

# Management Report for April, May & June 2013



Updates are in *italics*

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# TABLE OF CONTENTS

## **I. Planning**

- A) CMP Amendments (page 3)
- B) Conformance (page 3)
- C) Special Planning Projects: (pages 3-5)
- D) Economic Monitoring (page 5)
- E) Permanent Land Protection (pages 5-6)
- F) Other Planning Items (pages 6-7)
- G) Plan Review (pages 7-8)

## **II. Development Applications**

- A) Application Activity (page 8)
- B) Notable Development Applications (pages 8-11)
- C) Office of Administrative Law Matters (page 11)
- D) Violations (pages 11-16)
- E) Other Non-application Regulatory Programs Items (pages 16-18)

## **III. Intergovernmental Memoranda of Agreement**

- A) MOAs Under Review (pages 18-19)
- B) Other MOA Requests (page 19)

## **IV. Science**

- A) Kirkwood-Cohansey Study (page 19)
- B) Environmental Monitoring (pages 19-20)
- C) Other Science Projects (page 20)
- D) Other Science Office Items (pages 20-21)

## **V. Litigation**

- A) State Court Cases (page 21)
- B) Federal Court Cases (page 21)
- C) Other Litigation Matters (page 21)

## **VI. Legislation**

- A) Notable Bills (page 21)

## **VII. Public Programs**

- A) Communication (pages 21-22)
- B) Publications (page 22)
- C) Events and Outreach (page 22)
- D) Interpretive Program (page 22)

## **VIII. Information Management**

- A) Geographic Information Systems (pages 22-23)
- B) Management Information Systems (page 24)

## **IX. Operations**

- A) Facilities (page 25)
- B) Financial Management (page 25)
- C) Human Resources (page 25)

## **X. Pinelands Municipal Council**

- A) Meetings (page 26)

**Attachments #1 & #2** (pages 26-34)

# I. PLANNING

## A) CMP AMENDMENTS

*A rule proposal was prepared for the Commission's review and consideration at the June 13, 2013 meeting. The proposed amendments would extend the Alternate Design Treatment Systems Pilot Program and implement a variety of efficiency measures identified during the Plan Review process. The proposed amendments were reviewed by both the Plan Review and CMP Policy and Implementation Committees and were submitted to the Governor's Policy Office for review and approval on 5/22/13. Authorization of the rule proposal will not occur until the Commission receives approval from the Governor's Office.*

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

1. Ordinances/plans received this quarter: 28 (88 this FY; average FY=100)
2. Interpretations/consultations/assistance this quarter: 49 (162 this FY; average FY=150)
3. Status of municipal clustering/ forestry responses:

**Ordinances not yet adopted:** *Bass River, Dennis, Estell Manor, and Port Republic*  
**PCF Reimbursement:** *\$30,049.60 to seven municipalities (Corbin City, Berlin Twp., Eagleswood, Shamong, Vineland, Waterford, Weymouth)*  
**Extensions Granted:** *Bass River (9/13/13); Dennis (7/15/13), Estell Manor (9/30/13)*  
**Meetings Attended:** None

## C) SPECIAL PLANNING PROJECTS

**1. Pine Barrens Byway:** On October 25, 2012, staff met with Tim Hart at the Ocean County Cultural and Heritage Commission offices in Toms River. Mr. Hart has agreed to become the lead person in running the byway operations. Using his own finances, he filed for incorporation of the byway, obtained a corporate seal and opened a checking account. He also drafted by-laws and a tentative budget for the organization. *The Commission reimbursed Mr. Hart for his out-of-pocket expenses related to having the Pine Barrens Byway Association incorporated and establishing a checking account. Mr. Hart has agreed to take over the reins of the day-to-day activities of the Association from the Commission staff. The reimbursement amounted to \$307.00 and was drawn from the Pinelands Conservation Fund. A meeting of the Association is scheduled for July 30, 2013.*

Port Republic Mayor Gary Giberson has been greatly distracted by Hurricane Sandy, but will make an effort to get donations for the byway's operations. *No new actions as of June 30, 2013.*

**2. Alternative septic system pilot program:** On January 29, 2013, the New Jersey Department of Environmental Protection (DEP) issued the revised generic Treatment Works Approval (TWA), required for county health departments to approve the four new Pinelands alternative technologies. The New Jersey Builders Association (NJBA) provided the only comment in response to DEP's published notice. The NJBA strongly endorsed the TWA and the Commission's pilot program. *The first of the four new alternative septic systems (a SeptiTech system) was installed in June 2013.*

**3. Hammonton wastewater recharge project:** Commission staff issued a letter to Hammonton on December 3, 2012 requesting a status update and construction schedule for proposed drip irrigation infiltration enhancements. The letter also indicated that the Commission was establishing an escrow budget in order to permit the Commission to retain a water quality

consultant. Staff met with Hammonton officials on January 18, 2013 to discuss methods Hammonton intended to pursue to address its continued stream discharge. Staff has prepared a timeline to trace the history of Hammonton's treatment plant replacement, land application of wastewater operations and the ongoing stream discharge issue. Hammonton has reported that it is again discharging wastewater to Hammonton Creek, reportedly due to saturated soil conditions and maintenance activities. There has been limited progress made concerning Hammonton's development of drip and surface irrigation facilities intended to beneficially reuse wastewater and reduce or eliminate Hammonton's continued stream discharges. With regard to Hammonton's application for such facilities, the last action was Regulatory Program's issuance of an incomplete application letter in August 2012. *NJDEP issued a Draft Discharge to Ground Water (DGW) Draft Permit on June 24, 2013. The draft permit includes provisions for a wastewater drip irrigation system to maximize land application of wastewater and ultimately eliminate routine wastewater discharges to Hammonton Creek. We are currently within the 30-day comment period, after which the wastewater drip irrigation system can move forward, subject to Commission approval. The implementation of wastewater drip irrigation at the Boyer Avenue facilities wooded areas and athletic fields is a critical component of Hammonton's long-term wastewater management strategy to cease routine stream discharges.*

#### **4. College Master Plans:**

**a. Stockton:** A draft of a proposed alternative permitting process MOA was presented to the P&I Committee at its September 28, 2012 Committee meeting. A public hearing was held on the proposed MOA in the evening on October 2, 2012 at the Galloway Township Municipal Building. Written comment was received on the MOA until close of business on October 5<sup>th</sup>. The Commission staff met with representatives of Stockton College at the College campus in February, to discuss comments submitted concerning activities conducted at the campus without prior Commission approval. At that meeting, it was agreed the Commission staff would accompany a representative of Stockton and Stockton's engineering consultant on a site inspection to look at the areas where the commenter asserted violations had occurred. Additionally, the Commission staff agreed to participate in Stockton's annual training session for its employees in order to review the requirements of the CMP. *No new action as of June 30, 2013.*

**5. Roadside Maintenance:** The new and revised Standards and rule revisions proposed by the State Soil Conservation Committee (SSCC) were published in the NJ Register on July 2, 2012 and August 6, 2012 for public comment. The revised Standards include a subsection of the Standard for Permanent Vegetative Cover for Soil Stabilization which specifically addresses "Pinelands National Reserve Specifications". *Because the revisions in response to public comment were determined to be substantive, and because the rule adoption process could not be completed prior to the regulatory deadline (one year from publication in the Register for public comment), the proposed Standards and rule must be republished in the NJ Register for additional public comment. Staff presented on the status of the Mowing and Maintenance Best Management Practices for Pine Barrens Roadsides at the Pinelands Municipal Council meeting for newly elected officials on May 30, 2013 and at the Pinelands Commission Plan Review Committee meeting on May 10, 2013. County efforts to implement the BMPs are at varying stages and ongoing.*

#### **6. Landfill Closure:**

##### **a. Individual Closures**

(1) **Estell Manor Landfill:** Staff, with the assistance of USGS, has completed its review of the proposed Remedial Action Selection Report / Remedial Action Workplan. Comments on the plan were provided to the City's consultant on December 20, 2011. Most significantly, the consultant was requested to re-run data and transport modeling

using model input values that are more consistent with USGS data for the K/C aquifer. At the consultant's request, Staff and USGS held a second meeting with the City's landfill consultant in August 2012 to provide technical guidance toward resolving report deficiencies. The Town's consultant has advised that they have resumed work on the workplan and are preparing responses to the Commission's review comments. *A revised landfill assessment report has been received and is currently undergoing review by Commission staff and USGS.*

(2) **Winslow Township Landfill:** Staff were informed that NJDEP may be reconsidering the choice of an impervious cap and may be exploring alternatives to landfill capping. See II.B.3. Estell Manor City's landfill consultant advised staff at an August 2012 meeting, that his firm has a continued interest in acquiring and remediating the Winslow Landfill in a manner that would not involve installation of an impermeable cap. Staff suggested that the consultant pursue the matter with Winslow and DEP. *No new action as of June 30, 2013.*

(3) **Hamilton Township Landfill:** The "Groundwater Remedial Investigation Workplan" was submitted for review on 12/08/11. *No new action as of June 30, 2013.*

**b. Comprehensive Study:** With the approval of solar placement on the Stafford landfill, approximately \$170,000 was to be made available for a Pinelands-wide comprehensive landfill study. The Commission has engaged USGS to perform a Rapid Assessment of Pinelands Area Landfills. USGS continues to review NJDEP data. USGS conducted supplemental landfill monitoring-well sampling at the Berkeley Township, Woodbine, and Weymouth landfills in December 2012. The USGS' work on the comprehensive landfill study is progressing. *USGS reports that the Comprehensive Study has progressed to the hydrological modeling stage. We anticipate receiving a draft of the USGS report in late August, 2013.*

## **D) ECONOMIC MONITORING**

**1. Annual Report:** *The 2011 – 2012 Long-Term Economic Monitoring report was released in May 2013 and the Municipal Fact Book is being re-issued in summer 2013. It is anticipated that the 2013 report will be released in late 2013*

## **E) PERMANENT LAND PROTECTION**

**1. Pinelands Development Credit Program:** *Four original LOIs were issued, allocating 39 rights with potential preservation of 313 acres; 0 severances; 1 right sold (\$7,500.00) and 2 rights were sold to a family member (non-useable sale for reporting purposes) @ \$7,500.00 per right. The Pinelands Commission is holding 22 rights in escrow under a special arrangement outside of the normal PDC Bank encumbrance process.*

**2. Farmland Preservation program:** *Staff met April 4, 2013 with the State Agriculture Development Committee (SADC), Burlington and Atlantic County farmland preservation staff to discuss enhanced communications in processing farmland applications. The Commission has received notice that soon Gloucester County will be providing preserved farm information in digital format. Staff received notice of the closing of one SADC project in Gloucester County that protects 245 acres and retires seven PDCs (28 rights), and one pending SADC project in Camden County with the potential to protect 26.8 acres and retire 1 PDC (4 rights).*

**3. Pinelands Conservation Fund:** *As of June 30, 2013, the Commission has approved the allocation of \$9.6 million to 34 projects in the Pinelands Area. Of these 34 projects, 31 have proceeded to closing, resulting in the permanent protection of 6,763 acres.*

