

August 14, 2009 Pinelands Commission Meeting Packet Items
Not Included on the Commission's Electronic Packet

1. July 10, 2009, Closed Session Minutes (*these closed session minutes are not available to the public*)
2. Attachments to the July 10, 2009 Pinelands Commission meeting minutes which consist of:
 - Resolution #PC4-09-36
 - Resolution #PC4-09-37
 - Resolution #PC4-09-38
 - Resolution #PC4-09-39
 - Resolution #PC4-09-40 and attachment
 - Resolution #PC4-09-41 and attachments
 - Briefing Material on the FY 2010 Budgets
 - Briefing Material on Forest Stewardship Agreement
3. FY 2008 Audit Report
4. Pinelands Interpretive Plan Exhibit Assessment and Class C Estimate

MEMORANDUM

DATE: August 7, 2009

TO: Members of the Commission

FROM: John C. Stokes, Executive Director

SUBJECT: Summary of the August 14, 2009 Meeting Packet

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Minutes

The Commission meeting minutes (open and closed session) of July 10, 2009 are included in your packet.

Public Development Applications

Eleven public development applications are being recommended for approval with conditions.

1. **Atlantic County Facilities Management**, Regional Growth Area, construction of a 630 square foot building addition to the existing Atlantic County Justice Facility;
2. **The Richard Stockton College of New Jersey**, Rural Development Area, development of a synthetic turf athletic field at the Richard Stockton College of New Jersey;
3. **Winslow Township Board of Education**, Regional Growth Area, installation of three modular trailers;
4. **Township of Medford**, Rural Development Area, change of use of a 6,900 square foot office/warehouse building to a fire station;
5. **South Jersey Economic Development District**, Military and Federal Installation Area, construction of an office park for advanced aviation research and technology at the William J. Hughes Technical Center;
6. **Egg Harbor Township Schools**, Regional Growth Area, minor improvements to an existing athletic complex;

7. **Town of Hammonton**, Town of Hammonton, modifications to a prior Commission approval; demolition/reconstruction of a community center in an existing municipal recreation park;
8. **Atlantic County Department of Regional Planning and Development**, Regional Growth Area and Forest Area, rehabilitation of the existing Lake Lenape Dam;
9. **Pemberton Township Board of Education**, Military and Federal Installation Area, construction of 10,409 square foot gymnasium and associated site improvements at the existing 36,600 square foot Ft. Dix Elementary School;
10. **Washington Township**, Pinelands Village of Green Bank, two lot subdivision and the establishment of a municipal building in an existing 6,175 square foot building, formerly used as a school; and
11. **Greater Egg Harbor Regional High School District**, Town of Egg Harbor City, development of two basketball courts.

Waivers of Strict Compliance

There are no applications for Waivers of Strict Compliance on this month's agenda.

Letters of Interpretation

There were four PDC Letters of Interpretation issued this month. The PDC Letters of Interpretation allocated 3.75 PDCs to a total of 159.26 acres.

Recreation Permit

There were no recreation permits issued this month.

Certificate of Appropriateness

There is a Commission Certificate of Appropriateness for public development associated with the Atlantic County Department of Regional Planning project to rehabilitate Lake Lenape Dam. The Certificate of Appropriateness is scheduled for action as part of that public development application.

Certificates of Completeness

There were no municipal Certificates of Completeness issued this month.

Superfund Groundwater Remediation Cleanup

No Superfund Clean-ups are scheduled for this month's Commission agenda.

Resolutions Relating to Municipal Ordinances

There are no resolutions relating to municipal ordinances.

Other Resolutions

Enclosed is a July 20, 2009 letter from the Office of the State Auditor forwarding the FY 2008 Audit Report. We have prepared a resolution to accept the report.

Enclosed is a resolution to modify the policies governing the use of the Pinelands Conservation Fund. As the attached memorandum indicates, the primary purpose is to allocate almost \$5.4 million that we just received from the Cape May Municipal Utilities Authority.

Over the past year staff has been meeting with representatives from Buena Vista Township and the Atlantic County Utilities Authority to assist the Township to evaluate the feasibility of constructing a community wastewater system to meet current and foreseeable future service needs and to enable economic development within portions of Richland Village. A Memorandum of Understanding (MOU) has been developed to define the role and obligations of each of the parties in their respective efforts to evaluate, design and construct this community waste water system. In addition to facilitating this effort, the provisions of the MOU provide for the Commission to contribute up to \$100,000 to help defray costs specifically associated with the site suitability determination for the waste water system. It is proposed that this contribution be obtained from the Community Planning and Design account of the Pinelands Conservation Fund.

A resolution to enter into a new Task Agreement to implement the Pinelands Interpretive Plan is enclosed. Under this agreement, the Pinelands Commission will coordinate and collaborate with the National Park Service and the New Jersey Division of Parks and Forestry on the development and installation of interpretive exhibits to enhance awareness and appreciation of the Pinelands National Reserve in existing space at the Richard J. Sullivan Center. Additionally, the National Park Service may provide \$328,786.70 in funding for the project. Because we are awaiting confirmation on the total amount of funds to be provided, you may notice that the Task Agreement contains question marks adjacent to the account numbers.

Ordinances Not Requiring Commission Action

With respect to local conformance activities, we have included a memorandum on ten ordinances which we reviewed and found to raise no substantial issues with respect to CMP standards. These ordinances were submitted by Barnegat Township, Dennis Township, Lakehurst Borough, Pemberton Township and Winslow Township.

Other Agenda Items

Jay Laubengeyer of The Nature Conservancy will brief the Commission on the results of the Cape May County MUA Land Acquisition Fund.

Closed Session

A closed session may be held to discuss issues relating to the Commission's affordable housing obligations.

Other Materials

The August and September 2009 Pinelands Commission calendars are included in your packet.

Also enclosed is the seventh annual report on the Alternate Design Treatment Systems Pilot Program covering the period of August 5, 2008 through August 5, 2009. This report provides background on the development of the pilot program, the status of the alternate design treatment system approvals and discusses the alternate system installations and performance since the inception of the pilot program and during the current reporting period.

As always, the management report is enclosed.

August 2009

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3	4	5	6 9:30 a.m. – P&B Committee Mtg - RJS Center, Library	7	8
9	10	11	12	13	14 9:30 a.m. – Pinelands Commission Mtg. – RJS Center	15
16	17	18	19	20 2 p.m. - Pinelands Speaker Series - “Secrets of Pinelands Plants” – RJS Center	21	22
23	24	25	26	27	28 9:30 a.m. – P&I Committee Mtg., at RJS Center	29
30	31 10:30 a.m. P&G Committee Mtg, - RJS Center					

September 2009

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1	2	3 9:30 a.m. – P&B Committee Mtg - RJS Center, Library	4	5
6	7	8	9	10	11 9:30 a.m. – Pinelands Commission Mtg. – RJS Center	12 11 a.m. -4 p.m. Pinelands-Friendly Yard & Garden Fair, Woodford Cedar Run Wildlife Refuge, Medford
13	14	15	16	17	18	19
20	21	22	23	24 7 p.m. – Pinelands Educational Advisory Council Mtg. – RJS Center (tentative)	25 9:30 a.m. – P&I Committee Mtg., at RJS Center	26
27	28 10:30 a.m. P&G Committee Mtg, - RJS Center	29 4 p.m. – Pine Barrens By-Way Task Force- Woodbine Bor. 7:30 p.m. – Pinelands Municipal Council – Tabernacle Twp.	30			



NEW JERSEY PINELANDS COMMISSION

August 14, 2009

Meeting Agenda

Richard J. Sullivan Center for Environmental Policy and Education
Terrence D. Moore Conference Room
15C Springfield Road
New Lisbon, New Jersey

9:30 a.m.

1. Call to Order
 - o Open Public Meetings Act Statement
 - o Roll Call
 - o Pledge Allegiance to the Flag
2. Adoption of Minutes
 - o July 10, 2009 (Open and Closed Sessions)
3. Committee Chairs' and Executive Director's Reports
4. Office of Administrative Law
 - o None
5. Review of Local Approval
 - o None
6. Public Comment on Agenda Items

7. Development Review Matters

- o Review of Public Development Projects
- o Waivers of Strict Compliance - None
- o Other Development Review Matters

8. Resolutions Relating to Municipal Ordinances

- o None

9. Other Resolutions of the Commission

- o To Accept the Fiscal Year 2008 Audit Report
- o To Revise the Policies for the Use and Management of the Pinelands Conservation Fund
- o To Authorize the Executive Director to Execute a Memorandum of Understanding among the Pinelands Commission, Buena Vista Township and the Atlantic County Utilities Authority to Assist in the Installation of a Community Waste Water System and to Revise the FY2010 Pinelands Conservation Fund Budget
- o To Authorize the Executive Director to Enter into a New Task Agreement between the Pinelands Commission, the State of New Jersey Department of Environmental Protection – Division of Parks and Forestry and the National Park Service to continue the work started under Cooperative Agreement H1846-06-002 to implement the Pinelands Interpretative Plan

10. Ordinances Not Requiring Commission Action

- o Barnegat Township Ordinance 2009-10
- o Dennis Township Ordinance 2009-01
- o Lakehurst Borough Ordinance 09-09
- o Pemberton Township Ordinance 11-2009
- o Winslow Township Ordinances 0-33-08 and 0-2009-017

11. Public Comment on any Matter Relevant to the Commission's Statutory Responsibilities

12. Other Agenda Items

- o Presentation on the Cape May County MUA Land Acquisition Fund by Jay Laubengeyer of The Nature Conservancy

13. Resolution to Retire into Closed Session - Personnel, Litigation, & Acquisition Matters (*The Commission reserves the right to reconvene into public session to take action on closed session items*)

14. Adjournment



Pinelands Commission and Committee meeting agendas are now posted on the Commission's Web site and can be viewed at www.nj.gov/pinelands/. The agendas are also posted and can be viewed at the Pinelands Commission Offices, 15 Springfield Road, New Lisbon, New Jersey or for more information on agenda details, e-mail the [Public Programs Office](mailto:Info@njpines.state.nj.us) at Info@njpines.state.nj.us or call (609) 894-7300.

PINELANDS COMMISSION MEETING
Richard J. Sullivan Center
Terrence D. Moore Conference Room
15 Springfield Road
New Lisbon, New Jersey

Minutes

July 10, 2009

Commissioners Present

William Brown, Guy Campbell, Leslie M. Ficcaglia, John A. Haas, Robert Jackson, Daniel M. Kennedy, Stephen Lee, III, Judith Link, Edward Lloyd, Robert McIntosh, Francis A. Witt and Vice-Chairman, Norman F. Tomasello. Also present were Executive Director John C. Stokes and Deputy Attorney General Amy Donlon.

Commissioners Absent

Candace Ashmun and Paul E. Galletta

Vice-Chairman Tomasello called the meeting to order at 9:40 a.m.

Deputy Attorney General Donlon read the Open Public Meetings Act Statement.

Vice-Chairman Tomasello introduced Judith Link to the Pinelands Commission. He said that Ms. Link was nominated by Governor Corzine and confirmed by the State Senate. She resides in Mays Landing and is a member of the Hamilton Township Environmental Commission. He said that Ms. Link has a Masters Degree in Biology, and she will be a valuable member of the Commission. He asked Ms. Link to step forward so that DAG Donlon can administer her Oath of Office.

DAG Donlon administered the Oath of Office to Ms. Link.

Vice-Chairman Tomasello and members of the Commission welcomed Commissioner Link to the Commission.

Mr. Stokes called the roll.

The Commission and public in attendance pledged allegiance to the Flag.

Election of Vice-Chairman

Vice-Chairman Tomasello opened the floor to nominations for Vice-Chairman.

Commissioner Witt nominated Commissioner Tomasello to serve as Vice-Chairman of the Pinelands Commission. Commissioner Brown seconded the motion. Commissioner Haas moved that the nominations be closed. Commissioner Campbell seconded the motion. With the Commission agreeing to close the nominations, the Commission voted to have Commissioner Tomasello serve as Vice-Chairman of the Pinelands Commission by a vote of 11 to 0. Commissioner Jackson was not present for the vote.

Vice-Chairman Tomasello opened the floor to nominations for Acting Vice-Chairman.

Commissioner Lee nominated Commissioner Ashmun to serve as Acting Vice-Chairman of the Pinelands Commission. Commissioner Campbell seconded the motion. Commissioner Lee moved that the nominations be closed. Commissioner Haas seconded the motion. With the Commission agreeing to close the nominations, the Commission voted to have Commissioner Ashmun serve as Acting Vice-Chair of the Pinelands Commission by a vote of 11 to 0. Commissioner Jackson was not present for the vote.

Committee Assignments

Vice-Chairman Tomasello stated that there will be no changes made to Committee assignments at this time. He said that he will be talking to Commissioner Link about Committee assignments and announce those at a later date.

Closed Session

Mr. Stokes indicated that there is a matter that the Commission has to discuss in closed session relating to a contract matter with Communications Workers of America.

DAG Donlon read a resolution to retire into closed session to discuss matters relating to a contract with Communications Workers of America (CWA).

Commissioner Lee moved the adoption of the resolution. Commissioner Lloyd seconded the motion. The Commission agreed to retire into closed session by a vote of 11 to 0. Commissioner Jackson was not present for the vote.

Return to Open Session

Vice-Chairman Tomasello reopened the public portion of the meeting.

DAG Donlon reported that the Commission discussed in closed session matters involving terms of the collective bargaining agreement. She said that it is anticipated that action on this matter will take place later in today's meeting. She indicated that no action was taken during closed session.

Minutes

Vice-Chairman Tomasello presented the June 12, 2009 open and closed session Commission meeting minutes. Commissioner Haas moved the adoption of the minutes. Commissioner Kennedy seconded the motion.

The Commission adopted the minutes by a vote of 12 to 0.

Committee Chairs' and Executive Director's Reports

Personnel and Budget Committee Meeting

Commissioner Ficcaglia reported that the Committee met on July 2, 2009 and adopted the minutes from the June 4, 2009 meeting.

The Committee reviewed the Resolution To Ratify Memoranda of Agreement with the Communications Workers of America, Local 1040. Mr. Stokes explained the details of the MOA which will avoid a reduction in force during FY 2010. The Committee unanimously recommended Commission approval of the resolution.

The Committee reviewed the Resolution To Adopt the Pinelands Commission's Fiscal Year 2010 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund, the Pinelands Conservation Fund, the Pinelands Development Credit Purchase Program Fund and the CCMUA Land Acquisition Fund. Mr. Stokes provided information on the FY2010 Work Plan and an overview of the five budgets that support the work plan. He stated that only 55.5 of 66 full time positions are financed in FY10 and he is concerned with the quantity and level of work with the decreased staffing level. Ms. Connor reviewed the estimated expenditures and revenue contained in the Operating Budget including reduced State funding. She emphasized that this is a very tight budget and provided details of several accounts. She pointed out the budget notes that authorize the Executive Director to spend in excess of \$29,000. Mr. Stokes and Ms. Connor discussed the other four budgets in detail. The Committee unanimously recommended Commission approval of the resolution.

Commissioner Ficcaglia indicated that there is a concern about the possibility of over spending the travel account.

Commissioner Ficcaglia made a motion to revise the FY 09 operating budget to increase the travel account from \$6,500 to \$9,000 and decrease the telephone budget from \$20,500 to \$18,000. She indicated that there will be no change in the total budget. Commissioner Lee seconded the motion. The Commission adopted the motion by a vote of 12 to 0.

Commissioner Ficcaglia continued with the Personnel and Budget Committee meeting report noting that the Committee was briefed on the Equipment Capitalization Systems deletions. Ms. Connor reviewed the deletions along with a request to add back an item previously deleted. The Committee approved the deletions and the addition.

The Committee reviewed the check register and electronic funds transfer (EFT) disbursements for June 2009. Ms. Connor provided information on the checks and electronic fund transfers.

The Committee reviewed employee actions. Ms. Russell reviewed the employee actions during June 2009 and noted a request for an unpaid leave of absence has been received.

The Committee was provided an update on application fees. Ms. Connor updated the Committee on application fees for June and noted that a couple of large checks were received the last week in June.

A closed session was held to discuss confidential items including several CWA related matters.

CMP Policy and Implementation Committee Meeting

Commissioner Haas reported that the P&I Committee held its regular meeting on June 26, 2009 and adopted the minutes of the May 29, 2009 and June 17, 2009 meetings.

The Committee recommended the redesignation of Polygon D (Maurice River farm) from FA to APA.

The Committee made no recommendation for Polygon F (Galloway/Stockton)

The Committee recommended that Polygon K (Buena Vista/Monroe/Franklin) excluding K3 and the parcel to the north of the concerned lands, be redesignated from APA and RDA to FA.

The Committee met in closed session to discuss legal matters relating to the Council on Affordable Housing.

Commissioner Haas further reported that the CMP Policy and Implementation Committee held a special meeting met on June 17, 2009 and adopted the minutes of the May 27 special P&I meeting. The Committee received public comment on draft proposed changes to the Land Capability Map.

The Committee made recommendations regarding polygons in Evesham, Medford, Southampton and Pemberton Townships.

Audit Committee Meeting

Commissioner Witt reported that the Audit Committee held a Post Audit Committee meeting with the State Auditors on June 25, 2009. The Committee adopted the minutes of the February 26, 2009. The Committee received and discussed the draft FY 2008 Audit Report with the State Auditors who indicated that the report was clean and that there were no reportable findings in the report.

The Auditors discussed several items with the Committee. The first was the Government Unit Deposit Protection Act (GUDPA) and whether or not the Commission is covered under this act. It was noted that this matter should be addressed over the next year. The second item was GASB 54, which the Commission will be required to follow to comply with its year end financial statements. Thirdly, the Auditors suggested that staff review the Commission's CATS system to see if something could be done to lessen manual entries.

Lastly, the Auditors suggested that that Mr. Frenia, the Commission's financial consultant, should be kept on board to continue to do the financials since he has the expertise to deal with the new requirements of GASB 54. The final Audit Report for FY 2008 should be submitted to the Commission shortly. The meeting was then adjourned.

Public and Governmental Programs Committee Meeting

Commissioner Lee reported that the Public and Governmental Programs Committee did not meet.

Commissioner Lee referred to the Audit report and asked if the Commission has coverage for its deposits.

Commissioner Ficcaglia replied that it was indicated to the Audit Committee that the Commission's bank thought that the Commission was covered and according to the State Auditors the Commission is not covered. She said that this will need to be clarified quickly.

Mr. Stokes stated that the Commission does maintain covered balances most of the time but there are occasions where coverage would be exceeded by payroll and the like for a short time. Staff is taking steps now to see that this does not happen. He said, as mentioned by Commissioners Witt and Ficcaglia, it was staff's understanding from the bank that the Commission was covered and now we have found out that we are not covered.

Executive Director's Report

Mr. Stokes reported on the following items:

Mr. Stokes introduced Jim Carey, Director of the Governor's Authorities Unit, and stated that Mr. Carey advises the Governor on a number of matters relating to the 60 plus authorities that exist throughout New Jersey. He said that Mr. Carey, along with Joe Neal, are the Commission's principal liaisons with the Governor's office. He thanked both Mr. Carey and Mr. Neal for all their help over the years.

Mr. Stokes met with former State Senator Nicholas Asselta, now a Commission member of the Board of Public Utilities, regarding solar facilities. He said that these facilities are becoming popular and staff believes there are opportunities in the Pinelands to couple solar production in such a way that it is consistent with the Commission's land use and environmental policies. He said that Senator Asselta agreed to have his director of renewable energy work with Mr. Liggett

so they can analyze what the current policies are and how these might be improved to facilitate solar facilities development at appropriate locations.

Members of the Commission and staff had the opportunity to meet with the Pinelands Municipal Council (PMC) late last month. The Council discussed septic system management, the Pinelands Development Credit program, the potential Land Capability map changes, and clustering. One of the overriding concerns that many expressed was that the towns would be asked to assume responsibility for changing their ordinances, reviewing their master plans, publishing notices of ordinance changes and the costs associated with doing this. He spoke with the Personnel and Budget Committee about an opportunity to help the towns in their planning efforts. In reference to the Cape May Landfill expansion, staff has been told that the Department of Environmental Protection has now issued its permits. Once staff receives this confirmation, about \$5.5 million being held in escrow will get allocated to the Pinelands Conservation Fund. The allocation of these funds will be discussed with the P&B Committee. A good portion of these funds will probably be used for the acquisition of land, but there is an opportunity to set aside some of this money to help municipalities as they go through some of their planning efforts.

Commissioner Jackson referred to that meeting and said that the mayors were concerned that it is expensive to change their ordinances and master plans when the Commission does certain things but on the other hand they were upset that the Commission has so many programs going on at the same time. He said that dealing with several programs at once works in their favor because the Commission can make decisions on those issues and towns can get a package of changes to their ordinance, which will be cheaper to do all at once rather than doing them piecemeal. He said that it may be that some balance on this can be reached by the Commission in the future.

Mr. Stokes concurred and said that staff has discussed this with the Commission in terms of packaging some of these issues. The Commission did this a couple of months ago and moved ahead on four potential changes to its rules. He said that staff has discussed, on a number of occasions, this same idea with the PMC and believes they generally agree.

Mr. Stokes continued with his report.

Mr. Stokes met with Dr. Peter Mora, President of the Atlantic Cape Community College, to discuss some of the map changes that have been discussed and how they might affect some of the College's property. A college representative that had attended some of the P&I Committee meetings expressed concern about these map changes. The meeting with Dr. Mora was very productive and it was clear at the meeting that the College will have ample opportunity and space to expand its facilities to carry on its mission. The proposed changes should not affect the college's plans. He said that the College will be submitting a short term development plan for its existing campus and staff will be working with them on a longer term plan.

Two public hearings have been scheduled; one will be held on July 17 on the proposed septic management rule proposal and the other on July 22 on the forestry, wetlands, and the electric transmission right-of-way maintenance rule proposals. Once the public comment period ends on August 14, staff will be analyzing the comments as well as the outstanding questions and concerns that might be raised by the P&I Committee. Sometime in the fall or the winter, staff

will be making a recommendation to the Committee and to the Commission on these rule proposals.

Mr. Liggett reported on the following items:

Woodbine Borough has requested that staff work with them and the County on their Water Quality Management Plan.

Staff has talked to the Agricultural Advisory Committee about the PDC rule proposal and provided them with a copy of the proposal. Staff sent out a letter to the Committee asking them for comments but nothing has been received as yet. Mr. Mounier, a member of the Committee, has spoken several times about this issue and has submitted comments, but the Committee itself has not submitted any formal comments about the proposal.

Mr. Liggett spent a day in Texas to talk to the Hill Country Alliance with regard to an aquifer they have there. They are running into some of the similar issues the Commission had when it was formed.

Mr. Stokes indicated that Mr. Liggett's trip was at no expense to the Pinelands Commission.

Mr. Horner reported on the following items:

Staff met twice this week with representatives of the South Jersey Transportation Authority which is asking for completion of the third west bound lane on the Atlantic City Expressway. This application is moving through the Commission for the entire length of the Pinelands Area.

Staff met with Burlington County representatives last week about the proposed improvements to Burlington County Route 530. The County has plans to widen and create a median for safety improvements. An issue has arisen with regard to a farm that had PDCs severed and whether a transportation improvement can be built on those lands that are subject to a PDC restriction. Staff is working in coordination with the PDC Bank and the DEP, Green Acres, trying to review alternatives that may be available to minimize encroachment onto that farm.

In reference to the conservation plan the Commission approved several years ago to protect northern pine snake habitat in Ocean Acres in Barnegat Township, the developer reserved the right through a settlement agreement to do further studies on 38 acres of that 200 acre conservation area. The 2-year survey work has been completed by the developer and this information has been submitted to the staff. The report indicates that the applicant did not find any northern pine snakes in the 38 acre parcel. Staff made a preliminary staff recommendation which will be submitted to all the interest parties, including the property owners within 200 feet of that 38 acres and they will have 30 days to comment on the survey itself as well as staff preliminary recommendation. Following that 30 days, staff will make a final recommendation on the matter. Staff's preliminary recommendation is that the applicant has demonstrated that the 38 acres does not constitute critical habitat for northern pine snakes.

Commissioner Lee referred to the meeting that was held on July 8 to discuss roadside plants. He said that his concern is that these things to protect plants and reduce mowing may narrow the road shoulders. He said that this may reduce the time to react to deer and the like when driving. He said that highway safety should be folded into the discussion. He said that an easy way to maintain road shoulders is to mow but not to go any deeper than the poles or 4 feet. He said this would be a trade off between creating habitat to the edge of the pavement and protecting right-of-way safety.

Mr. Stokes concurred and said that the Pinelands Preservation Alliance (PPA) has been working on management prescriptions, but staff has not reviewed these in detail as yet. These management prescriptions will be shared with the Counties. He said that the proposed streamlining agreements convey the counties roadside plant matter and recognize that whatever the maintenance prescriptions are they need to reflect public safety.

Commissioner Lee said that this issue was discussed with the Public and Governmental Programs Committee including the importance of simple prescriptions for the highway department individuals that can be easily done in the field.

Commissioner Haas concurred with Commissioner Lee's comments.

Commissioner Ficcaglia stated that there is probably a way to strike a balance by deciding when to mow, indicating that there are times when doing this are much less critical. She said one doesn't want to lose seed stock and prevent the plant from growing at all. She said that there is probably a lot of opportunity to work around this and maintain safety as well as the plant life.

Mr. Stokes said that staff member Mr. Kutner, who is managing this project, is here today and he is sure that Mr. Kutner is making a note of this, as well as the PPA staff who are also here today.

Public Comment on Agenda Items

Ms. Theresa Lettman of the Pinelands Preservation Alliance commented on the public development application for the Whitehorse Road in Woodland Township. She said that PPA is not opposed to the project assuming that the applicant will perform only the thinning and clearing operation and not a road widening project. She said that they do not wish to insist that a full threatened and endangered species survey be undertaken, assuming that the applicant performs only the treatment that is proposed. She said that they do want to emphasize that the official Pinelands Commission correspondence should not include inaccurate statements. They have a long standing and ongoing concern that threatened and endangered plant issues are often given short shrift in the development review process. The statement in the public development report reads the "existing variable width sand road does not have roadside shoulders which might offer suitable habitat for threatened and endangered species." This statement is false and raises level of concern. She noted that the road leads to wet areas where habitat is suitable for a variety of protected plants species as well as protected plants species along the dry upland portions of the road. She said that the statement should be revised so that the record reflects the facts.

Development Review Matters

Review of Public Development Projects

Mr. Stokes stated that Application Numbers 1987-1058.059, South Jersey Transportation Authority, 1988-0474.005, Pemberton Township, 1990-0260.003, Professor F. Thomas Ledig, 1991-0836.052, Naval Air Engineering Station, Lakehurst, 2007-0137.001, Galloway Township and 2009-0026.001, New Jersey Forest Fire Service, are applications for public development recommended for approval with conditions.

Mr. Stokes noted that the public development application that Ms. Lettman is referring to is Application #2009-0026.001, New Jersey Forest Fire Service.

Commissioner Lee moved the adoption of the Resolution Approving with Conditions Applications for Public Development (Application Numbers 1987-1058.059, 1988-0474.005, 1990-0260.003, 1991-0836.052, 2007-0137.001, and 2009-0026.001). (See Resolution #PC4-09-36 attached). Commissioner Haas seconded the motion.

Commissioner Jackson asked if the Commission will be able to amend the public record on the application Ms. Lettman is referring to.

Mr. Stokes said that the Commission should discuss the matter to see if indeed the report needs to be revised. He said that the report is attached to the resolution and stated that the relevant sentence is located on page 2, fourth paragraph down.

Mr. Horner said that staff attempted to say in that sentence that this is a sand road in the Pinelands where the forest is growing right up to the edge of the road. It doesn't have the typical open shoulders that are seen in other roads throughout the Pinelands where good habitat frequently is found for threatened and endangered plant species. Mr. Horner said that the sentence is not that much of an issue and recommended that the report not be changed, but rather, insert language in the cover letter that is sent out on this project to clarify issue.

The Commission concurred with Mr. Horner's recommendation.

Commissioner Lee questioned why there is an application for this project at all, stating that he thought that fire breaks were an exempt activity.

Mr. Horner stated that fire fuel breaks are exempt. He said there have been ongoing discussions over the years as to what constitutes a fuel break. He read the regulation to the Commission. He said that, based on staff's understanding from the provision adopted in 1981, the conditions deal with plow lines and not necessarily clearing a forest to create fire breaks.

