsequently filed a Petition for Certification of the Judgment with the New Jersey Supreme Court, which the Court denied on February 2, 2018.*

- **FEDERAL COURT**

No new action as of March 31, 2018.

- **OTHER LITIGATION MATTERS OF INTEREST**

No new action as of March 31, 2018.

C. Legislation

- **S2307/A3676 – Creates Garden State Growth Zone at Atlantic City International Airport and surrounding area; adjust full-time employee designations** – *These bills, which were introduced on March 22, 2018 and March 13, 2018, respectively, create a new Garden State Growth Zone within an “aviation district” which is defined as the boundaries of the Atlantic City International Airport and the Federal Aviation Administration William J. Hughes Technical Center, and the area within a one-mile radius of the outermost boundary of the airport and the technical center. The bill provides for enhanced incentives for qualified businesses undertaking projects in the aviation district. Significantly, the bill also exempts these businesses from purchasing Pinelands Development Credits. The Commission staff is investigating the basis for the PDC exclusion language and will develop language to address the impact of the bill on the PDC Program.*
- **S2140/A1675 – Authorizes Prescribed Burning in Certain Circumstances** – *These bills, which were introduced on March 5, 2018 and January 9, 2018, respectively, direct the Department of Environmental Protection to*

develop and administer a program for prescribed burning on public and private lands pursuant to a prescribed burn plan approved by the department. The bill authorizes the Department to charge reasonable fees to cover the costs associated with the program. Such fees would be deposited in a special dedicated account and appropriated to the Forest Fire Service to help pay for the administration and operation of its forest fire program. The bills also authorize the Department to conduct prescribed burns or mechanically manage vegetation in any area of land within the State which is determined by the Forest Fire Service to be in reasonable danger of wildfire due to the accumulation of wildland fire fuels. The bills also sets forth a process by which objecting landowners may have the Forest Fire Service review alternative methods of wildland fire fuel reductions on their property; authorizes DEP to assess reasonable fees and costs for a prescribed burn conducted by the Forest Fire Service for any wildland fuel hazard that poses an extraordinary threat to life, property, or natural resources; and addresses certain liability issues in connection with prescribed burns.

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)** –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. *No new action as of March 31, 2018.*

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 March 31, 2018.*

F. Pinelands Municipal Council

- *The Council met on January 24, 2018 in Bass River Township. The Council met again on March 28, 2018 in Buena Vista Township for its annual installation meeting.*

G. Open Public Records Act

- *Open Public Records Act this quarter: A total of 29 requests for government records were received and processed under the Open Public Records Act this quarter.*

II. Business Services

- **Facilities**

- *The Fenwick Manor restroom required a fixture replacement.*
- *In January of 2018, an employee in Fenwick Manor expressed concern about the quality of the air in the building. On January 3, 2018, a request for on-site consultation was submitted to PEOSH (Public Employees Occupational Safety and Health). On March 6, 2018, Michael Boucher of the NJ Department of Health, Environmental and Occupational Health Assessment Program conducted a site visit to review Recording and Reporting of Occupational Injuries and Illnesses, Sanitation, Hazard Communication and Indoor Air Quality. A summary report will be issued to the Commission.*
- *MIS/GIS Offices were combined into one office space.*
- *The RJS Elevator passed its annual inspection.*

- **Financial Management**

- *Application Fees are at \$283,738.62 for the end of the FY 2018 3rd Qtr. This is 83% of the FY 2018 anticipated application fee revenue of \$340,000.*
- *The Edmunds Financial suite was installed and staff began using the software on March 1, 2018.*

- **Human Resources**

- *Recruitment for Research Scientist was completed. An offer of employment was made.*
- *Recruitment for Human Resources Specialist was completed. An offer of employment was accepted. Start date 4/2/18.*
- *Recruitment for a MIS Specialist is ongoing.*
- *One employee was terminated effective 2/16/18 and one employee resigned effective 2/23/18.*

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". *Staff is preparing model ordinances for adoption by Pinelands municipalities.*
- 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. *No new action as of March 31, 2018.*

B. Conformance

- See Attachment #1 for summary of ongoing conformance items.
- 27 new ordinances and/or master plan amendments were received this quarter. (79 this fiscal year).
- 42 interpretations and municipal requests for technical assistance were completed this quarter (114 this fiscal year).

C. Special Planning Projects

- **Pine Barrens Byway:** *No new action as of March 31, 2018.*
- **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 through the combined use of infiltration lagoons, surface and subsurface infiltration facilities. The facility has not discharged wastewater to Hammonton Creek since March 2015. The most recent monthly reports submitted by Hammonton show that the Town successfully managed its wastewater without the need for stream discharge during January and February, 2018, months in which management is more difficult due to freezing conditions that curtail operation of the drip irrigation infrastructure.*

- **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 is managing a set of volunteer amateur botanists who will be verifying the locations of anecdotally-reported rare plants along roadsides during the 2018 growing season. The collected data will be used to modify the "rare plant hotspot" segments as needed, and will be submitted to the Pinelands Commission's GIS office as well as NJ DEP's Natural Heritage Program for inclusion in tracking and protection of threatened and endangered plant populations.*
- **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. *USGS completed a reevaluation of the Medford Township landfill based upon revised location information. The moderate and high level of concern identified in the earlier analysis was re-confirmed in the latest evaluation.*

- **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 and the matter is targeted for consideration/discussion in 2018. Staff has been informed that Woodbine received a funding commitment for its share of a sewer line*
- **Alternate Design Wastewater Treatment Systems Pilot Program:** 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 and prepared an updated report for presentation to the P&I Committee in April, 2018.*
- **First Amendment of the March 27, 2007 Memorandum of Agreement (MOA) Amongst the New Jersey Pinelands Commission, the Buena Borough Municipal Utilities Authority and the Township of Buena Visit:** *On February 28, 2018 the Buena Borough Municipal Utilities Authority (BBMUA) satisfied the requirement for twenty-four consecutive months of compliance with rigorous Total Nitrogen and Total Phosphorous discharge limits established in the MOA for operation of its Membrane Bio-Reactor (MBR) wastewater treatment plant. This accomplishment will enable the Executive Director to endorse the BBMUA's proposed amendment*

to the Atlantic County Water Quality Plan to permit the plant to increase its permitted flow from 0.4 MGD to 0.6 MGD.

D. Economic Monitoring

- Commission staff is currently undertaking a reexamination of the Long-Term Economic Monitoring Program. 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. *The Rutgers team provided staff with an initial draft report and staff will review and respond with comments and questions for Rutgers on the report.*
- *Data collection for the 2016-2017 Annual Report is completed. First drafts of many sections that discuss the individual indicators have been distributed for staff review and comment.*
- 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. *A meeting was held on 1/23/18 with representatives from NJ-OIT's open data initiative and Socrata. The website initiative has been paused during the new administration's transition.*
- Staff is considering topics for a special economic study.
- *A briefing on the LTEM program is scheduled for the May meeting of the Policy & Implementation Committee.*

E. Permanent Land Protection

- **Pinelands Development Credit (PDC) Program:** *Four Letters of Interpretation were issued allocating 6.00 PDCs (24 rights) with potential to protect 294 acres. Sixteen rights were sold at prices ranging from \$7,500 to \$8,200 per right with a mean sales price of \$8,106 per right and a median sales price of \$8,200 per right. Thirty-three rights were transferred, 57 rights were encumbered and one right was redeemed (Southampton Township). No applications to sever PDCs were received.*
- **Farmland Preservation Program:** *Gloucester County preserved one 66-acre farm located in the Rural Development Area of Franklin and Monroe townships.*
- **Pinelands Conservation Fund (PCF):** *As of March 31, 2018, 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 March 31, 2018, three of the current projects are under grant agreement, and one current project continues to progress toward execution of a grant agreement.*

- **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. *No new action as of March 31, 2018.*