## **F) OTHER PLANNING ITEMS**

### **1. Water supply:**

- a. K/C Planning:** A staff working group has been formed and will make recommendations on implementing the K/C study. The group has begun meeting monthly with USGS to understand the implications. (See IV Science A)1.-2.) Buildout analysis continues. Mr. Liggett attended Steering Committee meetings and made a presentation on buildout to the P&I Committee. Planning and Science staff attended a meeting on February 27, 2013 at NJDEP to provide an update on the Commission's possible application of the KC study results in water supply planning. The NJ Builders Association and the P&I Committee were also provided an update. *A meeting with DEP originally scheduled for April 4, 2013 has been rescheduled to September 6, 2013. Staff met and developed a work plan to meet with USGS.*
- b. State Water Supply Advisory Committee:** The new plan is on hold to ensure consistency with the new State Strategic Plan. *No new action as of June 30, 2013.*

### **2. Cultural resources:** *31 (247 this fiscal year) cultural resource activities undertaken:*

- a.** *14 (154) applications reviewed*
- b.** *0 (0) forestry inquiries*
- c.** *2 (37) surveys reviewed*
- d.** *0 (1) CAFRA reviews*
- e.** *0 (0) Preliminary Investigation*
- f.** *11 (28) site coordination with other agencies/meetings & phone conferences*
- g.** *1 (9) coordinated reviews w/SHPO*
- h.** *3 (23) Municipal/consultant inquiries*

The Commission is working with FEMA, the State Historic Preservation Office (HPO) and the NJ State Museum to scan Commission cultural resource survey inventory information and to coordinate attribute tables and means of access. The HPO scanned 1980 inventory maps in February. *FEMA provided an intern who has completed digitizing most of the cultural resource surveys and information regarding Pinelands-Designated sites.*

The Commission met with Dix/McGuire/Lakehurst Joint Base representatives on March 28, 2013 to discuss cultural resource information available at the Commission.

Advocacy of Archaeological Survey and Excavation within the Pinelands: Dr. Richard Veit of Monmouth University requested the Commission's aid in securing access to a "Contact Period" site in Tabernacle Township (a Native American site that exhibits evidence of interactions with European settlers). This site was discovered in the early 1990s as part of a cultural resource survey for a county road widening. Commission staff is attempting to contact the parcel owners, who now live in Florida. On March 31, 2013 the effort to pursue archaeological excavation in Tabernacle Township was unfortunately abandoned because the property owner declined to allow access to the site. Other opportunities may be found.

Cultural resource reviews have now been completed for a total of six areas identified by Pinelands municipalities as possible redevelopment areas. These include Waterford (Atco), Egg Harbor City (Antwerp Avenue and the former Rittenberg school site) and, in the quarter ending 9/30/12, two areas in Hamilton (Hamilton Mill complex and Old Harding Highway) and one in Galloway (White Horse Pike). *No new action as of June 30, 2013.*

### **3. DEP wastewater planning rules/County implementation:**

■ **County Plans:** Since mid-2012, staff has worked with staff from NJDEP and each of the seven Pinelands counties to coordinate the sewer service area (SSA)/future wastewater service area (FWSA) mapping for the Pinelands Area. The goal of the coordinated effort is to ensure that the counties' SSA/FWSA mapping is fully consistent with the CMP and the April 2012 MOU between the Commission and NJDEP. While the process is not yet complete, significant progress has been made toward achieving this goal and all Pinelands counties have already presented versions of their maps for public hearing. Staff is currently working with DEP to correct mapping errors which occurred during the adoption process.

**4. Agricultural Advisory Committee:** *Members were invited to a staff presentation and discussion of potential enhancements to the PDC Program on June 18, 2013.*

**5. Garden State Parkway Interchange 44:** The New Jersey Turnpike Authority has proposed an expansion with the addition of southbound access to GSP and northbound exit from GSP (See II. B) 4.). Staff has determined that it is highly probable there will be negative secondary impacts from the expansion on the surrounding Rural Development Area. Atlantic County, which will address the impacts for the GSP, has been offered three alternatives:

- a. Accept the likelihood and "memorialize" the zoning for a 1 ½ mile area as was done at Exits 58 and 69;
- b. Purchase and deed restrict only the larger parcels in the 1 ½ mile area; or
- c. Provide us with funding (in escrow) to hire a consultant to investigate the scope of any secondary impacts. Then appropriately eliminate the impact other than an expression of "concern".

Presentation to P&I Committee was made on 9/28/12 of a process that Atlantic County will be conducting to do some blend of a. and b. above. The County is proceeding to limit secondary impacts. *At its May 10, 2013 meeting, the Commission reviewed and discussed the County's proposed methodology to address secondary impacts in closed session and, as a result of that discussion, approved the public development application for the improvements proposed for Interchange 44.*

### **G) PLAN REVIEW**

1. *The Plan Review Committee met once in May.*
  - *May 10, 2013: Staff presented on the status of the Mowing and Maintenance Best Management Practices for Pine Barrens Roadsides.*
2. The Plan Review web page (<http://www.state.nj.us/pinelands/cmp/planreview/index.html>) is fully updated with scanned copies of written public comment and summarized verbal comments from public comment meetings. Committee meeting agendas and minutes are also available on the web page.

3. *Staff submitted the first-round efficiency and alternate design septic system rule proposal for review by the Governor’s Authorities Unit on May 22, 2013.*
4. *Staff continues to draft the Plan Review Report. Staff obtained a cost estimate from Burlington County College’s print shop for bound copies of the Plan Review Report. Appropriate funds have been reserved in the Fiscal Year 2014 budget.*

## II. DEVELOPMENT APPLICATIONS

### A) APPLICATION ACTIVITY

		1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter
New applications received for the last two quarters with a comparison to last year:	2013	125	114
	2012	128	109
Total applications active for the last two quarters with a comparison to last year:	2013	706	691
	2012	677	702
“No Call-ups” issued for the last two quarters:	By mail	83	88
	By fax	49	54
Certificates of Filing issued for the last two quarters:		49	34
“Call-ups” issued for the last two quarters:		22	33
Streamlined permitting actions taken during the last two quarters:	LRO	6	11
	MOA	5	19

### B) NOTABLE DEVELOPMENT APPLICATIONS

1. **Winzinger Mining Application, Woodland Township** (App. No. 1980-0062.001): On February 13, 2007, the Commission received an application proposing mining on a site in the Township. Upon completion of the application with the Commission, a Certificate of Filing for the proposed mining operation was issued. The Certificate of Filing noted that it has not been demonstrated that the proposed mining was consistent with the applicable threatened and endangered species standards and that it appeared the proposed mining constituted a new mine and was, therefore, not a permitted land use in the Pinelands Preservation Area. Subsequently, the Township approved the proposed mining application. The Commission staff then issued a letter indicating that the Township approval raised an issue with the standards of the Township land use ordinance and the CMP. That letter scheduled a Commission staff Public Hearing to review the issue. The Commission staff Public Hearing was held on January 29, 2013. The Commission’s Executive Director served as the Hearing Officer. At the Hearing, the Commission staff and the applicant testified regarding the issue that was raised. After the Hearing, the Commission staff prepares a “Staff Report on Public Hearing.” *The Commission voted to deny the application for resource extraction at the June 13, 2013 Commission meeting. On June 26, 2013, the Commission issued a letter indicating that the Woodland*

*Township Land Development Board must revoke its approvals and deny the application for resource extraction.*

- 2. Hamilton Mall, Hamilton Township** (App. No. 1985-0708.001): On October 23, 2008, the staff received an application for a proposed 138,227 square foot addition to the mall (Application No. 1985-0708.007). A Certificate of Filing requiring the development and implementation of a stormwater basin rehabilitation plan for five existing basins was issued. On April 26, 2012, the Commission staff issued a letter indicating that the final site plan approval for Phase 1 issued by the Atlantic County for the proposed development could take effect. On June 8, 2012, the Commission staff received a stormwater basin remediation plan approved by the Township Planning Board engineer. On July 19, 2012, the Commission staff issued a letter indicating that the submitted remediation plan fulfilled the requirement of the municipal approval. The required stormwater basin remediation is ongoing. On March 8 2013, the Commission staff received an amended site plan approval issued by the Township Planning Board. That amended municipal approval allowed for the issuance of municipal certificates of occupancy for two restaurants while certain existing stormwater basins were being remediated. On March 28, 2013, the Commission staff issued a letter indicating that the amended site plan approval could take effect. *On June 7, 2013, the Commission staff received another amended site plan approval issued by the Township Planning Board. That amended municipal approval allowed for the issuance of municipal Certificates of Occupancy for two junior anchor retail stores while certain existing stormwater basins were being remediated. On June 19, 2013, the Commission staff issued a letter indicating that the amended site plan approval could take effect.*
- 3. Winslow Township Landfill** (App. No. 1984-1404.004): On January 13, 2009, Commission staff met with a representative of NJDEP and a consultant hired by NJDEP to discuss the capping of the Winslow Township landfill which is located adjacent to the State's Winslow Township Wildlife Management Area. An impermeable cap was proposed. On September 11, 2009, the staff issued a letter to the applicant requesting threatened and endangered species surveys and advised of the current CMP stormwater management requirements that pertain to this application. Between May 14, 2010 and February 23, 2011, the applicant submitted the completed threatened and endangered species survey. The staff is in agreement with the negative results of the T&E species surveys. It is the Commission staff's understanding that NJDEP is finalizing the plan for an impermeable cap. Staff was again contacted by a landfill consultant who has expressed an interest in pursuing an alternative closure plan (in lieu of impermeable capping) for the Winslow Township landfill. DEP has authorized looking at alternatives if the Commission concurs. We're awaiting submission of a report that would identify proposed alternative closure strategies. *No new action as of June 30, 2013.*
- 4. Garden State Parkway Interchanges 44 (Pomona Road, App. No. 1997-0257.006):** On March 8, 2012, we received an application to improve interchange 44. By letter dated June 5, 2012, we advised the applicant of the information necessary to complete an application. As required by the CMP, that letter also raises the question of potential secondary land use impacts and the need to address those potential impacts. On July 10, 2012, the staff met with representatives of the Turnpike Authority and the County to discuss the issue of secondary land use impacts. On September 28, 2012, Atlantic County appeared before the Commission's Policy and implementation Committee to discuss an approach to addressing secondary impacts. On that date, the County also submitted certain application information regarding the County's agreement with the Turnpike Authority to address secondary impacts. By letter dated December 27, 2012, the staff advised that the application was complete and consistent

with all standards of the CMP, except for the applicant addressing secondary impacts. To complete an application with the Commission, it remained for the applicant to reach an agreement with Commission staff regarding the methodology for addressing secondary impacts. (See I. F) 5.) *On April 22, 2013, the Commission staff issued a "Report On An Application For Public Development," recommending approval of the proposed development with conditions. The Commission approved the application at its May 10, 2013.*