Commissioner Lee and Mr. Horner discussed what constitutes fire breaks. Commissioner Lee said that this needs to be thought through, indicating that construction of a modest fire break, something more than a plow line, is reasonable and appropriate and actually meets the spirit of

the Commission's regulations. He said that there should be a way to do this and feels the Commission needs to continue to think about this issue.

Commissioner Lloyd said that the conclusion of the report says that that proposed tree removal and understory mowing is comparable to forestry and asked why staff uses "comparable" here.

Mr. Horner said that the location of the project is in the Pinelands Preservation Area and the rules list what is permitted in this area.

Commissioner Jackson asked if this particular language should be addressed by the Commission.

Mr. Horner replied that this is something that can be addressed when the opportunity presents itself.

The Commission adopted the resolution by a vote of 11 to 0. Commissioner Brown was not present for the vote.

Commissioner Kennedy left the room.

Mr. Stokes stated that Application Number 1981-2384.009, Burlington County College is an application for public development recommended for approval with conditions.

Commissioner Haas moved the adoption of the Resolution Approving with Conditions an Application for Public Development (Application Number 1981-2384.009). (See Resolution #PC4-09-37 attached). Commissioner Campbell seconded the motion.

The Commission adopted the resolution by a vote of 10 to 0. Commissioners Brown and Kennedy were not present for the vote.

Commissioner Kennedy returned.

Commissioner Haas recused himself the following matter and left the room.

Mr. Stokes stated that Application Number 2004-0479.001, County of Ocean Engineering Department, is an application for public development recommended for approval with conditions.

Commissioner Lee moved the adoption of the Resolution Approving with Conditions an Application for Public Development (Application Number 2004-0470.001). (See Resolution #PC4-09-38 attached). Commissioner Witt seconded the motion.

The Commission adopted the resolution by a vote of 10 to 0. Commissioners Brown and Haas were not present for the vote.

Commissioner Haas returned.

Mr. Stokes stated that Application Number 1982-2515.001, Joseph De Mesquita, is an application for a waiver of strict compliance recommended for denial.

Commissioner Lloyd moved the adoption of the Resolution Denying an application for a Waiver of Strict Compliance (Application Number 1982-2515.001). (See Resolution #PC4-09-39 attached). Commissioner Jackson seconded the motion.

Commissioner Lee said that this report seems to be much more detailed than usual denials and asked if there is a reason for that.

Mr. Horner replied that this was a very involved application and explained that the waiver regulations have two components and summarized them for the Commission. He said that the majority of waiver applications that staff process are under the first component. The other standard says that, if an applicant doesn't meet the types of specified development or cannot meet the minimal environmental standards in the first component, another test is performed to show that there is not a minimum beneficial use of the property. He said that this applicant has pursued the second standard.

The Commission adopted the resolution by a vote of 11 to 0. Commissioner Brown was not present for the vote.

Other Development Review Matters

Mr. Stokes stated that there were three PDC Letters of Interpretation issued this month. They allocated 8.25 PDCs to a total of 201.59 acres. There were two Letters of Interpretation issued this month regarding the presence or absence of wetlands.

Other Resolutions of the Commission

Mr. Stokes presented the Resolution To Ratify Memoranda of Agreement with the Communications Workers of America, Local 1040. (See Resolution PC4-09-40 attached).

Mr. Stokes stated that if the Commission approves this resolution, copies of the resolution and agreement will be available for public inspection.

Commissioner Ficcaglia moved the adoption of the resolution. Commissioner Campbell seconded the motion. The Commission adopted the resolution by a vote of 12 to 0.

Mr. Stokes presented the Resolution To Adopt the Pinelands Commission's Fiscal Year 2010 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund, the Pinelands Conservation Fund, the Pinelands Development Credit Purchase Program Fund and the CMCMUA Land Acquisition Fund. (See Resolution #PC4-09-41 attached).

Commissioner Ficcaglia moved the adoption of the resolution. Commissioner Jackson seconded the motion.

Mr. Stokes discussed the budget that staff is recommending to the Commission for FY 2010. He said that staff is recommending an operating budget of roughly \$3,950,000.000. He indicated that this is one of several budgets that the Commission adopts. He briefly went over the operating fund expenses of personnel and non-personnel costs, operating fund finances and noted the comparison between the audited expenses of FY 2006 to FY2010. He discussed the recommended draw from the undesignated fund balance of roughly \$280,000 to balance the recommended operating budget. He said that expenses usually end up less than what is actually budgeted and he presumes that this trend will continue so that we will not have to draw the full \$280,000 at the end of the year. He described the other budgets consisting of the Kirkwood-Cohansey, Pinelands Conservation Fund, PDC Purchase Program, and the CCMUA Land Acquisition Fund. He went over the budgeted staff positions and the estimated work months as well as the FY2010 work plan, calculating the work months for ongoing operations and the 38 specific projects that are listed. He noted that staff can not do the same amount of work that it has done in the past due to staffing resources. He then highlighted and briefed the Commission on 5 of the 38 projects that are new projects. These are the Fort Dix Recycling Review, PCF Financial Plan, Joint Military Base Streamlining, Local Review Officer, and the Internet Map Access. (See presentation attached).

Commissioner Lee referred to the Cape May County Utilities Authority expansion moving through the Commission without a great deal of discussion. He said the concept of the Cape May mitigation funds being used for something other than land acquisition is a new thought to him. He questioned whether Cape May County understands that the uses of the money, once it is in the Conservation Fund, can now include things like municipal zoning changes and the like.

Mr. Stokes replied that Cape May does know this and stated that when the Commission adopted the rule this issue was specifically discussed. He said that the Conservation Fund has three components to it, community planning, conservation planning and research, and land acquisition. He said that it is ultimately the Commission who will decide how to allocate the funds. He said that the rules expressly provide for this, but it is the Commission's decision to make.

The Commission adopted the resolution by a vote of 12 to 0.

Commissioner Witt stated, as a member of the Personnel and Budget Committee, that staff has done a great job, not only in handling the budget, but also in handling the renegotiation of the agreement with the CWA. He personally thanked Mr. Stokes and the staff for an outstanding job. He said that he has never seen management work so well and results so great. Commissioners Campbell and Ficcaglia concurred with Commissioner's comments.

Mr. Stokes thanked them for the comment and noted that the CWA membership deserves credit for making a difficult decision in an effort to avoid layoffs.

Ordinances Not Requiring Commission Action

Mr. Stokes stated that Hamilton Township Ordinance 1644-2009, Hamilton Township Ordinance 1647-2009, Hammonton Town Ordinance 22-2004, Hammonton Town Ordinance 28-2004, Monroe Township Ordinance 0:05-2009, Monroe Township Ordinance 0:06-2009, Toms River

Township Ordinance 4175-09, Upper Township Ordinance 013-2009, Winslow Township Ordinance 0-2009-012, and Woodbine Borough Ordinance 505-2009, are ordinance amendments that do not raise a substantial issue with regard to the provisions of the Comprehensive Management Plan. The Commission took no action, allowing the ordinance amendments to take effect.

Public Comment on any Matter Relevant to the Commission's Statutory Responsibilities

Mr. Fred Akers, Great Egg Harbor River Association, commented on the management area changes and stated that he feels that these changes have become so distorted that it may be that this project should be discontinued. He said that there is a lot of information that has not been utilized in the process, especially relating to wetlands buffers. He said that the whole process can be streamlined just by applying 300 foot buffers.

Other Agenda Items

Presentation - Forest Stewardship Agreement

Mr. Stokes introduced Amy Cradic, Assistant Commissioner of the Department of Environmental Protection. He stated that Ms. Cradic has been involved in an important Pinelands project which is the Southern Medford Evesham Conservation Plan. He said that she served on the Steering Committee for that project. She has since assumed the position of Assistant Commissioner for Natural and Historic Resources, which is the side of the Department that the Pinelands Commission has the most interaction with. He said that the Commission has proposed improved forest management rules which were developed over a number of years through the hard work of the Commission's Forestry Advisory Committee. He noted that the Department is well represented on that Committee. He said that the Commission developed a Forest Stewardship agreement with DEP about 10 years ago. The idea was that the Commission could partner with DEP in simplifying reviews of forest stewardship proposals in the Pinelands. He said that this agreement envisioned a coordinated review process which neither the Department nor the Commission have yet fully fulfilled. He said that he feels that these new forestry rules provide an opportunity to reinvigorate the cooperative review process. He said that Ms. Cradic will brief the Commission on this as well as the other agreements that the Commission has with the Department.

Commissioner Lee said that his family has been practicing forest stewardship in the Pinelands for about 140 years and said that he would like to recuse himself from the discussion.

Ms. Cradic, through a power point presentation, explained a unique opportunity by the Department on Forest Stewardship. She said that the Department recently met with Senator Smith and that the Department now has a funding source to do some very solid forest stewardship state-wide. She noted that more than half of the state's property is in the Pinelands. She said that they are looking to amend the legislation to include some funding for private lands as well. She said this program presents a unique opportunity for them to look at prior MOAs that have been established over two decades, as well as incorporate the work that was done on the forestry rules and include internal practices that have changed within the Department of

Environmental Protection. She said that she is hoping in the next 6 months they can take four MOAs and update them into one combined MOA with the Department and the Pinelands Commission.

Ms. Cradic went through went through the different DEP units who participate in land management. She went over the current 4 memoranda of agreement. She stated that in moving forward the Department would like to update and combine the four MOA's into one comprehensive agreement with the Commission. She said that 10% of the Regional Green House Gas Initiative (RGGI) funding is allocated to support stewardship on restoration projects on state forest and tidal marshes. She said that the Department is working on amending this legislation to also include some funding from the Global Warming Solutions Fund (GWSF) incentives for private land owners who do good stewardship forestry on their properties. Ms. Cradic discussed the GWSF Strategic Land-Management Action Plan and state land properties consisting of over 700, 000 acres in the state and over half amount located in the Pinelands Area. She discussed the memorandum of agreement they have with the Pinelands Commission concerning forest stewardship plans on private lands and the forest stewardship plans statewide. Lastly, Ms. Cradic went through the benefits of a partnership and for the combined MOA. (See presentation attached).

Ms. Cradic indicated that the Department has worked closely with the Pinelands Commission for a long time and stated that while each are seeking the same goals, everyone gets caught up in managing a lot of activities. She said that they don't have resources to go through a lengthy process when everyone is trying to accomplish the same goals. She said that with the funding they can do some solid forestry stewardship in the Pinelands and follow the rules and regulations that are established by Commission. She said that they are hoping that everyone can come together with an agreement that can make this happen.

Commissioner Lloyd asked for a copy of Ms. Cradic's slide presentation.

Commissioner Kennedy stated that this all deals with state lands and asked about local governments that are looking to have the same activities. He asked if there is any streamlining and efficiencies that can be done for them through this new MOA.

Ms. Cradic said that this is a question for the Commission itself.

Mr. Stokes stated that Mr. Horner and Ms. Young will be going out to counties with a template for streamlining development activities and, although that agreement does not specifically address forest management, it would seem to him that once there is a template with DEP, this ought to be appropriate to discuss with the counties.

Commissioner Kennedy asked about non-profits and whether they can participate in the program.

Mr. Stokes replied yes, through the Forest Stewardship Program, and stated that the goal is to take the 12-year old framework for coordinated forest stewardship reviews and bring it up-to-date. This would cover any property that would go into the Forest Stewardship Program.

Although the Forest Stewardship Program does not include county lands, he said that the template developed could have real application to county lands as well.

A gentleman from the audience stated that the stewardship program was initially written to allow municipalities and counties to utilize the RGGI monies, but this was taken out at some point in the process.

Commissioner Kennedy said that it would be a good step for the state to coordinate with private owners, non-profits, and local government also.

Commissioner Haas asked Ms. Cradic to describe the scope of the project in terms of how much activity there will be once there is an agreement.

Ms. Cradic referred to the Berkeley Triangle and said that they want to use this as a model state-wide.

Mr. Jim Barresi, State Forester, stated that there are about 147 stewardship properties that are in the Pinelands right now and each plan is good for 10 years. He said they are trying to move forward with the development of forest stewardship plans on state properties. He said that all of the lands that are managed by their department basically would be under a stewardship type plan that would be covered by this MOA.

Commissioner Haas asked Mr. Barresi to explain the Berkeley Triangle.

Mr. Barresi replied that the Berkeley Triangle basically is a designation of several different properties within Fish and Wildlife, Division of Parks and Forestry, Natural Land Trust and Hovanian piece. They are trying to develop a joint management agreement that covers sectors of the different properties which recognize the different objectives and pull together all of the stakeholders that are currently managing those properties to develop a set of goals and objectives to restore some of the ecological benefits that forestry can provide to that landscape.

Ms. Cradic said that the plan creates habitat improvements for non game or for threatened and endangered plants and includes forest protection practices. She said at the end of the day there will be some harvesting, noting that the objectives were ecologically based.

A lady from the audience commented on the three major objectives which consisted of fire protection, threatened and endangered species and overall forest management practices.

Mr. Stokes stated that the Commission's attorneys have suggested that the Commission has to be a little careful about getting into too many particulars because if an application comes before the Commission, it might have to serve as the ultimate decision maker.

Mr. Barresi stated that they have been able to pull together some funding resources under the National Fire Plan so a lot of what the Berkeley Triangle is hoping to accomplish are these fuel breaks and fire breaks that protect development.

Commissioner Jackson asked how this plays into access for people and recreation.

Ms. Cradic replied that active kinds of recreational opportunities are not considered as part of this project. Rather based on resource based recreation, bird watching and the like will be fostered.

Commissioner Jackson asked if they would be enhancing things to draw birders, etc.

Mr. Barresi stated that they are going to make the habitat but won't be building a boardwalk, trail, etc.

Ms. Cradic said that forest harvesting will create a revenue source for Audubon and the state to help pay for the habitat improvements on the property.

Mr. Akers asked since the Pinelands are a Federal Reserve if New Jersey going to be able to tap into any potential climate change adaptation money.

Ms. Cradic replied that they have a state based program and a cooperative agreement with 10 states. The Federal Government is looking at an overarching program nationally.

Mr. Stokes said that one of the challenges the DEP, Pinelands Commission, and the property owners will face is, what is ecological restoration. He said our job is to try to maintain a typical Pinelands environment. He said he is convinced that everyone is on the same page with this project but that we will need to flesh out some of the details. He said in order to get the agreements moving the Department should attend the next Public and Governmental Programs Committee and, in the meantime, he asked the Department to outline in more detail some of the elements that they would like to see in the agreement.

Ms. Cradic stated that the Department can present a combined MOA that is drafted consistent with the forestry rules the Commission has been working on.

Mr. Stokes stated that Mr. Horner will be the Commission's principal contact on this matter.

Mr. Lee Rosenson of the Pinelands Preservation Alliance referred to the Department moving slowly on this program, noting that it has taken many years. He asked if the Department has the resources now to do the stewardship plans.

Ms. Cradic stated that there is funding now that will allow them to contract out to create those forest stewardship plans with the oversight of the state forestry staff. She said that funding and staff did hinder them in the past.

Adjournment

Commissioner Campbell moved to adjourn the meeting. Commissioner Jackson seconded the motion. The Commission agreed to adjourn the meeting at 12:05 p.m.

Certified as true and correct:

Nadine B. Young,
Executive Assistant to the Commission

Date: _____

M E M O R A N D U M

TO: Members of the Commission

**FROM: Charles M. Horner, P.P.
Director, Regulatory Programs**

**SUBJECT: Actions Taken on Applications Filed Pursuant to the Pinelands
Comprehensive Management Plan**

DATE: August 3, 2009

I. Initial Decisions by Administrative Law Judges

We have not received any initial decisions by an Administrative Law Judge this month.

II. Actions Taken on Applications

A. Applications for Development in Uncertified Municipalities, Subchapter 4, Part II

The procedural rules governing applications for development in uncertified municipalities require that an applicant first complete an application with the Pinelands Commission. The application is then reviewed and a Certificate of Completeness is issued noting whether the application should be approved, approved with conditions or disapproved. The rules require that the copies of the Certificate of Completeness be provided to the Commission, the applicant and other interested persons.

No **Certificates of Completeness** were issued during the past month.

Once a local agency takes action on the proposed development, notice of that action, either an approval or a denial, must be submitted to the Pinelands Commission. A determination is then made as to whether the local action raises a substantial issue with

respect to the conformance of the proposed development with the standards of the Comprehensive Management Plan. If the local action does not raise any issues, the local action is allowed to take effect. The local approvals and denials which did not raise any issues are listed on the monthly local approval memorandum that follows this memorandum.

If it is determined that an issued is raised, the application is called up for review by the Commission. Following a hearing, the Commission must either approve, approve with conditions or disapprove the proposed development. The approvals and denials which were called up for review by the Commission are included on the attached listing of call-ups.

B. Review of Local Permits, Subchapter 4, Part III

For those municipalities whose master plans and land use ordinances have been fully certified by the Commission, the procedures for applications for development are set forth in certified ordinances. In all these municipalities, if the local agency approves the proposed development, notice of that approval must be given to the Pinelands Commission so that a determination can be made as to whether the proposed development raises substantial issues with respect to the conformance of the proposed development with the Comprehensive Management Plan. If the local approval does not raise any substantial issues, the local approval is allowed to take effect.

If it is determined that a substantial issue is raised, the application is called up for review by the Commission. Following a hearing, the Commission must either approve, approve with conditions, or disapprove the proposed development.

Local approvals which were “**called up**” for review by the Commission are listed on the attached report. In an effort to increase the “user friendliness”, the format of the attached report has been modified as of January 2008 to reflect only local approvals that have been “called up” for Commission review for the first time. This means applications that have previously been “called up” for review are not listed on the report.

C. Public Development, Subchapter 4, Part IV

All applications for public development are initially reviewed by the staff once a completed application is filed. Following that review, a report on the proposed development is submitted to the Commission recommending that the proposed development be approved, approved with conditions or denied. A copy of this recommendation is sent to the applicant and other interested parties. Any interested person who is aggrieved by the Executive Director's recommendation may request a hearing. If a hearing is requested the application is referred to the Office of Administrative Law. If no request for a hearing is received, then the Commission must

act on the application at its next meeting after the time period for requesting a hearing has expired. The Commission may either approve the recommendation of the Executive Director or refer the recommendation of the Executive Director to OAL for a hearing. If the Commission takes no action then the application is automatically referred to OAL unless the period of time for the Commission to act is extended pursuant to N.J.A.C. 7:50-4.4. The complete file for each application scheduled for your action is available for your inspection. You may either come to the Commission office to look at a file or request that I bring a file to the Commission meeting. If you want to look at a file at the Commission office, please call in advance so we can have the file ready for you.

The **Public Development** applications scheduled for the August 14, 2009 Commission meeting are listed on the attached report.

D. Waivers of Strict Compliance, Subchapter 4, Part V

All applications for Waivers of Strict Compliance are initially reviewed by the staff once an application has been completed. Following that review, a report on the requested Waiver recommending that the Waiver be approved, approved with conditions or denied is submitted to the Commission. A copy of the recommendation is sent to the applicant and other interested persons. Any interested person, including the applicant, who is aggrieved by the Executive Director's recommendation may request a hearing before the Office of Administrative Law (OAL). If a hearing is requested, then no action is to be taken by the Commission until the administrative hearing is held and an initial decision issued by the Administrative Law Judge. The Commission will be informed at the Commission meeting of any further timely requests for reconsideration that are received before the Commission meeting.

If no request for a hearing is received, then the Commission must act on the application at its next meeting after the time period for requesting a hearing has expired. The Commission may either approve the recommendation of the Executive Director or refer the recommendation of the Executive Director to the OAL for a hearing. If the Commission takes no action on the application, then the application is automatically referred to the OAL unless the period of time for the Commission to act is extended pursuant to N.J.A.C. 7:50-4.4. The complete file for each application scheduled for your action is available for your inspection. You may either come to the Commission office to look at a file or request that I bring the file to the Commission meeting. If you want to look at a file at the Commission office, please call in advance so we can have the file ready for you.

There are no applications for **Waiver of Strict Compliance** scheduled for the August 14, 2009 Commission meeting.

E. Letters of Interpretation, Subchapter 4, Part VI

A list of the **Letters of Interpretation** (LOI) issued last month is attached.

The Commission's regulations (N.J.A.C. 7:50-4.74) require that an analysis of all pending requests for LOIs be submitted to the Commission at its regular meeting. The only LOIs pending concern the number of Pinelands Development Credits attributed to a particular parcel and wetland/wetland buffer determinations. Pending LOIs Interpretations regarding PDCs and the delineation of wetlands/wetland buffers on a particular parcel are not individually analyzed for the Commission.

F. Recreation Permits

The Commission's regulations (N.J.A.C. 7:50-6.143(a)4.) require that route maps for organized off-road motor vehicle events in the Pinelands Area be approved by the Executive Director.

There were no **recreation permits** issued last month.

G. Certificate of Appropriateness

The Commission's regulations (N.J.A.C. 7:50-6.156) require that Certificates of Appropriateness be issued when a proposed development impacts on a historic site designated pursuant to N.J.A.C. 7:50-6.154 or when a proposed development impacts on a resource found to be significant pursuant to N.J.A.C. 7:50-6.155. In an uncertified municipality and for a public agency, the Commission issues the actual Certificate of Appropriateness. In a certified municipality, the Commission deems the application complete, with the municipality taking action on the Certificate of Appropriateness. That local action is subject to review by the Pinelands Commission.

There is one Commission **Certificate of Appropriateness** scheduled for the August 14, 2009 Commission meeting listed on the attached report.

H. Superfund Clean-ups

The federal legislation concerning the clean-up of superfund sites precludes the issuance of local, state or federal permits when the remediation activities will be located on the contaminated site. However, the clean-up of those sites is supposed to adhere to applicable or relevant and appropriate requirements (ARARs) imposed by state law and regulations. The Comprehensive Management Plan constitutes such a requirement. The Department of Environmental Protection (DEP) has determined the appropriate way to implement these statutory requirements is to issue the equivalent of a permit for these clean-ups. These documents inform the Environmental Protection Agency (EPA) of the

state requirements that must be met in the clean-up. However, there is no right to notice or hearings concerning these actions. Any legal challenge would have to be taken to EPA's final determination. Because the Pinelands Protection Act requires that DEP actions be consistent with the requirement of the Comprehensive Management Plan, it has been determined that the Commission should also take formal action by issuing a permit equivalency to set forth the Commission requirements for the remediation. Depending on whether the remediation is by a public or private entity, a Report on an Application for Public Development, Certificate of Filing or Certificate of Compliance will be issued. In some instances Waiver of Strict Compliance will be necessary. Commission action is required on public superfund remediations and on any Waivers of Strict Compliance.

The Commission did not take any superfund clean-up actions last month.

I. Development Activities Not Requiring a Formal Application Pursuant to Memoranda of Agreement

The Pinelands Commission has entered into several Memoranda of Agreement with other agencies. Certain of these Memoranda eliminate the need for a formal application to be submitted to the Pinelands Commission for specified development activities.

Attached are two lists of submissions that were determined not to require a formal application to the Commission pursuant to the Memoranda in the last month.

Those applications that are listed as "MOA Comment Sent-Consistent" were determined to not require a formal application and to be consistent with the appropriate Memorandum and the provisions of the Pinelands Comprehensive Management Plan. Those applications that are listed as "MOA Comment Sent-Inconsistent" were determined to be inconsistent with either the appropriate Memorandum or the provisions of the Pinelands Comprehensive Management Plan. These proposed developments may not proceed unless either the proposed development is modified to be consistent or a formal application is submitted to the Pinelands Commission.

New Jersey Pinelands Commission

Callup Letters Sent

Summary of Activity Between 6/27/2009 and 7/31/2009

County	Muni Name	App. Number	Applicant Name	Block	Lot	Development Type	Units	Issue Raised	Date Action
Atlantic	Hamilton Township	19890546.011	Maser Consulting P.A.	730	5.02	Commercial/Industrial	0	Cultural resources	7/7/2009
Atlantic	Hammonton Town	19890063.005	Ingemi, Jr.	106	7	Residential	1	Wetlands-General	7/8/2009
Burlington	Medford Township	19811435.001	JULIANO	4702.01	1	Residential	3	Water quality-Water quality	7/8/2009
Gloucester	Monroe Township	19890577.002	Stellaccio	2901	48	Residential	1	Environmental standards	7/8/2009
Ocean	Barnegat Township	19800061.003	Eastern Concrete Materials, Inc.	46	14	Commercial/Industrial	0	Environmental standards	6/30/2009
Ocean	Barnegat Township	19800061.004	Eastern Concrete Materials, Inc.	46	14	Resource Extraction	0	Environmental standards	6/30/2009

**New Jersey Pinelands Commission
Public Development Report
Summary of Activity Between 6/27/2009 and 7/31/2009**

County	Municipality	App. Number	Applicant Name	Date Received	Block	Lot	Development Type	Units	Action Description	Action Date
Atlantic	Egg Harbor City	20030530.006	Greater Egg Harbor Regional School Dis	6/19/2009	16	1	Institutional	0	Report on an Application for Public Development: Recommendation for Approval Sent	7/24/2009
Atlantic	Egg Harbor Township	19871058.052	Dept. of Transportation - FAA	11/27/2006	101	9	Institutional	0	Report on an Application for Public Development: Recommendation for Approval Sent	7/27/2009
Atlantic	Egg Harbor Township	19880390.014	Egg Harbor Township Schools	11/26/2008	3302	10	Institutional	0	Report on an Application for Public Development: Recommendation for Approval Sent	7/27/2009
Atlantic	Galloway Township	19811833.045	Stockton State College	4/26/2006	875.04	1.01	Institutional	0	Report on an Application for Public Development: Recommendation for Approval Sent	7/27/2009
Atlantic	Hamilton Township	19811303.008	Atlantic County Division of Facilities Man	5/11/2009	994	58.02	Institutional	0	Report on an Application for Public Development: Recommendation for Approval Sent	7/27/2009
Atlantic	Hamilton Township	19900421.009	ATLANTIC COUNTY	3/22/2004	730	5	Infrastructure	0	Report on Public Development/COA: Approval Sent	7/27/2009
Atlantic	Hammonton Town	19890573.009	Hammonton Town	11/21/2007	3801	15	Institutional	0	Amended Report on an Application for Public Development: Recommendation for Approval Sent	7/1/2009

Burlington	Medford Township	19870835.003	Medford Township	6/3/2009	6404	5.02	Institutional	0	Report on an Application for Public Development: Recommendation for Approval Sent	7/23/2009
Burlington	Pemberton Township	19910820.077	Pemberton Township Board of Education	2/6/2009	943	1	Institutional	0	Report on an Application for Public Development: Recommendation for Approval Sent	7/22/2009
Burlington	Washington Township	20000637.002	Washington Township	2/22/2005	52	6.01	Institutional	0	Report on an Application for Public Development: Recommendation for Approval Sent	7/20/2009
Camden	Winslow Township	19860370.016	Winslow Township Board of Ed.	7/9/2009	3205	1	Institutional	0	Report on an Application for Public Development: Recommendation for Approval Sent	7/23/2009

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New Jersey Pinelands Commission
Letters of Interpretation Report
Summary of Activity Between 6/27/2009 - 7/31/2009

County	Municipality	Application Id	Lastname	Loi Number	Block	Lot	Pdc Allocated	Description	Date Action
Burlington	Pemberton Township	20090105.001	Stevenson	2013	803	9	1.5000	Letter of Interpretation: PDC Sent	7/30/2009
Burlington	Shamong Township	19890889.002	Jennings	1763	17	1.01	0.5000	Letter of Interpretation: PDC Sent	7/23/2009
Burlington	Tabernacle Township	19910929.002	Quail Pond Lands Inc.	1938	1502	15A	0.2500	Letter of Interpretation: PDC Sent	7/29/2009
Ocean	Lacey Township	19850398.003	Karen MacArthur	1879	4000	10	1.5000	Letter of Interpretation: PDC Sent	6/30/2009
			Count:	4		Sum:	3.7500		

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New Jersey Pinelands Commission
Consistent Memorandums of Agreement
Summary of Activity Between 6/27/2009 And 7/31/2009

County	Municipality	App. Number	Applicant Name	Block	Lot	Development Type	Action Description	Action Date
Burlington	Medford Township	19823482.001	Runyon	4701.0	30	Infrastructure	MOA Consistent: Lake Treatment Sent	7/1/2009
Burlington	Medford Township	20010016.001	Mizak	2703.1	5.12	Infrastructure	MOA Consistent: Lake Treatment Sent	7/7/2009
Burlington	Pemberton Township	19900445.025	Burlington Co Board of Chosen Freeholders	99999	99999	Infrastructure	MOA Consistent: Town/County Sent	7/30/2009

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New Jersey Pinelands Commission
Inconsistent Memorandums of Agreement
Summary of Activity Between 6/27/2009 And 7/31/2009

County	Municipality	App. Number	Applicant Name	Block	Lot	Development Type	Action Description	Action Date
Atlantic	Buena Vista Township	19940502.001	AMERADA HESS CORP-CLEANUP	4001	45	Infrastructure	MOA Inconsistent: HazMat Sent	6/30/2009
Atlantic	Mullica Township	19951060.001	ELWOOD GASWAY GAS STATION	3410	4	Infrastructure	MOA Inconsistent: HazMat Sent	7/16/2009
Burlington	Evesham Township	19920365.001	Kovar	55	3	Infrastructure	MOA Inconsistent: Lake Treatment Sent	7/31/2009
Burlington	New Hanover Township	19911149.031	Mc Guire AFB	15	1	Infrastructure	MOA Inconsistent: HazMat Sent	7/16/2009
Camden	Winslow Township	19871205.003	Lightman Drum Company Superfund Site	4004	6	N/A	MOA Inconsistent: HazMat Sent	7/21/2009



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-09-_____

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1981-1303.008, 1981-1833.045, 1986-0370.016, 1987-0835.003, 1987-1058.052, 1988-0390.014, 1991-0820.077, 2000-0637.002 and 2003-0530.006)

Commissioner _____ **moves and Commissioner** _____
seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following applications for Public Development be approved with conditions:

- | | |
|----------------------|--|
| 1981-1303.008 | ATLANTIC COUNTY FACILITIES MANAGEMENT , Hamilton Township, Regional Growth Area, construction of a 630 square foot building addition to the existing Atlantic County Justice Facility building (Date of Report: July 27, 2009); |
| 1981-1833.045 | THE RICHARD STOCKTON COLLEGE OF NEW JERSEY , Galloway Township, Rural Development Area, development of a synthetic turf athletic field (Date of Report: July 27, 2009); |
| 1986-0370.016 | WINSLOW TOWNSHIP BOARD OF EDUCATION , Winslow Township, Regional Growth Area, installation of three modular trailers (Date of Report: July 23, 2009); |
| 1987-0835.003 | TOWNSHIP OF MEDFORD , Medford Township, Rural Development Area, change of use of a 6,900 square foot office/warehouse building to a fire station (Date of Report: July 23, 2009); |
| 1987-1058.052 | SOUTH JERSEY ECONOMIC DEVELOPMENT DISTRICT , Egg Harbor Township, Military and Federal Installation Area, construction of an office park for advanced aviation research and technology (Date of Report: July 27, 2009); |
| 1988-0390.014 | EGG HARBOR TOWNSHIP SCHOOLS , Egg Harbor Township, Regional Growth Area, minor improvements to an existing athletic complex (Date of Report: July 29, 2009); |
| 1991-0820.077 | PEMBERTON TOWNSHIP BOARD OF EDUCATION , Pemberton Township, Military and Federal Installation Area, construction of a 10,409 square foot gymnasium and associated site improvements (Date of Report: July 22, 2009); |
| 2000-0637.002 | WASHINGTON TOWNSHIP , Washington Township, Pinelands Village of Green Bank, two lot subdivision and the establishment of a municipal building in an existing 6,175 square foot building, formerly used as a school (Date of Report: July 20, 2009); and |
| 2003-0530.006 | GREATER EGG HARBOR REGIONAL HIGH SCHOOL DISTRICT , Egg Harbor City, Pinelands Town of Egg Harbor City, two basketball courts (Date of Report: July 24, 2009). |

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director’s recommendation has been received for any of these applications; and

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for each of the proposed developments; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval; and

WHEREAS, the Pinelands Commission hereby determines that each of the proposed public developments conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed.