F. Other Planning Items

- 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 March 31, 2018.*
- Winslow Water Purchase Agreement (non K/C water for all new development) A resolution that authorized entering into an amended agreement was adopted by the Commission on December 12, 2017. *The agreement was forwarded to the parties for signature. All parties have signed the MOU and the amended agreement is now in effect. The amended MOU calls for the Pinelands Commission to initiate a collaborative effort with municipalities, the DEP, and other agencies to identify additional steps to address water supply deficits in the upper Great Egg Harbor River basin.*
- **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. *Planning staff was invited to participate on panels providing recommendations for the revision of the BBP Comprehensive Management Plan. These panels concluded their work during the first quarter of 2018.*
- **Cultural resources:** 25 (97 this fiscal year) cultural resource activities were undertaken as follows:
 - 14 (49) applications reviewed*
 - 0 (0) forestry inquiries*
 - 2 (5) surveys reviewed*
 - 0 (1) CAFRA reviews*
 - 0 (1) Preliminary Investigation*
 - 3 (13) site coordination with other agencies/meetings & phone conferences*
 - 2 (7) coordinated reviews w/ NJDEP/SHPO*
 - 3 (13) Municipal/consultant inquiries*
 - 1 (5) on-site consultant research facilitation*
 - 0 (3) formal meeting with consultants/project stakeholders on behalf of Pinelands Commission*
- **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. The project will also include an educational component, with students from local schools visiting the site during work hours. Logistical coordination with Shamong Township is ongoing. *No new action as of March 31, 2018.*

- *Hammonton Historical Society Meeting-Staff invited by Ms. Angela Donio to attend Wednesday, May 23rd meeting of the Hammonton Historical Society and give a brief talk on Pinelands Commission cultural resource procedures.*
- *Pinelands Summer Short Course-Presentation on the history of the Brotherton Indian Reservation in Indian Mills, Shamong Township.*
- *Presentation to Students of the Indian Mills Memorial School- Invited by instructor, Ms. Karen Clementi, to give a presentation on archaeology and the prehistory of the Pine Barrens.*
- **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. *Staff briefed the Policy and Implementation Committee at its 3/23/18 meeting on the status of Pinelands Area municipalities with regard to affordable housing obligations.*

- **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 March 31, 2018.*

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 March 31, 2018.*

- **NASA Analysis of Fire Hazard:** Staff worked with a student led team on a NASA funded project designed to evaluate fire risk in the Pinelands. Modeling datasets including vegetation, elevation and land use generated a map that identifies optimal areas for urban expansion.

G. Information Systems

Operations:

- *Zoning/Pinelands Management Area updates*
 - *01/09/2018 Buena Vista Twp Corrections*
 - *01/19/2018 Egg Harbor Twp Corrections*
 - *02/12/2018 Manchester Twp Ordinance 17-025*
 - *02/12/2018 Hamilton Twp Ordinance 1858-2017*

- *Update GIS Parcel layer*
- *QA/QC of PMA, PNR and PPA by comparing the GIS layer with the original mylars*
- *Worked with the State to update Metadata*
- *Installed ArcPortal and created Beta Viewer app to make Pinelands GIS data more readily available to staff*
- *Coordinated with Regulatory Programs on ROW management project updates*
- *PSEG Mistletoe Spans map created for Regulatory Programs*
- *PCIS QA/QC*
- *Trained staff in the use of the PDC Bank systems and generated reports*

System Infrastructure:

- *Deployed Outlook365 to 75% of Pinelands Commission staff including the migration of Groupwise mailboxes and contacts. Final users will be migrated in Q2*
- *Exporting Business Objects reports to SSRS to prepare for shutdown of legacy server*
- *Ordered new server for disaster recovery testing and development*
- *Active Directory planning to collaborate with OIT on statewide AD consolidation project*

IV. Public Programs

A. Communication

- *A total of 21 media inquiries and approximately 186 general inquiries were handled this quarter. Of the general inquiries, approximately 89 inquiries came via e-mail, approximately 86 came via telephone and 11 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 40,307 times during the quarter.*

B. Publications

- *The Commission's Communications Office is drafting the 2017 Annual Report, and is assisting other offices in editing and reformatting various reports.*

C. Events and Outreach

- *Commission staff members carried out the 29th annual Pinelands Short Course at Stockton University's Galloway Township campus on March 10, 2018. The event attracted approximately 600 people, and it featured a record total of 41 presentations that explore the natural, cultural and historic resources of the Pinelands. During the quarter, Commission staff also worked with Stockton officials to plan for the second annual Pinelands Summer Short Course. The event will be held on July 19, 2018 at Stockton University's Kramer Hall in downtown Hammonton.*
- *Joel Mott delivered one educational presentations during the quarter, educating a total of 30 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 install Pinelands-themed exhibits in the Richard J. Sullivan Center. The permits are expected to be issued in May 2018.*

V. Regulatory Programs

A. Application Activity

		4th Quarter 2017	1st Quarter 2018
New applications received for the last two quarters with a comparison to last year:	This year	107	106
	Last year	73	114
Total applications active for the last two quarters with a comparison to last year:	This year	678	660
	Last year	637	699
“No Call-ups” issued for the last two quarters:	By mail	49	49
	By fax	55	49
Certificates of Filing issued for the last two quarters:		47	37
“Call-ups” issued for the last two quarters:		29	32
Streamlined permitting actions taken during the last two quarters:	LRO	8	6
	MOA	0	4

B. Notable Development Applications

- **Hanson Mining, Woodland Township (App. No. 1983-4185.001)**

Summary:

After lengthy discussions with the applicant over threatened and endangered species issues, the Commission staff issued a Certificate of Filing for a 23 acre expansion of an existing mining operation. No municipal approval for the proposed mine expansion has been submitted to the Commission.

Details:

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. The 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 species 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 species 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 species 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 March 31, 2018, the Commission staff has not received notice of county or municipal permits or approvals for the proposed mining.*

- **Country Club Acres, Evesham Township (App. No. 1983-9307.004)**

Summary:

Based upon the required buffers to wetlands and threatened and endangered species consideration, the applicant has reduced the number of proposed dwellings from 33 to 16 on a 138 acre parcel. Certain additional information remains to be submitted to complete the application.

Details:

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 species 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. 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. *On January 22, 2018, the staff issued a letter requesting certain information to complete the application. On March 12, 2018, the applicant requested a meeting with the staff to discuss the proposed location of a stormwater management basin relative to a required buffer to wetlands.*

- **Mining Sites, Lacey Township (App. No. 1980-0012.001 & App. No. 1981-0145.001)**

Summary:

The Commission staff has been working with the property owner and the New Jersey Department of Environmental Protection to address mine revegetation/restoration requirements of two mining sites to facilitate the sale of the sites to the State of New Jersey. Restoration has been completed to the satisfaction of the Township.

Details:

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 remain to be completed. On January 19, 2017, the applicant's engineer submitted information addressing the status of the required mine restoration. 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 created 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 the Township engineer issued a letter dated December 13, 2017 concurring 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. *By letter dated January 17, 2018, the staff advised the applicant that based upon the Township's determination regarding mine restoration, no further Commission staff action was required regarding restoration.*

- **New Jersey Department of Environmental Protection, Forest Fire Service (App. No. 1990-0868.029)**

Summary:

The New Jersey Department of Environmental Protection will be submitting a formal application to the Commission for proposed tree clearing around the Bass River State Forest fire tower.

Details:

A pre-application conference was held on November 1, 2017 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 March 31, 2018.*

- **Sweetwater Casino Restaurant, Mullica Township (App. No. 1983-4234.006)**

Summary:

An application was completed with the Commission for both the currently existing commercial use on the parcel and the reconstruction of a previously existing restaurant on the parcel that was destroyed by fire.

Details:

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 proposed development 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. *No new action as of March 31, 2018.*

- **Singer House Historic House Preservation/Restoration, Medford Township (App. No. 1987-0055.005)**

Summary:

This matter concerns a 1991 approval by the Pinelands Commission of the Medford Township Public Safety Building. That approval required certain steps be taken to stabilize and preserve an historic home on the parcel known as the Singer House. To date, the Singer House has not been stabilized and preserved.