- 5. *South Jersey Industries (App. No. 2012-0056.001):*** Pre-application discussions have been held regarding provision of natural gas service to an existing coal fired power plant (BL England). The natural gas pipeline could originate in the Pinelands Area and exit into the Pinelands National Reserve. The concerned plant is located in the Pinelands National Reserve. The pre-application meeting was held on April 17, 2012. Three alternative routes were discussed for the pipeline. On June 26, 2012, a follow up pre-application meeting was held. At that meeting the applicant indicated that, within the Pinelands Area, they had selected a route for the gas main that would primarily follow existing roadways. The primary issue raised by the application is the location of the proposed gas main in a Pinelands Forest Area. Because of the proposed location, it must be demonstrated that the gas main is primarily intended to serve the needs of the Pinelands. On July 24, 2012, we received an application for the proposed development. On July 26, 2012, a meeting was held with the applicant to further discuss the proposed development. On August 23, 2012, the staff sent a letter requesting certain information to complete the application. On October 4, 2012, a coordination meeting among all State agencies involved in the proposed project was held at NJDEP offices in Trenton. The purpose of the meeting was to coordinate the State review and approval process for the proposed project. On February 14, and 15 and March 18 and 21, 2013, the applicant submitted certain information in response to our August 23, 2012 letter. That information is under review. *On June 26, 2013, the staff sent a letter requesting certain information to complete the application. See Section III. A.5. for additional information regarding the MOA.*
- 6. *Ocean County (Robert Miller) Airport (App. No. 1985-0949.020):*** Commission staff has been in discussions with the County regarding two issues at the Airport: an increase in the local population of sickle-leaved golden aster and the timing of tree clearing for a firebreak associated with the construction of the Reptile Habitat Management Areas. Staff has recently obtained information from the County that demonstrates that, although the number of Sickle-leaved golden aster plants located in the area of the proposed crosswind and parallel runway project has increased, implementation of that project does not alter the conclusion in the June 8, 2012 Memorandum of Agreement (MOA) that there will not be an irreversible adverse impact to the local population of Sickle-leaved golden aster at the airport. There is an extremely large and healthy population of Sickle-leaved golden aster at the airport that continues to flourish as a result of the establishment and maintenance of extensive grassland habitat there. With regard to the timing of tree clearing, the County was able to demonstrate that given that the clearing activities would not result in any soil disturbance, there was no threatened or endangered snake concerns regarding implementation of such clearing activities. Staff issued a letter dated February 15, 2013 indicating that the proposed development of a crosswind runway, parallel taxiway and associated site improvements was consistent with the MOA and development could proceed. *Staff has been informed that the two Reptile Habitat Management Areas have been constructed and Northern pine snakes have been observed at some of the constructed hibernacula. Several Northern pine snakes have been caught and relocated away from the runway construction area as a result of the required snake monitoring, and the monitoring is ongoing.*

7. **Stafford Township, Ocean Acres/Rt. 72 Stormwater Basin (App. No. 1993-0732.012):** On October 3, 2012, the staff met with the Mayor and the Township Administrator to discuss the construction of a seven acre stormwater basin on the south side of Rt. 72. The purpose of the proposed basin was to address certain flooding issues associated with the Ocean Acres residential development on the north side of Rt. 72. The proposed stormwater basin on the south side of Rt.72 would be located in a Pinelands Forest Area and would not be a permitted land use. On March 7, 2013, the staff met with the Township Administrator, Township Engineer and the Township's consultant to discuss the proposed stormwater basin and the requirements to address the threatened and endangered species standards. *On April 1, 2013, an application for the proposed stormwater basin was submitted to the Commission. On May 30, 2013, the Commission issued a letter providing comments concerning the submitted threatened and endangered species protocol.*
  
8. **Sweetwater Casino, Mullica Township (App. No. 1983-4234.002):** On October 25, 2012, the staff met with Mayor James Brown, Township staff and other private parties interested in re-developing the Sweetwater Casino, a restaurant previously destroyed by fire. *No new action as of June 30, 2013.*
  
9. **Arawak Paving, Woodbine (App. No. 1990-1124.003):** On December 14, 2012, the staff received a request for a pre-application conference for a proposed asphalt plant on a 66 acre parcel. A pre-application conference was held on January 8, 2013. On March 15, 2013, an application for a proposed asphalt plant and 1/3 of the overall application fee was submitted for Commission staff to review the threatened and endangered species protocol for the site. That protocol is currently under review. *On April 15, 2013, staff sent a letter with comments about the submitted threatened and endangered species protocol for the site. That letter also indicated that should the applicant wish to complete an application for the proposed commercial use, the remainder of the application review fee must be submitted.*
  
10. **Egg Harbor City Bike Path (App. No. 2012-0119.001):** On September 25, 2012, the staff met with City officials to discuss development of a City wide bicycle path. After conducting a site inspection, the staff sent a letter to the City on November 30, 2012 providing initial review of the proposed bike path route, identifying potential issues and providing guidance as to resolving/avoiding those issues. *No new action as of June 30, 2013.*

#### **C) OFFICE OF ADMINISTRATIVE LAW MATTERS**

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

#### **D) VIOLATIONS**

1. **Quarterly activity:** *18 reports received; 24 violation letters sent; 11 cases resolved.*
  
2. **Notable violations:**
  - a. **Commercial Development, Maurice River Township (App. No. 1991-1011.001 & .002):** This violation concerns vegetation clearing and construction of buildings without application to the Commission. A Certificate of Filing was issued for the proposed development on February 1, 2012. By letter dated May 21, 2012, we responded to multiple submissions by the applicant regarding the application. On June 4, 2012, the

Commission staff participated in a conference call with the Planning Board Attorney and the applicant's representatives. On June 8, 2012, we received a letter from the applicant representatives requesting information regarding the application. On September 20, 2012, the Commission staff received notice that the Township Land Use Board approved the proposed development. Upon staff review of the municipal approval, we issued a letter on December 7, 2012 scheduling a Commission staff public hearing to review an issue raised by the concerned municipal approval. The issue concerns submission of proposed deed restriction of certain lands to meet the groundwater quality (septic dilution) standard. The applicant requested that the hearing date be rescheduled. *At the applicant's request, the public hearing to review an issue raised by the municipal approval was rescheduled to July 11, 2013. The applicant requested that the July 11, 2013 hearing date be rescheduled. We issued a letter on June 26, 2013, rescheduling the hearing date to October 9, 2013.*

- b. Shooting Range, Lacey Township** (App. No. 1982-3059.002): This violation concerns expansion of an existing shooting range without application to the Commission. *No new action as of June 30, 2013.*
- c. Commercial Development, Hamilton Township** (Application No. 1987-0973.001, .002 & .004): This violation concerns establishment of a commercial use without application to the Commission. *No new action as of June 30, 2013.*
- d. Commercial Development, Waterford Township** (App. No. 1987-1138.002): This violation concerns establishment of a commercial use and clearing violation on this parcel. Staff issued a letter dated May 6, 2010 indicating that although the proposed revegetation plan is acceptable to the Commission staff, provided it is acceptable to the municipality. The parcel still contained debris, vehicles and equipment that must be removed. *No new action as of June 30, 2013.*
- e. Buena Vista Township (App No. 2009-0089.001):** By letter to Buena Vista Township dated January 8, 2010, Commission staff indicated that an application is required for development that has occurred within the NJ Transit right-of-way and on municipally owned property. Information was submitted by the applicant on December 7, 2011 and December 15, 2011. On February 15, 2012, the staff issued a letter to the applicant requesting additional information to complete the application. On September 27, 2012, the staff met with the Township Administrator to discuss the information necessary to resolve this matter. On November 1, 2012, the applicant submitted information regarding the application. By letter dated January 2, 2013, the staff requested additional information. *Staff met with the municipal engineer on April 25, 2013 to discuss the items that must be submitted to resolve the violation and complete an application for development.*
- f. Buena Vista Township (App. No. 2004-0319.001):** The staff met with officials from Buena Vista Township on July 27, 2010, regarding the installation of stormwater management swales that were previously required for the installation of sidewalks along Route 40. That project was approved by the staff pursuant to the Memorandum of Agreement between Buena Vista Township and the Pinelands Commission (App. #2004-0319.001). On May 20, 2011, the staff issued a letter requesting certain information to complete the application. Additional stormwater information was received by the Commission on September 15, 2011, November 7, 2011, December 7, 2011 and December 15, 2011. On February 9, 2012, the Commission staff asked for clarification of the submitted stormwater management information. On September 27, 2012, the staff met

with the Township Administrator to discuss the information necessary to resolve this matter. On November 1, 2012, the Township submitted information to address stormwater management. By letter dated December 31, 2012, the staff requested additional information regarding proposed stormwater management. Additional information was received by the Commission on March 18, 2013. *Staff met with the municipal engineer on April 25, 2013 to discuss the items that must be submitted to resolve the violation and complete an application for development.*

- g. Jackson Township, Municipal Firing Range (App. No. 2000-0630.002):** On October 19, 2009 and November 5, 2009, the Commission received an application and information for the placement of a 1,200 square foot trailer at an existing municipal shooting range. Development had occurred on the site in violation of the application requirements of the Jackson Township land use ordinance and the CMP. On February 13, 2012, the Commission staff received a letter from the applicant inquiring as to the status of the application. On February 28, 2012, the staff issued a letter to the applicant advising that the information previously requested in a Commission June 24, 2010 letter remained necessary to complete the application. *No new action as of June 30, 2013.*
- h. Barnegat Township, Commercial Use (App. No. 1988-1177.002):** By letter dated February 1, 2012, we advised a property owner of an approximately 5 acre wetlands buffer clearing violation. Materials were being stockpiled in the wetlands buffer. On March 15 and April 16, 2012, our staff met with the property owner and representatives of the Township to discuss the matter. By letter dated April 26, 2012, we summarized the agreements reached at our meeting 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 July 19, 2012, the Commission staff met with representatives of the applicant and the Township to further discuss the matter. On September 19, 21 and 28, 2012 the applicant submitted information addressing the proposed resolution of the violation. That information is currently under review. By letter dated November 13, 2012, the Commission staff recommended revisions to the proposed restoration plan. On January 22, 2013, the Commission staff received information from the property owner's consultant indicating that one material stockpile and a portion of another had been removed from the site and that a revised restoration plan would be submitted shortly. On March 26, 2013, the Commission staff issued a letter to the property owner requesting that a revised restoration plan be submitted within 14 days. *No new action as of June 30, 2013.*
- i. Woodland Township, Prince Street and Cedar Drive (App No. 2005-0041.002):** By letter dated April 17, 2012, the Commission staff received a report of a land disturbance along the side of Prince Street. On May 23, 2012, the Commission staff conducted a site inspection with representatives of the Township. At that site meeting, an approach was agreed upon to address the land disturbance violation. An agreement was also reached regarding how the Township could proceed with addressing the issue raised by the elevation of the edge of the constructed road and the elevation of the existing road shoulders. By letter dated June 20, 2012, the Commission staff confirmed the results and agreements reached at the site inspection. On August 24, 2012, the Commission staff received a threatened and endangered (T&E) plant survey completed by the Township along the road shoulder areas of the concerned roads. The survey was undertaken to address certain proposed shoulder grading/filling/disturbance that was not previously approved by the Commission. The Township has determined that in certain areas, the edge of new pavement, whether existing or proposed, is significantly higher than adjacent

existing grade. This drop-off between the edge of pavement and existing grade creates a public safety hazard. The submitted survey identified populations of two T&E plants adjacent to the concerned roads. On September 25, 2012, we received a letter from a member of the public indicating that the Township had mowed a shoulder area along Cedar Drive where a T&E plant population is known to exist. By letter dated December 26, 2012, the staff responded to the T&E Survey submitted by the Township. The staff's letter provided guidance and options for the Township's consideration regarding how to resolve both the traffic safety issue and the T&E plant issue. The staff's letter also responds to the letter received on September 25, 2012. *No new action as of June 30, 2013.*