NOW, THEREFORE BE IT RESOLVED that the following applications for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

- 1981-1303.008

ATLANTIC COUNTY FACILITIES MANAGEMENT, Hamilton Township, Regional Growth Area, construction of a 630 square foot building addition to the existing Atlantic County Justice Facility building (Date of Report: July 27, 2009);
- 1981-1833.045

THE RICHARD STOCKTON COLLEGE OF NEW JERSEY, Galloway Township, Rural Development Area, development of a synthetic turf athletic field (Date of Report: July 27, 2009);
- 1986-0370.016

WINSLOW TOWNSHIP BOARD OF EDUCATION, Winslow Township, Regional Growth Area, installation of three modular trailers (Date of Report: July 23, 2009);
- 1987-0835.003

TOWNSHIP OF MEDFORD, Medford Township, Rural Development Area, change of use of a 6,900 square foot office/warehouse building to a fire station (Date of Report: July 23, 2009);
- 1987-1058.052

SOUTH JERSEY ECONOMIC DEVELOPMENT DISTRICT, Egg Harbor Township, Military and Federal Installation Area, construction of an office park for advanced aviation research and technology (Date of Report: July 27, 2009);
- 1988-0390.014

EGG HARBOR TOWNSHIP SCHOOLS, Egg Harbor Township, Regional Growth Area, minor improvements to an existing athletic complex (Date of Report: July 29, 2009);
- 1991-0820.077

PEMBERTON TOWNSHIP BOARD OF EDUCATION, Pemberton Township, Military and Federal Installation Area, construction of a 10,409 square foot gymnasium and associated site improvements (Date of Report: July 22, 2009);
- 2000-0637.002

WASHINGTON TOWNSHIP, Washington Township, Pinelands Village of Green Bank, two lot subdivision and the establishment of a municipal building in and existing 6,175 square foot building, formerly used as a school (Date of Report: July 20, 2009); and
- 2003-0530.006

GREATER EGG HARBOR REGIONAL HIGH SCHOOL DISTRICT, Egg Harbor City, Pinelands Town of Egg Harbor City, two basketball courts (Date of Report: July 24, 2009).

Record of Commission Votes

AYE NAY NP ABS					AYE NAY NP ABS					AYE NAY NP ABS				
Ashmun					Haas					Lloyd				
Brown					Jackson					McIntosh				
Campbell					Kennedy					Witt				
Ficcaglia					Lee					Tomasello				
Galletta					Link									

Adopted at a meeting of the Pinelands Commission

Date: _____

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT**

July 27, 2009

Leslie MacDonnell
Atlantic County Facilities Management
P.O. Box 1107
Atlantic City, NJ 08404

Please Always Refer To
This Application Number

Re: Application #: 1981-1303.008
 Atlantic Avenue
 Block 994, Lot 58.02
 Hamilton Township

Dear Ms. MacDonnell:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 14, 2009 meeting. The applicant is encouraged to attend the meeting to address any concerns or questions that may arise during the Commissions review of the application.

FINDINGS OF FACT

This application is for the construction of a 630 square foot building addition to the existing Atlantic County Justice Facility building on the above referenced 19.7 acre lot. A prison and a mail handling/storage building are also located on the above referenced lot. The lot is located in a Pinelands Regional Growth Area.

The existing development is serviced by public sanitary sewer.

With the conditions recommended below, the proposed development will be consistent with all the management standards contained in Subchapter 6 of the Comprehensive Management Plan (CMP).



The Pinelands Commission has not received any public comments concerning the application.

CONCLUSION

The proposed building addition is a permitted use in a Pinelands Regional Growth Area (N.J.A.C. 7:50-5.28(a)). As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission approve the proposed development with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the plan prepared by The Gibson Tarquini Group, Inc., and dated November 12, 2008.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed landscaping shall adhere to the requirements of the CMP.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

APPEAL

Any interested person may appeal the Executive Director's determination on this application to the Commission. The appeal must be made within 18 days of the date of this letter by giving notice, by Certified mail, of the appeal to the Pinelands Commission. Said notice shall include:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service, (a notarized statement), indicating that service of the notice has been made by Certified mail, on:
 - a. the applicant (unless the applicant is requesting the appeal);
 - b. Secretary, Hamilton Township Planning Board;
 - c. Hamilton Township Environmental Commission; and
 - d. Atlantic County Department of Regional Planning and Development.

Any appeal will be referred to the Office of Administrative Law for a hearing. If no appeal is received within 18 days of this letter, the Pinelands Commission will act on this application at its meeting on August 14, 2009. At this meeting, the Commission may either approve the determination of the Executive Director or refer the application to the Office of Administrative Law for a Hearing.

Recommended for Approval by: _____
Charles M. Horner, P.P., Director of Regulatory Programs

ED/CMH

c: Secretary, Hamilton Township Planning Board
Hamilton Township Environmental Commission
Atlantic County Department of Regional Planning and Development
John Gibson, Jr.
Ernest Deman

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT**

July 27, 2009

Donald Moore
The Richard Stockton College of New Jersey
P.O. Box 195
Pomona, NJ 08240

Please Always Refer To
This Application Number

Re: Application #: 1981-1833.045
 Richard Stockton College of New Jersey
 Pomona Road
 Block 875.04, Lot 1.01
 Galloway Township

Dear Mr. Moore:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 14, 2009 meeting. The applicant is encouraged to attend the meeting to address any concerns or questions that may arise during the Commission's review of the application.

FINDINGS OF FACT

This application is for the development of a synthetic turf athletic field and associated development at the Richard Stockton College of New Jersey on the above referenced 1,586.85 acre lot in Galloway Township. The lot is located partially in a Regional Growth Area (500 acres) and partially in a Rural Development Area (1,086.85 acres). The project is located within the portion of the lot located within the Rural Development Area.

This application proposes an 81,000 square foot synthetic turf athletic field, bleachers and an approximate 39,000 square foot gravel square parking area.



The project area has been inspected by a member of the Commission's staff. In addition, the appropriate resource capability maps and data available to the staff have been reviewed.

The project will be located within an oak-pine wooded area. There are wetlands located on and within 300 feet of the lot. The proposed development will be located at least 300 feet from wetlands.

Concerns have previously been raised about lead concentrations in artificial turf fields. The New Jersey Department of Health and Senior Services (NJDHSS) analyzed synthetic turf dust and synthetic turf fiber from a nylon based artificial field located at the College of New Jersey. Total lead concentrations found in the nylon based synthetic turf fibers that were tested by NJDHSS ranged from 3,400 mg/Kg to 4,700 mg/Kg and in turf dust at 3,200 mg/Kg. A June 2008 document issued by the NJDHSS indicates that in April 2008, the NJDHSS reported that some artificial turf products, specifically artificial turf fibers made of nylon, had lead levels that were much higher than would be allowed in soil. The NJDEP residential direct contact soil cleanup criterion for lead is 400 mg/Kg. The synthetic turf athletic field proposed in this application will be composed of polyethylene fibers, with an infill material composed of silica sand and crumb rubber material.

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the Pinelands Comprehensive Management Plan (CMP). To meet the stormwater management standards, the applicant will be constructing a stormwater infiltration basin.

The applicant has completed several threatened and endangered species surveys for plants and animals on the above referenced 1,588 acre lot as part of proposed revisions to the Commission approves existing Richard Stockton College of New Jersey Master Plan. The surveys documented the presence of populations of Little Ladies' tresses, Pine Barren gentian, Pine Barrens treefrog and the following bird species on the lot: Cooper's hawk, Barred owl and Red-shoulder hawk.

The proposed development will be located at least 1,800 feet from the populations of Little Ladies' tresses and Pine Barren gentian. Based on this information, the applicant has demonstrated that the proposed development has been designed to avoid irreversible adverse impacts on the survival of the local populations of the threatened plants Little Ladies tresses and Pine Barren gentian.

With respect to Pine Barrens treefrog, no development is proposed within 300 feet of wetlands.

The proposed recreational field will result in the disturbance of 7.5 acres of oak-pine forest on the above referenced 1,587 acre lot. The submitted survey work identified three threatened and endangered bird species on the lot. None of the three concerned bird were sited on the 7.5 acre project area. A Red-shouldered hawk was sited approximately 800 linear feet to the south of the proposed field, within approximately 400 linear feet from existing recreational fields. The Cooper's hawk and Barred owl sitings were greater than 1,200 linear feet from the

proposed recreational field. Based on the distance of the proposed recreational field from the nearest sitings and the available habitat on the 1,587 acre lot, the proposed development will not cause an irreversible adverse impact on habitats critical to the survival of Red-shouldered hawk, Cooper's hawk and Barred owl.

The applicant has represented that a habitat management plan for Cooper's hawk, Barred owl and Red-shoulder hawk will be prepared for the entire Richard Stockton College of New Jersey campus as part of the proposed Master Plan revisions to protect habitats that are critical to the survival of the local populations of Cooper's hawk, Barred owl and Red-shoulder hawk.

The Pinelands Commission's cultural resource inventories did not provide sufficient evidence of a significant historic or prehistoric presence to require a full cultural resource survey.

With the conditions recommended below, the proposed development will be consistent with all the management standards contained in Subchapter 6 of the CMP.

The applicant has provided the requisite public notice. The Pinelands Commission has not received any public comments concerning the application.

CONCLUSION

The recreational field is a permitted use in a Rural Development Area (N.J.A.C. 7:50-5.26b(4)). As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission approve the proposed development with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the plans, consisting of seven sheets, prepared by Langan and dated as follows:

 Sheets 1 & 7 – January 19, 2009
 Sheet 2 – December 1, 2008; revised January 19, 2009
 Sheet 3 – December 12, 2008; revised May 4, 2009
 Sheet 4 – December 12, 2008; revised May 15, 2009
 Sheet 5 – December 10, 2008; revised March 30, 2009
 Sheet 6 – December 12, 2008; revised March 30, 2009
2. Landscaping shall adhere to the requirements of the CMP.
3. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. Prior to any other major development, as defined by the CMP, at the Richard

Stockton College of New Jersey, outside of the existing developed areas, the applicant shall submit to and receive approval by the Commission staff of a habitat management plan for Cooper's hawk, Barred owl and Red-shoulder hawk for the Richard Stockton College of New Jersey campus.

APPEAL

Any interested person may appeal the Executive Director's determination on this application to the Commission. The appeal must be made within 18 days of the date of this letter by giving notice, by Certified mail, of the appeal to the Pinelands Commission. Said notice shall include:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service, (a notarized statement), indicating that service of the notice has been made by Certified mail, on:
 - a. the applicant (unless the applicant is requesting the appeal);
 - b. Secretary, Galloway Township Planning Board;
 - c. Galloway Township Environmental Commission; and
 - d. Atlantic County Department of Regional Planning and Development.

Any appeal will be referred to the Office of Administrative Law for a hearing. If no appeal is received within 18 days of this letter, the Pinelands Commission will act on this application at its meeting on August 14, 2009. At this meeting, the Commission may either approve the determination of the Executive Director or refer the application to the Office of Administrative Law for a Hearing.

Recommended for Approval by: _____
Charles M. Horner, P.P., Director of Regulatory Programs

ED/CMH

- c: Secretary, Galloway Township Planning Board
Galloway Township Environmental Commission
Atlantic County Department of Regional Planning and Development
Gerard Fitamant
Ernest Deman

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT**

July 23, 2009

Dr. Ann Garcia
Winslow Township Board of Education
30 Cooper Folly Road
Atco, NJ 08004

Please Always Refer To
This Application Number

Re: Application #: 1986-0370.016
 Cooper Folly Road and State Route 73
 Block 3205, Lot 1
 Winslow Township

Dear Dr. Garcia:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 14, 2009 meeting. The applicant is encouraged to attend the meeting to address any concerns or questions that may arise during the Commissions review of the application.

FINDINGS OF FACT

This application is for the installation of three modular trailers and associated development on the above referenced 137 ace lot. The Edgewood Junior and Senior high schools are located on the lot. The lot is located in a Pinelands Regional Growth Area.

This application proposes a 1,523 square foot trailer, a 1,400 square foot trailer and a 320 square foot trailer on the above referenced lot. The trailers will be utilized for administrative and storage space. The 320 square foot trailer was installed without completion of an application and approval by the Pinelands Commission. This application is to resolve that violation of the Pinelands Comprehensive Management Plan (CMP). All proposed development is located on an existing gravel parking lot.



The existing development on the lot is serviced by public sanitary sewer. The applicant has indicated that the three trailers will not have sanitary sewer facilities.

With the conditions recommended below, the proposed development will be consistent with all the management standards contained in Subchapter 6 of the Comprehensive Management Plan (CMP).

The Pinelands Commission has not received any public comments concerning the application.

CONCLUSION

The proposed modular trailers are a permitted use in a Pinelands Regional Growth Area (N.J.A.C. 7:50-5.28(a)). As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission approve the proposed development with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the plan prepared by Adams, Rehman & Heggan, dated June 30, 2009.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed landscaping shall adhere to the requirements of the CMP.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

APPEAL

Any interested person may appeal the Executive Director's determination on this application to the Commission. The appeal must be made within 18 days of the date of this letter by giving notice, by Certified mail, of the appeal to the Pinelands Commission. Said notice shall include:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service, (a notarized statement), indicating that service of the notice has been made by Certified mail, on:
 - a. the applicant (unless the applicant is requesting the appeal);

- b. Secretary, Winslow Township Planning Board;
- c. Winslow Township Environmental Commission; and
- d. Camden County Planning Board.

Any appeal will be referred to the Office of Administrative Law for a hearing. If no appeal is received within 18 days of this letter, the Pinelands Commission will act on this application at its meeting on August 14, 2009. At this meeting, the Commission may either approve the determination of the Executive Director or refer the application to the Office of Administrative Law for a Hearing.

Recommended for Approval by: _____
Charles M. Horner, P.P., Director of Regulatory Programs

JR:ED:KY:CH

- c: Secretary, Winslow Township Planning Board
Winslow Township Environmental Commission
Secretary, Camden County Planning Board
John Helbig

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT**

July 23, 2009

Michael Achey, Township Manager
Township of Medford
17 North Main Street
Medford, NJ 08055

Please Always Refer To
This Application Number

Re: Application #: 1987-0835.003
 Gravelly Hollow Road
 Block 6404, Lot 5.02
 Medford Township

Dear Mr. Achey:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 14, 2009 meeting. The applicant is encouraged to attend the meeting to address any concerns or questions that may arise during the Commission's review of the application

FINDINGS OF FACT

This application is for a change of use of a 6,900 square foot office/warehouse building to a fire station on the above referenced 3.0 acre lot. There is a second 6,900 square foot office/warehouse building located on the lot. The proposed development is located in a Pinelands Rural Development Area.

The project area has been inspected by a member of the Commission's staff. In addition, the appropriate resource capability maps and data available to the staff have been reviewed.

The existing development on the lot is served by an on-site septic system. Based on the size of the lot, the square footage of the existing buildings and the anticipated usage of the



proposed fire station, the applicant has demonstrated that the total wastewater flow from the existing and proposed development calculated in accordance with the Medford Township land use ordinance and the Pinelands Comprehensive Management Plan (CMP) will meet the groundwater quality (septic dilution) standard of the Medford Township land use ordinance and the CMP.

With the conditions recommended below, the proposed development will be consistent with all the management standards contained in Subchapter 6 of the Comprehensive Management Plan (CMP).

The applicant has provided the requisite notice. The Pinelands Commission has not received any public comments concerning the application.

CONCLUSION

The proposed use is permitted in a Pinelands Rural Development Area (N.J.A.C. 7:50-5.26(b)). If the following conditions are imposed, the proposed use will be consistent with the management standards contained in Subchapter 6 of the CMP and the Medford Township certified master plan and land use ordinance. As the proposed use conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission approve the proposed use with the following conditions:

1. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
2. Any proposed landscaping shall adhere to the requirements of the CMP.
3. The applicant shall obtain any other necessary permits and approvals.

APPEAL

Any interested person may appeal the Executive Director's determination on this application to the Commission. The appeal must be made within 18 days of the date of this letter by giving notice, by Certified mail, of the appeal to the Pinelands Commission. Said notice shall include:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service, (a notarized statement), indicating that service of the notice has been made by Certified mail, on:
 - a. the applicant (unless the applicant is requesting the appeal);

- b. Secretary, Medford Township Planning Board;
- c. Medford Township Environmental Commission; and
- d. Burlington County Planning Board.

Any appeal will be referred to the Office of Administrative Law for a hearing. If no appeal is received within 18 days of this letter, the Pinelands Commission will act on this application at its meeting on August 14, 2009. At this meeting, the Commission may either approve the determination of the Executive Director or refer the application to the Office of Administrative Law for a Hearing.

Recommended for Approval by: _____
Charles M. Horner, P.P., Director of Regulatory Programs

JR:ED:KY:CH

- c: Secretary, Medford Township Planning Board
Medford Township Environmental Commission
Burlington County Planning Board
Christopher J. Noll

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT**

July 27, 2009

Gordon Dahl
South Jersey Economic Development District
226 North High Street – Suite A
Millville, NJ 08332

Please Always Refer To
This Application Number

Re: Application #: 1987-1058.052
 William J. Hughes Technical Center
 Block 101, Lot 9
 Egg Harbor Township

Dear Mr. Dahl:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 14, 2009 meeting. The applicant is encouraged to attend the meeting to address any concerns or questions that may arise during the Commission's review of the application.

FINDINGS OF FACT

This application is for the construction of an office park for advanced aviation research and technology on the above referenced 2,381 acre lot at the William J. Hughes Technical Center in Egg Harbor Township. The project is located in a Military and Federal Installation Area. As required by the Pinelands Comprehensive Management Plan, the proposed project will not require any development, including public service infrastructure, in the Preservation Area District or in a Pinelands Forest Area.

The proposed facility includes 408,000 square feet of office and research space in seven buildings, four of which will be three stories and three of which will be two stories, 1,220 parking spaces, paved internal access roads, internal sanitary sewer and potable water mains and



associated development within a 58.25 acre area on the above referenced lot. The proposed buildings will have a maximum height of 35 feet. This application also proposes the installation of 3,368 linear feet of off-site sanitary sewer force main within the Delilah Road right-of-way.

The project area has been inspected by a member of the Commission's staff. In addition, the appropriate resource capability maps and data available to the staff have been reviewed.

The project will be located within an oak-pine wooded area, an existing open soil borrow pit and paved areas. There are wetlands located on and within 300 feet of the lot. The proposed development will be located at least 300 feet from wetlands.

The proposed development will be serviced by public sanitary sewer.

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the Pinelands Comprehensive Management Plan (CMP). To meet the stormwater management standards, the applicant will be constructing five stormwater infiltration basins.

As this application proposes 1,220 parking spaces, the CMP requires that any development involving more than 300 parking spaces located in a Military and Federal Installation Area shall ensure that all state ambient air quality standards in N.J.A.C. 7:27 et seq. for carbon monoxide shall not be exceeded at places of maximum concentration and at sensitive receptors. An air quality assessment was prepared for the proposed development. Based on the provided information, the proposed development will not cause state ambient air quality standards for carbon monoxide to be exceeded.

A threatened and endangered species survey for animal species of concern was completed for the project area. The completed survey demonstrates that the project area does not contain critical habitat for any concerned animal species. Based upon the existing site conditions, including mature oak-pine forests and a former soil borrow pit currently used for storage purposes, and a review of information available to the Commission staff, it was determined that a survey for the presence of threatened or endangered species of plants was not required.

The Pinelands Commission's cultural resource inventories did not provide sufficient evidence of a significant historic or prehistoric presence to require a full cultural resource survey.

With the conditions recommended below, the proposed development will be consistent with all the management standards contained in Subchapter 6 of the CMP.

The applicant has provided the requisite public notice. The Pinelands Commission has not received any public comments concerning the application.

CONCLUSION

The proposed office park for advanced aviation research and technology is a permitted use in Military and Federal Installation Area (N.J.A.C. 7:50-5.29(a)). As the proposed

development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission approve the proposed development with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the plans, consisting of thirty-seven sheets, prepared by CMX and dated as follows:

 Sheets 1, 32 & 37 – December 23, 2008; revised April 30, 2009
 Sheets 2, 7-9, 12, 13, 24, 25 & 36 – December 23, 2008; revised February 27, 2009
 Sheets 3, 4, 14-22, 34 & 35 – December 23, 2008
 Sheets 5 & 33 – February 27, 2009
 Sheet 6 – December 23, 2008; revised March 3, 2009
 Sheets 10, 11 & 27-31 – December 23, 2008; revised April 1, 2009
 Sheet 23 – December 23, 2008; revised March 13, 2009
 Sheet 26 – February 27, 2009; revised March 3, 2009
2. Landscaping shall adhere to the requirements of the CMP.
3. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

APPEAL

Any interested person may appeal the Executive Director's determination on this application to the Commission. The appeal must be made within 18 days of the date of this letter by giving notice, by Certified mail, of the appeal to the Pinelands Commission. Said notice shall include:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service, (a notarized statement), indicating that service of the notice has been made by Certified mail, on:
 - a. the applicant (unless the applicant is requesting the appeal);
 - b. Secretary, Egg Harbor Township Planning Board;
 - c. Egg Harbor Township Environmental Commission; and

d. Atlantic County Department of Regional Planning and Development.

Any appeal will be referred to the Office of Administrative Law for a hearing. If no appeal is received within 18 days of this letter, the Pinelands Commission will act on this application at its meeting on August 14, 2009. At this meeting, the Commission may either approve the determination of the Executive Director or refer the application to the Office of Administrative Law for a Hearing.

Recommended for Approval by: _____
Charles M. Horner, P.P., Director of Regulatory Programs

ED/CMH

c: Secretary, Egg Harbor Township Planning Board
Egg Harbor Township Environmental Commission
Atlantic County Department of Regional Planning and Development
Steve Ewing
Ernest Deman

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT**

(Corrected Copy – Zoning District)

July 29, 2009

Kathleen M. Allen, Acting Business Administrator
Egg Harbor Township Schools
13 Swift Drive
Egg Harbor Township, NJ 08234

Please Always Refer To
This Application Number

Re: Application #: 1988-0390.014
Block 3302, Lot 10
Egg Harbor Township

Dear Ms. Allen:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 14, 2009 meeting. The applicant is encouraged to attend the meeting to address any concerns or questions that may arise during the Commission's review of the application.

FINDINGS OF FACT

This application is for the improvements to an existing athletic complex located on the above referenced 90.42 acre lot. The Egg Harbor Township High School is located on the lot. The proposed development is located in a Pinelands Regional Growth Area.

The proposed improvements include the relocation of a portion of an existing track, the replacement and relocation of an existing 9,100 square foot bleacher with a 13,806 square foot bleacher, the installation of two 50 foot high light poles and certain other improvements.



The project area has been inspected by a member of the Commission's staff. In addition, the appropriate resource capability maps and data available to the staff have been reviewed.

There are freshwater wetlands located on and within 300 feet of the lot. All proposed development will be located no closer to wetlands than the existing track.

Based on existing site conditions, the location of the proposed development relative to existing development and a review of information available to the Commission staff, it was determined that a survey for the presence of threatened and endangered species of plants and wildlife was not required.

Information available to the Commission staff did not provide sufficient evidence of significant cultural resources to require a cultural resource survey.

The project will be located in Egg Harbor Township's RG-1 zoning district. The proposed development will serve an existing school.

With the conditions recommended below, the proposed development will be consistent with the management standards contained in Subchapter 6 of the Pinelands Comprehensive Management Plan (CMP).

The Pinelands Commission has not received any public comments concerning the application.

CONCLUSION

The proposed athletic complex improvements are permitted uses in a Pinelands Regional Growth Area (N.J.A.C. 7:50-5.28(a)1). As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission approve the proposed development with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, prepared by M. Disko Associates dated July 2009 and revised May, 2009.
2. All proposed development shall be located no closer to wetlands than existing development.
3. Silt fencing, hay bales or other appropriate measures shall be installed prior to construction to preclude sediment from entering the wetlands. The measures shall be maintained in place until all development has been completed and the area has been stabilized.
4. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.

5. Landscaping shall adhere to the requirements of the CMP.
6. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

APPEAL

Any interested person may appeal the Executive Director's determination on this application to the Commission. The appeal must be made within 18 days of the date of this letter by giving notice, by Certified mail, of the appeal to the Pinelands Commission. Said notice shall include:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service, (a notarized statement), indicating that service of the notice has been made by Certified mail, on:
 - a. the applicant (unless the applicant is requesting the appeal);
 - b. Secretary, Egg Harbor Township Planning Board;
 - c. Egg Harbor Township Environmental Commission; and
 - d. Atlantic County Department of Regional Planning and Development.