Details:

The Township transferred ownership of the Singer House to a private entity. 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 private owner of the Singer House, representatives of Medford Township and the Commission staff met to discuss the required preservation. At that meeting the private 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 owner of the Singer House requested the Commission's assistance in requiring the Township to reimburse them 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 March 31, 2018.*

- **Ecology Landfill, Winslow Township, (App. No. 1986-1167.007)**

Summary:

An application has been filed with the Commission to cap a former vegetative waste landfill and develop a proposed solar facility on top of the proposed landfill cap.

Details:

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 staff 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 March 31, 2018.*

- **Residential Development Project proposing 700 dwelling units, Pemberton Township (App. No. 1981-0640.001)**

Summary:

This application proposes approximately 700 dwellings units located off of Lakehurst Road, between Browns Mills and State Route 70. The currently proposed development requires certain amendments to the Township's land use ordinances. In addition, the municipality has requested the applicant to provide a secondary access road for the proposed development. To date, the location of the Township's preferred secondary access road raises issues with the wetlands protection and threatened and endangered species protection standards.

Details:

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. *No new action as of March 31, 2018.*

- **Recreation Area/Soccer Fields, Pemberton Township (App. No. 1982-3514.004)**

Summary:

The Township proposed recreational improvements on a 46 acre parcel. Although the parcel is primarily a fallow agricultural field, based upon staff site inspection, it was determined that approximately 50% of the parcel was wetlands. The Township is currently amending its proposal to develop the upland section of the parcel.

Details:

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 the proposed soccer fields in the future. *On March 5, 2018, the applicant submitted a revised conceptual plan for the proposed recreational facility. That plan is currently under review.*

- **Police Firing Range, Little Egg Harbor Township (App. No. 2008-0122.001)**

Summary:

The Township is proposing a municipal police firing range on a parcel that contains the Township's closed municipal landfill. The parcel is located in the Pinelands Preservation Area District.

Details:

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 was closed prior to the 1981 effective date of the Commission's regulations. The landfill is located in the Pinelands Preservation Area District. 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. *No new action as of March 31, 2018.*

- **Redevelopment Project, Barnegat Township (App. No.1981-1649.013)**

Summary:

This application proposes the redevelopment of a 115 acre parcel that contains a former sand mine. The application proposes commercial development and the development of 715 dwellings. The development as currently proposed requires the purchase of approximately 60.0 PDCs.

Details:

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, retail commercial/office space 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 30, 2017, the Commission staff reiterated to the applicant the information necessary to complete the application. *No new action as of March 31, 2018.*

- **Expansion of an Existing Boat Manufacturing Facility, Mullica Township (App. No. 1980-0016.004):**

Summary:

The property owner is interested in expanding an existing commercial boat manufacturing business that is located on the parcel.

Details:

On July 18, 2017, the Commission staff met with prospective 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 District. 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 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. *No new action as of March 31, 2018*

- **Recreation Area, Woodbine Borough (App. No. 2005-0162.004)**

Summary:

In November of 2017, the Commission approved with conditions the development of a proposed Borough “Eco –Park” on a 46.28 acre parcel.

Details:

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 to 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 threatened species survey. On September 13, 2017, information was submitted by the applicant regarding the threatened species survey. On October 13, 2017, 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. *No new action as of March 31, 2018.*

- **Municipal Solar Facility, Jackson Township (App. No. 1984-1345.008)**

Summary:

The Township is proposing a ground mounted solar facility on a capped landfill. The proposed development raises an issue with a threatened plant species. The project design has been revised to address the threatened plant species. The staff is awaiting submission of final application documents for the proposed solar facility.

Details:

On March 28, 2016, the Commission staff held a pre-application conference regarding the proposed installation of an 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 plant habitat assessment was 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. *On January 8, 10 and 12, 2018, the applicant submitted a revised conceptual plan for the proposed solar facility. By letter dated January 24, 2018, the Commission staff advised that, provided certain conditions were met, the revised solar facility layout would be consistent with the Commission's threatened and endangered species protection standards.*

- **Agricultural Building/Commercial Farm Market, Barnegat Township (App.No.2015-0017.002)**

Summary:

A property owner constructed a building on a parcel to be used exclusively for agricultural purposes. As such, no application to the Commission was required. Thereafter, the property owner proposed a commercial farm market in the building. The Commission staff advised that the proposed commercial use required application to the Commission. The property owner believes that since the commercial farm market is an agricultural use, it does not require application to the Commission.

Details:

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 19, 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. *On December 28, 2017, the Commission staff received notice of a Township denial for a zoning permit for the proposed commercial farm market. The property owner then submitted information to the Commission on January 10, 2018, January 12, 2018, January 30, 2018 and February 12, 2018 addressing why the proposed commercial use did not require application to the Commission. By letters dated January 8, 2018, January 29, 2018, February 9, 2018 and February 23, 2018, the Commission staff advised the property owner that the change in use of a building used exclusively for agricultural purposes to a commercial farm market required completion of an application with the Commission. In response to*

information received on March 16, 2018 from the property owner, the Commission staff scheduled a meeting with the property owner and a representative of the New Jersey Department of Agriculture for April 11, 2018.

Minor Subdivision, Tabernacle Township (App. No. 1984-0239.002)

Summary:

This application for a four lot subdivision and four single family dwellings received municipal subdivision approval in 2006. Based upon amendments to the CMP that were effective in 2009, clustering of the proposed development is now required.

Details:

In 2007, the Commission staff issued a letter allowing the municipal subdivision approval(s) to take effect. Amendments to the CMP in 2009 require clustering of residential development of two or more dwellings in a Rural Development Area. By letter dated October 2, 2017, the Commission staff called up for review a 2017 Burlington County Planning Board subdivision approval for the proposed development. The issue raised was that the proposed development was inconsistent with the clustering provision. *On February 6, 2018, the Commission staff met with the applicant/property owner and the property owner's attorney to discuss the clustering requirement. The Commission staff discussed with the applicant available options to resolve the issue. The applicant will be evaluating those options and advise the Commission staff how they wish to proceed.*

Subdivision/Rezoning, Jackson Township (App. No. 2000-0173.001)

Summary:

This application received final municipal subdivision approval in 2005 for the development of 16 dwellings on a 43.7 acre parcel. In 2005, the Commission certified a Township ordinance that rezoned the parcel to a municipal zoning district requiring 6 acres per dwelling. Based upon initial information available to the Commission staff, the protection from zoning changes provided by the New Jersey Municipal Land Use Law and the New Jersey Permit Extension Act had expired. Subsequently, the applicant demonstrated that a Township third one year extension of final subdivision approval as provided for by the New Jersey Municipal Land Use Law in combination with the New Jersey Permit Extension Act would provide protection from the zoning change until June 30, 2018.

Details:

On January 10, 2003, the Commission issued a Certificate of Filing for the proposed development of 16 dwelling units on the 43.7 acre parcel. The Township granted final subdivision approval in 2005. By letter dated August 17, 2007, the applicant was advised that the final subdivision

approval issued by the Township in 2005 could take effect. The project was not developed. In response to an inquiry, by letter dated August 14, 2017, the Commission staff advised the applicant that the zoning of the parcel had changed in 2005 and the period of protection from zoning changes provided by the New Jersey Municipal Land Use Law had expired. By letter dated September 14, 2017, the applicant's attorney provided information to the Commission as to why the protection from zoning change provided by the New Jersey Municipal Land Use Law was still in effect. That information addressed the New Jersey Permit Extension Act, Township approved extensions of the prior approval and litigation between the applicant and the Township that prohibited the development from moving forward. By letter dated October 25, 2017, the Commission staff indicated that after review of the submitted information, the period of protection from zoning change afforded to this application was extended into 2018 provided the applicant received a third one year extension of the Township's final subdivision approval. *The Township approved the third one year extension of the final subdivision approval. By letter dated January 10, 2018, the Commission staff advised that the third one year extension of Township final subdivision approval extended the period of protection from zoning changes for the development until June 30, 2018.*

Subdivision/Rezoning, Jackson Twp. (App. No. 2001-0630.001)

Summary:

This application received final municipal subdivision approval in 2005 for the development of 12 dwellings on an 18.6 acre parcel. In 2005, the Commission certified a Township ordinance that rezoned the parcel to a municipal zoning district requiring 6 acres per dwelling. Based upon initial information available to the Commission staff, the protection from zoning changes provided by the New Jersey Municipal Land Use Law and the New Jersey Permit Extension Act had expired. Subsequently, the applicant demonstrated that a Township third one year extension of final subdivision approval as provided for by the New Jersey Municipal Land Use Law in combination with the New Jersey Permit Extension Act would provide protection from the zoning change until June 30, 2018.