- j. Barnegat Township, Offsite Commercial Advertising Signs (Billboards):** On March 20, 2012, the Commission staff received an inquiry regarding four billboards along Route 72. The CMP requires that the four concerned billboards be removed. After a site inspection and a review of available information, it appears that four billboards had been removed by a party and then recently new billboard structures had been constructed in their place by a second party. By letter dated May 14, 2012, we wrote to all concerned parties and requested the removal of the four concerned billboards. On June 6, 2012, we received an application for "transferable billboard rights" for the four concerned billboards from one of the concerned parties. By letter dated November 16, 2012, the staff advised that, based on the review of all submitted information, the ownership of the previously existing billboards was in dispute. The letter further indicated that until the ownership dispute was resolved by the two concerned parties, the application for transferable billboard rights remained incomplete. That letter also indicated that the four recently constructed billboards must be removed. On November 28, 2012, the staff received a letter from one of the concerned parties withdrawing their application for the transferable billboard rights. By letter dated December 17, 2012, the staff responded indicating that although the application was considered withdrawn, the responsible party must still remove the four recently installed billboards. *No new action as of June 30, 2013.*
- k. Pemberton Township, Spring Lake Blvd. (App. No. 1995-1510.002):** The staff received information and a letter from a member of the public on August 27, 2012 regarding the placement of asphalt millings along the shoulders of Spring Lake Boulevard. On September 28, 2012, the staff met with representatives of the Township to discuss this matter and the use of asphalt millings for other Township roads. By letter dated November 15, 2012, the staff advised the Township that according to NJDEP, the use of asphalt millings without a paved top surface is not generally appropriate. The staff letter asked the Township to advise the Commission staff how it intended to resolve the matter. *No new action as of June 30, 2013.*
- l. Barnegat Township, Storm Damaged Vehicle Storage Area, (App. No.1985-00588.019):** On November 26, 2012, the staff received the initial report that vehicles were being stored on a 112-acre parcel in the Township. By letter dated November 30, 2012, the staff advised the owner of the concerned parcel that the storage of vehicles on the parcel constituted a violation of the application and permitted use requirements of the Township land use ordinance and the CMP. On December 7, 2012, members of the Commission staff met on the site with representatives of the Township, the company that has leased the land to store the vehicles and the property owners. At the site meeting, it was represented by the leasing company that approximately 5,000 vehicles were present on the parcel. On December 7, 2012, the Commission staff also received a complaint filed on December 6, 2012 in Ocean County Superior Court by the Township. Thereafter, the company that leased the land has agreed not to bring any additional vehicles onto the

parcel while the interested parties discuss resolution of the matter. On January 18, 2013, the Commission staff attended a site meeting which confirmed that approximately 1,000 vehicles had been removed from the site. On February 7, 2013, the Commission staff issued a letter to the property owner detailing all pre-existing and current violations that remain on the site. On February 8, 2013, the Commission staff attended an Ocean County Superior Court hearing regarding the vehicle storage facility. On March 4, 2013, the Commission staff issued a letter to the Township attorney regarding the required restoration of the site following removal of all vehicles. On March 5, 2013, the Commission staff attended an Ocean County Superior Court hearing regarding restoration of the site following removal of all vehicles. Following that hearing, a Consent Order between the Township and the property owner was proposed to be issued regarding required restoration of the site. On March 18, 2013, the Commission staff received a copy of the signed Consent Order filed with the Court on March 11, 2013. On March 20, 2013, the Commission staff issued a letter to the property owner requiring the completion of an application to the Commission for the proposed site restoration. *On April 11 and 15, 2013, the Commission staff received information from the property owner's consultant, including a revised restoration plan. On May 14, 2013, the Commission staff issued a letter to the property owner requesting further revisions to the restoration plan and the submission of additional information within 30 days to address the violation. On June 21, 2013, the Commission staff received a letter from the property owner's consultant, requesting an additional 30-day extension to submit the requested information.*

- m. Various Development Berkeley Township (App. No. 1999-0481.001):** On August 14, 2012 we received notice from NJDEP about a possible wetlands violation on this 28 acre parcel. Commission staff, along with NJDEP and Berkeley Township officials conducted a site inspection in November of 2012. Violations include constructing a single family dwelling without application, establishing a commercial tree processing business without application and development in wetlands and the required buffer to wetlands. A Commission violation letter was sent December 17, 2012 requesting a response by January 17, 2013. *A follow-up site inspection on May 15, 2013 revealed some removal of mulch had occurred.*
- n. Commercial Use Manchester Township (App. No. 1981-2039.002):** On February 8, 2013, we received notice from Ocean County Health Department about the establishment of a commercial use on this 19-acre lot. A joint site inspection was conducted on February 15, 2013 with Ocean County representatives, a NJDEP representative and our staff. Violations observed included clearing of about three acres of upland and/or wetland buffer, establishment of a commercial landscaping yard onsite, storage of mulch and other vegetative waste in wetlands buffers and wetlands and placing fill in wetlands. On March 28, 2012, we sent a letter to the property owner advising of the need to address/resolve the concerned violation. *On June 27, 2013, Manchester Township issued a Notice of Violation for non-permitted use, clearing and placement of fill.*
- o. Barnegat Township (App. 2000-2700.002):** *This violation pertains to the clearing and grading of vegetation on approximately 8 acres of wetlands/wetlands buffers on a 9.49 acre lot located in Pinelands Preservation Area District. The concerned clearing occurred primarily in September 2009. The property owner indicated an intention of establishing a permitted agricultural use (blueberries) on the lot. Since September 2009, the Commission staff has written to the applicant multiple times attempting to obtain a time schedule for the establishment of the proposed blueberry agricultural use. To date, we have not obtained such a schedule. On April 25, 2013, the municipal court issued a summons to the*

property owner regarding this matter, indicating that a municipal court hearing was scheduled for May 14, 2013. The hearing was subsequently adjourned at the request of the property owner's attorney and rescheduled for June 25, 2013. The Commission staff attended the municipal court hearing on June 25, 2013. The matter was continued because the property owner raised an issue regarding the "Right to Farm." The matter will be before municipal court on August 20, 2013.

- p. **Galloway Township (App. No. 1990-1168.004):** This violation concerns 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.
- q. **Waterford Township (Application No. 2013-0031.001):** This violation concerns the expansion of an auto salvage business on a parcel in the Preservation Area District on Chew Road. The auto salvage business existed in 1981. The area occupied by the business has significantly expanded over time and now occupies approximately 26 acres, part of which is in wetlands and the required buffer to wetlands. The staff issued its initial letter on March 14, 2013 and received a written response from the property owner on April 3, 2013. The staff issued a response to the property owner's submission on June 19, 2013. Additional information was received on July 9, 2013, and that information is currently under review.

## **E) OTHER NON-APPLICATION REGULATORY PROGRAMS ITEMS**

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

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

The Township also approved a plan for the modification of existing basins serving an existing residential subdivision (Timber Glen Phases III & IV). Timber Glen has initiated remediation activities on its stormwater basins.

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

On September 14, 2011, the staff sent a letter to the owner of the Hamilton Commons shopping center requesting that the owners address remediation of failing stormwater basins on the parcel. On December 7 and 11, 2012, a representative of Hamilton Commons submitted stormwater information and requested guidance in formulating a proposed remediation plan for the Hamilton Commons basins. On January 18, 2013, the Commission staff issued a letter to a representative of the Hamilton Commons shopping center providing guidance regarding basin remediation. *No new action as of June 30, 2013.*

- 2. Southern Pine Beetle:** By letter dated June 28, 2011, the Commission advised NJDEP that the Commission's Executive Director, in consultation with the Chairperson of the Commission, had determined that a public safety issue was raised by the destruction of pine trees. That letter authorized NJDEP to cut down trees on up to 300 acres in the Pinelands Area through September 30, 2011. By memorandum dated July 28, 2011, the Commission staff provided NJDEP with a modified process for application for Southern pine beetle suppression on private lands. By letter dated October 3 2011, the Executive Director extended NJDEP's prior authorization to cut down pine trees on up to 300 acres in the Pinelands Area through December 31, 2011. By letter dated November 23, 2011, the Executive Director advised NJDEP that the proposed offsite removal of pine trees from one specific 12 acre site could be undertaken provided that the offsite removal was completed by December 31, 2011. By letter dated December 23, 2011, the Executive Director granted an extension until April 15, 2012 for tree cutting and offsite tree removal for just the one 12 acre site. By letter dated June 22, 2012, the Executive Director further advised NJDEP that, after consultation with the Chairperson of the Commission, NJDEP was authorized to undertake SPB suppression efforts (tree cutting) on up to a maximum of 20 acres near Quaker Bridge Road in Wharton State Forest. This authorization also allowed NJDEP to remove the cut trees from the site. On December 18, 2012, the New Jersey Department of Environmental Protection, State Forestry Services, submitted information concerning twelve areas, totaling 45.5 acres, of confirmed SPB infestation in Belleplain State Forest. On January 17, 2013 the Commission's Executive Director authorized Pine Beetle suppression activities on the 45.5 acres in Belleplain State Forest. *On June 16 and 19, 2013 we received information from NJDEP concerning a request to herbicide a 12-acre area that was subject to the Executive Director's November 23, 2011 and December 23, 2011 letters. The letters allow the removal of pine trees from the 12-acre area. The NJDEP request indicated that an invasive grass was compromising the regeneration of pine seedlings. The Commission's Executive Director indicated to NJDEP that an application to the Commission is required for the proposed herbiciding.*
- 3. Woodland Township:** On January 19, 2012, the staff met with The Township's Mayor and Clerk to discuss the development potential of a 123 acre Township owned parcel that fronts on Rt. 72. The Township was interested in discussing the development potential of the concerned parcel. By letter dated April 4, 2012, the staff provided the Township with an overview of the development potential of the parcel. *No new action as of June 30, 2013.*
- 4. Hammonton: Cedar Creek Flooding:** On June 28, 2012, the staff attended a meeting with representatives of Hammonton, NJDEP, NJDOT and Atlantic County to discuss removal of accumulated sediments from the concerned creek to address flooding that is occurring on multiple State, County and municipal roads in Hammonton. Based on the results of that meeting, the City Engineer will be outlining a proposed approach to the problem. *No new action as of June 30, 2013.*
- 5. Hammonton Airport (App. No 1982-3657.017):** The Town is proposing improvements to and expansion of the existing airport. The staff has issued five letters providing guidance regarding zoning and development/environmental standards. The most recent Commission staff letter dated December 5, 2012, provided additional guidance regarding the permitted extend of clearing in the Preservation Area that would be associated with the airport improvements. *No new action as of June 30, 2013.*
- 6. NJDEP Enduro Meeting:** On November 13, 2012, the staff attended a meeting that the New Jersey State Parks Department convened at Batsto. Groups that require recreation permits for

off-road events, including enduros, were also invited to attend. The purpose of the meeting was for NJDEP to introduce their new “pilot program” for enduros. NJDEP has mapped all potential roads/trails/fire cuts within Wharton State Forest and have pre-determined which trails, fire cuts and roads are acceptable to NJDEP for use in enduro events. Wharton plans to issue a five-year permit to all groups and to keep them on the pre-approved trails. NJDEP plans on implementing this procedure in all state forests once all roads and trails have been mapped. *No new action as of June 30, 2013.*