Any appeal will be referred to the Office of Administrative Law for a hearing. If no appeal is received within 18 days of this letter, the Pinelands Commission will act on this application at its meeting on August 14, 2009. At this meeting, the Commission may either approve the determination of the Executive Director or refer the application to the Office of Administrative Law for a Hearing.

Recommended for Approval by: _____
Charles M. Horner, P.P., Director of Regulatory Programs

- c: Secretary, Egg Harbor Township Planning Board
Egg Harbor Township Environmental Commission
Atlantic County Department of Regional Planning & Development
Michael Disko
Wes Becker
Rhonda Ward

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT**

July 22, 2009

Patricia Austin
Pemberton Township Board of Education
P.O. Box 228
Pemberton, NJ 08068

Please Always Refer To
This Application Number

Re: Application #: 1991-0820.077
 Block 943, Lot 1
 Pemberton Township

Dear Ms. Austin:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 14, 2009 meeting. The applicant is encouraged to attend the meeting to address any concerns or questions that may arise during the Commission's review of the application.

FINDINGS OF FACT

This application is for the construction of a 10,409 square foot gymnasium and associated site improvements at the existing 36,600 square foot Ft. Dix Elementary School on the above referenced 710 acre lot located in Pemberton Township. The project is located in a Military and Federal Installation Area in the Preservation Area.

The Military and Federal Installation Area that includes Fort Dix is located in the Preservation Area, but not in the Preservation Area District. (The Preservation Area District is that portion of the Preservation Area not overlaid by another Pinelands Land Management Area, such as a Military and Federal Installation Area or a Pinelands Village.) In accordance with the requirements of the Pinelands Comprehensive Management Plan (CMP), the proposed development will not require any development, including public service infrastructure, in the



Preservation Area District or in a Forest Area.

The lot has been inspected by a member of the Commission's staff. In addition, the appropriate resource capability maps have been reviewed.

The proposed development will be located partially over existing grassed areas and partially over existing developed areas. There are no wetlands located within 300 feet of the proposed development.

The school is served by public sanitary sewer.

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. To meet the stormwater management standards, the applicant will be constructing a stormwater infiltration basin.

Based upon the proposed limits of disturbance, the location of existing development and a review of information available to the Commission staff, it was determined that a survey for the presence of threatened or endangered species of plants and wildlife was not required.

A review of the Pinelands Commission's cultural resource inventories did not provide sufficient evidence of a significant historic or prehistoric presence to require a full cultural resource survey.

With the conditions recommended below, the proposed development will be consistent with the management standards contained in Subchapter 6 of the CMP.

The applicant has provided the requisite public notice. The Pinelands Commission has not received any public comments concerning this application.

CONCLUSION

The proposed school addition is a permitted use in a Military and Federal Installation Area (N.J.A.C. 7:50-5.29(a)). As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission approve the proposed development with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the plans, consisting of nine sheets, prepared by Dante Guzzi Engineering Associates, all sheets dated February 9, 2009 and revised May 11, 2009
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Landscaping shall adhere to the requirements of the CMP.

4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

APPEAL

Any interested person may appeal the Executive Director's determination on this application to the Commission. The appeal must be made within 18 days of the date of this letter by giving notice, by Certified mail, of the appeal to the Pinelands Commission. Said notice shall include:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service, (a notarized statement), indicating that service of the notice has been made by Certified mail, on:
 - a. the applicant (unless the applicant is requesting the appeal);
 - b. Secretary, Pemberton Township Planning Board;
 - c. Pemberton Township Environmental Commission; and
 - d. Secretary, Burlington County Planning Board.

Any appeal will be referred to the Office of Administrative Law for a hearing. If no appeal is received within 18 days of this letter, the Pinelands Commission will act on this application at its meeting on August 14, 2009. At this meeting, the Commission may either approve the determination of the Executive Director or refer the application to the Office of Administrative Law for a Hearing.

Recommended for Approval by: _____
Charles M. Horner, P.P., Director of Regulatory Programs

ED/CMH

- c: Secretary, Pemberton Township Planning Board
Pemberton Township Environmental Commission
Secretary, Burlington County Planning Board
Dante Guzzi
Ernest Deman

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT**

July 20, 2009

Dudley Lewis, Mayor
Washington Township
1018 River Road
Egg Harbor City, NJ 08215

Please Always Refer To
This Application Number

Re: Application #: 2000-0637.002
 Greenbank-Batsto Road
 Block 52, Lots 6.01
 Washington Township

Dear Mayor Lewis:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 14, 2009 meeting. The applicant is encouraged to attend the meeting to address any concerns or questions that may arise during the Commission's review of the application.

FINDINGS OF FACT

This application is for a two lot subdivision and the establishment of a municipal building in an existing 6,175 square foot building, formerly used as a school, and associated site improvements on the above referenced 19.11 acre lot. There is an existing 24,720 square foot school building located on the lot. This application also proposes the creation of a 15.9 acre lot to contain the existing 24,720 square foot school building and a 3.21 acre lot to contain the former school proposed to be utilized as a municipal building. The lot is located in the Pinelands Village of Green Bank.

The project area has been inspected by a member of the Commission's staff. In addition, the appropriate resource capability maps and data available to the staff have been reviewed.



An application for the development of a 24,720 square foot school, served by an on-site septic system, on the above referenced lot was previously approved by the Commission (App. No. 2000-0637.001). Based upon information submitted by the applicant for App. No. 2000-0637.001, it was determined that the entire 19.11 acre lot was required for the 24,720 square foot school to meet the groundwater quality (septic dilution) standard. This meant that no use of the prior school building, that generated wastewater flow, was permitted. The Commission's approval of App. No. 2000-0637.001 was specifically conditioned upon any development or establishment of a use within the 6,175 square foot former school building requiring an application to the Pinelands Commission.

As part of the current application (App. No. 2000-0637.002), the applicant submitted additional information demonstrating that the 24,720 square foot school does not contain showers or laboratories. Based on the maximum proposed enrollment, the existing school requires 13.65 acres to meet the groundwater quality (septic dilution) standard of the Washington Township land use ordinance and the CMP. The proposed use of the former school building as a municipal building requires 4.28 acres to meet the groundwater quality (septic dilution) standard.

This application proposes to create a 15.9 acre lot and a 3.21 acre lot. The existing school building and the former school building are both served by existing on-site septic systems. The 3.21 acre lot will contain the former school building proposed to be used as a municipal building. To meet the groundwater quality (septic dilution) standard, the applicant proposes to deed restrict a contiguous 1.07 acre portion of the proposed 15.90 acre lot.

The lot is located in Washington Township's PV-R zoning district. Institutional uses are permitted in this zoning district.

With the conditions recommended below, the proposed development will be consistent with the management standards contained in Subchapter 6 of the CMP.

The Pinelands Commission has not received any public comments concerning the application.

CONCLUSION

The proposed subdivision and change of use is a permitted use in a Pinelands Village (N.J.A.C. 7:50-5.27(a)). As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission approve the proposed development with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, prepared by Kluk Consultants, dated January 16, 2009 and revised April 21, 2009.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.

3. Landscaping shall adhere to the requirements of the CMP.
4. Prior to any development or establishment of a use within the existing 6,175 square foot building, the applicant shall submit to the Commission a recorded copy of the proposed deed restriction.
5. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

APPEAL

Any interested person may appeal the Executive Director's determination on this application to the Commission. The appeal must be made within 18 days of the date of this letter by giving notice, by Certified mail, of the appeal to the Pinelands Commission. Said notice shall include:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service, (a notarized statement), indicating that service of the notice has been made by Certified mail, on:
 - a. the applicant (unless the applicant is requesting the appeal);
 - b. Secretary, Washington Township Planning Board; and
 - c. Burlington County Planning Board.

Any appeal will be referred to the Office of Administrative Law for a hearing. If no appeal is received within 18 days of this letter, the Pinelands Commission will act on this application at its meeting on August 14, 2009. At this meeting, the Commission may either approve the determination of the Executive Director or refer the application to the Office of Administrative Law for a Hearing.

Recommended for Approval by: _____
Charles M. Horner, P.P., Director of Regulatory Programs

ED/CMH

c: Secretary, Washington Township Planning Board
Burlington County Planning Board
Kris Kluk
Ernest Deman

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT**

July 24, 2009

Thomas Grossi
Greater Egg Harbor Regional High School District
1824 Dr. Dennis Foreman Drive
Mays Landing, NJ 08330

Please Always Refer To
This Application Number

Re: Application #: 2003-0530.006
 Block 16, Lots 1, 5.02, 8, 11.02, 16, 25.02 &
 26.02
 Block 17, Lots 1, 16, 25.02 & 27.02
 Block 18, Lots 1, 9.02, 16, 17.02 & 18.02
 Block 19, Lots 1, 11, 13.02, 16, 22.02, 28.02
 & 29.02
 Block 84, Lots 1, 7.02, 8.02, 16, 21.02,
 22.02, 23.02, 27, 28.01, 28.02, 29.02 & 30
 Block 85, Lots 1 & 16
 Block 86, Lots 1, 16, 25 & 26
 Block 87, Lots 1 & 16
 Block 118, Lots 1, 16 & 29.02
 Block 119, Lots 1, 9, 10, 16, 18.02, 19,
 20.02 & 21.02
 Block 120, Lots 1, 16, 18.01 & 18.02
 Block 121, Lots 1, 16, 26 & 27.02
 Egg Harbor City

Dear Mr. Grossi:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 14, 2009 meeting. The applicant is encouraged to attend the meeting to address any concerns or questions that may arise during the Commission's review of



the application.

FINDINGS OF FACT

This application is for the development of two basketball courts on the above referenced 83.58 acre parcel. The parcel is located in the Pinelands Town of Egg Harbor City.

An application for development of an 185,000 square foot high school on the above referenced parcel was previously approved by the Pinelands Commission (App. No. 2003-0530.001). That school is currently under construction. The proposed basketball courts are accessory to the previously approved school.

The project area has been inspected by a member of the Commission's staff. In addition, the appropriate resource capability maps and data available to the staff have been reviewed.

There are wetlands located on and within 300 of the parcel. The applicant has demonstrated that the proposed development will not result in a significant adverse impact on wetlands if a 250 foot buffer to wetlands is maintained.

An application for a Letter of Interpretation regarding the extent of freshwater wetlands and the required buffer to those wetlands on the above referenced parcel was previously issued by the Pinelands Commission on October 19, 2006 (App. No. 2003-0530.002). An application for the installation of a geothermal test well on Block 119, all lots; Block 120, all lots; Block 121, all lots and Block 186, all lots was previously approved by the Pinelands Commission (App. No. 2003-0530.003). An application for the installation of a geothermal well field on the above referenced parcel was previously approved by the Pinelands Commission (App. No. 2003-0530.004).

The applicant has demonstrated that the proposed development is consistent with the stormwater regulations contained in the CMP (N.J.A.C. 7:50-6.84(a)6). To meet the stormwater management standards, the applicant will utilize a previously approved stormwater infiltration basin.

A threatened and endangered species survey for animal and plants species of concern was completed for the proposed high school project area. The completed survey demonstrated that the project area does not contain critical habitat for any of the concerned animal species or local populations of concerned plant species.

Information available to the Commission staff did not provide sufficient evidence of significant cultural resources to require a full cultural resource survey.

The parcel is located in Egg Harbor City's R-3.2C (Residential) zoning district. Educational facilities are permitted in this zoning district.

With the conditions recommended below, the proposed development will be consistent with all the management standards contained in Subchapter 6 of the CMP.

The applicant has provided the requisite notice. The Pinelands Commission has not received any public comments concerning the application.

CONCLUSION

The proposed school is a permitted use in a Pinelands Town (N.J.A.C. 7:50-5.27(a)). As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission approve the proposed development with the following conditions:

1. The proposed development shall adhere to the site plan, consisting of three sheets, prepared by Remington & Vernick Engineers, all sheets dated June 16, 2009.
2. All development, including clearing and land disturbance, shall maintain a 250 foot buffer to all wetlands.
3. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
4. Landscaping shall adhere to the requirements of the CMP.
5. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

APPEAL

Any interested person may appeal the Executive Director's determination on this application to the Commission. The appeal must be made within 18 days of the date of this letter by giving notice, by Certified mail, of the appeal to the Pinelands Commission. Said notice shall include:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service, (a notarized statement), indicating that service of the notice has been made by Certified mail, on:
 - a. the applicant (unless the applicant is requesting the appeal);
 - b. Secretary, Egg Harbor City Planning Board; and
 - c. Atlantic County Department of Regional Planning and Development.

Any appeal will be referred to the Office of Administrative Law for a hearing. If no appeal is received within 18 days of this letter, the Pinelands Commission will act on this application at its meeting on August 14, 2009. At this meeting, the Commission may either approve the determination of the Executive Director or refer the application to the Office of Administrative Law for a Hearing.

Recommended for Approval by: _____
Charles M. Horner, P.P., Director of Regulatory Programs

ED/CMH

c: Secretary, Egg Harbor City Planning Board
Atlantic County Department of Regional Planning and Development
Frank Seney
Ernest Deman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-09-_____

TITLE: Approving With Conditions an Application for a Public Development (Application Number 1989-0573.009)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following application for a Public Development be approved with conditions:

1989-0573.009 TOWN OF HAMMONTON, Town of Hammonton, Pinelands Town of Hammonton, modifications to a prior Commission approval; demolition/reconstruction of a community center in an existing municipal recreation park (Date of Report: July 1, 2009).

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director’s recommendation has been received; and

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval; and

WHEREAS, the Pinelands Commission hereby determines that the proposed public development conforms to the standards for approving an application for Public Development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed.

NOW, THEREFORE BE IT RESOLVED that the following application for Public Development is hereby approved subject to the conditions recommended by the Executive Director.

1989-0573.009 TOWN OF HAMMONTON, Town of Hammonton, Pinelands Town of Hammonton, modifications to a prior Commission approval; demolition/reconstruction or a community center in an existing municipal recreation park (Date of Report: July 1, 2009).

Record of Commission Votes

AYE NAY NP ABS					AYE NAY NP ABS					AYE NAY NP ABS				
Ashmun					Haas					Lloyd				
Brown					Jackson					McIntosh				
Campbell					Kennedy					Witt				
Ficcaglia					Lee					Tomasello				
Galletta					Link									

Adopted at a meeting of the Pinelands Commission Date: _____

John C. Stokes Executive Director Norman Tomasello Vice Chairman

**REPORT ON AN AMENDED APPLICATION FOR
PUBLIC DEVELOPMENT**

July 1, 2009

John DiDonato, Mayor
Town of Hammonton
100 Central Avenue
Hammonton, NJ 08037

Please Always Refer To
This Application Number

Re: Application #: 1989-0573.009
Egg Harbor Road and Park Avenue
Block 3801, Lot 15
Town of Hammonton

Dear Mayor DiDonato:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 14, 2009 meeting.

FINDINGS OF FACT

This application is for modifications to a prior Commission approval for improvements to an existing municipal recreation park on the above referenced 34.72 acre lot. The project is located in the Pinelands Town of Hammonton.

On June 13, 2008, the Commission approved an application for a 1,450 square foot addition to an existing 1,450 square foot community center, a 2,000 square foot amphitheater with a grassed seating area, 267 paved parking spaces and associated development (App. No. 1989-0573.009). Instead of proposing an addition to the 1,450 square foot community center, this amended application proposes the demolition and reconstruction of the 1,450 square foot community center, which is 50 years old or older.

The existing community center was demolished prior to the completion of an application



with the Commission. The applicant has indicated that the existing community center was demolished when it was inspected and found to be structurally unsound. The community center will be reconstructed in its original footprint. All other proposed development is consistent with the Commission's June 13, 2008 public development approval.

The lot has been inspected by a member of the Commission's staff. In addition, the appropriate resource capability maps have been reviewed.

The Pinelands Commission previously approved the following development on the lot:

- Dredging of a 1.9 acre portion of Hammonton Lake (App. No. 1989-0573.003);
- Dredging of 0.82 acre portion of Hammonton Lake (App. No. 1989-0573.004);
- Installation of 505 feet of bulkhead to replace an existing deteriorated bulkhead along a portion of Hammonton Lake (App. No. 1989-0573.005); and
- Placement of 11 underwater air diffusers into Hammonton Lake (App. No. 1989-0573.007).

There are wetlands located on and within 300 feet of the above referenced lot. The proposed development will be located over paved, gravel and maintained grassed areas. There is existing development, including pavement and buildings, located between the proposed development and wetlands. Based upon these factors, the applicant has demonstrated that the proposed development will not result in a significant adverse impact on the wetlands.

The existing development is, and proposed development will be, serviced by public sanitary sewer.

The applicant has demonstrated that the proposed development is consistent with the stormwater regulations contained in the Pinelands Comprehensive Management Plan (CMP). The applicant will be constructing two stormwater infiltration basins, eight underground stormwater infiltration pits and underground stormwater infiltration trenches.

Based upon the existing site conditions, the location of proposed development relative to existing development and review of information available to the Commission staff, it was determined that a survey for the presence of threatened or endangered species of plants and wildlife was not required.

Information available to the Commission staff did not provide sufficient evidence of significant cultural resources to require a full cultural resource survey.

The project will be located in the Town of Hammonton's R-1 zoning district. Recreational facilities are permitted in this zoning district.

With the conditions recommended below, the proposed development will be consistent with all the management standards of Subchapter 6 of the CMP.

The Pinelands Commission has received a public comment concerning this application.

The commentor is concerned about the noise and light pollution that may be generated from the proposed improvements and the number of tree that would be removed from the lot.

CONCLUSION

The proposed municipal recreation park improvements are permitted uses in a Pinelands Town (N.J.A.C. 7:50-5.27(a)). If the following conditions are imposed, the proposed development will be consistent with the management standards contained in Subchapter 6 of the CMP and the Town of Hammonton certified master plan land use ordinance.

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission approve the proposed development with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of fifteen sheets, prepared by Adams, Rehmann & Heggan Associates and dated as follows:

Sheet 1 – undated

Sheets 2, 3, 5-7 & 9-11 – April 25, 2007; revised October 5, 2007

Sheet 4 – April 25, 2007; revised June 2, 2009

Sheet 8 – April 25, 2007; revised February 29, 2008

Sheets 12-15 – April 25, 2007; revised March 12, 2008

2. Silt fencing, hay bales or other appropriate measures shall be taken prior to construction to preclude sedimentation from entering freshwater wetlands. The measures shall be installed prior to the start of any work and shall be maintained in place until all development has been completed and the area has been stabilized.
3. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
4. Landscaping shall adhere to the requirements of the CMP.
5. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

APPEAL

Any interested person may appeal the Executive Director's determination on this application to the Commission. The appeal must be made within 18 days of the date of this letter by giving notice, by Certified mail, of the appeal to the Pinelands Commission. Said notice shall include:

1. the name and address of the person requesting the appeal;

2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service, (a notarized statement), indicating that service of the notice has been made by Certified mail, on:
 - a. the applicant (unless the applicant is requesting the appeal);
 - b. Secretary, Town of Hammonton Planning Board;
 - c. Town of Hammonton Environmental Commission; and
 - d. Atlantic County Department of Regional Planning and Development.

Any appeal will be referred to the Office of Administrative Law for a hearing. If no appeal is received within 18 days of this letter, the Pinelands Commission will act on this application at its meeting on August 14, 2009. At this meeting, the Commission may either approve the determination of the Executive Director or refer the application to the Office of Administrative Law for a Hearing.

Recommended for Approval by: _____
Charles M. Horner, P.P., Director of Regulatory Programs

CMH/ED

- c: Secretary, Town of Hammonton Planning Board
Town of Hammonton Environmental Commission
Atlantic County Department of Regional Planning and Development
John Helbig
Dr. Suzanne Reese Horvitz & Robert Roesch
Ernest Deman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-09-_____

TITLE: Approving With Conditions an Application for a Public Development and Certificate of Appropriateness (Application Number 1990-0421.009)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following application for Public Development and a Certificate of Appropriateness be approved with conditions:

1990-0421.009 DEPARTMENT OF REGIONAL PLANNING AND DEVELOPMENT, Hamilton Township, Regional Growth Area and Forest Area, rehabilitation of the existing Lake Lenape dam (Date of Report: July 27, 2009).

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director’s recommendation has been received; and

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval; and

WHEREAS, the Pinelands Commission hereby determines that the proposed Public Development and Certificate of Appropriateness conforms to both the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 and the standards for approving a Certificate of Appropriateness set forth in N.J.A.C. 7:50-6.156 if the conditions recommended by the Executive Director are imposed.

NOW, THEREFORE BE IT RESOLVED that the following application for Public Development and Certificate of Appropriateness is hereby approved subject to the conditions recommended by the Executive Director:

1990-0421.009 DEPARTMENT OF REGIONAL PLANNING AND DEVELOPMENT, Hamilton Township, Regional Growth Area and Forest Area, rehabilitation of the existing Lake Lenape dam (Date of Report: July 27, 2009).

Record of Commission Votes

AYE NAY NP ABS					AYE NAY NP ABS					AYE NAY NP ABS				
Ashmun					Haas					Lloyd				
Brown					Jackson					McIntosh				
Campbell					Kennedy					Witt				
Ficcaglia					Lee					Tomasello				
Galletta					Link									

Adopted at a meeting of the Pinelands Commission Date: _____

John C. Stokes
Executive Director

Norman Tomasello
Vice Chairman

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT AND A CERTIFICATE OF APPROPRIATENESS**

July 27, 2009

Joseph Maher
Department of Regional Planning and Development
County of Atlantic
P.O. Box 719
Northfield, NJ 08225

Please Always Refer To
This Application Number

Re: Application #: 1990-0421.009
 Block 730, Lots 5.01, 5.02, & 8
 Block 587, Lot 55
 Lake Lenape
 Hamilton Township

Dear Mr. Maher:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 14, 2009 meeting. The applicant is encouraged to attend the meeting to address any concerns or questions that may arise during the Commission's review of the application.

FINDINGS OF FACT

This application is for the rehabilitation of the existing Lake Lenape dam located on the above referenced 350.14 acre parcel. The proposed development is located partially in a Pinelands Regional Growth Area and partially located in a Pinelands Forest Area.

The proposed development includes the installation of a permanent coffer dam system to allow for dewatering for maintenance of the low-level outlet pipes and sluice gates that are part of the dam spillway. Removal of vegetation and the installation of approximately 3,800 square



feet of riprap slope protection on the western portion of the lake embankment to the existing dam structure are also proposed.

An application for the rehabilitation of the Lake Lenape dam was previously approved by the Pinelands Commission on September 7, 1990 (App. No. 1990-0421.001). An application to repair the power house and spillway of the dam was previously approved by the Pinelands Commission (App. No. 1990-0421.006). The installation of a fish ladder in the existing dam at Lake Lenape was previously approved by the Pinelands Commission (App. No. 1990-0421.007).

The project area has been inspected by a member of the Commission's staff. In addition, the appropriate resource capability maps and data available to the Commission staff have been reviewed.

The proposed development will occur within and adjacent to the existing dam that impounds the Great Egg Harbor River for Lake Lenape. The river and lake are defined as freshwater wetlands by the Pinelands Comprehensive Management Plan (CMP). The proposed coffer dam installation and placement of riprap will result in the disturbance of approximately 0.2 acres of wetlands. The proposed wetlands disturbance requires a permit pursuant to the New Jersey Freshwater Wetlands Protection Act.

The proposed improvements are designed to comply with the New Jersey Department of Environmental Protection (NJDEP) dam safety requirements. The NJDEP Bureau of Dam Safety issued a dam safety permit authorizing rehabilitation of Lake Lenape dam on February 27, 2009. The dam improvements have been designed in a manner to maintain normal lake and stream water elevation.

Based upon the pre-existing site conditions and the location of the proposed development relative to the existing development, it was determined that a survey for the presence of threatened and endangered species of plants and wildlife was not required.

The proposed rehabilitation of the existing Lake Lenape dam will occur within the Mays Landing Historic District, which is Pinelands Designated by virtue of its listing on the New Jersey and the National Registers of Historic Places (N.J.A.C. 7:50-6.156(a)). The proposed development will affect an individual resource, the Lake Lenape Dam, which contributes to the district's historic significance. The proposed improvements will not have a significant effect on the characteristics of the dam. The development has also been reviewed by the New Jersey Historic Preservation Office (NJDEP) pursuant to the National Historic Preservation Act of 1966. The Historic Preservation Office determined that the proposed development would not have an adverse effect upon the significant characteristics of the Mays Landing Historic District. The proposed dam rehabilitation requires Commission issuance of a Certificate of Appropriateness.

With the conditions recommended below, the proposed development will be consistent with all the management standards contained in Subchapter 6 of the Plan

The applicant has provided the requisite public notice. The Pinelands Commission has not received any public comments concerning the application.

CONCLUSION

The Lake Lenape dam is a contributing element in the Pinelands Designated Mays Landing historic district. The cultural resources standards of the CMP (N.J.A.C. 7:50-6.156(a)2 and 4) require that a Certificate of Appropriateness be issued by the Pinelands Commission when development proposed by a County agency will involve a resource that has been designated by the Commission to be significant pursuant to the CMP (N.J.A.C. 7:50-6.154). The standards for a Certificate of Appropriateness (N.J.A.C. 7:50-6.156(c)) identify the treatment that will be required for the resources from among the following three alternatives:

- a. Preservation in place, if possible;
- b. Preservation of the resource at another location, if preservation in place is not possible; or
- c. Recordation, if neither of the other alternatives is possible.

The proposed development is consistent with the standards for issuance of a Certificate of Appropriateness requiring preservation in place, which is the preferred alternative according to the provisions of N.J.A.C. 7:50-6.156(c). It is recommended that the Pinelands Commission issue a Certificate of Appropriateness indicating that the proposed development is consistent with the Secretary of the Interior's Standards and Guidelines.

The proposed rehabilitation of the existing Lake Lenape dam is a permitted use in a Regional Growth Area (N.J.A.C. 7:50-5.28(a)) and in a Forest Area (N.J.A.C. 7:50-5.23(b)15). If the following conditions are imposed, the proposed development will be consistent with the management standards contained in Subchapter 6 of the Comprehensive Management Plan.

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission approve the proposed development with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the plan consisting of nine sheets, prepared by O'Brien and Gere and dated as follows:

Cover sheet - undated

Sheets G-1 & G-7 – July 18, 2008; revised January 23, 2009;

Sheet G-2 - July 18, 2008; revised June 12, 2009

Sheets G-3-G-6 & G-8 - July 18, 2008

2. Disposal of any vegetation or excess fill may only occur at an appropriately licensed facility.
3. Silt fencing, hay bales, or other appropriate measures shall be installed prior to construction to preclude sedimentation from entering undisturbed portions of freshwater

wetlands. The proposed sedimentation barrier shall be maintained in place until all development has been completed and the area stabilized.

4. Landscaping shall adhere to the requirements of the CMP.
5. The current conditions of the existing dam shall be photo recorded in accordance with the cultural resource protection standards of the CMP (N.J.A.C. 7:50-6.156(c)) and submitted to the Pinelands Commission prior to any development occurring.
6. Prior to development, the applicant shall obtain any other necessary permits and approvals. In addition, prior to the construction of any portion of the proposed development which will result in a disturbance of any wetland area, the applicant shall obtain authorization pursuant to a New Jersey Freshwater Wetlands Statewide General Permit.
7. The proposed development shall comply with all standards of the New Jersey Bureau of Dam Safety and Flood Control.

APPEAL

Any interested person may appeal the Executive Director's determination on this application to the Commission. The appeal must be made within 18 days of the date of this letter by giving notice, by Certified mail, of the appeal to the Pinelands Commission. Said notice shall include:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service, (a notarized statement), indicating that service of the notice has been made by Certified mail, on:
 - a. the applicant (unless the applicant is requesting the appeal);
 - b. Secretary, Hamilton Township Planning Board;
 - c. Hamilton Township Environmental Commission; and
 - d. Atlantic County Department of Regional Planning and Development.

Any appeal will be referred to the Office of Administrative Law for a hearing. If no appeal is received within 18 days of this letter, the Pinelands Commission will act on this application at its meeting on August 14, 2009. At this meeting, the Commission may either

approve the determination of the Executive Director or refer the application to the Office of Administrative Law for a Hearing.