Details:

On July 22, 2002, the Commission issued a Certificate of Filing for the proposed development. The Township issued final subdivision approval in 2005. On May 17, 2004, the applicant was advised that the Township preliminary subdivision approval raised a substantial issue with the threatened and endangered species protection standard. Thereafter, based upon the possible presence of a threatened and endangered species, the applicant was required to complete threatened and endangered species survey work. On February 7, 2007, the Commission staff issued a letter indicating that a Township final subdivision approval granted in 2005 could take effect. The project was not developed. In response to an inquiry, by letter dated August 14, 2017, the Commission staff advised the applicant that the zoning of the parcel had changed in 2005 and the period of

protection from zoning changes provided by the New Jersey Municipal Land Use Law had expired. By letter dated December 11, 2017, the applicant's attorney provided information to the Commission staff addressing why the protection from zoning change provided by the New Jersey Municipal Land Use Law was still in effect. That information addressed the New Jersey Permit Extension Act, certain affordable housing litigation regarding the application and an after the fact extension of the prior Township approval that is provided for in the New Jersey Municipal Land Use Law. *By letter dated January 25, 2018, the Commission staff advised that the period of protection from zoning change afforded to this application would be extended into 2018 if the applicant receives a third one year extension of the Township's final subdivision approval. By letter dated February 13, 2018, the Commission staff advised that a third one year extension of final Township subdivision approval raised a substantial issue with the stormwater management standards of the Township land use ordinance and the CMP. That letter scheduled a Commission staff public hearing for March 21, 2018 to review the stormwater issue. On March 14, 2018, the Commission staff advised that the stormwater management issue had been resolved and that the staff was waiting for the applicant to provide Township sign off on the revised stormwater management information.*

House Demolition, Medford Township (App. No. 1983-5302.003)

Summary:

The Township determined that an existing dwelling constituted a danger to public safety and ordered the immediate demolition of the dwelling. The dwelling was demolished prior to notifying the Commission. It was subsequently determined that a portion of the dwelling was constructed in 1787.

Details

On December 18, 2017, the Commission staff received notice of a December 5, 2017 order from Medford Township to a property owner requiring the immediate demolition of a dwelling by December 5, 2017. The Commission staff site inspected the parcel on December 21, 2017. The dwelling had already been demolished. *By letter dated January 8, 2018, the Commission staff asked the Township to provide certain information regarding why the dwelling was demolished with such short notice to the Commission. The Township responded on January 8, 2018 indicating that the Township regretted not notifying the Commission sooner, but that a public safety issue existed requiring the immediate demolition of the dwelling. By letter dated February 8, 2018, the Commission staff indicated that while fully recognizing the overriding importance of public safety, timely notification to the Commission staff would have provided the opportunity to obtain information about the possible historic significance of the dwelling. The owner will be required to complete an application for the demolition and address the possible cultural resource issues as part of a future development application to the Commission.*

Building Demolition, Medford Township (App. No. 2017-0139.001)

Summary:

The Township determined that an existing dwelling constituted a danger to public safety and ordered its immediate demolition. The Township notified the Commission staff prior to demolition of the dwelling. In its review of the matter, the Commission staff determined that the dwelling was constructed in 1870 and formerly utilized as a school.

Details:

On February 15, 2018, the Commission staff received notice from Medford Township of the need for a property owner to demolish a dwelling. By letter dated February 26, 2018, the Commission staff advised the property owner of the need to apply to the Commission for the proposed demolition and advised of the cultural resource standards that must be addressed. That letter also asked the Township to advise the Commission if immediate demolition was required to address a public safety concern. On March 27, 2018, the Commission received notice from the Township of the need to immediately demolish the dwelling based upon public safety. The Commission staff issued a letter on March 28, 2018 authorizing the immediate demolition of the dwelling based upon the Township determination of a public safety concern. That letter advised the property owner's attorney of the need to file an after the fact application with the Commission for the demolition. As part of that application, the property owner will be required to address the cultural resource standards. The dwelling was demolished.

Commercial Redevelopment, Winslow Township (App. No. 1989-0707.002)

Summary:

This application proposes redevelopment of a site previously occupied by a brick manufacturing use. An application was completed with the Commission for a commercial building materials and product storage use and a Certificate of Filing was issued by the Commission staff on March 13, 2018.

Details:

On June 21, 2017, an application was initiated with the Commission for redevelopment of a 38.2 acre parcel that was used for brick manufacturing from the late 1800's through the mid 1970's. On August 9, 2017, the Commission staff issued a letter requesting certain information to complete an application. That letter addressed wetland protection standards, cultural resources, threatened and endangered species, groundwater quality (septic dilution) and the need, based upon zoning, for the proposed use to qualify as a light industrial use. On August 10, 2017, the staff met with the

applicant, representatives of the applicant and the Township Mayor to discuss the proposed commercial building materials and product storage project use. The staff and the applicant exchanged extensive information addressing the specifics of the proposed commercial use and the need for proposed storage tanks to meet the maximum height limitation of 35 feet in the concerned zoning district. *On March 13, 2018, the Commission staff issued a Certificate of Filing for the proposed development.*

Subdivision, Medford Township (App. No. 1987-0985.001)

Summary:

This matter involves the proposed development of three single family dwellings that were part of a 102 lot residential subdivision approved by the Commission in 1993. The Commission staff advised the applicant that based upon the approximately 25 years that has passed since the Township's approval, the proposed development raised issues with certain standards of the Township land use ordinance and the CMP. The applicant amended the proposal to consolidate the three existing lots into one parcel and develop one single family dwelling on the overall parcel. The applicant retains the options to reapply in the future and demonstrate that the two additional dwellings will meet all standards.

Details:

On August 16, 2017, the Commission staff received a letter proposing development of three dwelling units originally approved by the Township in 1993 as part of a 102 lot subdivision. Specifically, the applicant was proposing to pave a 1,500 linear foot access drive that had been approved as a stone driveway to access the three proposed dwellings. The proposed development of the paved driveway and the three dwellings raised several issues with current standards and required reconstruction of the approval history of an application file that was initiated with the Commission in 1987. By letter dated November 9, 2017, the Commission staff advised the applicant that the proposed paved access drive and three dwellings raised issues with the threatened and endangered species protection standard, the wetlands protection standard and the current requirement to cluster development in the concerned zoning district. By letter dated November 27, 2017, the applicant's attorney advised that the Commission's prior approval protected his client's application from the issues raised by the Commission staff letter. By letter dated December 27, 2017, the Commission staff responded that it was unaware of any regulation or law that would provide an indefinite period of protection to his client's proposed development based upon a Township subdivision approval in 1992. The staff had several telephone discussions with the applicant's attorney regarding how to resolve the issue. *By letter dated February 20, 2018, the applicant indicated they disagreed with the staff's position, but proposed to consolidate the three lots into one lot, develop one dwelling and construct the originally proposed stone access driveway. By letter dated March 29, 2018, the Commission staff indicated that the revised development proposal would be consistent with all standards.*

Continuing Care Community, Stafford Twp. (App. No. 1983-6104.016)

Summary

A pre-application conference was held on January 9, 2018 for a continuing care community located just off of Route 72 proposing 170 dwellings and 130 long care beds on a 10 acre parcel.