### III. INTERGOVERNMENTAL MEMORANDA OF AGREEMENT

#### A) MOAs UNDER REVIEW

- 1. Ancora Wastewater Conveyance MOA:** In 2007, the Commission entered into an MOA with the N.J. Department of Human Services(DHS) and the N. J. Department of Environmental Protection to resolve a longstanding wastewater problem at Ancora. The MOA allows the Ancora facility to abandon its onsite wastewater treatment system and connect to the Camden County Municipal Utilities sanitary sewer interceptor. To offset the loss of water from the surficial aquifer, the MOA required that an alternative water supply to the existing onsite Kirkwood-Cohansey wells will be developed. Ultimately, DHS decided to connect to the New Jersey American Water supply wells. It is the staff’s understanding that construction of the water main commenced on June 27, 2011. Because construction of the water main was behind schedule, information was received on August 24, 2011 regarding a proposed stormwater conveyance mitigation project as required by Item #14 of the MOA. On November 18, 2011, the staff issued a letter indicating that the proposed stormwater conveyance mitigation project met the requirements of the MOA and requested that the Pinelands Commission be advised when the project is complete. A meeting was held on November 27, 2012 between staff and DHS staff to discuss infiltration and phragmites issues that had arisen at the location of the proposed stormwater conveyance mitigation project. At the meeting, staff advised the applicant on how to resolve both issues. *No new action as of June 30, 2013.*
- 2. County/Municipal Permit MOA:** At its July 9, 2010 meeting, the Commission approved a proposed MOA with the seven Pinelands Area counties. By letter dated August 5, 2010, the Commission staff sent the MOA to each of the seven Pinelands Area counties and requested that the counties sign and return the MOA to the Commission. The staff will now initiate work on pursuing adoption of the MOA by Pinelands Area municipalities. The staff is currently evaluating the most effective means to both implement the MOA with Pinelands municipalities and integrate the roadside management practices included in the seven county MOAs into the municipal MOAs. As of September 30, 2012, the Commission has received signed MOAs from Atlantic, Camden, Burlington, Gloucester and Ocean counties. *No new action as of June 30, 2013.*
- 3. NJDOT:** The Commission received a request in November 2008 for a Permit Streamlining MOA. The staff asked NJDOT to identify the classes of projects that could potentially be subject of the MOA. Several meetings have been held. NJDOT was encouraged to prepare a draft MOA patterned after the existing County permitting MOAs that the Commission approved. On July 21, 2011, the NJDOT submitted a draft MOA. On February 15, 2012, the Commission staff met with representatives of NJDOT to discuss the proposed MOA. On June 4, 2012, the Commission received a revised draft MOA from the NJDOT. On October 31,

2012, the Commission staff met with NJDOT officials to provide comments concerning the proposed MOA. On December 21, 2012 the Commission staff received a revised draft MOA. The Commission staff has completed its review of the submitted draft MOA and will be meeting with NJDOT representatives to discuss necessary revisions. *No new action as of June 30, 2013.*

4. **NJDEP, Forestry:** The NJDEP is pursuing an MOA with the Commission to streamline review of forestry activities on public and private lands. At its September 10, 2010 meeting, the Commission voted to approve a proposed MOA. On October 13, 2010, the Commission staff attended a meeting with representatives of NJDEP. At that meeting, NJDEP expressed conceptual concerns with the Commission adopted MOA. On November 22, 2010, NJDEP provided a significantly revised draft of the MOA to the Commission for review. On February 24, 2011 and March 23, 2011, the staff met with representatives of NJDEP to further discuss possible revisions to the MOA. *On June 10, 2013, Commission staff met with NJDEP upper management and staff to further discuss forestry related issues.*
5. **Proposed Memorandum of Agreement with the Board of Public Utilities - B.L. England Retrofit:** Commission staff has attended meetings with representatives of South Jersey Natural Gas regarding a fuel source retrofit of the B.L. England power plant located in Upper Township, New Jersey within the Pinelands National Reserve. South Jersey Gas is proposing a gas main through Forest, Rural and Pinelands Village Management Areas in the State Pinelands Area in order to provide natural gas to the plant. Installation of public service infrastructure is only permitted in a Forest Area if the installation of such infrastructure is intended to primarily serve only the needs of the Pinelands. Given that the power generated by the B.L. England plant serves more than the needs of the Pinelands, a Memorandum of Agreement with the Board of Public Utilities will be required to permit the fuel source retrofit of the plant. Staff has reviewed the regulatory materials, including detailed plans for the proposed gas main, submitted by South Jersey Gas's consultant. *Staff anticipates issuing a Certificate of Filing – Inconsistent in the near future. Additionally, staff briefed the Policy & Implementation Committee at its June 28, 2013 meeting regarding the proposed route for the gas main.*

## **B) OTHER MOA REQUESTS**

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

## **IV. SCIENCE**

### **A) KIRKWOOD-COHANSEY STUDY**

1. *Science, Planning, and Regulatory Programs staff met to discuss the next steps in Kirkwood-Cohansey water-supply planning and regulation.*

### **B) ENVIRONMENTAL MONITORING**

1. **Streamflow monitoring:** *The Camden County Municipal Utility Authority and Monroe Township Municipal Utility Authority continued to provide the Commission with monthly effluent data.*

2. **Forest-Plot and Intermittent-Pond Monitoring:** *The April, May, and June rounds of forest-plot and pond water-level measurements were completed. Continuous water-level data were downloaded from four of the seven ponds with data loggers. To prevent the spread of Ranavirus (an amphibian disease that was found in Hays Pond), a graduated staff gage was installed in Hays Pond so that water-level data can be collected using binoculars from the shoreline.*
3. **Long-term anuran surveys:** *The April, May, and June rounds of nighttime frog and toad vocalization surveys were completed at the 20 ponds.*
4. **Pinelands-wide water-quality monitoring:** *The April and June rounds of Pinelands-wide water-quality sampling were completed.*
5. **Watershed-assessment Report:** *No new action as of June 30, 2013*

### **C) OTHER SCIENCE OFFICE PROJECTS**

1. **Wetland-buffer Project:** *A project-extension request was approved by the EPA. Data analysis was initiated on the forested-wetland component of the project.*
2. **Forest Characterization Project:** *This project remains on hold due to low staffing levels.*
3. **Right-of-way Vegetation Monitoring:** *Plant surveys were completed for the third year in approximately half of the 48 vegetation plots located within the managed ROWs.*
4. **Pond-vulnerability Study:** *Preliminary land-use profiles in 500-m-radius buffers were calculated for the inventory of natural open-water and herbaceous ponds. Identification of land owners, site selection, and site reconnaissance were initiated. Staff received training to identify frog vocalizations.*
5. **Created-wetland Study:** *A revised Quality Assurance Project Plan was approved by the EPA. Using digital aerial photography, a preliminary inventory of stormwater basins was completed. Approximately 95% of the Pinelands Area has been surveyed on-screen for excavated ponds.*
6. **Pinelands Research Series:** *Three presentations were given as part of the Commission Pinelands Research Series. Presenters and the titles of their talks for this quarter were: Alexa Warwick on “Geographic Variation in Pine Barrens Treefrogs (*Hyla andersonii*): Concordance of Genetic, Morphometric, and Acoustic Signal Data,” John Vile on “The NJ Inner Coastal Plain Fish IBI,” and Sarah Smith on “If You Build It They Will Come: Dispersal Capabilities of Soil Fauna.”*

### **D) OTHER SCIENCE OFFICE ITEMS**

1. *Technical assistance was provided to Regulatory Programs staff for potential restoration of an abandoned cranberry bog.*
2. *Science and other Commission staff attended a meeting with representatives of the National Park Service to discuss the long-term environmental and economic monitoring programs and current and future funding.*
3. *Science staff led a trip on Pinelands aquatic plants for a Marine Academy of Technology and Environmental Science Aquatic Ecology class taught by Jason Kelsey.*

4. *Science staff attended a NJDEP Southern Pine Beetle meeting.*
5. *Science staff participated in the annual conference of the Soil Ecology Society by attending a field trip in the Pinelands, discussing the role of the Pinelands Commission and Science Office, and presenting research on soil fauna during a poster session.*
6. *Science staff presented current Commission research in the Pinelands to representatives from the William Penn Foundation, conservation groups, and other scientists.*
7. *Science staff participated in the NJDEP Habitat Connectivity Project by attending a webinar on the status of the project.*
8. *Science staff met with Dr. Joseph Daraio, a water resources engineering professor at Rowan University, to discuss potential Pinelands stream monitoring.*
9. *Science staff attended a Conserve Wildlife Conference and a NJ Water Monitoring Council meeting.*
10. *Science staff received ArcMap GIS training through the ESRI webinar series.*
11. *Research Scientist Sarah Smith earned her Masters of Biology degree from Rutgers University.*
12. *Executive, Regulatory Programs, and Science staff met with NJDEP staff regarding forestry in the Pinelands.*

## V. LITIGATION

### A) STATE COURT CASES

*No new action as of June 30, 2013.*

### B) FEDERAL COURT

*No new action as of June 30, 2013.*

### C) OTHER LITIGATION MATTERS OF INTEREST

*No new action as of June 30, 2013.*

## VI. LEGISLATION

### A) NOTABLE BILLS:

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

## VII. PUBLIC PROGRAMS

### A) COMMUNICATION

1. **Web site:** *There were 17,072 views of the Commission's web site in April, 16,878 views in May and 16,368 views in June.*
2. **Press releases this quarter:** *There were no press releases issued this quarter.*

- 3. Inquiries this quarter:** *A total of 19 media inquiries and 197 general inquiries were handled this quarter. Of the general inquiries, 97 inquiries came via e-mail, 95 came via telephone and five came by mail. Most of the inquiries pertained to Commission projects.*