Recommended for Approval by: _____
Charles M. Horner, P.P., Director of Regulatory Programs

RLW/KY/CH

c: Secretary, Hamilton Township Planning Board
Hamilton Township Environmental Commission
Atlantic County Department of Regional Planning and Development
Robert Bowers
Rhonda Ward

AMENDED LETTER OF INTERPRETATION #1763

July 23, 2009

Forrest Haines Jennings &
Kevin John Jennings
426 Oakshade Road
Shamong, NJ 08088

Please Always Refer To
This Application Number

Re: Application # 1989-0889.002
 Block 17, Lot 1.01
 Indian Mills Road
 Shamong Township

FINDINGS OF FACT

The applicants own the above referenced 28.78 acre lot in Shamong Township. This acreage is based on the Township tax map. The lot is located in a Pinelands Agricultural Production Area. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicants are requesting an Amended Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are attributed to this lot.

On February 14, 2005, the Commission issued LOI#1763 allocating 1.25 PDCs to Block 17, Lot 1.01. That LOI has expired. The applicants have requested an Amended LOI to reserve the right to develop two single family dwellings on the lot. The submitted application form and the February 14, 2005 LOI #1763 indicate that the lot is 29.6 acres. However, the Township tax map indicates this lot is 28.78 acres. This Amended LOI is based upon the Township tax map acreage and utilizes currently available computerized mapping technology to determine the acreage of uplands and wetlands. This Amended LOI #1763 replaces the previously issued LOI #1763.

The lot consists of 19.61 acres of uplands and 0.7 acres of wetland soils in active field agriculture. The remaining 8.47 acres are wetlands as defined by N.J.A.C. 7:50-6.5(a). The active field agriculture in wetland soils was established prior to February 7, 1979. The lot is vacant. There are no easements limiting the use of this lot to non-residential uses. No resource



extraction operation or development has been approved for this lot pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP).

An application for a 14 lot subdivision of original 48.92 acre Block 17, Lot 1.01 and the development of 13 single family dwellings was previously approved pursuant to the provisions of the CMP (Application #1989-0899.001). That application created 28.78 acre Block 17, Lot 1.01 subject of this Amended LOI.

An application for a two lot subdivision of 28.78 acre Block 17, Lot 1.01 and the development of one single family dwelling has been initiated, but not completed, with the Pinelands Commission (Application #1989-0899.003).

The lot was in common ownership on or after January 14, 1981 with contiguous Block 17, Lots 1.03, 1.04, 1.05, 1.06, 1.07, 1.08, 1.09, 1.10, 1.11, 1.12, 1.13, 1.14 and 1.15. There are thirteen existing single family dwellings on these lots. Block 17, Lot 1.01 and the thirteen contiguous lots formed an overall parcel containing a total of 48.92 acres. The thirteen contiguous lots are located in a Pinelands Regional Growth Area. PDCs are not allocated to lands located in Pinelands Regional Growth Area.

CONCLUSION

The CMP grants, with certain exceptions, to every parcel of land in an Agricultural Production Area, a use right known as "Pinelands Development Credits," that can be used to secure a residential density bonus for lands located in Regional Growth Areas (N.J.A.C. 7:50-5.43). None of these exceptions apply to this parcel.

The CMP establishes the ratio by which PDCs are allocated in an Agricultural Production Area (N.J.A.C. 7:50-5.43(b)2). Two PDCs are allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit approved pursuant to the provisions of the CMP; for areas of active berry agricultural bogs and fields and for wetlands in active field agricultural use as of February 7, 1979. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

For the 19.61 acres of the lot which are uplands, the applicants would be entitled to 1.01 PDCs. For the 0.7 acres of wetland soils in active field agriculture, the applicants would be entitled to 0.04 PDCs. For the 8.47 acres of other wetlands, the applicants would be entitled to 0.04 PDCs.

Not the considering the overall contiguous parcel in common ownership on or after January 14, 1981 or the reserved right to construct two dwellings on the lot there would be 1.0 PDCs allocated to the 28.78 acre Block 17, Lot 1.01 subject of this Amended LOI.

However, when allocating PDCs to portions of an overall contiguous parcel in common ownership, the sum of the PDCs allocated to the separate portions of the parcel must equal the number of PDCs allocated to the overall parcel in common ownership on or after January 14, 1981. Block 17, Lot 1.01 subject of the current LOI was in common ownership with contiguous

Block 17, Lots 1.03, 1.04, 1.05, 1.06, 1.07, 1.08, 1.09, 1.10, 1.11, 1.12, 1.13, 1.14 and 1.15 on or after January 14, 1981. The fourteen lots formed a contiguous parcel of 48.92 acres. The thirteen contiguous lots are located in a Pinelands Regional Growth Area. PDCs are not allocated to lands located in Pinelands Regional Growth Area. Therefore, the thirteen contiguous lots would be allocated 0 PDCs. Not considering the reserved right for two dwellings, there would be a total of 1.0 PDCs allocated to the overall 48.92 acre contiguous parcel.

However, N.J.A.C. 7:50-5.43(b)3ii requires that the PDC entitlement for the overall parcel be reduced by 0.25 PDCs for each existing dwelling unit on the parcel. The CMP also requires that the PDC entitlement for the parcel be reduced by 0.25 PDCs for each reserved right to develop a future single family dwelling on the lot (N.J.A.C. 7:50-5.43(b)3iii). Based upon the reserved right to construct two dwellings on the lot, there would be 0.50 PDCs allocated to the 48.92 acre contiguous parcel in common ownership on or after January 14, 1981.

There are 0.50 PDCs allocated to 28.78 acre Block 17, Lot 1.01 subject of this Amended LOI.

This LOI for an allocation of PDCs is valid for two years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

APPEAL

Any interested person may appeal the Executive Director's determination on this application to the Pinelands Commission. The appeal must be made within 18 days of the date of this letter by giving notice, by certified mail, of the appeal to the Commission. Said notice shall include:

1. the name and address of the person making the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service, (a notarized statement), indicating that service of the notice has been made by certified mail, on:
 - a. the applicant (unless the applicant is making the appeal);
 - b. Secretary, Shamong Township Planning Board;
 - c. Burlington County Planning Board.

Any appeal will be referred to the Office of Administrative Law for a hearing. If no appeal is received within 18 days of this letter, this Letter of Interpretation shall take effect.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/dobi/pinelands/pinelandsbank.htm> or contact the Bank at:

Pinelands Development Credit Bank
P.O. Box 035
5th Floor
20 West State Street
Trenton, NJ 08625-0035
Telephone: **(609) 984-0569**
FAX: (609) 984-0764
E-mail: info.pdcbank@dobi.state.nj.us

Sincerely,

Charles M. Horner, P. P.
Director of Regulatory Programs

AF/CH

c: Secretary, Shamong Township Planning Board
Burlington County Planning Board
Executive Director, PDC Bank
Brian Szura
Betsy Piner

LETTER OF INTERPRETATION #1879

(Renewal)

June 30, 2009

Estate of Dawn H. Wasilik
c/o Robert Wasilik & Karen MacArthur
2211 Lacey Road
Forked River, NJ 08731-5810

Please Always Refer To
This Application Number

Re: Application # 1985-0398.003
Block 4000, Lots 10 – 12
Lacey Road
Lacey Township

FINDINGS OF FACT

The applicants own the above referenced 97.15 parcel in Lacey Township. This acreage is based upon a subdivision plan submitted for Commission Application #1985-0398.002. The parcel is located partially in the Pinelands Preservation Area District (87.14 acres) and partially in the Pinelands Village of Bamber Lake (10.01 acres). Pursuant to N.J.A.C. 7:50-4.72(a)2, the applicants are requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are attributed to this parcel.

On April 28, 2006, the Commission issued LOI #1879 allocating 1.50 PDCs to the above referenced 96.28 acre parcel. In accordance with N.J.A.C. 7:50-4.76(b), an LOI is valid for a 2 year period. The applicants have requested a new LOI for the parcel. This application is for the renewal of LOI #1879 issued on April 28, 2006. This LOI #1879 replaces LOI #1879 issued on April 28, 2006.

A portion (10.01 acres) of Block 4000, Lot 10 is located in a Pinelands Village. PDCs are not allocated to land located in a Pinelands Village. PDCs are allocated to lands located in the Pinelands Preservation Area District.

The 87.14 acre portion of the parcel located in the Pinelands Preservation Area District consists entirely of wooded uplands. There are no easements limiting the use of this parcel to non-residential uses. The parcel was not in common ownership with any contiguous lots on or after February 7, 1979. There is one existing single family dwelling and accessory structures located on



the 10.01 acre portion of the parcel located in a Pinelands Village. The portion of the parcel located in the Pinelands Preservation Area District is vacant. The applicants are reserving the right to construct three future dwellings on the 87.14 acre portion of the parcel located in the Pinelands Preservation Area District. No resource extraction operation or other development has been approved for this parcel pursuant to the provisions of the Comprehensive Management Plan (CMP).

An application was completed for a four lot subdivision of the 97.15 acre parcel and the development of three single family dwellings was previously completed with the Pinelands Commission (Application #1985-0398.002). The three proposed dwellings were proposed to be located in the portion of the parcel located in the Pinelands Preservation Area District. To date, no municipal or county permits or approvals have been submitted to the Commission for the proposed development.

CONCLUSION

The CMP grants, with certain exceptions, to every parcel of land in the Preservation Area District, a use right known as "Pinelands Development Credits," that can be used to secure a density bonus for lands located in Regional Growth Areas (N.J.A.C.7:50-5.43). None of these exceptions apply to this lot.

The CMP establishes the ratio by which PDCs are allocated in the Preservation Area District (N.J.A.C. 7:50-5.43(b)1). One PDC is allocated for every 39 acres of uplands, except for certain uplands which have been approved for resource extraction operations. There are 0.2 PDCs allocated for every 39 acres of wetlands. There are 0 PDCs allocated to lands located in a Pinelands Village Area.

There are 0 PDCs allocated to the 10.01 acre portion of the parcel located in the Pinelands Village of Bamber Lake.

For the 87.14 acres of wooded uplands located in the Pinelands Preservation Area District, the applicant would be entitled to 2.23 PDCs. Not considering the reserved right to construct three future dwellings on the portion of the parcel located in the Pinelands Preservation Area District, the parcel would be entitled to an allocation of 2.25 PDCs. However, N.J.A.C. 7:50-5.43(b)3iii requires that the PDC entitlement for the parcel be reduced by 0.25 PDCs for each reserved right to construct a future dwelling on the parcel. The single family dwelling located on the portion of the parcel located in a Pinelands Village does not affect the allocation of PDCs to the remaining 87.14 acres of the parcel.

Therefore, there are 1.50 PDCs allocated to the 87.14 acre portion of the parcel located in the Pinelands Preservation Area District.

This LOI for an allocation of PDCs is valid for two years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

APPEAL

Any interested person may appeal the Executive Director's determination on this application to the Commission. The appeal must be made within 18 days of the date of this letter by giving notice, by Certified mail, of the appeal to the Pinelands Commission. Said notice shall include:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis of the appeal; and
4. a certificate of service (a notarized statement), indicating that service of the notice has been made by Certified mail, on:
 - a. the applicant (unless the applicant is requesting the appeal);
 - b. Secretary, Lacey Township Planning Board;
 - c. Lacey Township Environmental Commission; and
 - d. Ocean County Planning Board.

Any appeal will be referred to the Office of Administrative Law for a hearing. If no appeal is received within 18 days of this letter, this letter shall take effect.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/dobi/pinelands/pinelandsbank.htm> or contact the Bank at:

Pinelands Development Credit Bank
 P.O. Box 035
 5th Floor
 20 West State Street
 Trenton, NJ 08625-0035
 Telephone: **(609) 984-0569**
 FAX: (609) 984-0764
 E-mail: info.pdcbank@dobi.state.nj.us

Sincerely,

Charles M. Horner, P.P.
 Director of Regulatory Programs

AF/CH

c: Secretary, Lacey Township Planning Board
 Lacey Township Environmental Commission
 Ocean County Planning Board
 Executive Director, PDC Bank
 Betsy Piner
 Frank J. Little, Jr.
 Jean Montgomerie

AMENDED LETTER OF INTERPRETATION #1938

July 29, 2009

Quail Pond Lands Inc.
97 New Road
Tabernacle NJ 08088

Please Always Refer To
This Application Number

Re: Application # 1991-0929.002
Block 1502, Lot 15.02
Goose Pond Road
Tabernacle Township

FINDINGS OF FACT

The applicant owns the above referenced 15.7 acre lot in Tabernacle Township. This acreage is based upon the Township tax map. The lot is located in the Preservation Area District. Pursuant to N.J.A.C. 7:50-4.72(a)2, the applicants are requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are attributed to the lot.

On April 4, 2007, the Commission issued LOI#1938 allocating 0 PDCs to the 15.7 acre lot. On April 19, 2007, the Commission received a letter from the applicant appealing the Executive Director's determination as to the number of PDCs allocated to the lot in LOI #1938. The application was referred to the NJ Office of Administrative Law for a hearing. Subsequently, the Commission entered into a Stipulation of Settlement with the applicant on December 20, 2007. The Stipulation of Settlement allocated 0.25 PDCs to the lot. This Amended LOI is being issued solely as a matter of record to reflect that as of December 20, 2007, there were 0.25 PDCs allocated to the lot. This Amended LOI#1938 replaces LOI #1938 issued on April 4, 2007. Amended LOI# 1938 is valid for two years from December 20, 2007. Amended LOI #1938 will expire on December 20, 2009.

CONCLUSION

The Pinelands CMP grants, with certain exceptions, to every parcel of land in the Preservation Area District, a use right known as "Pinelands Development Credits," that can be



used to secure a density bonus for lands located in Regional Growth Areas (N.J.A.C.7:50-5.43). None of these exceptions apply to this lot.

The CMP establishes the ratio by which PDCs are allocated in the Preservation Area District (N.J.A.C. 7:50-5.43(b)1). One PDC is allocated for every 39 acres of uplands, except for certain uplands which have been approved for resource extraction operations. There are 0.2 PDCs allocated for every 39 acres of wetlands.

The Commission entered into a Stipulation of Settlement with the applicant on December 20, 2007 allocating 0.25 PDCs to the lot.

Therefore, there are 0.25 PDCs allocated to 15.7 acre Block 1502, Lot 15.02.

This LOI for an allocation of PDCs is valid for two years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

APPEAL

Any interested person may appeal the Executive Director's determination on this application to the Commission. The appeal must be made within 18 days of the date of this letter by giving notice, by Certified mail, of the appeal to the Pinelands Commission. Said notice shall include:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis of the appeal; and
4. a certificate of service (a notarized statement), indicating that service of the notice has been made by Certified mail, on:
 - a. the applicant (unless the applicant is requesting the appeal);
 - b. Secretary, Tabernacle Township Planning Board; and
 - c. Secretary, Burlington County Planning Board.

Any appeal will be referred to the Office of Administrative Law for a hearing. If no appeal is received within 18 days of this letter, this LOI shall take effect.

If you are interested in "severing" the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank's website at <http://www.state.nj.us/dobi/pinelands/pinelandsbank.htm> or contact the Bank at:

Pinelands Development Credit Bank
P.O. Box 035
5th Floor
20 West State Street
Trenton, NJ 08625-0035
Telephone: **(609) 984-0569**
FAX: (609) 984-0764
E-mail: info.pdcbank@dobi.state.nj.us

Sincerely,

Charles M. Horner, P. P.
Director of Regulatory Programs

AF/CH

c: Secretary, Tabernacle Township Planning Board
Tabernacle Township Environmental Commission
Secretary, Burlington County Planning Board
Executive Director, PDC Bank
Rachel Horowitz, Deputy Attorney General
Stacey Roth
Betsy Piner
John C. Stokes, Exec. Director

LETTER OF INTERPRETATION #2013

July 30, 2009

Howard & JoAnn Stevenson
102 Pointville Road
Pemberton, NJ 08068

Please Always Refer To
This Application Number

Re: Application # 2009-0105.001
Block 803, Lot 9
Ft Dix Road
Pemberton Township

FINDINGS OF FACT

The applicants own the above referenced 27.64 acre lot in Pemberton Township. This acreage is based on the Township tax map. The lot is located in a Pinelands Agricultural Production Area. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicants are requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are attributed to this lot.

The lot consists of 25.95 acres of uplands and 1.69 acres of wetland soils in active field agriculture. The active field agriculture in wetland soils was established prior to February 7, 1979. The lot is vacant. The lot was not in common ownership with any other contiguous lot on or after February 7, 1979. There are no easements limiting the use of this lot to non-residential uses. No resource extraction operation or development has been approved for this lot pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP).

The CMP grants, with certain exceptions, to every parcel of land in an Agricultural Production Area, a use right known as "Pinelands Development Credits," that can be used to secure a residential density bonus for lands located in Regional Growth Areas (N.J.A.C. 7:50-5.43). None of these exceptions apply to this parcel.



CONCLUSION

The CMP establishes the ratio by which PDCs are allocated in an Agricultural Production Area (N.J.A.C. 7:50-5.43(b)2). Two PDCs are allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit approved pursuant to the provisions of the CMP; for areas of active berry agricultural bogs and fields and for wetlands in active field agricultural use as of February 7, 1979. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

For the 25.95 acres of the lot which are uplands, the applicants would be entitled to 1.33 PDCs. For the 1.69 acres of wetland soils in active field agriculture, the applicants would be entitled to 0.09 PDCs.

There are 1.50 PDCs allocated to 27.64 acre Block 803, Lot 9 subject of this LOI.

This LOI for an allocation of PDCs is valid for two years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

APPEAL

Any interested person may appeal the Executive Director's determination on this application to the Pinelands Commission. The appeal must be made within 18 days of the date of this letter by giving notice, by certified mail, of the appeal to the Commission. Said notice shall include:

1. the name and address of the person making the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service, (a notarized statement), indicating that service of the notice has been made by certified mail, on:
 - a. the applicant (unless the applicant is making the appeal);
 - b. Secretary, Pemberton Township Planning Board;
 - c. Pemberton Township Environmental Commission;
 - c. Burlington County Planning Board.

Any appeal will be referred to the Office of Administrative Law for a hearing. If no appeal is received within 18 days of this letter, this Letter of Interpretation shall take effect.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/dobi/pinelands/pinelandsbank.htm> or contact the Bank at:

Pinelands Development Credit Bank
P.O. Box 035
5th Floor
20 West State Street
Trenton, NJ 08625-0035
Telephone: **(609) 984-0569**
FAX: (609) 984-0764
E-mail: info.pdcbank@dobi.state.nj.us

Sincerely,

Charles M. Horner, P. P.
Director of Regulatory Programs

AF/CH

c: Secretary, Pemberton Township Planning Board
Pemberton Township Environmental Commission
Burlington County Planning Board
Executive Director, PDC Bank
David C. Frank, Esq.
Betsy Piner



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-09-_____

TITLE: To Accept the Fiscal Year 2008 Audit Report

Commissioner _____ **moves and Commissioner** _____
seconds the motion that:

WHEREAS, the audit of the Pinelands Commission Fiscal Year 2008 Financial Statements, Notes to the Financial Statements and Schedules of Federal and State Assistance was performed by the Office of the State Auditor; and

WHEREAS, the FY 2008 audit was conducted by the Office of the State Auditor and a draft Audit Report was presented to the Pinelands Commission Audit Committee on June 25, 2009 in accordance with Executive Order #41 (Codey); and

WHEREAS, the attached FY 2008 Audit Report contained no reportable findings; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission hereby accepts the attached Audit Report for Fiscal Year 2008 and directs that it be included as a publication available through the Pinelands Commission’s web site.

Record of Commission Votes

AYE NAY NP ABS					AYE NAY NP ABS					AYE NAY NP ABS				
Ashmun					Haas					Lloyd				
Brown					Jackson					McIntosh				
Campbell					Kennedy					Witt				
Ficcaglia					Lee					Tomasello				
Galletta					Link									

Adopted at a meeting of the Pinelands Commission Date: _____

John C. Stokes
Executive Director

Norman Tomasello
Vice Chairman

MEMORANDUM

DATE: August 6, 2009

TO: Members, Pinelands Commission

FROM: John C. Stokes
Executive Director

SUBJECT: Pinelands Conservation Fund

◇ ◇ ◇ ◇ ◇

When originally established in 2005, the Pinelands Conservation Fund (PCF) was financed by a \$13 million payment from Conectiv (now Atlantic Electric). A new source of revenue which has recently become available requires some decisions on the Commission's part.

In 2006, the Commission amended the Comprehensive Management Plan to authorize an expansion of the Cape May landfill. That CMP amendment required a "host community" type of payment which, adjusted for present value at the time, totaled \$4,651,045. This money was placed in escrow pending the Cape May County Municipal Utilities Authority's receipt of the requisite permits from the Pinelands Commission and the Department of Environmental Protection. The Pinelands Commission permit was approved in June and we have now received confirmation that the Department of Environmental Protection permit has been issued. Thus, these funds (totaling \$5,385,446.58 as of June 30) are available for use.

As you may recall, the Pinelands Conservation Fund has three components: a Land Acquisition account, a Conservation Planning and Research account and a Community Planning and Design account. As the attached resolution and revisions to the PCF policies indicate, I recommended to the Personnel and Budget Committee that \$2.5 million be added to the Land Acquisition account and that the balance be apportioned to the other two accounts—80% to the Conservation Planning and Research account and 20% to the Community Planning and Design account. The Committee has recommended that the Commission adopt these recommendations.

I look forward to discussing my recommendations in more detail at your August 14 meeting.

A7/kw
Attachments



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-09-_____

TITLE: To Revise the Policies for the Use and Management of the Pinelands Conservation Fund

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, the Pinelands Conservation Fund was established in 2004 pursuant to the Pinelands Commission’s Memorandum of Agreement with the Board of Public Utilities; and

WHEREAS, on April 15, 2005, through its adoption of Resolution PC4-05-25, the Pinelands Commission established policies for the use and management of the Pinelands Conservation Fund; and

WHEREAS, additional funds are now available to the Pinelands Conservation Fund through a 2006 amendment to the Comprehensive Management Plan that authorized an expansion of the Cape May landfill and through a 2008 Memorandum of Agreement with the New Jersey Turnpike Authority that authorized improvements to the Garden State Parkway; and

WHEREAS, the Executive Director and the Personnel and Budget Committee have recommended that the 2005 policies for the use and management of the Pinelands Conservation Fund be updated and that these additional funds be allocated for use; and

WHEREAS, those recommendations are more particularly described in the attached plan, dated April 7, 2005 and revised on August 14, 2009; and

WHEREAS, the recommendations include a \$915,000 increase to the Land Acquisition account for the purchase of land or interests therein pursuant to the Commission’s agreement with the New Jersey Turnpike Authority to obviate potential secondary impacts for the Garden State Parkway improvements; and

WHEREAS, the recommendations also reflect the addition of more than \$5,385,000 to the Pinelands Conservation Fund pursuant to the 2006 amendment to the Comprehensive Plan that authorized the expansion of the Cape May landfill, \$2,500,000 of which is to be dedicated to the Land Acquisition account and the balance of which is to be apportioned to the Conservation Planning and Research account and the Community Planning and Design account; and

WHEREAS, the Pinelands Commission agrees with these recommendations; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission hereby adopts revised policies for the use and management of the Pinelands Conservation Fund, dated April 7, 2005 and revised August 14, 2009.

Record of Commission Votes

AYE NAY NP ABS					AYE NAY NP ABS					AYE NAY NP ABS				
Ashmun					Haas					Lloyd				
Brown					Jackson					McIntosh				
Campbell					Kennedy					Witt				
Ficcaglia					Lee					Tomasello				
Galletta					Link									

Adopted at a meeting of the Pinelands Commission Date: _____

John C. Stokes
Executive Director

Norman Tomasello
Vice Chairman

New Jersey Pinelands Commission
PINELANDS CONSERVATION FUND
April 7, 2005, Revised August 14, 2009

Introduction

The Pinelands Conservation Fund (Fund) was initially established pursuant to a 2004 agreement (Agreement) between the Pinelands Commission (Commission) and the Board of Public Utilities. As specified in the Agreement, this Fund shall be used to “further the Pinelands protection program and ensure a greater level of protection of the unique resources of the Pinelands Area.” It was initially financed through a \$13 million payment to the Commission from Conectiv (now known as Atlantic Electric) and has since been supplemented. A payment of \$4,807,731.69 was received from the Cape May Municipal Utilities Authority pursuant to a 2006 amendment to the Pinelands Comprehensive Management Plan that authorized a modest expansion of the Cape May County Municipal Utilities Authority landfill and has been held in escrow pending the Authority’s receipt of Pinelands Commission and Department of Environmental Protection permits for the landfill’s expansion. Those permits have now been issued. A \$915,000 payment from the New Jersey Turnpike Authority to partially address secondary impacts from the Garden State Parkway project has also been received pursuant to a 2008 agreement with the New Jersey Turnpike Authority that authorized improvements to the Garden State Parkway. Finally, a \$75,000 payment has been received for conservation planning and research pursuant to the 2005 Sanctuary settlement agreement.

To ensure that the Fund supports this goal, the Pinelands Commission has established the following policies to govern the use and management of the Fund.

Fund Objectives

Three principal objectives are established for the Fund. They are to:

1. Permanently protect important natural, cultural, historic and agricultural resources through the purchase of land or interests therein. \$6 million of the Fund’s initial proceeds were dedicated for this purpose.
2. Support planning and research initiatives that directly benefit the conservation of Pinelands resources. \$3½ million of the Fund’s initial proceeds were dedicated for this purpose.
3. Support community planning and design initiatives that help to create sustainable communities which serve as an essential component of the Pinelands protection program. \$3½ million of the Fund’s initial proceeds were dedicated for this purpose.

Except as otherwise provided herein for administrative expenses, all Fund proceeds and income derived pursuant thereto shall be used exclusively for the objectives enumerated above.

Investment Policies

Funds dedicated for the acquisition of land and interests therein shall remain liquid so that they are available for use on an as-needed basis. These funds shall be deposited in the New Jersey Cash Management Fund and maintained as a separate cash account such that the interest income is credited to the account.

Separate New Jersey Cash Management Fund accounts shall also be maintained to support conservation planning and research initiatives and to support community planning and design initiatives. Interest income shall be credited to each such account.

The Executive Director is authorized to identify one or more secure, long term investment options with favorable terms for some or all of the conservation planning and research funds and for some or all of the community planning and design funds. In analyzing such options, the Executive Director shall consult with the New Jersey Department of the Treasury, Division of Investments. Upon approval by the Personnel and Budget Committee, the funds may be transferred from the appropriate Cash Management Fund account(s) to finance such long term investments. Investment income shall be credited, as appropriate, to each of the accounts.

Program Policies

Land Acquisition

The Commission shall appropriate, through the Pinelands Conservation Fund Budget, such money from the Cash Management Fund account as may from time to time be needed to assist other governmental and qualifying, tax exempt non-governmental organizations purchase fee or lesser interests in real property so as to permanently protect their important natural, agricultural, cultural or historic attributes.

Pursuant to the 2006 Comprehensive Management Plan amendment regarding the Cape May landfill expansion, eight (8) percent of any portion of those funds that the Commission decides to dedicate for land acquisition shall be reserved for the purchase of land, or interests therein, within Cape May County.

Pursuant to the 2008 agreement with the New Jersey Turnpike Authority, funds provided for the purchase of specific properties, or interests therein, identified in the 2008 agreement shall be reserved for such purposes until June 30, 2014. Thereafter, the Commission may elect to amend this financial plan to utilize the funds for the acquisition of other lands within the Pinelands.

Nothing herein shall be construed to prevent the Commission from recouping its program operating costs from this account or limit the Commission's authority to use a portion of these funds to contract with another party to administer this acquisition program on its behalf, provided that the Commission determines that such an arrangement is consistent with applicable contracting requirements, implements the objectives enumerated in the above paragraphs and is

cost effective, taking into account the contractor's administrative expenses in comparison to the Commission's expenses if it administered the program.

Conservation Planning and Research

The Commission shall appropriate, through the Pinelands Conservation Fund Budget, such money from the Cash Management Fund account as may from time to time be needed to support qualifying conservation planning or research projects. Such projects may be undertaken by the Commission or by another governmental organization and may include all reasonable expenses associated with the project or its implementation, except capital expenditures.