Details:

A pre-application conference was held on January 9, 2018. The pre-application conference identified zoning, required PDC use and property line forest fire fuel breaks as specific standards that the applicant must address. By letter dated February 2, 2018, the Commission staff outlined these standards and provided guidance regarding how the applicant could address the standards.

Subdivision/Rezoning, Egg Harbor Twp. (App. No. 1983-6358.002)

Summary:

An application for the development of 194 dwellings on a 136.87 acre parcel was approved by the Township in 2001. The parcel was thereafter subject of a rezoning. Based upon several factors, including the New Jersey Permit Extension Act and the New Jersey Municipal Land Use Law, the Commission staff determined that the Township's final subdivision approval was protected from zoning changes until at the latest December 31, 2017. The Commission staff received Township notice of the Township's intent to issue 16 construction permits in January of 2018. A Commission staff public hearing has been scheduled to review the zoning issue raised by the construction permits.

Details:

This application proposes the development of 194 dwellings on a 136.87 acre parcel. This application received final Township subdivision approval in 2001. The parcel was subsequently rezoned. Any protection that may have been provided by the New Jersey Municipal Land Use Law and the New Jersey Permit Extension Act expired, at the latest, on December 31, 2017. In January of 2018, the Commission staff received notice from the Township of its intent to issue 16 construction permits for proposed dwellings in the subdivision. By letter dated February 7, 2018 the Commission staff advised the applicant of the need for a Commission staff public hearing to review the zoning issue raised by the proposed dwellings.

Subdivision, Mullica Township (App. No. 1982-3428.001)

Summary:

This application proposes a two lot subdivision and the development of a second dwelling serviced by an onsite septic system on a 1.67 acre parcel. The prior owner of the parcel was advised in writing in 1981 that the proposed subdivision was inconsistent with the groundwater quality (septic dilution) standard. The current owner represents that there are two legally existing dwellings on the parcel and that he pursued Township approval for only a two lot subdivision. That approval is currently subject of a scheduled Commission staff public hearing.

Details:

This application proposes a two lot subdivision of a 1.67 acre parcel. The issue raised by this application is whether, as of 1981, one or two dwellings existed on the parcel. In 1982, the Commission staff issued a Certificate of Filing indicating that the proposed subdivision and the development of one dwelling served by an onsite septic system on the parcel was inconsistent with the standards of the CMP. By letter dated May 15, 2017, the Commission staff advised the current owner of the issue raised by the proposed two lot subdivision. On September 6, 2017, the Township approved the two lot subdivision. On January 19, 2018, the Commission staff issued a letter indicating that the Township subdivision approval raised a substantial issue with the standards of the Township land use ordinance and the CMP. The issue raised is whether a second dwelling unit had been established on the parcel without application to the Commission.

Subdivision/Rezoning Egg Harbor Twp. (App. No 1989-1152.011).

Summary:

This application for 247 dwelling units was approved by the Township in 2001. The parcel was thereafter subject of a rezoning. Based upon several factors including the New Jersey Permit Extension Act and the New Jersey Municipal Land Use Law, the Commission staff determined that the Township's approval was protected from zoning changes until March 8, 2017. The Commission staff received Township construction permits issued after March 8, 2017.

Details:

The Commission staff issued a Certificate of Filing on January 31, 2001 for the development of 248 dwellings on a 101.56 acre parcel. In 2001, the applicant received Township preliminary and final subdivision approval for 247 dwellings. At the time of Township subdivision approval, the Township zoning permitted four dwelling units per acre. On December 17, 2002, the Commission certified a Township rezoning of the parcel. That rezoning reduced the permitted number of dwellings to one per acre. On July 20, 2012, the Commission certified a second zoning change requiring the purchase of PDC for 25% of all proposed market rate dwellings in certain zoning districts. By letter dated April 1, 2013, the applicant's attorney presented the reasons why the concerned subdivision approval continued to be protected by the New Jersey Municipal Land Use Law.

Those reasons include the New Jersey Permit Extension Act and the ability of the applicant to secure after the fact extensions of final subdivision approval as provided for the New Jersey Municipal Land Use Law. By letter dated September 16, 2013, the Commission staff advised the applicant that a three year extension of the final subdivision approval granted by the Township Planning Board on July 31, 2013 could take effect. The Commission staff thereafter advised that based on extensions of the New Jersey Permit Extension Act, the period of protection for zoning changes for this development expired on March 8, 2017. On May 30, 2017, the Commission staff issued a letter scheduling a Commission staff public hearing for a municipal construction permit proposed to be issued on May 22, 2017. The letter indicated that the proposed dwelling did not meet the current zoning of the parcel. *On February 14, 2018, the Commission staff asked the Township staff to provide copies of any construction permits that were issued for the remaining vacant lots in the subdivision. On March 2, 2018, the Township provided 22 construction permits for dwellings in the subdivision. Those permits are currently under review.*

Site Redevelopment, Evesham (App. No. 1981-0440.008)

Summary:

On February 16, 2018, the Commission staff received a request for a pre-application meeting to discuss the redevelopment of a parcel located in a developed residential community. It is proposed to develop 11 single family dwellings on a 3.48 acre site that currently contains an existing swim club for the development.

Details:

The proposed development of 11 single family dwellings on the 3.48 acre parcel is not consistent with the current zoning of the parcel. Current zoning of the parcel permits one dwelling per 6 acres. *On March 12, 2018, the applicant provided a conceptual plan of the proposed development. A pre-application conference was scheduled for April 17, 2018. A representative of the Township will be attending the pre-application meeting to discuss municipal zoning.*

Mining, Woodland Township (App. No. 1980-0029.001)

Summary:

This application proposes a 40 acre expansion of an existing mine. An application was completed with the Commission for the proposed 40 acre expansion of the mine. The Commission issued a Certificate of Filing indicating that the proposed mine expansion was inconsistent with the threatened and endangered species protection standards. The applicant obtained a municipal approval for the proposed mine expansion. That approval is currently the subject of a Commission staff public hearing.

Details:

On September of 2014, the applicant submitted a Habitat Conservation Plan in an effort to identify critical habitat for threatened and endangered species on the approximately 1,400 acre parcel and allow the expansion of an existing mine on the parcel. By letter dated May 11, 2015, the Commission staff indicated that the proposed Habitat Conservation Plan did not demonstrate consistency with threatened and endangered species protection standards. In July and August of 2015, the applicant submitted additional information to the Commission in an effort to design a Habitat Conservation Plan that identified critical habitat on the parcel. On November 30, 2016, the applicant submitted a threatened and endangered species survey for the proposed 40 acre mine expansion. The survey conducted a drift fence survey for snake species only on the 40 acre mine expansion area of the approximately 1,400 acre parcel. On November 2, 2017, the Commission staff issued a Certificate of Filing for the continued mining of 241 acres of previously mined area and the 40 acre expansion of the mining area. The Certificate of Filing indicated that the proposed 40 acre mine expansion was inconsistent with the threatened and endangered species protection standard. *On February 27, 2018, the Commission staff received notice that Woodland Township has approved the proposed mining subject of the Commission's November 2, 2017 Certificate of Filing. On March 15, 2018, the Commission staff sent a letter scheduling a Commission staff public hearing on April 12, 2018 for the application. The issue raised by the Township's approval was consistency with the threatened and endangered species protection standard. By letter dated March 19, 2018, the applicant asked that the public hearing be rescheduled to April 19, 2018.*

C. Violation

- **Commercial Use, Barnegat Township (App. No. 1988-1177.002):**

Summary:

This matter involved the clearing of 5 acres located in the required buffer to wetlands on a parcel. The acreage was cleared to provide for the storage of materials associated with a commercial contracting yard that existed on the parcel prior to the 1981 effective date of the Commission's regulations. The commercial use of the 5 acres has been removed and the property owner is re-vegetating the 5 acres.