## **B) PUBLICATIONS**

- 1. Pinelander:** *The Summer Pinelander, the Commission's official newsletter, is being written and designed.*
- 2. Annual Report:** *The 2012 Annual Report is being written and designed. It will be done before the end of July.*

## **C) EVENTS AND OUTREACH**

- 1. Pinelands Short Course:** *Staff has begun planning the 25<sup>th</sup> annual Pinelands Short Course.*
- 2. Local Officials Seminar:** *The annual Pinelands Orientation for Newly Elected and Appointed Officials was held as an agenda item during the Pinelands Municipal Council's May 30<sup>th</sup> meeting in the Richard J. Sullivan Center. A record total of 62 people attended the event. The Commission received very positive feedback on the event.*
- 3. Pinelands-themed World Water Monitoring Day event:** *The annual Pinelands-themed World Water Monitoring Day event will be held at Batsto Lake on Friday, October 25 from 9 a.m. to 1:30 p.m.*
- 4. Educational Outreach:**
  - a. During the quarter, staff delivered four Pinelands overview presentations, educating a total of 1,100 people.*

## **D) INTERPRETIVE PROGRAM**

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

# **VIII. INFORMATION MANAGEMENT**

## **A) GEOGRAPHIC INFORMATION SYSTEM**

- 1. System planning and development:**
  - The GIS office continued the ongoing work of reorganizing and consolidating data layers and creating metadata. This work is a long-term effort and will continue through the end of the fiscal year and beyond.*
  - ArcGIS On-Line** – *The update to ArcGIS OnLine, which allows for downloading and caching maps to the tablet device, was delayed from the original release in April until*

*August. However, based upon the overall utility of that software, its close integration with our desktop GIS software, and our other planned uses such as Public Access to interactive mapped data, the Commission purchased five annual user licenses of ArcGIS online (Science, MIS, GIS, Public Programs, & Planning) at a cost of \$500 per license per year. This purchase was a FY2013 budgeted item.*

*In addition, the MIS office, in coordination with the Science office, completed its evaluation of 10 different tablet devices and determined that the Samsung Galaxy 2 seven inch tablet best fit the Commission's needs. This was based upon the following requirements:*

- a. screen size between 6.5 and 7.5 inches*
- b. SD card slot for memory expansion*
- c. 4gLTE capable on Verizon network (best coverage in Pinelands area)*

*As such, the Commission purchased two Samsung Galaxy 2 seven inch tablets, protective cases, and SD memory cards at a cost of approximately \$700. This purchase was also a FY2013 budgeted item.*

*The MIS office, in coordination with the Science office, created an ArcGIS Online draft version of a feature service and map of the Commission's natural pond inventory, and has started field testing of the tablets using that map.*

**2. Pinelands Data Layer Maintenance:** As part of the on-going operational requirement of keeping our GIS data current, the following layers were updated:

#### **Zoning**

- *Maurice River Township Ordinance 620 & 624*
- *Berlin Borough Ordinance 2012-20 (90 % complete)*
- *Waterford Township Ordinance 2013-10 (90% complete)*

#### **Parcel Layer**

*Staff separated out the parcels by municipality in order to facilitate editing and updating and to allow more than one person to edit the layer (e.g. one person can work on a updating a municipality while another works on a different municipality). This change will also will improve PineView's performance when loading the lots into the map.*

*Staff continued to work on migrating to the most current version of the State parcels and in modifying PineView with an improved parcel selector tool.*

**3. LOIs for PDCs:** *Five applications were analyzed involving 11 lots, nine of which required photo Interpretation.*

**4. Public Access to Maps and Data:** *This item is dependent on the use of ArcGIS Online. See item #1 above for the current status of that software.*

#### **5. Analysis / Map Products:**

*Dennis Township: Staff identified zoning discrepancies for the Planning department between the Township/County version of the map and the Commission's map.*

## **B) MANAGEMENT INFORMATION SYSTEM**

### **1. System planning and development:**

Pinelands Commission Information System (PCIS):

- *Added code to include the "Pre-app meeting requested" incoming transactions in the Reviewer's Inbox, regardless if there is a fee due or not.*
- *Added new code to allow any PDF document to be attached to an outgoing PCIS email.*
- *Modified the code that creates "No-Callup" documents to automatically insert the conditions that were specified in the Certificate of Filing. Also modified the "Approval Pending" form to automatically populate the conditions from the Certificate of Filing document.*
- *Added code to allow for documents to be emailed at the "Pending" stage as long as they were flagged as "ready to send". Prior to this change, the program would not allow a document to be emailed unless its status was "Sent" (i.e. the "Sent" status occurs one day after the document has been mailed via US Postal Service). This change allows a document to be e-mailed on the same day that it will be sent via real mail", thereby providing a better response time to the applicant.*
- *Fixed problem with viewing Delegated items from within the Transactions screen when the reviewer doesn't "own" the application.*

### **2. Database QA/QC:**

- *The Commission continued to update the Permanent Land Protection data. A total of 66 new records were added to the PCIS deed restrictions table, representing over 11,774 acres. To date, 45,080 deed restrictions have been added to PCIS, representing nearly 600,000 acres. Please note that some of the deed restrictions recorded in PCIS are outside of the Pinelands Area but are in the Pinelands National Reserve. The annual preserved land report accurately segregates those data.*
- *Continued work to finalize data for the PDC Bank Annual Report.*

### **3. Operations:**

- *Staff installed a new GIS workstation in the Science office and upgraded two existing Science workstations with additional RAM. Began setting up a workstation with the newest Windows operating system (OS), Windows 8, in order to test our custom programs and software on that OS.*
- *In support of fixed asset deletions, erased the data on 30 hard drives using the software supplied by the State Office of Information Technology ("Active-Kill-Disk") and following their protocols. Removed all RAM and salvaged whatever spare parts that can be re-used in the future and cataloged and reported to Business Services for permanent deletion and disposal.*

# IX. OPERATIONS

## A) FACILITIES

### 1. Maintenance:

- *RJS Center – A gutter was installed at the front entrance of the RJS building to direct water away from building and front entrance way; created small mailing/copying area in Tech Center.*
- *Other – Staff installed weed fabric and mulched grounds; installed wooden borders around both wayside signs.*

## B) FINANCIAL MANAGEMENT

**1. Application fees:** *FY 2013 budget amount \$425,000; received through June \$489,092.00.*

**2. Audit/Accounting:** *The State Auditors began fieldwork on April 15 and ended on June 21. No findings or recommendations were reported to staff.*

**3. Budget:** *Reviewed details of the FY2014 Operating, Kirkwood Cohansey and Pinelands Conservation Fund Budgets with the Personnel and Budget Committee. Proposed budgets will be presented at the July 12, 2013 Commission meeting.*

**4. Procurement:** *Seven RFQs were issued (MIS server, Science computer, Symantec software, tow hitches for vehicles, computer memory, 2 Samsung tablets, mulch/weed fabric); no RFPs were issued.*

### 5. Miscellaneous:

- *After discussing the matter with the Personnel and Budget Committee, the crime/employee dishonesty policy and the limit for this coverage in the General Liability policy was increased.*
- *A representative from Sharp Electronics visited the Commission and ran tests on the new multi-function copier in the RJS copy room, the speed was determined to be accurate. In June, the copier was moved to the Tech Center. Staff will soon be exploring ideas.*
- *Beneficial Bank refunded all banking fees to the point that changes were made to our accounts and internal procedures. Monthly fees, original billed at almost \$350, are now down to less than \$80.*

## C) HUMAN RESOURCES: See Attachment #2 for employee notes

**1. Benefits:** *There will be an increase in employee contributions for pension and health benefits effective July 2013.*

### 2. Miscellaneous:

- Union negotiations with CWA are continuing.*
- The annual performance evaluation process has begun using the new evaluation forms.*
- The internal committee that was formed to listen and address staff's concerns and issues is ongoing and has received positive feedback from staff.*
- The efficiency study continues.*
- Recruitment has begun for a part time position to digitize T & E data.*
- A Project Support Assistant has resigned effective 7/11/13.*
- The Flexible Summer Schedule Program has begun for staff.*

# X. PINELANDS MUNICIPAL COUNCIL

## A) MEETINGS

**1. Last meeting:** *The Municipal Council met on May 30, 2013 at the Commission headquarters in New Lisbon. Commission Staff member Robyn Jeney delivered a presentation on Best Management Practices for Roadside Maintenance.*

**2. Upcoming meeting:** *The Council is scheduled to meet on July 30, 2013 at the Shamong Township Municipal Building.*

## ATTACHMENT #1

### ONGOING CONFORMANCE ACTIVITY

April-June 2013

MUNICIPALITY	TOPIC
Berlin Borough	1. An ordinance establishing a new zoning district, a very small portion of which is within the Pinelands-Area portion of the Borough, was received and reviewed by staff. The new R-5 Zone is intended to provide affordable housing opportunities within the Borough. A corresponding amendment to the Borough's Housing Element and Fair Share Plan was also received and reviewed by staff. On June 6, 2013, a finding letter was issued determining that the ordinance and amended Housing Element and Fair Share Plan presented no substantial issues.
Buena Vista	1. Comar Redevelopment Area: met with Township redevelopment planner on 4/25/07 to discuss concept plans for new redevelopment area incorporating the Wilmad and Comar facilities (approximately 170 acres in the Rural Development Area). Copy of Redevelopment Plan received on 12/9/08; notice of adoption received 1/14/09. Issues identified with maximum permitted height and impervious coverage, given location of Redevelopment Area in a Rural Development Area. Township has requested and been granted several extensions of the Commission's review period in order to adopt an amending ordinance. A meeting was held with the mayor to discuss this and other rezoning matters on May 5, 2009. Various information related to Comar was provided to the Township's new planner in September 2010. Awaiting Township's adoption of amendments to the Redevelopment Plan.
Dennis	1. Clustering/forestry: Commission staff attended a joint meeting of the Planning Board and Township Committee on 3/22/12 to answer questions about the clustering amendments. <i>Although it was expected that the Township would form a subcommittee to facilitate further discussions, this did not occur. In May 2013, staff learned that the Township was seeking plan endorsement from the State Planning Commission for its PNR area. With the help of the Office for Planning Advocacy, the Township now appears to be moving forward with adoption of its response to the clustering/forestry CMP amendments. Staff prepared a revised ordinance for the Township and engaged in numerous discussions with the Township Engineer and new Land Use Board solicitor. An extension through 7/15/13 has been granted.</i>