Qualifying projects shall consist of (1) the preparation of an ecologically based electric transmission right-of-way maintenance plan as provided for in the Agreement, (2) the natural resource assessment project initiated pursuant to Commission Resolution PC4-05-20, (3) other regional or sub-regional conservation planning projects that are duly authorized by the Pinelands Commission, or (4) applied research or conservation planning projects that will directly benefit Pinelands resource protection, as duly authorized by the Pinelands Commission.

When other governmental projects are considered, priority shall be given to those which supplement Fund proceeds with other state, federal, local or private funding.

Community Planning and Design

The Commission shall appropriate, through the Pinelands Conservation Fund Budget, such money from the Cash Management Fund account as is needed to sustain a community planning and design technical assistance program and as may be needed from time to time to support other qualifying projects. The community planning and design technical assistance program and other qualifying projects may include all reasonable expenses associated with the project or its implementation, except capital expenditures.

The purpose of the community planning and design technical assistance program shall be to build upon the Dodge Foundation-supported Pinelands Excellence Program by institutionalizing within the Commission's staff the capability to provide community planning and design assistance to Pinelands municipalities on an ongoing basis. The Executive Director is authorized to present to the Commission for its approval an annual budget for this technical assistance program that finances one community planning/design position and associated expenses.

Other qualifying projects shall consist of (1) the timed growth assessment authorized pursuant to Commission Resolution PC4-05-20, (2) contracts with or grants to other governmental agencies to undertake specific community planning or design projects, provided such projects further the Pinelands protection program and are duly authorized by the Pinelands Commission and (3) other community planning and design projects undertaken by the Commission.

Administrative Policies

The Executive Director shall be responsible for managing Fund proceeds in accordance with

applicable Commission policies and procedures. To ensure appropriate management, administration and oversight of the Fund and the programs it supports, a portion of the Fund's income shall be allocated for administrative purposes in accordance with the following policies.

- An annual assessment of \$20,000 shall be made against each of the three Cash Management Fund accounts to finance indirect costs associated with the management of the investments, accounting services, contracting and purchasing services and other centralized support services.
- All interest accrued in the Cash Management Fund account for acquisition shall be reserved in that account to pay for the above specified indirect cost assessment and any direct administrative expenses of the land acquisition program. Should any portion of this reserve remain after the principal has been expended, the Commission shall determine whether the remaining amount is sufficient to finance additional acquisitions or, if not sufficient, should be transferred to either or both of the conservation planning/research or community planning/design accounts.

Implementation

Fund Status as of June 30, 2009

The fund balance in the Land Acquisition account approximated \$7,368,527. \$915,000 of that amount is reserved for specific acquisitions pursuant to the 2008 agreement with the New Jersey Turnpike Authority .

The fund balance in the Conservation Planning and Research account, including the \$75,000 received pursuant to the Sanctuary settlement, approximated \$3,147,035.

The fund balance in the Community Planning and Design account approximated \$3,959,455.

Allocation of CMCMUA Escrow

As of June 30, 2009, the amount held in escrow pursuant to the Cape May County Municipal Utilities Authority landfill expansion project was \$5,385,446.58, including interest. Since Pinelands Commission and Department of Environmental Protection permits for the landfill's expansion have now been issued, these escrowed funds may be released to the Pinelands Conservation Fund.

Upon the effective date of this amended financial plan, \$2,500,000 of the escrow amount shall be dedicated to the Land Acquisition account, \$200,000 (or eight percent) of which shall be reserved for the purchase of land or interests therein within Cape May County. Eighty percent of the balance of the escrow account (approximately \$2,308,357.26) shall be dedicated to the Conservation Planning and Research account and twenty percent (approximately \$577,089.32) shall be dedicated to the Community Planning and Design account.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-09-_____

TITLE: To Authorize the Executive Director to Execute a Memorandum of Understanding among the Pinelands Commission, Buena Vista Township and the Atlantic County Utilities Authority to Assist in the Installation of a Community Waste Water System and to Revise the FY2010 Pinelands Conservation Fund Budget

Commissioner _____ **moves and Commissioner** _____
seconds the motion that:

WHEREAS, the importance of providing appropriate opportunities for limited economic growth in rural Pinelands municipalities has long been recognized by the Commission, as evidenced through the Commission’s establishment of the Rural Economic Development Pilot Program in 1997 for purposes of identifying appropriate development opportunities and implementation strategies for these municipalities; and

WHEREAS, by resolution PC4-08-12, adopted January 11, 2008, the Commission agreed to assist in and evaluate the implementation of the Richland Village Redevelopment Plan, including efforts to establish a community wastewater treatment system so that that the lessons learned from this initiative could inform future Commission decision making relative to rural economic development; and

WHEREAS, the Executive Director has been working with representatives from the Atlantic County Utilities Authority and Buena Vista Township to establish a Memorandum of Understanding that defines the roles and responsibilities of the Authority, the Township and the Commission with respect to the design, permitting and construction of such community waste water system to serve portions of Richland Village, and.

WHEREAS, in accordance with the provisions of the draft Memorandum of Understanding dated July 30, 2009 the Commission will contribute an amount not to exceed \$100,000 to defray direct expenses that the Atlantic County Utilities Authority may incur in the preliminary design of the project, and

WHEREAS, the bylaws of the Pinelands Commission require the Commission’s approval of agreements in excess of the threshold stipulated in N.J.S.A. 52:25-23, currently \$29,000; and

WHEREAS, the Executive Director has recommended that funding for this contribution be obtained from the Community Planning and Design component of the Pinelands Conservation Fund and that the FY 2010 Pinelands Conservation Fund Budget related to this account be revised to include funds for this purpose; and

WHEREAS, the Personnel and Budget Committee recommends Commission adoption of this resolution; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that

- 1. The Executive Director is authorized to execute a Memorandum of Understanding among the Pinelands Commission, Buena Vista Township and the Atlantic County Utilities Authority to assist in the installation of a community waste water system to serve portions of Richland Village, consistent with the attached draft dated July 30, 2009.

The Pinelands Commission approves the revision of the FY 2010 Pinelands Conservation Fund Budget to appropriate \$100,000 from the Community Planning and Design component of the Pinelands Conservation Fund to the Richland Village community waste water system project.

Record of Commission Votes

AYE NAY NP ABS					AYE NAY NP ABS					AYE NAY NP ABS				
Ashmun					Haas					Lloyd				
Brown					Jackson					McIntosh				
Campbell					Kennedy					Witt				
Ficcaglia					Lee					Tomasello				
Galletta					Link									

Adopted at a meeting of the Pinelands Commission Date: _____

John C. Stokes
Executive Director

Norman Tomasello
Vice Chairman

**MEMORANDUM OF UNDERSTANDING
AMONG THE PINELANDS COMMISSION, BUENA VISTA TOWNSHIP
AND THE ATLANTIC COUNTY UTILITIES AUTHORITY**

PURPOSE

This Memorandum of Understanding (“MOU”) serves to establish the framework for coordination, cooperation and communication among Buena Vista Township, a body corporate and politic of the State of New Jersey, hereinafter called “Township”, having offices located at 890 Harding Highway, P.O. Box 605, Buena, New Jersey, 08310; the Pinelands Commission, a political subdivision of the State of New Jersey, hereinafter called “Pinelands Commission”, having offices located at 15 Springfield Road, P.O. Box 7, New Lisbon, New Jersey 08064; and the Atlantic County Utilities Authority, hereinafter called “Authority”, with offices located at 6700 Delilah Road, Egg Harbor Township, New Jersey 08234 for the purpose of assisting the Township to determine the feasibility of constructing a community wastewater system to serve the current and foreseeable future service needs of Richland Village and to provide a model to inform the Commission’s decision making relative to the suitability and capability of such systems to effectively meet wastewater demand associated with rural commercial development.

RECITALS

WHEREAS, the importance of providing appropriate opportunities for limited economic growth in rural Pinelands municipalities has long been recognized by the Commission, as evidenced through the Commission’s establishment of the Rural Economic Development Pilot Program in 1997 for purposes of identifying appropriate development opportunities and implementation strategies for these municipalities; and

WHEREAS, the Township was one of the participating municipalities in the Rural Economic Development Pilot Program and, since then, has pursued a variety of rural economic development initiatives; and

WHEREAS, by resolution PC4-08-12, adopted January 11, 2008, the Commission agreed to assist in and evaluate the implementation of the Richland Village Redevelopment Plan, including efforts to establish a community wastewater treatment system, hereinafter “wastewater system”, so that that the lessons learned from this initiative could inform future Commission decision making relative to rural economic development; and

WHEREAS, the Authority operates the regional wastewater system within the County of Atlantic; and

WHEREAS, the Authority and the Pinelands Commission wish to assist the Township to analyze the feasibility of a wastewater system to serve portions of Richland Village located within the Township, hereinafter “project area”, identify all permitting requirements that are likely to be associated with the construction of such waster water system and design, construct and operate such system.

NOW THEREFORE, in consideration for the mutual agreements contained herein, the Township, the Pinelands Commission and the Authority hereby agree to the following:

I. System Feasibility Assessment - To determine system feasibility

A. The Township agrees to:

1. Determine the boundaries of the area to be served by the wastewater system;
2. Assess existing waste water demand within the project area based on current total waste water flows;
3. Identify any plans for known or planned development within the project area and determine the waste water demand that will be associated with both existing and future development;
4. Review all project area land use and zoning information and estimate the range of land uses and the potential intensity of the development that is likely to occur in the project area and estimate probable future waste water demand associated with such development;

5. Assemble all prior and current relevant mapping (e.g. depth to groundwater, topographic and soils maps) and engineering analyses that may have been conducted within the project area to determine a suitable site for a waste water system;
6. Conduct preliminary subsurface soil investigations and soil permeability tests to determine site suitability for the likely location of the waste water system and disposal field;
7. Request that Atlantic County include the project area in the County's Water Quality Management Plan and ensure that the project area is included within the boundaries of a sewer service area;
8. Investigate and identify all New Jersey Department of Environmental Protection project permit requirements as identified in the latest version of the Department's Permit Identification Form (Attachment 1).

B. The Authority agrees to:

1. Review the results of the preliminary soils permeability tests, review existing soils maps, depth to water table data and topographic maps for the project area and preliminarily determine whether the project area soils characteristics would be suitable to accommodate a community waste water system;
2. Review existing and future projections of waste water demand within the project area;
3. Assess various state of the art treatment and disposal techniques and recommend alternatives that would best serve the project area based on the projected demand for waste water treatment and disposal and site soils suitability based upon New Jersey Department of Environmental Protection and Pinelands water quality requirements;
4. Prepare and present a report to the Township and the Pinelands Commission that projects waste water system flow demands, recommends system size, preferred location and system type, and estimates the anticipated cost to construct, operate and maintain the system.

C. The Pinelands Commission agrees to:

1. Assist with project coordination activities including arranging and participating in project-development meetings, progress updates and coordination with New Jersey Department of Environmental Protection;
2. Assist the Township to identify permit requirements related to the installation of the waste water system and likely financial resources to help offset project design costs;
3. Provide technical assistance and advice relative to system feasibility, location and type selection.

II. Preliminary Design – If, based on the site suitability analysis and the Authority's report described in Part I above, the Authority and the Township conclude that installation and operation of a waste water system is feasible and the Township and the Authority agree to proceed to system design, the Township, Pinelands Commission and Authority further agree to the following:

A. The Township agrees to:

1. Apply for and comply with all required permits from State and County agencies including a New Jersey Pollutant Discharge Eliminations System permit and a treatment works approval permit from the New Jersey Department of Environmental Protection Division of Water Quality;
2. Apply to the Pinelands Commission, pursuant to NJAC 7:50-4.52 for all relevant public development approvals associated with the project including but not limited to the development of the waste water system;
3. Seek funding for system construction and design and, if successful in obtaining such funding, reimburse the Authority and the Commission for costs it incurs pursuant to this agreement.

B. The Authority agrees to:

1. Prepare detailed soils analysis, mounding analysis and/or nitrate dilution model, in conjunction with permitting requirements, that may be needed to demonstrate site suitability in the preferred location of the proposed waste water system;
2. Prepare preliminary system designs including the system that will be needed to pump and/or convey sewage to the community disposal system location;
3. Prepare preliminary system construction cost estimates;
4. Assist in identifying and evaluating funding sources that may be available to construct, operate and maintain the waste water system;
5. Prepare and present a report to the Township and the Pinelands Commission that describes the results of the analyses described in Paragraph II.B.1., and includes the preliminary system design and construction cost estimates and identifies likely sources of construction funding.

C. The Pinelands Commission agrees to:

1. Assist the Township to identify and evaluate funding sources that may be available to design, construct, operate and maintain the system.
2. Pay to the Authority an amount not to exceed \$100,000 (one hundred thousand dollars) to help defray direct disbursements (out of pocket expenses), other than in-kind services, that the Authority may incur in performing tasks described in II.B., including the mounding analysis and/or preparation of a nitrate dilution model, if such analysis or model is deemed necessary in conjunction with permit requirements described in Paragraphs II.A.1 and II.A.2. Such payment will be provided in order to evaluate the feasibility and suitability of community wastewater systems to address wastewater needed associated with rural economic development in conjunction with the Rural Economic Development Pilot Program.

III. Final Design and Construction – If, upon completion of the waste water system preliminary design and submission of the report described in II.B.5. above, and following the determination of the source and availability of funding for construction, the Township and the Authority agree to proceed to system construction, the Township and Authority further agree to the following:

A. The Township agrees to:

1. Designate the Authority to act on the Township's behalf to prepare detailed final design plans, specifications and bid documents and to perform construction inspection and project management services.
2. Reimburse the Authority for direct disbursements (out of pocket expenses), other than in-kind services, incurred by the Authority in performing Tasks described in III.B. Direct expenses would include printing and advertising costs and permit fees associated with the project permitting and bid solicitation process.

B. The Authority agrees to:

1. Prepare detailed final designs of all components of the community sewage disposal system;
2. Prepare bid drawings and specifications in accordance with the New Jersey Local Public Contracts Law;
3. Assist the Township to prepare all required permits;
4. Assist Township to undertake bidding solicitation, participate the review of construction proposals and recommend award;
5. Provide construction inspection and project management services on behalf of the Township;

IV. System Operation and Maintenance – The Township and the Authority agree that operation and maintenance of the system will be subject to a separate agreement that will be established at the conclusion of Phase III.

V. Effective Date and Duration

- A. In accordance with NJSA 12:18A-5(h), this Memorandum of Understanding shall take effect following the conclusion of the Governor's review period and approval of the Pinelands Commission minutes authorizing entry of this Memorandum of Agreement and then upon the approval and signature by the authorized representatives of all parties.
- B. This Memorandum of Understanding contains the entire understanding of the parties, and there are no representations, warranties, covenants or understandings other than those expressly set forth herein.
- C. This Memorandum of Understanding may be terminated at any time by any of the parties to this Memorandum of Understanding in writing sixty (60) days prior to the effective date of the termination and may be modified at any time upon written consent of all parties hereto.
- D. If this Memorandum of Understanding is terminated, the Township shall, to the extent that funding for the design and/or construction of the wastewater system has been secured, reimburse the Authority for all costs incurred up to the date of termination in accordance with paragraph A.3.
- E. This Memorandum of Understanding may be executed by each of the parties hereto in any number of counterparts, each of which, when so executed and delivered, shall be deemed to be an original and all such counterparts shall together constitute one and the same agreement.
- F. Unless otherwise modified by the parties, this Memorandum of Understanding shall terminate ten years from the day and year it takes effect.

IN WITNESS WHEREOF, each of the parties has caused this Memorandum of Understanding to be executed by a duly authorized officer or official as of the day and year first written above.

ATTEST:

BUENA VISTA TOWNSHIP

By: _____
Chuck Chiarello, Mayor

ATTEST:

ATLANTIC COUNTY UTILITIES AUTHORITY

By: _____
Richard S. Dovey, President

ATTEST:

PINELANDS COMMISSION

By: _____
John C. Stokes, Executive Director



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-09-_____

TITLE: To Authorize the Executive Director to enter into Task Agreement #002 between the Pinelands Commission, the State of New Jersey Department of Environmental Protection - Division of Parks and Forestry and the National Park Service (NPS) to continue the work started under Cooperative Agreement H1846-06-002 to implement the Pinelands Interpretive Plan and Task Agreement #001

Commissioner _____ **moves and Commissioner** _____
seconds the motion that:

WHEREAS, Public Law 95-825, Section 502, of the National Parks and Recreation Act of 1978, as amended by Public Law 100-486, Section 1, created the Pinelands National Reserve and requires the NPS to "study and recommend appropriate initiatives to provide an educational and interpretive program in the Reserve"; and

WHEREAS, Public Law 100-486, Section 1, directed the NPS to produce a plan which considers, "among other things, the improvements of existing facilities and interpretive programs in the Pinelands National Reserve, including the use of existing facilities..." and to recommend "appropriate roles for departments and agencies of the State of New Jersey and the Federal Government in implementing the Program"; and

WHEREAS, the Pinelands Commission, the New Jersey Department of Environmental Protection - Division of Parks and Forestry and the National Park Service completed the Pinelands Interpretive Plan and

WHEREAS, the Pinelands Interpretive program is intended to enhance and encourage protection of New Jersey's natural and cultural resources, while interpreting New Jersey's diverse natural and cultural heritage related to the Pinelands National Reserve; and

WHEREAS, this agreement will continue the work started under Cooperative Agreement 1443CA 1845-96-002, authorized by Pinelands Commission resolution PC4-95-125, for the cooperative development and the long-term implementation of the Pinelands Interpretive Plan and continued under Cooperative Agreement H1846-06-002, authorized by Pinelands Commission resolution PC4-06-04, to implement the Pinelands Interpretive Plan; and

WHEREAS, the National Park Service has prepared the attached draft Task Agreement #002, which calls for cooperation on the development and installation of interpretive exhibits to enhance awareness and appreciation of the Pinelands National Reserve in existing space at the Richard J. Sullivan Center for Environmental Policy and Education at the Pinelands Commission's headquarters in New Lisbon, NJ; and

WHEREAS, the Pinelands Commission will coordinate and collaborate with the NPS and Division of Parks and Forestry on the development and design of the exhibits; and

WHEREAS, the National Park Service will provide \$328,786.70 in funding to plan, design, fabricate and install these exhibits, and will provide technical assistance relative to the exhibit design and production; and

WHEREAS, the New Jersey Department of Environmental Protection - Division of Parks and Forestry will provide technical assistance relative to the design and development of these exhibits; and

WHEREAS, an Exhibit Assessment, authorized by Pinelands Commission resolution PC4-08-85, was prepared for the Richard J. Sullivan Center for Environmental Policy and Education in May 2009 as part of Task Agreement #001; and

WHEREAS, the Pinelands Commission's Public and Governmental Programs Committee has reviewed the attached Exhibit Assessment and recommended Commission staff to move forward to secure funding to advance these enhancements at the Richard J. Sullivan Center for Environmental Policy and Education; and

WHEREAS, the Pinelands Commission's Personnel and Budget Committee has recommended Commission approval of Task Agreement #002, consistent with the attached draft; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that

- 1. The Pinelands Commission authorizes the Executive Director to enter into a new Task Agreement consistent with the draft, attached and dated August 4, 2009.
- 2. The Executive Director is authorized to approve further amendments as necessary to accomplish the objectives without materially changing the scope of work.

|

Record of Commission Votes

AYE NAY NP ABS					AYE NAY NP ABS					AYE NAY NP ABS				
Ashmun					Haas					Lloyd				
Brown					Jackson					McIntosh				
Campbell					Kennedy					Witt				
Ficcaglia					Lee					Tomasello				
Galletta					Link									

Adopted at a meeting of the Pinelands Commission Date: _____

John C. Stokes
Executive Director

Norman Tomasello
Vice Chairman

TASK AGREEMENT #002, J1846090001
to
COOPERATIVE AGREEMENT
H1846-06-0002
among the
UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
The Pinelands Commission
The State Of New Jersey,
Department of Environmental Protection

Effective Date: Date of signature by Contracting Officer
Completion Date: April 11, 2011

Cooperators: **The Pinelands Commission and The State Of New Jersey,**
Department of Environmental Protection, New Jersey Division of Parks and Forestry

Fiscal Year 2009 Funding: NTE **\$328,786.70.**

Account Numbers: **\$????.**
1846 - SZM \$????.

Project Title: **Pinelands Commission Headquarters Pinelands Information and Public Research Center, Phase #II Visitor Center exhibit project**

I. BACKGROUND AND OBJECTIVES

The purpose of this task agreement is to implement the Pinelands Interpretive Plan as called for in Public Law 100-486, Section 1. This task agreement calls for cooperation on the completion of design, fabrication, and installation of the second phase of exhibits for a Pinelands information visitor center/public research center to be developed in existing space at the Richard J. Sullivan Center for Environmental Policy and Education at the Pinelands Commission headquarters in New Lisbon, NJ.

II. SCOPE OF WORK

A. The Pinelands Commission agrees to:

1. Collaborate with the NPS and New Jersey Division of Parks and Forestry (NJDPF) on the development and design of visitor center exhibits for the R. J. Sullivan Center at the Pinelands Commission headquarters.
2. Provide assistance with the planning, design, research, review of draft text, and photo selection for the new exhibits, including obtaining permission for use of photos as needed.
3. Provide GIS and other necessary scientific data for maps and other exhibits.
4. Coordinate selection of designers and consultants in consultation with the NPS and NJDPF.
5. Coordinate the completion of design, fabrication, and installation of exhibits included in Phase #II, using the **\$?????** obligated through this task agreement, supplemented with other funds as available.

6. Provide a report to the NPS, Pinelands Interpretive Program, detailing any match from the Commission in cash and/or in-kind services.

7. Provide the National Park Service, Pinelands Interpretive Program, with a final report due by March 11, 2011, accounting for overall expenditures for the project.

B. The National Park Service, Pinelands Interpretive Program (PINE), agrees to:

1. Provide technical assistance and consultant services relative to the design and production of the visitor center/public research facility exhibits.

2. Provide funding NTE \$?????. to be used toward exhibit planning, design, fabrication, and installation within Phase #II.

C. The New Jersey Division of Parks and Forestry agrees to:

1. Provide technical assistance and consultant services relative to the design and development of the visitor center/public research facility exhibits.

2. Provide the National Park Service, Pinelands Interpretive Program, with a final report due by March 11, 2011, which details any match in cash and/or in-kind services toward planning, and development of the exhibits.

Article #4 of the basic agreement is hereby changed as follows:

ARTICLE IV: Key Officials

1. For the NPS:

Linda E. Maiden is deleted. In place thereof:

Beth Faudree
Contracting Officer
National Park Service, Northeast Region
15 State Street
Boston, MA 02109
617 223-5095

2. For the DEP:

Jose L. Fernandez is deleted. In place thereof:

Amy Cradic, Assistant Commissioner, Natural & Historic
Resources
The State Of New Jersey,
Department of Environmental Protection
PO Box 404
Trenton, NJ 08625-0404
609-292-3541

III. GENERAL AND SPECIAL PROVISIONS

This task agreement is subject to all General and Special Provisions included in the Master Agreement, dated April 12, 2006. The term of the Cooperative Agreement is from **April 12, 2006 to April 11, 2011.**

IV. AUTHORIZING SIGNATURES

IN WITNESS WHEREOF, the parties hereto have caused this task agreement to be executed by their respective duly authorized officers or representatives the day and year written below.

The Pinelands Commission

By: _____
John C. Stokes Date
Executive Director
P.O. Box 7
New Lisbon, NJ 08064
609-894-7300

**The State Of New Jersey,
Department of Environmental Protection**

By: _____
Amy Cradic Date
Assistant Commissioner, Natural and Historic Resources
P.O. Box 404
Trenton, NJ 08625-0404
609-292-3541

National Park Service

By: _____
Philip G. Correll Date
Project Director
Pinelands Interpretive Program/NJ Coastal Heritage Trail Route
P.O. Box 568
Newport, NJ 08345
856-447-0103

By: _____
Beth Faudree Date
Contracting Officer
National Park Service, Northeast Region
15 State Street
Boston, MA 02109
617 223-5095



State of New Jersey

THE PINELANDS COMMISSION

PO Box 7

NEW LISBON NJ 08064

(609) 894-7300

JON S. CORZINE
Governor

JOHN C. STOKES
Executive Director

MEMORANDUM

To: Members of the Pinelands Commission

From: Susan R. Grogan, P.P., AICP
Chief Planner

Subject: No Substantial Issue Ordinances

Date: July 31, 2009

During the past month, we reviewed six ordinances which we found to raise no substantial issues with respect to the standards of the Pinelands Comprehensive Management Plan. These ordinances were:

Barnegat Township Ordinance 2009-10 – amends Chapter 55 (Land Use) by requiring the posting of performance guarantees for certain on-tract and off-tract improvements before the recording of a final subdivision plat. Should the developer choose to install such improvements prior to the filing of the final map, Ordinance 2009-10 requires the posting of a reforestation bond prior to commencing clearing operations to insure the site is revegetated should the project be abandoned after clearing has occurred.

Dennis Township Ordinance 2009-01 - amends Chapter 185 (Zoning) of the Township's Code by adopting a new section to regulate "Small Wind Energy Systems and Solar Energy Systems". According to Ordinance 2009-01, such systems are to be permitted only as accessory uses in all zoning districts, including those within the Pinelands Area. The ordinance then sets forth a variety of lot size, setback, height and design standards which must be met. The standards adopted by Ordinance 2009-01 apply throughout the Township, including that portion located in the Pinelands Area.

Lakehurst Borough Ordinance 09-09 - amends Chapter XXV (Land Development) of the Borough's Code by revising and adding design, construction and safety standards for storm drain inlets.

Pemberton Township Ordinance 11-2009 - amends Chapter 190 of the Township's Code by revising open space and recreation standards. As amended, Chapter 190 now provides that all planned unit developments, planned unit residential developments and/or residential clusters



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located outside of the portion of the Township within the Pinelands Area shall provide recreational facilities in accordance with the community-wide, level-of-service standards for parks, open space and recreational facilities set forth by the National Recreation and Park Association's latest published guidelines. For the portion of the Township within the Pinelands Area, Ordinance 11-2009 provides that all residential development shall provide recreational facilities in accordance with the guidelines for recreational land and facilities set forth in the CMP. Finally, Ordinance 11-2009 eliminates the provisions of Chapter 190 pertaining to contributions in-lieu of constructing recreational facilities.

Winslow Township Ordinances 0-33-08 and 0-2009-017– Ordinance 0-33-08 amends Chapter 297 (Stormwater) of the Township's Code by adopting stormwater basin design requirements, including slopes, depth, planting requirements and fencing requirements. Ordinance 0-33-08 also amends Chapter 297 by adopting revised requirements for soil testing associated with proposed stormwater basins. **Ordinance 0-2009-017** amends Ordinance 0-33-08 by incorporating appropriate references to Pinelands landscaping standards, as well as revised soil testing requirements which are consistent with the Pinelands CMP.

We will have copies of the above-discussed amendments available at the Commission meeting should you wish to review them in greater detail.



State of New Jersey

THE PINELANDS COMMISSION

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JON S. CORZINE
Governor

JOHN C. STOKES
Executive Director

MEMORANDUM

To: Members of the Pinelands Commission

From: Ed Wengrowski, Wastewater Management Coordinator

Subject: Annual Report on the Alternate Design Treatment Systems Pilot Program

Date: August 7, 2009

Attached please find the August 5, 2009 Annual Report to the New Jersey Pinelands Commission on the Alternate Design Treatment Systems Pilot Program. The report provides background information on the development of the pilot program, summarizes program activity to date and provides detailed information on system maintenance, cost and performance.

The Amphidrome and Bioclere treatment technologies continue to meet the Pinelands target for total nitrogen concentrations in treated effluent. The Cromaglass system has exhibited modest improvement but has not yet attained the level of nitrogen reduction necessary to meet Pinelands water quality standards on one acre parcels. Therefore, the Cromaglass technology remains under a temporary suspension for new installations, pending additional improvement. Initial data for the FAST system indicates that it too is not meeting the effluent target value, however, the data set is too limited at this time to draw definitive conclusions. Staff will closely monitor performance of the FAST technology and will work with the technology vendor toward attaining compliance.

I would be happy to discuss the report at your convenience.