Details:

By letter dated February 1, 2012, we advised a property owner of an approximately 5 acre wetlands buffer clearing violation. Materials were being stockpiled in the wetlands buffer. By letter dated April 26, 2012, we summarized the agreements reached and asked the property owner to contact our office when wetlands were delineated. By letter dated June 15, 2012, we confirmed the wetlands mapping and suggested a course of action to resolve the violation. On January 22, 2013, the Commission staff received information from the property owner's consultant indicating that

one material stockpile and a portion of another had been removed from the site and that a revised restoration plan would be submitted shortly. On 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 requested 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 new action as of March 31, 2018.*

- **Land Clearing, Barnegat Township (App. No. 2000-2700.002):**

Summary:

This matter involves a property owner that cleared 8 acres immediately adjacent to Route 72. Most of the parcel was comprised of either wetlands or the required buffer to wetlands. The property owner established a commercial use on the parcel without application to the Commission. The commercial use has been removed. The property owner indicated that the parcel was cleared for agricultural purposes. The parcel is located in the Pinelands Preservation Area District. In the Preservation Area District, the types of agriculture permitted on the parcel are limited. The property owner indicated that the parcel was cleared for types of field agriculture that are not permitted in the Preservation Area District. After lengthy discussion and municipal court summonses, the property owner is completing the planting of blueberries on the remaining acreage of the parcel that is not already planted with blueberries.

Details:

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 9.49 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. *No new action as of March 31, 2018.*

- **Commercial Use/Building, Galloway Township (App. No. 1990-1168.004):**

Summary:

This matter involves the construction of a commercial building and establishment of a commercial use on a parcel without application to the Commission. The parcel is located in the Pinelands Preservation Area District. The PDCs allocated to the parcel have been severed and the requisite PDC deed restriction imposed. The commercial use is not a permitted land use on the parcel based upon either zoning or the PDC deed restriction. The commercial use has been removed from the parcel and most of the building has also been removed from the parcel.

Details:

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 resolve 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 March 31, 2018.*

- **Commercial Use Expansion, Waterford Township (App. No. 2013-0031.001):**

Summary:

This matter involves the expansion of an auto salvage yard that existed prior to the 1981 effective date of the Commission's regulations without application to the Commission. The property owner has agreed to resolve the violation and is completing the necessary applications with the Township and the Commission.

Details:

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 Township 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 of 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. *On March 23, 2018, the Commission staff received certain information from the Waterford Township Planning Board making a finding on the extent of the commercial use that existed as of the 1981 effective date of the Commission's regulations and what constituted a permitted 50% expansion of the commercial use. The Commission staff is awaiting the submission of the information required to complete the application.*

- **Intensive Recreational Use, Winslow Township (App. No.1984-0660.003):**

Summary:

This matter involves the establishment of a gun club with shooting ranges in a Pinelands Agricultural Production Area and ongoing improvements to the use without application to the Commission.

Details:

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 issued 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 the 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. *By letter dated January 11, 2018, the Commission staff advised the applicant what improvements needed to be removed from the parcel and the information necessary to complete an application with the Commission. By letter dated March 12, 2018, the property owner expressed disagreement with the Commission staff's letter and requested a meeting.*

- **Commercial Use, Southampton Township (App. No. 1997-0010.002)**

Summary:

This matter involves the establishment of a commercial use on a parcel. The commercial use was established in wetlands. The commercial use is not permitted in wetlands. The PDCs allocated to the parcel have been

severed and a PDC deed restriction has been imposed on the parcel. The PDC deed restriction prohibits the commercial use that has been established on the parcel. The parcel is located in a Pinelands Agricultural Production Area. The commercial use is not a permitted use in a Pinelands Agricultural Production Area.

Details:

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 PDCs 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 of 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. *On February 27, 2018, the Commission staff attended a meeting with the property owner and representatives of the New Jersey Department of Environmental Protection to discuss the multiple issues raised by the commercial use. The property owner will be submitting information to support their contention that the commercial use is a permitted use on the parcel.*

- **Land Clearing, Waterford Township (App. No. 1987-1183.015)**

Summary:

This matter involves the clearing of approximately 24 acres for agricultural purposes. The cleared land is located next to an existing commercial use. The Commission staff advised the property owner that either an agricultural use must be established on the cleared acreage or an application must be completed with the Commission for the clearing that occurred. The property owner is conducting the required threatened and endangered species survey necessary to complete an application for development of a parking area and access driveway improvements on the areas of the parcel that were cleared.

Details:

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 agriculture is permitted 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 letter 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. *By letter dated January 4, 2018, the Township advised the property owner of the course of action that must be followed to address the violations on the parcel and to avoid the Township issuing the appropriate municipal court summons for the development and clearing that occurred on the parcel without application to the Township and the Commission. On January 31, 2018, the property owner's attorney contacted the Commission staff and requested a meeting to discuss resolution of the violations on the parcel. On February 9, 2018, the Commission staff and representatives of the Township met with the property owner's attorney and a representative from an engineering company to discuss the information necessary to complete an application with the Township and the Commission. By letter dated February 16, 2018, the Township advised the property owner of a revised schedule to address the violations on the parcel. By letter dated March 13, 2018, the Commission staff advised the property owner of the need to address the violations on the parcel. On March 19, 2018, the property owner's attorney advised the Commission staff that a consultant had been retained to perform the required threatened and endangered species survey and requested an extension of time to submit certain required information.*

Commercial Use, Medford Township (App. No. 1991-0705.001)

Summary:

This matter concerns the establishment of a commercial use in wetlands without application to the Commission.

Details:

On October 6, 2017, a site meeting was conducted on an 18 acre parcel. Attending the site meeting were the property owner, the Township Zoning Officer and members of the Commission staff. The purpose of the site investigation was to follow up on a report received by the Commission staff that a commercial use had been established on the parcel. After that site inspection, the Commission staff advised the property owner in a letter dated October 27, 2017 that a commercial use had been established on a parcel without application to the Commission. That letter also indicated that the approximately 3 acres of wetlands had been cleared and filled on the parcel for the commercial use. By letter dated November 27, 2017, the property owner asked for an extension of time to respond to the staff's letter and advised that they were retaining legal counsel. *No new action as of March 31, 2018.*

Commercial Use, Mullica Township (App. No. 1986-1389.007)**Summary:**

This matter involves a commercial use being conducted on a parcel with an active agricultural use.

Details:

By letter dated November 26, 2014, the Commission staff advised the property owner that the establishment of a commercial banquet business on the parcel and other possible commercial uses on the parcel would constitute a violation. By letter dated September 30, 2015, the Commission staff again wrote to the property owner regarding potential commercial uses being established on the parcel without application to the Township and the Commission. The property owner did not respond to our letters. By letter dated May 6, 2016, we advised the property owner that we were asking the assistance of Mullica Township in issuing all appropriate municipal court summons for operating a commercial use(s) on the parcel without application to the Township or the Commission. By letter dated June 29, 2017, the Township advised the property owner to cease all weddings/wedding receptions being conducted on the parcel. By letter dated July 25, 2017, the Commission staff advised the property owner to either submit an application to the Commission for the commercial use(s) occurring on the parcel or a schedule for removal of the commercial use(s). On November 2, 2017, the Commission staff received a copy of a municipal court summons issued to the property owner for conducting a commercial use on the parcel. On November 17, 2017, the Commission staff issued a letter again advising the property owner of the need to either apply to the Township and the Commission for the commercial use or

remove the commercial use from the parcel. On December 19, 2017, the Commission staff attended a municipal court hearing on the matter. The municipal court hearing was continued to another date to allow the court to address a nonrelated issue that arose with the property owner during the hearing. *No new action as of March 31, 2018.*

D. Other Matters

New Jersey Pinelands Electric Transmission Right-of-Way Vegetation Management Plan

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. *No new action as of March 31, 2018.*

Pemberton Township Proposed Sanitary Sewer Extension to Two Existing Public Schools

The Commission staff continues to review and discuss with Township officials the prospects for extending a public sanitary sewer main through a Pinelands Agricultural Production Area to serve the two schools that are located in a Pinelands Rural Development Area. The two schools are located on Ft. Dix Road, close to the Joint Base MDL. The existing schools are currently serviced by an onsite sanitary sewer treatment system that discharges to a stream.