MUNICIPALITY	TOPIC
	<p><i>2. Zoning Map: Ordinance 2013-03, adopting a revised zoning map to implement planning area changes and center designations in the PNR, was received on 4/29/13. Comparison of the new zoning map and the Township's previously certified zoning map revealed numerous (small) zoning and management area changes in the Pinelands Area. These changes were mapped and provided to the Township for its review.</i></p>
Egg Harbor City	<p>1. Request for review of constraints in Easterly portion of Pinelands Town. Letter sent 5/7/07 on likely wetlands buffer requirements; suggested City file applications for development for specific parcels to confirm requirements. Pursuant to City's request, a proposal to establish wetlands buffers by ordinance is under review.</p> <p>2. Development of airfield in Forest Area: request received from City on 2/24/11 to examine feasibility of use of lake area "airfield" by state police, including development of buildings and parking areas. Options discussed by staff. Response provided to the City on 3/8/11 indicating that unless the City is able to document the existence and use of airport facilities on the parcel in question in 1981, the use is not permitted in a Pinelands Forest Area. Request for management area change (40 acres from Forest to Pinelands Town) received on 4/21/11. Response provided 6/14/11, indicating that the proposed management area change is inappropriate. Meeting held with City representatives on 11/2/11 to discuss several potential sites for a new or expanded airfield. Staff is awaiting more detailed information from the City, including the required acreage for the facility.</p> <p>3. Recreation complex: request for change in management area designations received 4/14/11. City is proposing to redesignate 30 acres from Forest to Pinelands Town along Philadelphia Avenue. Offsetting management area change also proposed. Response provided 6/14/11, indicating that staff would support the proposed redesignation, with exact boundaries of offset area still to be determined.</p>
Egg Harbor Township	<p>1. Affordable housing: draft ordinance implementing the 20% set aside required in A-500 received 7/16/09. Meeting held with Township representatives on 9/24/09 to discuss implications for PDC program and density. Township will provide a list of affordable housing projects under consideration so that staff can prepare options (densities; required PDC %'s; ordinance amendments) for the Township's review. This information from Township was received on 10/27/09. Court master requested meeting with staff and the Township be held by 4/1/11; no date scheduled as yet. New draft of affordable housing ordinance received 9/19/11; comments and suggested revisions provided 9/29/11. Copy of Ordinance 37-2011 received on 12/7/11, with notice of public hearing and second reading on 12/20/11. The ordinance requires a 20% affordable housing set aside for all residential development, as well as the use of PDCs for 25% of all market rate units. Email sent to the Township on 12/7 indicating concerns with the lack of revisions to existing density and PDC provisions in the municipal code. Copy of adopted ordinance (37-2011) received on 12/29/11. Finding letter sent 1/20/12. Public hearing held 2/22/12. The Commission conditionally certified the ordinance on 4/13/12. The Township's response to the conditions, in the form of Ordinance 22-2012, was received on 7/9/12. No substantial issue finding letter sent 7/20/12. The Builders League of South Jersey has challenged the Township's adoption of Ordinance 37-2011. The Township subsequently adopted Ordinance 4-2013, repealing Ordinances 37-2011 and 22-2012. A no substantial issue finding letter was sent on 3/11/13. As a result, the Township's previously certified zoning plan has been reinstated. <i>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></p>
Estell Manor	<p><i>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</i></p>

MUNICIPALITY	TOPIC
	<i>questions at the May meeting.</i>
Galloway	<p>1. Redevelopment designation for White Horse Pike Corridor Phase II, Pomona Road - Determination of Need report received on 1/6/11.</p> <p>2. Management area redesignations: met with Township Planner in June 2011 to discuss extension of sewer to recreation areas now in RDA, along with other adjustments from RDA to RGA and APA to PT. Reviewed proposals for sewer extension in late February/early March 2012. Received draft map changes for APA to PT rezonings on 3/15/12. Comments provided to the Township 3/23/12.</p> <p>3. <i>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.</i></p>
Hammonton	<p>1. In lieu recreation fees: ordinance adopted in August 2006 but not submitted to Commission until 1/22/07. \$5,000 per lot fee under review; awaiting supporting analysis from Town. Town has since indicated it will be making additional revisions to the ordinance. Provided Town with sample ordinances of other municipalities to use in developing a new ordinance 3/23/07. Multiple extensions requested by the Town and granted, most recently through 10/29/08. Awaiting adoption of revised ordinance.</p> <p>2. Clustering/forestry ordinance: after numerous extensions and meetings, most recently on 2/26/13, it was determined that adoption of the CMP's clustering provisions would be unnecessary, given that the only privately owned vacant land in the Town's Forest Area large enough to necessitate clustering has already been deed restricted to preclude residential development. <i>The Town then proceeded with adoption of a forestry and wetlands management ordinance (005-2013) on 4/22/13. No substantial issue finding letter sent 5/2/13.</i></p> <p>3. Expansions of Pinelands Town/sewer service area: met with Town representatives on 2/26/13 to begin discussions of the possible expansion of the Pinelands Town boundary to include the airport and residentially developed areas currently in the APA.</p> <p>4. <i>Airport: In July of 2011, staff drafted suggested ordinance language to address permitted use issues related to a proposal for expansion of the Hammonton Municipal Airport. Included in the ordinance language were revisions to permitted uses and development standards in the AP/CLI (Airport Light Industrial) Zone and a recommended reduction in the size of the AP/CLI Zone. A copy of Ordinance 011-2013, rezoning lands from the AP/CLI Zone to the AP Zone, was received on 6/7/13. In response to the staff's concerns, Ordinance 011-2013 was amended to include revisions to the permitted uses and development standards applicable to the AP/CLI Zone. The amended ordinance was reintroduced on 6/24/13 and is scheduled for adoption on 7/22/13.</i></p>
Jackson	<p>1. Master Plan: Planning Board is beginning its reexamining the Township Master Plan. New consultant hired; meeting held with Commission staff on 7/31/08 to discuss project status and possible impacts of Navy Lakehurst on the Township's Regional Growth Area. As of 10/31/08, staff is still awaiting more detailed information from the Township on approved projects within the Regional Growth Area, as well as rezoning proposals for the RGA, RDA and Pinelands Village of Legler. Draft Land Use Plan maps received 12/30/08. Meeting with Township representatives on master plan and EIA management area changes held on 12/31/08. Airplane noise incompatibilities in RGA noted. Discussion of noise impacts and possible zoning changes to be scheduled upon the Township's completion of its response to the May 2006 CMP amendments (stormwater). The Township made a presentation to the P&amp;I Committee on 4/24/09. The Committee asked for additional information and consideration of other options which staff will pursue. The Township's draft master plan was received on May 22, 2009. A revised draft master plan was received on 7/22/09. An adopted master plan was received on 8/31/09. Finding letter sent 9/29/09. A meeting with Township representatives was scheduled for November 4, 2009 but was postponed at the Township's request. After several attempts to reschedule that meeting failed, staff sent a letter to the Township in April 2010, which comprehensively addressed the</p>

MUNICIPALITY	TOPIC
	<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 4<sup>th</sup> to discuss proposed changes the Township wished to make to the model ordinance the Commission sent to it in November 2011. <i>The Township's proposed changes were determined by staff to be inconsistent with the CMP and incompatible with existing and expected conditions at the Joint Base. Another meeting with Township officials took place May 9, 2013. The Township's failure to adopt an ordinance (applicable to the RG-2 and Rg-3 Zones) that is consistent with the CMP standards was discussed at length. The Township submitted an ordinance for Commission review on May 30<sup>th</sup>. On June 11<sup>th</sup>, staff provided the Township with suggested changes to the Township's ordinance. A response from the Township is expected shortly.</i></p>
Manchester	<ol style="list-style-type: none"> <li>1. Expansion of Whiting (Pinelands Town): draft ordinance rezoning six lots from Forest to Town received 10/1/04; potential t&amp;e issues identified and under review; adopted ordinances received 2/7/05 and 3/8/05. Discussed t&amp;e concerns and possible alternatives to rezoning with Mayor 8/31/05. Letter sent 10/3/05.</li> <li>2. Clustering/density transfer: Staff has researched and drafted comments regarding the Township's proposal to implement cluster development or a density transfer plan to facilitate limited amount of development in the area. Maps and receiving area recommendations (including elimination of one or more existing receiving areas, expansion of others) were provided to the Township in May, 2006. Discussed with new Township Administrator and resent maps and recommendations mid-November. Draft master plan amendment received 11/21/06. Adopted master plan received 1/29/07. Draft ordinance received 11/21/2007; comments provided 12/6/07. Letter from PPA/Herpetological Associates raising issues received 12/13/07. Met with Township on 5/7/10 to discuss FA density transfer program, designation of new receiving areas and mandatory clustering. Draft ordinance, including FA/PT rezonings, received 6/22/10. Comments/questions provided to the Township re: zoning map revisions. Revised clustering/density transfer ordinance provided to the Township on 3/7/11, along with suggested revisions to zoning map changes. Adopted master plan amendment and Ordinance 11-025 received on 12/16/11 and 12/13/11, respectively. Finding letter sent 1/5/12. Public hearing held 2/1/12. Preparation of resolution and report to the Commission delayed while Township adopts an</li> </ol>

MUNICIPALITY	TOPIC
	<p>additional amendment to correct minimum lot size requirements for clustering in the Forest Area as specified in Ordinance 11-025. Correcting ordinance (12-015) adopted and received on 7/26/12. Public hearing held 9/10/12. The P&amp;I Committee discussed the ordinance and the Executive Director's recommendation for certification on 10/26/12. Action by the full Commission was postponed pending resolution of an issue concerning the boundary between the Preservation and Forest Areas. Commission staff met to discuss the issue with representatives of Manchester Township and the property owner on 11/29/12, and then with representatives of PPA on 12/19/12. <i>Another meeting with Ocean County, Manchester Township and the property owner was held on 6/5/13.</i></p> <p>2. 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.</p>
Maurice River	<p>1. Economic development: met with Township representatives on 6/7/11 to discuss development standards in various commercial zones, possibility of redevelopment designations, streamlined permitting, etc.</p> <p>2. Clustering: received draft of 2012 Master Plan Report on 8/20/12. Comments provided to the Township 8/31/12. Received adopted Master Plan Report and implementing ordinance (#620) on 10/10/12. Finding letter sent; public hearing held on 12/5/12. Recommendation for conditional certification provided to P&amp;I Committee for discussion at its 1/4/13 meeting. The Commission conditionally certified the master plan and Ordinance 620 on 1/11/13. <i>The Township adopted its response to the conditional certification in the form of a master plan amendment and Ordinance 624. No substantial issue finding letter sent 5/6/13.</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>
Monroe	<p>1. Rezoning proposal: Township forwarded copies of a proposal it received involving redesignation of lands from APA to RGA on 5/10/12. Comments provided to the Township; unlikely they will pursue the management area changes. A meeting with the Township and a representative of the property owner was held on 2/5/13.</p> <p>2. Redevelopment Plan: In January 2013, the Commission received Township</p>