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**ANNUAL REPORT
TO THE NEW JERSEY PINELANDS COMMISSION**

**ALTERNATE DESIGN TREATMENT SYSTEMS PILOT
PROGRAM**



August 5, 2009

Background

The Federal and New Jersey Pinelands statutes call for the preservation, protection and enhancement of the unique Pinelands ecosystem and its land and water resources. The exceptional quality of Pinelands water resources are protected and maintained through the control of development and other land uses and through close cooperation and coordination between local, state and federal agencies. To safeguard Pinelands water resources, the water quality provisions of the Pinelands Comprehensive Management Plan (CMP) focus on controlling the amount of nitrogen that enters the environment. Nitrogen is a significant point and nonpoint source pollutant due to its role in the eutrophication of surface water bodies. It is a useful indicator of overall Pinelands water quality and ecosystem health because it is naturally present in very low concentrations in the Pinelands environment.

The Commission's land use program discourages development in important ecological and agricultural areas while directing growth towards more suitable areas. While some of the designated growth areas are served by central sewer systems, others are not. In these unsewered growth areas, municipalities may zone for residential development on lots as small as one acre. One acre lots are also permitted in non-growth areas if certain cultural housing and grand fathered ownership conditions are met. In very limited instances, waivers of strict compliance allow for development of unsewered dwellings on lots as small as 20,000 square feet.

The water quality standards of the CMP permit the use of on-site septic systems (individual subsurface sewage disposal systems) provided that the design of the system and the size of the parcel on which the system is located will ensure that the concentration of nitrogen in the ground water exiting the parcel or entering a surface water body will meet the Commission's water quality standard of two parts per million (ppm). The CMP utilizes the Pinelands Septic Dilution Model to calculate nitrogen loading to groundwater from septic systems and to confirm that proposed loadings do not exceed the assimilative capacity of the environment. When standard values for home occupancy, wastewater volume, wastewater strength and rainfall infiltration are used in solving the model, the model calculates that a minimum 3.2 acre parcel is required to dilute nitrogen to the required 2 part per million (ppm) concentration when conventional septic system technology is used. Conventional septic system technology, typically consisting of a septic tank and effluent dispersal field (and sometimes a pump and dosing tank) is ineffective at removing or attenuating nitrogen levels in wastewater. Thus, unsewered residential development using standard (conventional) septic system technology is permitted only on minimum 3.2 acre parcels.

In order to comply with the Pinelands water quality standard, unsewered residential development on parcels smaller than 3.2 acres requires the use of advanced onsite denitrifying wastewater treatment technology. If the mass of nitrogen contained in the wastewater discharged from an on-site septic system is sufficiently reduced through the use of an advanced treatment system, the CMP allows the minimum lot size required to meet the 2 ppm property line concentration to be reduced from 3.2 acres down to a minimum of 1.0 acre.

The basic principles of biological nitrogen reduction in wastewater are well documented in the engineering literature. In fact, biological nitrification and denitrification is now routinely employed at large centralized sewage treatment plants, especially those that discharge treated effluent to environmentally sensitive receiving waters. These large scale treatment facilities utilize professionally trained and licensed operators and have the ability to enhance nitrogen removal through the use of chemical feed equipment and to make real time process modifications in response to changing influent wastewater characteristics.

The use of biological denitrification technologies at the much smaller scale of individual onsite systems is a relatively recent development. The US EPA as well as number of individual states and regions have developed and are currently administering programs to study the effectiveness of onsite wastewater denitrification treatment technologies. The Ad Hoc Committee On Alternative Septic Systems, convened by the Pinelands Commission in March 2000, conducted a thorough review of this ongoing work to evaluate alternate treatment technologies nationwide, consulted with officials from other state and university programs involved with advanced on-site septic system technologies and management strategies, retained a consultant to assess the technical performance of selected technologies, met with treatment system manufacturers and county health officials, and coordinated research efforts with the New Jersey Department of Environmental Protection (NJDEP). After completing this extensive research, the Committee recommended the establishment of a pilot program to test five specific onsite

wastewater treatment systems. The Alternative Design Wastewater Treatment Systems Pilot Program contained in the CMP (N.J.A.C. 7:50-10.21) is authorized as a means to test whether these systems can be operated and maintained so as to meet the water quality standards contained in the CMP with maintenance requirements that a homeowner can be reasonably be expected to follow.

Significant dates pertaining to the pilot program are as follows:

August 5, 2002	Effective date of the pilot program; residential applications received after this date for lots less than 3.2 acres that are not served by public sewer are required to use a Pinelands alternate design wastewater treatment system. Completed applications received prior to this date may use a pressure dosing septic system, subject to additional time constraints.
January 10, 2003	Copies of sample ordinances authorizing the use of the advanced treatment technologies provided to Pinelands Area municipalities with correspondence requesting timely municipal adoption.
July 5, 2003	Start of semi-annual reporting requirement for each manufacturer of an alternate technology treatment system to submit to the Executive Director a report which includes the number of systems installed during the previous six months and since the beginning of the pilot program, a discussion of any installation problems and what has been done to address those problems, an analysis and evaluation of the monitoring results to date and a discussion of any operational or maintenance issues, including the number of systems requiring maintenance or repairs and the nature and success of such maintenance and repairs, and the number of times the automatic dialing alarm system was set off and the reasons for each such occurrence.
August 5, 2003	For completed applications received prior to August 5, 2002, last day to obtain design plan approval from a local/county health department for a pressure dosing septic system.
August 5, 2004	Last day to complete the installation of a pressure dosing septic system for those plans approved prior to August 5, 2003.
August 5, 2006	Executive Director to begin a review of the pilot program and report to the Commission by November 5, 2006 on the implementation of the program. The November 5 Implementation Report addressed nitrogen removal efficiencies of the treatment technologies, maintenance requirements, cost, frequency of system problems, an evaluation of the number of systems installed and a determination as to the adequacy of that number to render a final determination on the effectiveness of the treatment technologies in meeting the purposes and objectives of the State and Federal Pinelands Acts.
November 5, 2006	Executive Director's Implementation Report issued to the Commission on the implementation of the pilot program. Recommendations included removal of the Ashco RSFIII system from the Alternate Design Treatment Systems Pilot Program due to its commercial unavailability, a temporary suspension of new Cromaglass installations based upon non-attainment of effluent total nitrogen targets and extension of the Alternate Design Treatment Systems Pilot Program to allow continued installation of the pilot program system through August 5, 2010 to provide an opportunity for additional system installations and the collection of additional effluent monitoring data.
May 21, 2007	Published proposed amendments to N.J.A.C. 7:50-10.21 - 10.23 in the New Jersey Register based upon recommendations contained in the November 2006 Implementation Report.
August 5, 2007	Under the original pilot program rule, effective August 5, 2002, the last day to install a

	Pinelands alternate design wastewater treatment system was August 5, 2007. Systems installed on or prior to this date are subject to a three year wastewater monitoring requirement, through August 5, 2010, and a five year warranty, and five year service contract, through August 5, 2012.
December 3, 2007	Effective date of CMP amendments extending the pilot program through August 5, 2010.
August 5, 2009	Executive Director to begin a second review of the pilot program and report to the Commission by November 5, 2009 on the implementation of the program based upon amendments to N.J.A.C. 7:50-10.21 – 10.23, effective December 3, 2007.
November 5, 2009	Executive Director's second Implementation Report to be issued to the Commission on the implementation of the pilot program. The November 5, 2009 Implementation Report will address nitrogen removal efficiencies of the treatment technologies, maintenance requirements, cost, frequency of system problems, an evaluation of the number of systems installed and a determination as to the adequacy of that number to render a final determination on the effectiveness of the treatment technologies in meeting the purposes and objectives of the State and Federal Pinelands Acts.
August 5, 2010	Last day to install a Pinelands alternate design wastewater treatment system, pursuant to December 3, 2007 CMP amendments, unless a rule is adopted which expressly authorizes such installations beyond this date. Systems installed on or prior to this date will be subject to the three year wastewater monitoring requirement, through August 5, 2013, and a five year warranty, and five year service contract, through August 5, 2015.

Introduction

Amendments to the CMP establishing the Pinelands Alternate Design Wastewater Treatment System Pilot Program became effective on August 5, 2002. The rule requires that the Executive Director submit an annual report to the Commission describing activity to date on the installation, maintenance and performance data for each alternate design wastewater treatment technology. This seventh annual report is submitted to fulfill the annual reporting requirement to the Commission on the status of the Pinelands Pilot Program for Alternate Design Wastewater Treatment Systems.

Before any of the five alternative technology systems could be used within the Pinelands, the manufacturer of the alternate design treatment system must have submitted and the Executive Director must have approved detailed engineering design plans and system specifications, details on the automatic alarm dialing system, a wastewater sampling protocol, an operation and maintenance manual, a sample five year warranty, a sample five year operation and maintenance contract, and a sample deed notice.

Use of the alternative onsite wastewater treatment systems is now authorized in each of the Pinelands Area municipalities as a result of amendments to the CMP which became effective on December 3, 2007. Prior to that amendment, the pilot program technologies were only authorized for use in municipalities that had adopted an ordinance to implement the pilot program. Although most municipalities had adopted the requisite ordinance (34 of 40) the Commission found that applicants in the non-adopting municipalities were subjected to considerable hardship. The December 3, 2007 amendments have been effective in providing those aggrieved applicants with needed relief. Details of this amendment are discussed below.

The CMP also requires that each technology manufacturer or its agent submit a semi-annual report to the Executive Director which includes information on the number of systems installed, a discussion on the installation of systems, an analysis and evaluation of wastewater monitoring results to date, and a discussion of any operational or maintenance issues experienced.

Summary of Program Activity

During the current reporting period of August 2008 through July 2009, the Commission proposed several amendments to the CMP at N.J.A.C. 7:50-2.11, 3.35, and 6.85. These amendments, if enacted, will implement the minimum institutional or governmental arrangements necessary to ensure the proper long-term operation of both traditional and alternate design treatment systems. The Commission was able to coordinate the development of its proposed septic system management program with the newly adopted Water Quality Management Planning Rules of the New Jersey Department of Environmental Protection (NJDEP).

A key component of the Alternate Design Treatment Systems Pilot Program related to long term septic system management involved the Pinelands Commission's contracting with Stone Environmental Inc. to assist local entities throughout the Pinelands Area (towns, counties, etc.) in the development and implementation of long term management programs for onsite wastewater treatment systems (OWTS). OWTS are common throughout the Pinelands Area and are a vital component of the region's wastewater infrastructure. The goal of OWTS management is to keep all onsite wastewater systems functioning properly, to enhance the value of properties served by OWTS and to protect ground and surface water from harmful impacts that result when onsite wastewater systems fail. Stone Environmental, Inc. assisted the Commission in the development of detailed onsite system management recommendations for implementation throughout the Pinelands Area in a report entitled Onsite Wastewater Systems Management Manual for the New Jersey Pinelands. These recommendations are intended to provide a road map which municipalities or other local entities may follow to implement their management programs. The report explores several management models and municipalities (and other entities) are given the flexibility to select any single model or combination of model elements that are locally appropriate. This Management Manual, as well as related materials, is posted on the Commission's website at www.nj.gov/pinelands.

The Commission recognizes that the management of onsite systems must be compatible with local needs and capabilities and that local participation in the development and implementation of management programs is essential. For that reason, the Commission worked closely with a wide array of stakeholders who collectively comprised the Commission's Septic System Management Technical Advisory Committee (TAC). Valuable insights were gained from the TAC which consisted of members of the public, elected and appointed officials, and other industry experts. The TAC was instrumental in helping the Commission refine its onsite system management rule proposal.

In May 2009, the Commission provided the NJDEP, Division of Watershed Management with the Final Report on the "Atlantic Coastal Watershed Region Program Grant: Decentralized wastewater Management in the Mullica River Basin and other Pinelands Watersheds". This report serves as the final grant deliverable and summarizes much of the work performed by Commission staff in the development and implementation of the Pinelands Alternate Design Treatment System Pilot Program.

As noted earlier, the Commission enacted several amendments to the Alternate Design Treatment System Pilot Program provisions of the Pinelands Comprehensive Management Plan (CMP) during the period of August 2007 through July 2008. Amendments were adopted to address situations where municipalities had not yet adopted ordinances to implement the pilot program, to address one manufacturer's (ASHCO) inability to provide its technology to Pinelands residents, and to extend the period of the pilot program by an additional three years to better evaluate the treatment technologies.

Under the August 5, 2002 Pilot Program rule, alternative systems were authorized for use only in those municipalities that had adopted an ordinance to implement the pilot program. Those ordinances were then subject to certification by the Commission pursuant to N.J.A.C. 7:50-3. To assist the municipalities in this process, pilot program ordinances were developed by the Commission's Land Use and Technology Office and provided to the 40 Pinelands municipalities in which alternative systems could be used based upon existing zoning. As of August 5, 2007, 34 of the 40 targeted municipalities had adopted implementing ordinances. Six municipalities had not adopted the necessary ordinance.

Commission staff became aware that a number of applicants were precluded from attaining local approval for fully conforming development in at least some of those non-adopting Pinelands Area municipalities. The failure of these six municipalities to adopt necessary ordinances meant that owners of unsewered parcels smaller than 3.2 acres could not attain local approval for development, even for projects which otherwise met all zoning and other land use requirements. To eliminate this hardship, the Commission adopted amendments to N.J.A.C. 7:50-10.21 to authorize

the use of the pilot program systems in all Pinelands Area municipalities for the duration of the pilot program, whether or not the specific terms of the program are reflected in a municipal ordinance. As a result of this CMP amendment, which became effective on December 3, 2007, several conforming projects were able to proceed.

The NJDEP has actively participated in the development of the Commission's pilot program. To expedite the approval of the Pinelands pilot program alternate design septic systems, NJDEP issued a Generic Treatment Works Approval (TWA) Permit which allows the use of the five Pinelands pilot program systems without individual applicants being subject to the standard \$450 NJDEP permit fee or 90 day review period. The expedited NJDEP Generic TWA Permit has been well received by both the regulatory and development community. It has proven to be an effective instrument by allowing individual applications to be approved directly by the Pinelands county health departments resulting in significant time and expense savings to the applicants.

Commission staff has met with each of the Pinelands Area health departments to facilitate implementation of the pilot program and to assist the health departments in the review of plans and applications and to provide training of inspectors on the alternative treatment technologies. In addition, staff provides training during the annual Onsite Wastewater Treatment Systems continuing professional education course sponsored by NJDEP and Rutgers University. This course is well attended every year by state, local and regional public health professionals, septic system designer engineers, system installers and other onsite system service providers. In addition, staff regularly provides homeowner education related to the use of onsite wastewater systems.

During the duration of the pilot program, Commission staff has participated in several local, regional, and national educational conferences to share the Commissions experiences gained through the pilot program. Highlights include a January 2004 presentation at a USEPA conference in Mt. Kisco, NY, a March 2004 presentation at the New Jersey Environmental Health Association conference in Atlantic City, NJ, a June 2007 presentation at the National Environmental Health Association conference in Atlantic City, NJ, an October 2007 presentation at the Massachusetts Health Officers Association conference in Springfield, MA, a March 2008 presentation at the New England Interstate Water Pollution Control Commission conference in Groton, CT, a June 2008 presentation at the National Environmental Health Association conference in Tucson, AZ and an October 2008 presentation at the Central Pine Barrens (Long Island) Joint Planning Commission conference in Brookhaven, NY. Commission staff has also conducted more than sixteen workshops throughout the Pinelands Area to enhance awareness of the connection between septic system maintenance and clean water, property values and quality of life. In addition, commission staff regularly provides assistance to homeowners, builders, developers and consulting engineers in complying with the requirements of the pilot program.

Under the original (August 5, 2002) CMP amendment to adopt the Alternate Design Treatment Systems Pilot Program, the five Pinelands alternate design pilot program technologies were:

1. Ashco RFS III¹
2. Amphidrome
3. Bioclere
4. Cromaglass
5. FAST

One hundred and seventy-eight (178) Pinelands alternate design treatment systems have been installed and activated to date, with the first system coming online in April 2004. Twenty-one (21) of these alternate design systems were installed during the current reporting year, August 2008 through July 2009. The following table summarizes annual installations of each technology.

¹ Amendments to the CMP, effective December 3, 2007 removed the Ashco RFS III^{III} from the pilot program due to the manufacturer's failure to make the system commercially available in the Pinelands during the initial five year period of the pilot program and to otherwise demonstrate the ability or intention for future participation in the program.

Technology	Installed 2004	Installed 2005	Installed 2006	Installed 2007	Installed 2008	Installed 2009	Total Installed
Amphidrome	7	10	11	29	13	7	77
Bioclere	-	2	11	9	7	9	38
Cromaglass	-	5	39	7	4	1	56
FAST	-	-	-	-	2	5	7
Total	7	17	61	45	26	22	178

In accordance with the provisions of the pilot program requirements, prior to being certified for use, the manufacturer of each alternate design treatment system had to submit specific documents to the Executive Director for review and approval.

Ashco-A-Corporation provided the required documentation and based upon a detailed review by Commission staff, the Executive Director approved the Ashco RFS^{III} Gravity system effective May 15, 2003 and the Ashco RFS^{III} Gravity Dosing system effective July 24, 2003. Based upon the Pinelands Septic Dilution Model, the pilot program provided that each Ashco RFS^{III} system would have been eligible to be located on a parcel containing at least 1.5 acres for each dwelling unit that will be served by the system, however, as noted above, the Ashco RFS^{III} has been eliminated from the pilot program.

F.R Mahony & Associates, the manufacturer of the Amphidrome system provided the required documentation and, based upon a detailed review by Commission staff, the Executive Director approved the single family Amphidrome system effective July 24, 2003. Based upon the Pinelands Septic Dilution Model, the pilot program provides that each Amphidrome system be located on a parcel containing at least one acre for each dwelling unit that will be served by the system.

Aquapoint, Inc., the manufacturer of the Bioclere system provided the required documentation and, based upon a detailed review by Commission staff, the Executive Director approved the single family Bioclere system effective November 18, 2003. Based upon the Pinelands Septic Dilution Model, the pilot program provides that each Bioclere system be located on a parcel containing at least one acre for each dwelling unit that will be served by the system.

Cromaglass, Inc., the manufacturer of the Cromaglass system provided the required documentation and, based upon a detailed review by Commission staff, the Executive Director approved the Cromaglass system effective December 29, 2004. Based upon the Pinelands Septic Dilution Model, the pilot program provides that each Cromaglass system be located on a parcel containing at least one acre for each dwelling unit that will be served by the system.

Bio-Microbics, Inc., the manufacturer of the FAST system provided the required documentation and, based upon a detailed review by Commission staff, the Executive Director approved the FAST system effective June 9, 2005. Based upon the Pinelands Septic Dilution Model, the pilot program provides that each FAST system be located on a parcel containing at least one acre for each dwelling unit that will be served by the system.

Installation Summary

The first Pinelands alternative wastewater treatment system was brought online in April 2004. Since then, a total of one hundred and seventy-eight (178) Pinelands alternative wastewater treatment systems have been installed and are currently operational. Of these one hundred and seventy-eight (178) systems, seventy-seven (77) are Amphidrome systems, fifty-six (56) are Cromaglass systems, thirty-eight (38) are Bioclere systems and seven (7) are FAST systems. System type and location are summarized in the table below.

	Atlantic							Burlington							Camden			Cape May		Gloucester		Ocean				Total
System	Estell Manor City	Galloway	Folsom	Hamilton	Mullica	Hammononton	Egg Harbor	Pemberton	Washington	Medford	Tabernacle	Woodland	Evesham	Waterford	Chesilhurst	Winslow	Woodbine	Dennis	Franklin	Monroe	Jackson	Lacey	Manchester	Stafford		
Amphidrome		1	3	12	3	3	1	11	1	3	3	2		3		8		1	1		8	1	11	1	77	
Bioclere	1			9	4	1		10			1	2	1		1	6	1				1				38	
Cromaglass			1	4				22			1					4			1		13		10		56	
FAST												1				4			1	1					7	
TOTAL	1	1	4	25	7	4	1	43*	1	3	5	5	1	3	1	22	1	1	3	1	22	1	21	1	178	

* The majority of systems installed in Pemberton Township are located in the Presidential Lakes subdivision which was created under a prior Commission approval which required the use of pressure dosing septic systems. Pinelands alternate design treatment systems were not required but were used voluntarily by the developer in response to local water quality concerns.

System Permitting and Local Approvals

The pilot program relies upon the cooperation of local construction code officials, county health officials, alternate system manufacturers, certifying engineers and Pinelands staff to coordinate the approval of wastewater system engineering plans, the issuance of building permits, the approval of wastewater system installations and the issuance of certificates to occupy residences served by the alternative onsite treatment technologies. Prior to any Pinelands alternative treatment system being issued a final operational approval, the Pinelands area health departments and the Pinelands Commission are to receive an executed five year maintenance contract, five year warranty, three year wastewater sample and analysis protocol, deed notice, as-built plan and construction certification from the technology manufacturer and the NJ licensed engineer of record. While these documents have been received in the majority of cases, there have been instances of certificates of occupancy being issued prior to all required documentation being received by the health departments and the Pinelands Commission. In these cases, Pinelands staff has had to work with the technology vendors, homeowners and agency officials to obtain the needed documentation after the fact, often a difficult and time consuming task. Pinelands staff continues to work with the local agencies to educate them on the importance of assuring that all necessary documents are on file before issuing local approvals for home occupancy. Staff is also examining the process to determine if there are more effective ways to ensure that the goals of the program are met.

Maintenance Summary

The manufacturer of the Amphidrome system, F.R. Mahony Associates, has instituted an effective program to assist contractors and engineers on the proper installation of the technology. The firm offers installer training with each system delivered and provides ongoing technical support to address contractor inquiries. There were no problems encountered during the installation of Amphidrome systems during this reporting period.

F.R. Mahony Associates reported receiving ten auto alarm dialer notifications during the current annual reporting period, two of which were false alarms. In six instances, the alarm condition was attributable to a float switch hang-up, an air-line leak, or a loose contact or wiring connection. One service call required a programmable logic controller and auto dialer to be replaced and in one instance a return pump required replacement. In each instance, technicians were promptly dispatched and repairs were made under warranty.

Cromaglass systems are installed exclusively by Mid State Electric, Cromaglass' authorized treatment system installation contractor. Cromaglass Corporation reported that there were no problems encountered during the installation of the single Cromaglass system installed during this reporting period. Cromaglass Corporation reported five alarm events occurred during the current annual reporting period. Three alarm events were attributed to inoperable discharge pumps and two involved malfunctioning aeration pumps. In each event, alarm response time was prompt and repairs were made under warranty.

Aqua Point, the manufacturer of the Bioclere system has also instituted an effective program to assist contractors and engineers on the proper installation of the technology. Aqua Point reported seven alarm events in the current annual reporting period. Six service calls resulted in the replacement of dosing pumps and in once case, a blower fan was replaced. All repairs were made under warranty.

Bio-Microbics, the manufacturer of the FAST system, has designated Site Specific Design, Inc. as the authorized local service agent for the FAST technology. Site Specific Design reports that one system malfunction occurred during the current annual reporting period. This malfunction was attributed to a partial air leak in the blower delivery line. That malfunction was abated under system warranty provisions. There were no installation problems reported during the current annual reporting period.

Overall, each of the technologies has exhibited alarm and repair frequencies that are somewhat greater than was expected at the outset of the pilot program. Commission staff will look to address the frequency of alarm and repair issues in the November 2009 implementation report.

Cost Summary

The pilot program incorporates the monitoring of treatment system costs. To facilitate monitoring of these costs, the CMP requires the manufacturer of the treatment technologies to report on the cost of installation of each individual system.

The total cost of an onsite wastewater treatment system consists of at least three separate components, those being the cost of the alternative treatment unit and 5 year service package, the cost of the soil absorption system, and the cost of engineering and other installation services. The manufacturers of the treatment unit supplies information on the cost of their equipment and related support services, which in the case of the Pinelands pilot program includes a five year maintenance contract, five year warranty, and three years of quarterly effluent analysis. The manufacturers, however, do not have direct knowledge of the cost of the soil absorption field installation, other installation costs, or the cost for engineering (soil testing, design services, as-built plans, etc.) of the system. This information is typically supplied by the homeowner or builder to the alternate system manufacturer who in turn supplies it to the Commission.

The following summary of alternate design treatment system costs is based upon information provided to the Commission by the system manufacturers, as supplemented by the local homeowner or builder. The reported cost of the treatment units, including the five year service package, has remained relatively stable over the duration of the pilot program. Changes in overall costs, from year to year, are reflective of the variability in non-treatment unit items such as the cost and quantity of replacement soil and stone utilized in each system, and associated trucking and labor costs. While the average cost of the Amphidrome, Bioclere and Cromaglass treatment units themselves remained essentially constant during the period of 2006 to 2009, the average overall system costs, including labor, excavation, engineering, soil absorption field materials, electrical connections, etc. has fluctuated from year to year increasing by approximately \$1600 and \$200 for the Amphidrome system and Cromaglass system respectively and decreasing by approximately \$2300 for the Bioclere. Change in cost information is unavailable for the FAST system during this time period. Cost variability is attributable to the randomness of the specific design requirements of individual systems. For example, one year may include a number of large or deep, and therefore, costly systems whereas another year may not.

NJDEP has indicated that a reduction in the minimum required soil absorption field size has scientific merit due to the high quality effluent produced by these systems and that future revisions to the State's septic design standards (N.J.A.C. 7:9A) may incorporate reduced field sizes. In addition, it is noteworthy that indirect cost savings may result from the use of these advanced treatment technologies. These savings may come as a result of avoiding or significantly delaying costs associated with the replacement of failed soil absorption fields. Because these types of systems typically remove up to 98 % of total suspended solids (TSS) and biochemical oxygen demand (BOD), the likelihood of failure of absorption fields receiving such high quality effluent is greatly reduced.

Name of Treatment System Technology	No. of Systems included in this cost analysis	Average Reported Cost per Treatment Unit and 5 year service package *	Average Reported Cost for Engineering, Soil Absorption Field Installation, Electrical Connections, etc. **	Average Reported Overall Cost of the Advanced Onsite Treatment Systems
Amphidrome	49	\$ 21,750	\$11,148	\$ 32,898
Bioclere	35	\$ 16,750	\$12,984	\$ 29,734
Cromaglass	41	\$22,345	\$12,920	\$ 35,265
FAST	6	\$18,250	\$13,572	\$ 31,822

Table 1. Average Total Cost of Pinelands Alternate Design Wastewater Treatment Systems Note: Cost information is derived from a variety of sources and should be considered to represent approximate cost estimates.

* Cost of the Amphidrome Treatment Unit as sold by F.R. Mahony, Associates including hardware and equipment, 5 year annual maintenance contract, 5 year warranty, 3 years quarterly effluent analysis, pumping of 2000 gallon anoxic tank as necessary for 5 years, and delivery of equipment to job site is \$ 14,750. In addition, the average cost of concrete tankage (2000 gal. concrete anoxic tank, concrete reactor vessel and 1000 gal. concrete clearwell), purchased separately from local suppliers, including delivery to the job site, is approximately \$ 7000. Tank cost varies depending on precast supplier and distance to shipping location.

* Cost of the Bioclere treatment unit as sold by Aqua Point, including hardware and equipment, 5 year annual maintenance contract, 5 year warranty, 3 years quarterly effluent analysis, pumping of 2000 gallon anoxic tank for 5 years, as needed, and delivery of equipment to job site is approximately \$ 16,750.

* Cost of the Cromaglass treatment unit as sold by Cromaglass Corp., including hardware and equipment, 5 year annual maintenance contract, 5 year warranty, 3 years quarterly effluent analysis, pumping of anoxic tank for 5 years, as needed, and delivery of equipment to job site and electrical hookup of unit by Cromaglass mandatory mechanicals installer is approximately \$22,345.

* Cost of the FAST treatment unit as sold by Bio-Microbics., including hardware equipment, 5 year annual maintenance contract, 5 year warranty, 3 years quarterly effluent analysis, pumping of residuals for 5 years, as needed, and delivery of equipment to job site is approximately \$18,250.

** Costs include determination of soil and site suitability (soil logs and “perc” tests), preparation of engineering plans, completion of NJDEP standard application forms, excavation for soil absorption system and tank placement, soil absorption system materials (suitable “K4” replacement soil, stone filter materials and lateral piping, or gravel free chambers, geotextile fabric), installation of all components, electrical connections, surveyor services, as-built plans, engineering construction observation and engineering certifications.