VI. Science

A. Environmental Monitoring

- *Forest-Plot and Intermittent-Pond Monitoring: Staff completed the February and March 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. The January round of water-level measurements could not be completed due to frozen ponds and the poor condition of sand access roads. Staff updated the water-level data for ponds and wells posted on the Commission website.*
- *Long-term anuran surveys: Staff completed the February and March rounds of frog and toad vocalization surveys at the 20 Mullica River Watershed ponds.*
- *Pinelands-wide water-quality monitoring: As a routine part of being a state-certified laboratory for pH and specific conductance, staff measured these parameters in the proficiency test samples that are shipped to the Commission and submitted the readings to the NJDEP quality assurance website for confirmation. Staff also attended water monitoring data management training on the Water Quality Exchange database that was led by the Dwayne Young of the EPA Office of Water.*

B. Right-of-way Vegetation Monitoring

- *Science and Regulatory Programs staff presented the information in the second progress report at the full Commission meeting in January.*

C. Pond-vulnerability Study

- *Data analysis and report writing continued. Science staff completed a worst-case build-out analysis to determine the future potential vulnerability of natural ponds in growth areas, completed an analysis to compare how similar natural ponds are to excavated ponds and stormwater basins, and began to use the results of the off-road vehicle damage surveys to develop a model to predict the probability of future damage to natural ponds by off-road vehicles.*

D. Created-wetland Study

- *Data analysis continued. Science staff completed a worst-case build-out analysis to determine the future potential vulnerability of excavated ponds in growth areas, completed an analysis to compare how similar excavated ponds are to natural ponds and stormwater basins, and began to use the results of the off-road vehicle damage surveys to develop a model to*

predict the probability of future damage to excavated ponds by off-road vehicles.

E. Endocrine Disruption Study

- *On a conference call, Commission and USGS scientists discussed site selection, water chemistry sampling, and biological sampling for 2018.*

F. Microorganism Study

- *A Quality Assurance Project Plan was drafted and submitted to the EPA for approval so that the field work for the study can begin.*

G. Corn Snake Radio Tracking Study

- *A joint venture between the Commission, NJDEP, Robert T. Zappalorti of Herpetological Associates, and Dr. Howard Reinert of The College of New Jersey to conduct a radio tracking study of the endangered corn snake was approved by the State Ethics Commission. The Commission is working on an agreement with Herpetological Associates to provide partial funding for supplies and equipment for the study. This is the second year of tracking snakes for the study and a number of nest sites and hibernacula have been identified.*

H. Pinelands Research Series

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

I. Other Science Items

- *Science staff interviewed candidates for an open research scientist position.*
- *Science staff provided GIS data on the distribution of the American eel in the Mullica River Watershed to Ken Able of Rutgers University.*
- *Science staff assisted with the excavation of several pine snake hibernacula as part of a long-term study conducted by Dr. Joanna Burger of Rutgers University and Robert T. Zappalorti of Herpetological Associates. Science staff collected soil samples and swabbed pine snakes, black racers, and corn snakes for a fungus that causes snake fungal disease to determine if the fungus is present in the soil and on the snakes. Samples were analyzed as part of a study conducted by the USGS on snake fungal disease.*
- *Science staff provided technical assistance to NJDEP regulatory staff on swamp pink hydrology and potential impacts of a nearby water-supply well.*

- *Science staff attended a meeting at the EcoComplex for the NJDEP Connecting Habitat Across New Jersey (CHANJ) project, a New Jersey Water Monitoring Council Meeting that focused on monitoring for radionuclides, a USFWS webinar titled “The Science and Policy of Instream Flow: A Texas Perspective,” and a webinar titled “Fire & ticks: the impacts of long-term prescribed fire on tick populations & tick-borne disease risk.”*

ATTACHMENT #1

ONGOING CONFORMANCE ACTIVITY *January-March 2018*

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> <p>2. <i>Permitted Uses in the Regional Growth Area: The Borough submitted an adopted Ordinance 2017-15 on 12/26/2017. The ordinance permits in the PC-2 and PC-3 zones sidewalk cafes as a conditional use and allows microbreweries, nano-breweries, distilleries and performing art centers as permitted uses. Upon review staff found no substantial issue with respect to conformance with the CMP. A letter to that effect was submitted to the Borough on 1/23/18.</i></p>
Buena Vista	<p>1. 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. <i>Upon review, staff deemed the Master Plan Reexamination Report incomplete for purposes of the Commission's review since it was not submitted with corresponding implementing ordinances. A letter to that effect was sent to the Township on 1/11/18</i></p> <p>2. <i>Spending Plan & Affordable Housing ordinance - On 2/22/18, the Township submitted a Planning Board resolution adopting the Spending Plan of the Housing Element and Fair Share Plan, which included projected revenues to be collected and a schedule for expenditures of trust fund money. The resolution contained as an attachment adopted Ordinance 1-2012, which establishes standards for the collection, maintenance and expenditure of development fees to provide affordable housing in the Township. 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 2/27/18.</i></p>
Egg Harbor City	<p>1. 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 a draft of the amended plan on 12/6/17 and provided comments to the City on 12/13/17. <i>An adopted ordinance was received on 3/6/2018 and is currently under review by staff.</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</p>

MUNICIPALITY	TOPIC
	<p>existing density and PDC provisions in the municipal code. Copy of adopted ordinance (37-2011) received on 12/29/11. Finding letter sent 1/20/12. Public hearing held 2/22/12. The Commission conditionally certified the ordinance on 4/13/12. The Township's response to the conditions, in the form of Ordinance 22-2012, was received on 7/9/12. No substantial issue finding letter sent 7/20/12. The Builders League of South Jersey has challenged the Township's adoption of Ordinance 37-2011. The Township subsequently adopted Ordinance 4-2013, repealing Ordinances 37-2011 and 22-2012. A no substantial issue finding letter was sent on 3/11/13. As a result, the Township's previously certified zoning plan has been reinstated. A meeting to discuss affordable housing and PDC issues with the Township, the Builders League of South Jersey and the court appointed master (Phil Caton) was held on 4/16/13. Data on vacant land was subsequently provided to the Township. A second meeting was scheduled for 6/25/13 but was later canceled by the Township. <i>In March 2018, the Township introduced Ordinance 12-2018, requiring a 20% set aside requirement for affordable housing in the RG-4 and RG-5 Zones, along with a requirement for use of PDCs for 25% of all market rate units in the two zones. Adoption is scheduled for 4/18/18.</i></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 March 31, 2018.</i></p> <p>3. 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. <i>Discussions with the Township on the need to establish density and PDC standards occurred in December 2017 and January 2018. The Township asked the Commission to proceed with its review process in the absence of any additional amendments by the municipality. A finding letter determining that Ordinance 35-2017 raised substantial issues with the CMP was sent on 2/7/18. A public hearing was held on 3/28/18. Staff's recommendation for conditional certification is scheduled to be discussed at the 4/27/18 P&I Committee meeting.</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. <i>In March 2018, a City representative indicated the City Council was preparing to adopt the clustering ordinance. Staff requested a copy of the ordinance and confirmation of adoption but neither has been received as of March 31, 2018.</i></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</p>

MUNICIPALITY	TOPIC
	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.
Galloway	1. Industrial Zone: A draft ordinance revising the standards for planned residential development in the Industrial Zone was received on 3/28/13. No changes in density or PDC requirements are proposed. A second draft ordinance related to general development plans was also received. Comments were provided to the Township on 4/1/13.
Hamilton	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. 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. <i>The P&I Committee recommended certification of the ordinance and the neighborhood plan at its 1/26/18 meeting. The Commission certified both at its 2/9/18 meeting.</i>
Hammonton	1. In lieu recreation fees: ordinance adopted in August 2006 but not submitted to Commission until 1/22/07. \$5,000 per lot fee under review; awaiting supporting analysis from Town. Town has since indicated it will be making additional 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. 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.
Jackson	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