MUNICIPALITY	TOPIC
	<p>Ordinance O:31-2012, which amends its Acme Shopping Center Redevelopment Plan for a third time. Upon review, staff became concerned with the amendment's negative effects on the expected number of residential dwelling units and PDC use within the Redevelopment Area. <i>In June, staff met with the Township to discuss staff's concerns with the Township's proposed revisions to the Redevelopment Plan. Subsequently, the Township requested, and received, an extension of the Commission's review period for Ordinance O:31-2012. The Township is considering other possible revisions to the Redevelopment Plan, which are consistent with the CMP, including the expansion of the Redevelopment Area along the Black Horse Pike.</i></p> <p><i>3. In March, staff received Monroe Township Ordinance O:03-2013, which established standards for accessory solar and wind facilities throughout the Township. Staff expressed concerns with the Township's attempt to apply the Commission's solar standards, which are intended to regulate solar facilities as principal uses, to accessory solar and wind facilities. In June, staff met with the Township to discuss its concerns. At the meeting, staff provided the Township with language it could use to appropriately amend its ordinance. The Township is expected to adopt the suggested language in the near future.</i></p>
Ocean	<p>1. Landfill Redevelopment Plan – adopted ordinance (2011-1) received on 2/28/11. Redevelopment Plan allows for solar energy facilities to be developed at the Southern Ocean Landfill site, within a Pinelands Forest Area. Extension requested by the Township until such time as the Commission adopts the recently proposed solar facility amendments to the CMP. Extension granted on 3/15/11. Requested status update from the Township; municipality indicated it would be requesting an additional extension. Extension of Commission's review period granted through 4/16/13.</p> <p>2. Solar facilities ordinance (2010-8) received 1/20/11. Finding letter issued on 2/22/11, indicating ordinance was not consistent with the CMP because it permitted solar facilities as a principal use in the Preservation and Forest Areas. Township requested and was granted an extension of the Commission's review period until 7/15/11 in order to provide an opportunity for adoption of amendments. Township has since repealed Ordinance 2010-8.</p>
Pemberton	<p>1. Browns Mills Redevelopment/Revitalization Study: Township has received a grant and hired a consultant. Meeting with consultant held 2/1/08. Maps and other information on parcels, wetlands buffers and projects subsequently provided to consultant. Draft of conceptual site plan for Browns Mills redevelopment received 7/21/09. Draft of Browns Mills Strategic Revitalization and Redevelopment Study received 4/8/10. Draft of Ordinance 5-2010, adopting amendments to the 1995 Browns Mills Town Center Redevelopment Plan, received 4/19/10. Copy of 1995 Browns Mills Redevelopment Plan and adopting ordinance (8-1995) requested 4/19/10 and received 4/22/10. All documents under review. Staff met with the Township's planners on 5/19/10 to discuss the 1995 Redevelopment Plan, recent amendments and additional plans for the revitalization of Browns Mills. Meeting held with the Township, at Mayor's request, on 4/14/11. Received notice that Browns Mills Revitalization Plan was adopted by the Township earlier this year; awaiting receipt of adopted ordinance. Adopted ordinance (12-2011) received on 12/19/11 and under review. <i>A meeting with Township representatives was held on 5/9/13 to discuss the analysis of residential development potential that would need to be completed. That analysis is underway.</i></p> <p>2. 2009 Master Plan: draft of new master plan received 6/9/09. Meeting held with planning consultants on 6/18/09 to review proposed zoning and management area changes and affordable housing issues. Drafts of implementing ordinances received, including rezonings and management area changes within the Pinelands area, on 11/10/09. Draft of amended zoning map received 12/9/09 and under review. Adopted ordinances received 1/15/10. Adopted Master Plan received 2/25/10. More detail on rezoning boundaries requested and received 3/22/10. List of issues identified for the Township and under discussion. Met with Township Planner on 3/8/12 to discuss clustering amendments as well as zoning changes and master plan. Received response to Master Plan/zoning map issues on 6/13/12.</p>

MUNICIPALITY	TOPIC
	<p>Township also indicated an interest in an additional FA-APA zoning change. Advised municipality that progress would need to be made on clustering ordinance before review of other zoning changes could commence. <i>The Township then proceeded with adoption of its response to the CMP clustering and forestry amendments. A meeting with Township representatives was held on 5/9/13 to discuss resolution of various issues related to the prior zoning map and master plan. Additional information was requested on the potential FA-APA zoning change.</i></p>
South Toms River	<p>1. Original certification: Model ordinance language provided to the Borough on 8/16/12. Draft master plan received 8/26/12. Comments provided 9/13/12. Borough Council adopted a resolution confirming its intent to seek Commission certification of its master plan and land use ordinances on 9/17/12. The Planning Board adopted the revised Master Plan on 12/18/12. The Borough Council adopted an ordinance (3-13) containing Pinelands standards and procedures on 3/18/13. Additional documents (stormwater management plan; capital improvement plan) received. <i>Borough now anticipates adopting a revised zoning map and ordinance establishing two new zoning districts within the Pinelands Area later this summer. A draft ordinance and revised zoning map were received on 6/4/13. Comments and suggested ordinance revisions related to density and PDC use were provided to the Borough on 6/5/13.</i></p>
Waterford	<p>1. The Township's December 2010 Master Plan and Ordinances 2012-13, 2012-14 and 2012-15 were received and reviewed by staff. Ordinance 2012-13 revises various portions of the Township's Code in order to implement the December 2010 Master Plan. Among other things, Ordinance 2012-13 permits solar facilities in certain portions of the Waterford. Ordinance 2012-14 amends the Township's Zoning Map by rezoning the Archway School from RDA to RGA. Two other zoning changes implemented by Ordinance 2012-14 require corresponding management area changes. Ordinance 2012-15 implements the Commission's recently adopted forestry, wetlands management, and residential cluster development rules. All three ordinances and the Township's Master Plan were determined to raise substantial issues with respect to the CMP on 10/24/2012. A public hearing was held on 11/7/2012. The Commission fully certified Ordinance 2012-15 (clustering/forestry) and conditionally certified Ordinances 2012-13 and 2012-14 on 1/11/13. Subsequently, the Township adopted two ordinances (2013-1 and 2013-2), which implemented the conditions required by the Commission's earlier conditional certification. <i>On April 5, 2013, a finding letter was issued determining that Ordinance 2013-1 presented no substantial issues with respect to the CMP. However, during staff's review of Ordinance 2013-2, several pre-existing errors (unrelated to the Township's recent conditional certification) on the Township's Zoning Map were identified. As a result, Township Ordinance 2013-10 adopted a revised Zoning Map, which corrected the errors identified by staff and repealed Ordinance 2013-2. On May 29, 2013, staff issued a finding letter determining that the revised Zoning Map adopted by Ordinance 2013-10 presented no substantial issues with respect to the CMP.</i></p>
Weymouth	<p>1. Draft ordinance (472-2008) requiring use of contiguous commonly owned lands prior to use of noncontiguous lands under the Forest Area density transfer program received 3/24/08. Comments provided to Township solicitor on 4/30. Discussed in detail with Planning Board Engineer on 5/8. Adopted ordinance received 6/12. Finding letter issued on 7/7/08 indicating ordinance raises a substantial issue requiring Commission's formal review and approval. Meeting with Township representatives to discuss purpose of ordinance and its implications to be scheduled. Township has since repealed the ordinance and will reconsider the issue as part of an upcoming master plan review.</p> <p>2. Ordinance 468-2008 establishing a contribution in-lieu of providing recreational facilities for certain residential developments and providing regulations for recreational facilities received and reviewed. Finding Letter issued determining that Ordinance 468-2008 presented a substantial issue and requesting supporting analysis for the fee in question. Extension of Commission's review period requested and granted through 7/11/08. Awaiting adoption and submission of revised ordinance.</p>

MUNICIPALITY	TOPIC
Winslow	<p>1. RGA zoning changes: met with Township representatives on 8/13/12 to discuss possible revisions to zoning plan in the RGA along Route 73. Received map identifying areas under consideration 8/17/12. Under review to determine impacts on residential density and PDCs. Commission staff provided several alternatives for the Township's consideration in December. A meeting was held with the Township on 1/23/13.</p>
Woodland	<p>1. Expansion of Duke's Bridge infill area: rezoning proposal received 4/8/08. Meeting with Township held 5/7/08.</p> <p>2. Expansion of Rt. 72 infill area to incorporate municipally owned lands: rezoning proposal received 3/31/08. Meeting with Township held 5/7/08. Waiting for tax map and ownership information from municipality before proceeding to develop rezoning options. Tax map/ownership information received 10/23/08. Meeting held with Township representatives on 2/15/11 to discuss plans for Master Plan Reexamination. Parcel data and other information subsequently provided to the Township. On December 14<sup>th</sup>, staff met with the Township's professionals to discuss its proposed 2011 Master Plan Reexamination Report and its 2011 Master Plan. Staff explained its concerns with the proposed zoning changes and is working with the Township's professionals on revisions. At the Mayor's request, an additional meeting was held in January 2012 for purposes of discussing commercial development opportunities on municipal property partially located in the HB (Infill) Zone.</p>

**Attachment #2  
EMPLOYEE ACTIONS  
April, May, & June**

**A. DEPARTING EMPLOYEE(S)**

Name	Title	Office	Effective Date	Hire Date
John Repa	Project Support Assistant 2	Regulatory Programs	7/11/13	8/6/07

**B. VACANCIES / RECRUITMENT(S)**

Title	Office	Status
Director Special Programs	Executive	Not Budgeted
Community Planner*	Executive	Not Budgeted
GIS Administrator	Land Use/Tech. Prgms.	Not Budgeted
Resource Planner	Land Use/Tech. Prgms.	Not Budgeted
Resource Planner	Land Use/Tech. Prgms.	Not Budgeted
Planning Assistant (part-time)	Land Use/Tech. Prgms.	Not Budgeted
Office Assistant	Land Use/Tech. Prgms.	Not Budgeted
Environmental Specialist	Regulatory Programs	Not Budgeted
Environmental Specialist	Regulatory Programs	Not Budgeted
Environmental Specialist	Regulatory Programs	Not Budgeted
Environmental Specialist	Regulatory Programs	Not Budgeted
Coordinator of Environmental Services	Regulatory Programs	Not Budgeted
Principal Applicant Services Rep.	Regulatory Programs	Not Budgeted
Principal Applicant Services Rep.	Regulatory Programs	Not Budgeted
Research Scientist	Science	Not Budgeted
Research Scientist	Science	Not Budgeted
Research Scientist*	Science	Not Budgeted
GIS Specialist*	Science	Not Budgeted
Business Specialist	Business Services	Not Budgeted
Principal Office Assistant	Business Services	Not Budgeted
Undetermined (1 Full Time and 1 Part Time)	Unassigned	Not Budgeted
Undetermined 1 Part Time-Fixed Duration*	Unassigned	Currently Recruiting

\*Funded by the Pinelands Conservation Fund

**C. OTHER NOTES**

Name	Title	Office	Notes
Michelle Russell	Human Resources Specialist	Executive	Working a part-time schedule
Barry Brady	Planner 1-Cultural Resource	Land Use & Tech. Pgms.	Working a part-time schedule
John Repa	Project Support Assistant	Regulatory Programs	Working a part-time schedule
Jean Montgomerie	Environmental Specialist 1	Regulatory Programs	Working a part-time schedule
Teri Melodick	Principal Clerical Assistant	Business Services	Intermittent Family Leave
Sandra Gammon	Scanner-Paid by FEMA	Land Use & Tech. Pgms.	Digitizing Cultural Resource Information
Dawn Rago	Business Specialist	Business Services	Family Leave