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	<p>Township's 2009 Master Plan. After learning that the Township's Planning Board may be in the process of reviewing ordinances intended to implement the 2009 Master Plan, staff requested the opportunity to review and comment upon the same prior to their adoption. The Township never responded to staff's request to be permitted to comment prior to adoption; instead, the Township adopted a series of implementing ordinances in November. Staff requested a copy of the Township's Zoning Map as revised by the implementing ordinances but never received one. A letter determining that, without a revised Zoning Map, the implementing ordinances were incomplete for purposes of the Commission's review was issued on December 1, 2010. Two meetings with Township representatives were held, the first on December 22, 2010 and the second on February 8, 2011. Subsequently, three Finding Letters were sent to the Township. One of which determined that nine of the Township's implementing ordinances presented no issues with respect to CMP standards; another determined that six of the Township's implementing ordinances presented no substantial issue with respect to CMP standards; and, the third determined that a single Township ordinance, which eliminated all conditional uses, including PDC use and higher density residential development, within the RG-2 and RG-3 Regional Growth Zones, presented a substantial issue with respect to CMP standards. Subsequently, the Township was granted several extensions of the Commission's review period for the final ordinance mentioned. The Township indicated it intended to adopt an ordinance that would designate all, or most of, the RG-2 and RG-3 Regional Growth Zones as commercial zoning districts, which would include a PDC-use obligation. Staff provided the Township with a model ordinance establishing a nonresidential PDC program for the lands formerly within the RG-2 and RG-3 Zones. The Township was granted a final extension through June 29, 2012 in order to allow it to adopt an ordinance substantially similar to the model ordinance provided by staff. A meeting with Township officials took place April 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. An adopted copy of a new ordinance (22-17) was</p>

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	<p>submitted by the Township on 11/27/17, along with the Township’s adopted 2017 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. <i>A public hearing was held on 1/3/18. The P&I Committee reviewed staff’s recommendation for certification on 1/26/18. The Commission certified the Township’s Housing Element and Fair Share Plan and Ordinance 22-17 on 2/9/18.</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. 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.</p> <p>3. 2017 Master Plan Reexamination Report: A Planning Board resolution adopting</p>

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	<p>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> <p><i>4. Affordable Housing Ordinance: Staff received on 1/23/18 an adopted Ordinance 18-004 implementing the Township's Affordable Housing program. The ordinance includes requirements for the construction of new or planned developments containing affordable housing units as well as controls for existing and future affordable housing units. The ordinance also includes provisions for the administration of the Township's Affordable Housing program. 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 2/21/18.</i></p> <p><i>5. 2017 Open Space and Recreation Plan: A Planning Board resolution adopting Manchester's 2017 Open Space and Recreation Plan was received on 2/21/2018. The document serves to guide future Township recreation and conservation projects and provide a basis for state funding. The plan did not contain any recommendations that immediately call for amendments to the Township land development ordinances. 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 2/27/18.</i></p> <p><i>6. PNR Certification - The Township submitted a request on 2/12/18 seeking certification of the Township's Pinelands National Reserve area. Staff is currently reviewing the zoning and land development regulations for the subject area and is in the process of drafting recommended revisions to the zoning map and land development regulations.</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</p>

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	<p>Share Housing, staff requested a copy of Medford’s adopted Housing Element and 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. 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. <i>Staff responded to the Township’s proposal by letter dated 2/16/18, indicating that it was not consistent with the CMP. The Township subsequently requested and was granted extensions of the Commission’s review period through 4/30/18. A revised proposal from the Township was received and is under review.</i></p> <p><i>4. Master Plan Reexamination Report (PPE District): Staff received a certified Planning Board resolution adopting the Master Plan Reexamination Report concerning the PPE (Parks, Public and Education) zoning district. The report provides recommendations for amending the Township land development ordinance including the rezoning of parcels within the Pinelands Area. Upon review staff deemed that the Master Plan Reexamination Report incomplete for purposes of the Commission’s review since it was not submitted with corresponding implementing ordinances. A letter to that effect was sent to the Township on 2/20/18. In the letter, staff noted that YMCA Camp Ockanickon, which was recommended to be rezoned to RGD-1, spans both the Pinelands Regional Growth Area and Rural Development Area, and that the Rural Development Area portion of the camp would need to be rezoned RGD-2. Staff offered to review any drafts of the implementing ordinance prior to adoption.</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. <i>Staff received adopted ordinances O:43-2017 and O:44-2017 on 2/5/18, which incorporated staff’s recommended revisions. Upon review staff found no substantial issue with respect to conformance with the CMP. A letter to that effect</i></p>

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	<p><i>was submitted to the Township on 2/7/18.</i></p> <p><i>3. Site Plans - The Township submitted adopted Ordinance O:02-2018 on 2/26/18. The ordinance expands the types of development actions that require site plan review makes minor revisions provisions related to developer agreements. 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 3/6/18.</i></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. <i>Staff assisted with drafting of ordinance language and mapping boundaries for the Township’s consideration. The Township adopted Ordinance 6-2018 on 3/27/18 and submitted a copy to the Commission on 4/4/18. Staff determined the ordinance raises substantial issues with respect to the CMP and sent a letter to the Township to that effect on 4/6/18. A public hearing has been scheduled for 4/25/18.</i></p>
Ocean	<p>1. Landfill Redevelopment Plan – adopted ordinance (2011-1) received on 2/28/11. Redevelopment Plan allows for solar energy facilities to be developed at the Southern Ocean Landfill site, within a Pinelands Forest Area. Extension requested by the Township until such time as the Commission adopts the recently proposed solar facility amendments to the CMP. Extension granted on 3/15/11. Requested status update from the Township; municipality indicated it would be requesting an additional extension. Extension of Commission’s review period granted through 4/16/13.</p>
Pemberton	<p><i>1. Redevelopment Plans - The Township submitted three draft redevelopment plans for the following sites: the Rowan College Burlington County - Pemberton Campus; the former Burlington County Minimum Security Corrections and Work Release Center; and Deborah Hospital. Upon staff request, a meeting was held with the Township and their consulting planners on 2/16/18 to discuss environmental constraints, stormwater requirements, permitted densities and PDC requirements for the sites. Staff is awaiting revised drafts of those redevelopment plans.</i></p> <p><i>2. Bulk Standards for Existing Nonconforming Structures: The Township submitted adopted ordinance 27-2017 on 2/22/2017. The ordinance recognizes those existing detached, single-family residential structures within the GCLI, NCP, and NC Districts as permitted, pre-existing non-conforming uses. For such residentially developed lots, the ordinance applies the area and bulk standards of the R-96 (Single-Family Residential) District. The ordinance explicitly states that no new residential lots or subdivisions are permitted in the GCLI, NCP, and NC Districts. 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 2/27/18.</i></p> <p><i>3. Browns Mills: The Township is working with DCA on a revised Redevelopment Plan for the Browns Mills Town Center. A draft revised plan was provided to the Commission by DCA on 3/20/18. Staff provided comments and suggested revisions on 4/2/18.</i></p>
Port Republic	<p>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</p>

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	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. 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.
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 was deferred until a revised MOU is drafted and presented to the Commission. <i>The Commission approved an Amended MOU in December 2017. The Township subsequently notified the staff that it remained interested in discussing its RGA rezoning proposal. A meeting with Township representatives was held on 3/26/18. The Township is scheduled to present its rezoning proposal to the P&I Committee on 4/27/18.</i> 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. <i>In March 2018, the Township approved the designation of this area as "An Area in Need of Redevelopment".</i>
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 Reexamination. Parcel data and other information subsequently provided to the Township. On December 14 th , 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

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	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.