Treatment System Nitrogen Attenuation Summary

The pilot program requires that the technology suppliers arrange for samples of treated effluent to be collected from each system on at least a quarterly basis [approximately every ninety (90) days] for at least three (3) years yielding a total of at least twelve (12) samples per system. Pursuant to the pilot program sampling and testing protocols, samples of treated effluent are collected from a sample collection port located between the treatment unit and the soil dispersal field. Sample procurement is to comply with the latest version of the NJDEP Field Sampling

Procedures Manual. The laboratory analysis of effluent samples is to be performed by laboratories certified by the NJDEP employing analytical methodologies accepted by NJDEP. To permit the establishment of microbial cultures necessary for the treatment process to develop and stabilize, no samples are required during the first ninety days from system start-up. In some instances, technology vendors have permitted the interval between sample collection to exceed the 90 day maximum and Commission staff continues to stress the importance of strict compliance with this and all other provisions of the pilot program rules. If it is determined that a manufacturer or its agent is not adhering to any of the requirements of the pilot program, N.J.A.C. 7:50-10.22(a)5 provides a mechanism for the Commission to make a determination that the proposed future use of a technology raises a substantial issue requiring a hearing pursuant to N.J.A.C. 7:50-4.31 through 4.42. In the event that persistent and substantial non-compliance with the requirements of the pilot program becomes problematic, Commission staff may recommend to the Commission that the substantial issue determination be made.

As discussed previously, there are a total of one hundred and seventy-eight (178) Pinelands alternate design wastewater treatment systems installed and activated to date. While continuing to accumulate, the laboratory data set is still limited at this time for at least some of the technologies, due in part to the limited number of systems representing specific treatment technologies and the relatively short duration of their operation.

As illustrated in Table 1 below, sample results have been evaluated for sixty (60) Amphidrome systems to date. Eight (8) systems have had at least twelve (12) or more analyses evaluated, nineteen (19) systems have had at least eleven (11) analyses evaluated, twenty-three (23) systems have had at least ten (10) analyses evaluated, twenty-nine (29) systems have had at least nine (9) analyses evaluated, thirty-five systems has had at least eight (8) analyses evaluated, thirty-nine (39) systems have had at least seven (7) analyses evaluated, forty-two (42) systems have had at least six (6) analyses evaluated, forty-four (44) systems have had at least five (5) analyses evaluated, forty-seven (47) systems have had four (4) analyses evaluated, fifty-two (52) systems have had three (3) analyses evaluated, fifty-six (56) systems have had at least two (2) analyses evaluated and one (1) systems has had one at least (1) analysis evaluated. A total of four hundred and fifty-seven (457) samples have been used to evaluate these sixty (60) Amphidrome systems. Total reported nitrogen values for each of these Amphidrome systems represents the sum of reported laboratory values for total kjeldahl nitrogen plus nitrite nitrogen plus nitrate nitrogen.

As illustrated in Table 2 below, sample results have been evaluated for thirty-three (33) Bioclere systems to date. Two (2) systems have had twelve analyses evaluated, eight (8) systems have had at least eleven (11) analyses evaluated, eleven (11) systems have had at least ten (10) analyses evaluated, fifteen (15) systems have had at least nine (9) analyses evaluated, seventeen (17) systems have had at least eight (8) analyses evaluated, nineteen (19) systems have had at least seven (7) analyses evaluated, twenty-one (21) systems have had at least six (6) analyses evaluated, twenty-six (26) systems have had at least five (5) analyses evaluated, twenty-six (26) systems have had at least four (4) analyses evaluated, twenty-nine (29) systems have had at least three (3) analyses evaluated, thirty-one (31) systems have had at least two (2) analyses evaluated, and thirty-three (33) systems have had at least one (1) analysis evaluated. A total of two hundred and thirty-eight (238) samples have been used to evaluate these thirty-three (33) Bioclere systems. Total reported nitrogen values for each of these Bioclere systems represents the sum of reported laboratory values for total kjeldahl nitrogen plus nitrite nitrogen plus nitrate nitrogen.

As illustrated in Table 3 below, sample results have been evaluated for sixty-one (61) Cromaglass systems to date. Eleven (11) systems have had at least twelve (12) analyses evaluated, twenty-six (26) systems have had at least eleven (11) analyses evaluated, forty-four (44) systems have had at least ten (10) analyses evaluated, forty-eight (48) systems have had at least nine (9) analyses evaluated, forty-nine (49) systems have had at least eight (8) analyses evaluated, fifty (50) systems have had at least seven (7) analyses evaluated, fifty (50) systems have had at least six (6) analyses evaluated, fifty (50) systems have had at least five (5) analyses evaluated, fifty-four (54) systems have had at least four (4) analyses evaluated, fifty-five (55) systems have had at least three (3) analyses evaluated, fifty-six (56) systems have had at least two (2) analyses evaluated and sixty-one (61) systems have had at least one (1) analysis evaluated. A total of five hundred and fifty-six (556) samples have been used to evaluate these sixty-one (61) Cromaglass systems. Total reported nitrogen values for each of these Cromaglass systems represents the sum of reported laboratory values for total kjeldahl nitrogen plus nitrite nitrogen plus nitrate nitrogen.

As illustrated in Table 4 below, sample results have been evaluated for five (5) FAST systems to date. One (1) system has had four (4) analyses evaluated, two (2) systems have had at least three (3) analyses evaluated, four (4) systems have had at least two (2) analyses evaluated and five (5) systems have had at least one (1) analysis evaluated. A total of twelve (12) samples have been used to evaluate these five (5) FAST systems. Total reported nitrogen values for each of these FAST systems represents the sum of reported laboratory values of reported laboratory values for total kjeldahl nitrogen plus total nitrite/nitrate nitrogen.

When evaluating data from single family wastewater treatment systems, it is important to recognize that home occupancy, water use and cleaning and laundry product usage may vary greatly from one residence to another. These and other variables can markedly impact the concentration of nitrogen in wastewater and can adversely affect the ability of a treatment system to meet established discharge limits. The number of individuals occupying a dwelling can result in abnormally high or low levels of nitrogen in wastewater given that each person contributes approximately 9 lbs. of nitrogen to the system annually. Water conservation, while certainly desirable, has the potential to result in higher concentrations of pollutants in the wastewater because less water is available to dilute the pollutants. As a result of significant advances in water conservation, including the use of water conserving fixtures and appliances as well as behavior modifications, assumed values for total nitrogen concentration in domestic effluent, established during the 1960's and 1970's at 40 ppm, may under-predict concentrations present in current domestic wastewater streams. It is important to note however, that estimates of the total mass of nitrogen excreted by humans remains constant at approximately 9 lbs per year. It is evident from wastewater analyses conducted for the pilot program that there is a wide range in the concentration of total nitrogen in septic tank effluent. Even if concentrations of nitrogen in domestic wastewater frequently exceed 40 ppm, the total mass of nitrogen in the effluent is likely consistent with estimated values utilized in the Pinelands septic dilution model due to the use of less water. As a result, even where effluent values exceed assumed post treatment concentrations, system discharges may still be meeting total nitrogen mass loading targets, even if the observed concentrations do not.

The four certified treatment technologies that are currently operational in the Pinelands (Amphidrome, Bioclere, Cromaglass and FAST) have an assumed nitrogen removal efficiency of 65%. If the total nitrogen contained in the raw influent is 40 ppm, a 65% reduction would result in a concentration of 14 ppm in the treated effluent (and 2 ppm at the parcel line of a one acre lot based upon the Pinelands septic dilution model). Similarly, if influent nitrogen levels range up to 80 ppm, the same "successful" 65% removal efficiency would result in effluent concentrations of 28 ppm. It is noteworthy that the pilot program does not provide for the sampling and analysis of raw influent; therefore the percent removal efficiency of the alternate technology systems cannot be calculated at this time. Commission staff continues to explore the potential to develop a means to characterize present day influent total nitrogen concentrations from domestic sources.

Excessive use of certain cleaning and laundry products as well as the use of certain medications can stress the bacteria that provide biological nitrification and denitrification. Because of this, education of system users is an important component of any wastewater management program.

In recognition of these factors, all of the alternative treatment system vendors have developed homeowner user manuals which provide critical information to the owners of the alternative treatment systems. In addition, several vendors have developed questionnaires which they've provided to system users which are aimed at identifying laundry and cleaning product usage and any other condition which might lead to non-compliant sample results. Staff encourages all of the technology vendors collect and analyze this type of information to better understand user characteristics and to enhance compliance with effluent discharge limits.

Effluent Monitoring Data

Effluent sampling data submitted to date have been analyzed and presented in this report. Tables 1, 2, 3, and 4 provide the grand median and running median total overall nitrogen concentrations (mg/l)¹ by the number of

¹ One (1) mg/l = one (1) ppm

samples taken for the Amphidrome, Bioclere, Cromaglass, and FAST wastewater treatment systems respectively. The analysis indicates a grand median of 12.0 mg/l for the Amphidrome system and 11.2 mg/l for the Bioclere system. Both of these grand median concentrations are below the 14 mg/l target which is based upon the Pinelands septic dilution model and an influent concentration of 40 mg/l/. The grand median total nitrogen concentration for the Cromaglass system is 26.6 mg/l, and 34.4 mg/l for the FAST system, both significantly greater than the Commission's 14 mg/l target.

In the case of the FAST technology, these results are based upon too few samples and too few systems to draw a definitive conclusion. Commission staff will, however, closely monitor the FAST technology effluent results as they are developed. The current value (26.6 mg/l) for the Cromaglass system is somewhat improved over the value reported in August 2008 (31.0) and represents a modest improvement of the technology's overall performance, perhaps resulting from retrofits and other corrective efforts being employed by Cromaglass Corporation. The Commission will continue to monitor the Cromaglass system closely and will retain the temporary suspension on new Cromaglass installations as Cromaglass Corporation continues to work on improvements. See appendix 1 for a discussion of data limitations and editing methods.

Table 1. Amphidrome running median of total nitrogen (mg L⁻¹) by number of sampling events for each wastewater treatment system. The grand median, 25th percentile, 75th percentile, and number of systems sampled (N) per event are provided. (See Appendix 1 for discussion of data editing.)

Total Nitrogen Running Median

		Number of Sampling Events													Grand Median
Technology	System	1	2	3	4	5	6	7	8	9	10	11	12	13	
Amphidrome	1	18.5	25.3	32.1	25.3	20.7	19.6	18.5	17.7	16.9	16.0				16.0
Amphidrome	2	9.5	9.0	8.6	9.0	9.4	9.5	9.5	9.5	9.4	9.4	9.4	9.5	9.5	9.5
Amphidrome	3	18.4	12.1	18.4	50.4	18.4	14.9	12.6	12.0	11.5	12.0	12.6	12.9		12.9
Amphidrome	4	35.2	29.2	23.2	16.4	9.7	8.4	7.8	7.5	7.2	7.5	7.4			7.4
Amphidrome	5	10.0	42.3	51.3	31.8	12.3	31.8	17.8	16.0	17.8	16.4	16.7	15.9		15.9
Amphidrome	6	6.0	33.8	6.9	9.8	12.7	14.8	12.7	11.1	9.5	10.8	9.5			9.5
Amphidrome	7	12.7	10.7	11.0	9.9	8.8	8.6	8.8	9.1	9.5	10.1	10.7	10.1	9.5	9.5
Amphidrome	8	15.2	15.4	15.5	15.4	15.2	12.1	9.9	9.5	9.1	9.0	9.1	9.0		9.0
Amphidrome	9	143.9	79.5	15.1	12.6	10.2	10.0	10.2	10.2	10.2	10.2	10.3	10.2	10.3	10.3
Amphidrome	10	5.8	4.9	5.8	6.6	7.0	6.7	7.0	7.1	7.0	7.2	7.3			7.3
Amphidrome	11	14.9	10.1	6.0	8.4	10.8	12.2	10.8	9.8	10.0	9.5	8.9			8.9
Amphidrome	12	18.8	27.6	36.4	33.6	36.4	38.3	36.4	33.6	30.8	24.8	30.8			30.8
Amphidrome	13	4.7	5.4	4.7	5.2	5.7	5.2	5.3	5.5	5.7	5.5	5.7			5.7
Amphidrome	14	24.5	17.2	9.8	9.7	9.5	9.4	9.4	9.4	9.5	9.4				9.4
Amphidrome	15	4.0	6.3	5.3	5.4	5.3	5.4	5.5	5.4	5.5	5.7	5.9			5.9
Amphidrome	16	11.7	16.7	11.7	11.4	11.2	11.4	11.7	12.5	11.7	11.4				11.4
Amphidrome	17	27.0	47.2	58.2	56.5	54.8	54.5	54.2	54.0	53.8	53.1	52.3			52.3
Amphidrome	18	11.1	12.9	11.1	10.3	11.1	11.8	12.5	12.4	12.5	12.4	12.3	12.1		12.1
Amphidrome	20	16.0	13.4	16.0	14.9	16.0	14.9	16.0	14.9	13.9	14.9	16.0			16.0
Amphidrome	21	7.5	8.1	8.8	10.3	11.9	13.0	11.9	10.6						10.6
Amphidrome	22	36.8	49.3	55.0	45.9	36.8	28.1	19.5	19.4						19.4
Amphidrome	23	25.4	16.2	11.0	10.3	11.0	11.3	11.6	11.9	12.3	11.9	11.6	11.5		11.5
Amphidrome	24	7.3	5.7	6.5	6.9	6.5	6.2	6.5	6.9						6.9
Amphidrome	25	11.6	13.5	15.3	15.6	15.9	16.4	15.9	16.4	16.8	17.8	16.8			16.8
Amphidrome	26	23.9	28.6												28.6
Amphidrome	28	23.9	32.6	41.4	32.6	23.9									23.9
Amphidrome	29	7.4	7.5	7.6	7.5	7.6	7.5	7.6	7.5						7.5
Amphidrome	30	97.1	53.2	9.3	9.9	10.5	9.9	9.3	9.9	10.5	9.9	9.3			9.3
Amphidrome	31	11.8	13.5	12.3	12.9	12.3	12.3	12.3	12.3	12.3					12.3
Amphidrome	32	7.4	7.7	8.0	7.7	8.0	7.7								7.7
Amphidrome	33	6.4	5.0	6.4	6.0	6.4	6.3	6.1	6.3	6.4					6.4
Amphidrome	34	13.9	20.0	13.9	18.3	18.3	16.1	18.3	20.5						20.5
Amphidrome	35	9.0	11.5	13.9	16.0	13.9	12.8	13.9	16.0	13.9					13.9
Amphidrome	36	11.7	12.9	13.6	12.9	13.6	13.8	14.1	14.1	14.1					14.1
Amphidrome	37	9.9	11.0	11.7	11.9	11.7	11.2	11.7	11.9	11.7					11.7
Amphidrome	38	17.3	13.9	10.5	13.2	10.5	9.1								9.1
Amphidrome	41	27.4	26.7	25.9	26.7	25.9	22.0	19.1							19.1
Amphidrome	43	17.2	17.5	17.2	17.5	17.8	19.0	20.1	19.0	17.9	18.1				18.1
Amphidrome	44	15.3	15.9	16.5	17.7	16.5	15.9	15.3	15.1						15.1
Amphidrome	45	26.6	16.7	25.4	17.4	9.5	12.4	9.5	9.4	9.5					9.5
Amphidrome	46	10.4	10.9	11.5	10.9	10.4	10.8	10.4							10.4
Amphidrome	47	17.2	14.5	11.8	11.8	11.8	11.8	11.8							11.8
Amphidrome	48	37.6	28.3	24.2	23.8	24.2	23.8	23.4							23.4
Amphidrome	49	12.0	21.5	14.7	15.0										15.0
Amphidrome	50	22.9	35.4	27.3	37.5	27.3	25.6								25.6
Amphidrome	51	82.0	75.1	68.2	39.1										39.1
Amphidrome	53	12.0	13.9	12.6	12.3	12.0									12.0
Amphidrome	54	9.8	9.5	9.3	9.5										9.5
Amphidrome	55	23.2	18.6	16.6											16.6
Amphidrome	56	18.3	28.7	20.9											20.9
Amphidrome	57	56.0	50.7												50.7
Amphidrome	58	31.8	38.3												38.3
Amphidrome	59	28.1	30.6												30.6
Amphidrome	60	18.1	15.6	14.2											14.2
Amphidrome	61	6.7	7.9	7.2											7.2
Amphidrome	62	3.7													3.7
Amphidrome	63	5.9													5.9
Amphidrome	64	8.3													8.3
Amphidrome	65	48.0	27.3	14.6											14.6
Amphidrome	66	13.1													13.1
Sample # Median		15.0	16.1	13.7	12.9	11.8	12.2	11.8	11.9	11.5	10.8	10.3	10.9	9.5	12.0
25th percentile		9.7	11.0	9.3	9.9	9.6	9.4	9.4	9.4	9.5	9.4	9.0	9.9	9.5	9.2
75th percentile		24.1	28.6	19.0	18.0	16.8	16.0	15.9	15.6	13.9	15.5	14.3	12.3	9.9	17.1
N		60	56	52	47	44	42	39	35	29	23	19	8	3	

Table 2. Bioclere running median of total nitrogen (mg L^{-1}) by number of sampling events for each wastewater treatment system. The grand median, 25th percentile, 75th percentile, and number of systems sampled (N) per event are provided. (See Appendix 1 for discussion of data editing.)

Total Nitrogen Running Median

Technology	System	Number of Sampling Events												Grand Median
		1	2	3	4	5	6	7	8	9	10	11	12	
Bioclere	1	22.3	13.4	8.8	8.9	8.8	7.8	8.8						8.8
Bioclere	2	10.7	9.8	8.9	9.8	8.9	9.8	10.7	10.8	10.7				10.7
Bioclere	6	17.0	11.4	17.0	12.7	14.4	13.3	12.2						12.2
Bioclere	7	10.4	14.9	10.4	10.2	10.4	10.8	10.4	10.2	10.4	10.8	11.2		11.2
Bioclere	8	11.2	9.6	10.5	9.3	8.6	9.6	10.5	9.6					9.6
Bioclere	9	8.6	8.4	8.6	9.5	10.4	10.7	10.4	9.5	10.4				10.4
Bioclere	10	8.4	8.4	8.4	9.9	9.2	9.7	10.1	9.8	9.6	9.5	9.6	9.9	9.9
Bioclere	11	25.0	17.8	15.4	13.2	15.4	13.2	13.8	14.6	13.8	12.4	10.9		10.9
Bioclere	12	52.8	55.5	52.8	33.0	13.1	12.3	13.1	12.3	13.1	12.3	13.1	13.5	13.5
Bioclere	13	14.2	14.2	14.2	11.4	11.9	11.1	11.9	11.5	11.1	11.2			11.2
Bioclere	14	16.2	24.7	16.2	17.1	16.2	14.5	12.9	12.2	11.4	11.0	11.4		11.4
Bioclere	15	5.2	13.2	10.6	13.0	10.6	13.0	15.3	13.8	15.3	13.8			13.8
Bioclere	16	28.1	25.0	22.0	18.5	22.0	18.5	15.1	14.3	15.1	14.3	15.1		15.1
Bioclere	17	79.8	48.0	16.2	16.2	16.2	16.1	16.0	14.4	12.8	12.9	12.8		12.8
Bioclere	18	13.2	10.5	10.3	9.3	10.3	9.7	9.4	9.8	10.3	9.9	10.3		10.3
Bioclere	19	29.4	30.2	29.4	19.6	9.8	12.5	11.9	13.6	11.9				11.9
Bioclere	20	52.8	42.2	31.6	26.4	21.2	26.4	21.2	17.8	14.5				14.5
Bioclere	21	10.2	10.2	10.3	11.7	10.3	10.2	10.2	9.6					9.6
Bioclere	22	9.7	9.8	10.0	10.1	10.0	9.8	10.0	10.1	10.1	11.5			11.5
Bioclere	23	27.3	18.2	9.1	11.1	9.1								9.1
Bioclere	24	2.4	2.5	2.5										2.5
Bioclere	25	25.9	16.7	9.7	11.3	9.7								9.7
Bioclere	26	1.9	18.8	4.9	8.5	12.1	8.5							8.5
Bioclere	27	34.6	23.9	13.2	13.1	13.1	12.7							12.7
Bioclere	28	24.8	17.3	11.6	10.7	9.7								9.7
Bioclere	29	10.3	13.1	11.0	12.2	12.0								12.0
Bioclere	30	24.9	21.5	18.0	14.1	13.3								13.3
Bioclere	31	4.3	23.0											23.0
Bioclere	32	46.8	42.0	37.3										37.3
Bioclere	33	47.9	31.1	14.3										14.3
Bioclere	34	20.8	17.7											17.7
Bioclere	35	7.3												7.3
Bioclere	36	4.9												4.9
Sample # Median		16.2	17.3	11.0	11.6	10.5	11.1	11.9	11.5	11.4	11.5	11.3	11.7	11.2
25th percentile		9.7	10.9	9.7	9.9	9.7	9.8	10.3	9.8	10.4	10.9	10.7	10.8	9.7
75th percentile		27.3	24.3	16.2	13.9	13.2	13.2	13.5	13.8	13.5	12.6	12.9	12.6	13.3
N		33	31	29	26	26	21	19	17	15	11	8	2	

Table 3. Cromaglass running median of total nitrogen (mg L⁻¹) by number of sampling events for each wastewater treatment system. The grand median, 25th percentile, 75th percentile, and number of systems sampled (N) per event are provided. (See Appendix 1 for discussion of data editing.)

Total Nitrogen Running Median

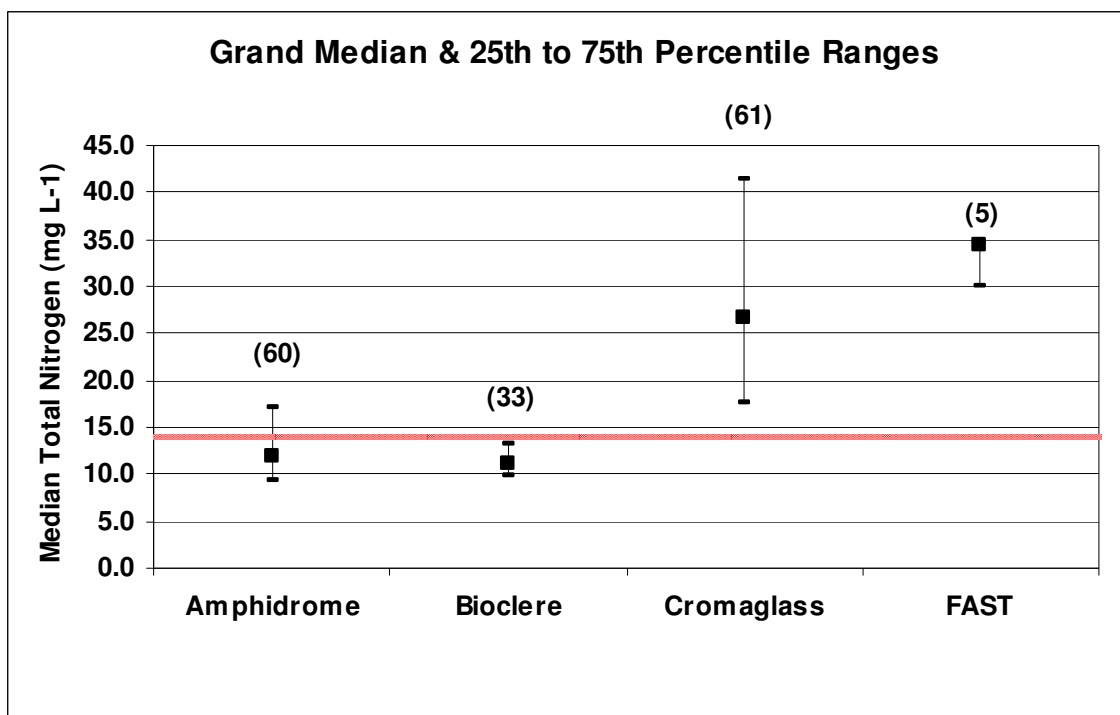
Technology	System	Number of Sampling Events													Grand Median
		1	2	3	4	5	6	7	8	9	10	11	12	13	
Cromaglass	1	140.1	78.6	17.1	32.2	26.3	36.9	43.6	41.0	38.5	35.5	32.5			32.5
Cromaglass	2	49.0	45.0	49.0	45.0	49.0	45.0	41.0	43.8	44.9	43.0	44.9	43.0		43.0
Cromaglass	3	76.5	58.2	50.4	45.2	50.4	47.6	50.4	55.9	50.4	47.6	44.9			44.9
Cromaglass	4	77.2	55.7	77.2	64.4	77.2	83.6	78.8	78.0	77.2	69.1	61.0			61.0
Cromaglass	5	110.6	99.0	87.4	71.8	56.2	45.7	35.1	30.3	25.5	26.5	25.5			25.5
Cromaglass	6	61.6	44.7	47.3	39.0	47.3	50.0	52.7	50.0	47.3	47.3	47.3	47.7		47.7
Cromaglass	7	67.5	52.3	37.1	50.1	42.6	47.8	46.8	49.9	53.0	49.9	51.3			51.3
Cromaglass	8	85.5	61.9	38.3	37.0	38.3	39.9	40.7	41.1	40.7	41.1				41.1
Cromaglass	9	19.7	39.7	19.7	19.6	19.7	19.6	19.5	18.5	19.5	18.5	17.6			17.6
Cromaglass	10	58.5	61.3	58.5	42.2	25.9	23.0	20.1	18.1	20.1	18.1	20.1	18.6	17.2	17.2
Cromaglass	11	35.1	47.2	35.1	34.3	35.1	34.3	35.1	37.4	39.8	40.1	40.5			40.5
Cromaglass	12	30.6	26.5	22.5	19.5	22.5	26.5	22.5	19.5	16.5	15.0	13.6			13.6
Cromaglass	13	17.4	10.8	12.4	14.9	17.4	16.0	14.6	14.0	13.5	14.0	13.5	14.0		14.0
Cromaglass	14	31.7	28.7	31.7	30.9	30.0	29.9	29.7	27.7	25.8	26.6				26.6
Cromaglass	15	18.0	64.0	32.1	38.3	32.1	30.1	28.2	30.1	32.1	30.1	28.2			28.2
Cromaglass	16	25.5	17.1	14.4	17.2	14.4	14.3	14.2	14.3	14.2	13.3				13.3
Cromaglass	17	43.5	56.7	43.5	32.4	43.5	41.6	43.5	52.9	62.3	66.2				66.2
Cromaglass	18	104.4	85.3	66.1	57.6	66.1	60.6	56.3	55.7	55.2	52.1	49.0	47.6	46.2	46.2
Cromaglass	19	67.5	71.7	67.5	42.8	67.5	62.8	58.1	39.6	21.1	39.6	31.1	26.1		26.1
Cromaglass	20	46.3	32.5	18.6	15.2	18.6	28.8	39.0	31.2	23.4	27.3				27.3
Cromaglass	21	45.9	64.2	45.9	38.4	30.9	21.8	14.7	22.8	14.7	15.6	14.7	14.0		14.0
Cromaglass	22	57.6	49.7	41.7	31.0	41.7	40.2	41.7	40.2	38.7	38.2	37.8			37.8
Cromaglass	23	37.4	73.3	37.4	32.7	28.1	32.7	37.4	32.7	37.4	43.7	37.4	32.7		32.7
Cromaglass	24	31.8	32.6	33.5	32.6	31.8	31.2	30.6	28.0	25.5	19.5	24.8	19.2		19.2
Cromaglass	25	52.8	42.8	32.8	35.0	37.3	42.6	47.9	50.3	52.8	53.1				53.1
Cromaglass	26	74.3	68.7	63.2	43.5	23.7	20.2	16.8	16.5	16.8					16.8
Cromaglass	27	90.3	73.2	56.1	70.7	56.1	54.9	56.1	57.7	59.3	60.4				60.4
Cromaglass	28	86.7	56.8	29.6	29.1	28.6	27.8	28.6	29.1	29.6	38.0				38.0
Cromaglass	29	23.5	20.7	23.5	21.1	18.7	18.4	18.7	18.4	18.0	18.4	18.7			18.7
Cromaglass	30	103.3	64.6	25.9	29.6	25.9	29.6	33.4	32.2	31.0	32.2	33.4	32.2		32.2
Cromaglass	31	7.4	34.6	61.9	37.3	32.4	38.5	44.7	44.8	44.7	41.8				41.8
Cromaglass	32	78.3	63.0	50.6	49.1	47.7	34.5	25.3	23.3	21.3	23.3				23.3
Cromaglass	33	76.1	48.0	31.6	25.8	31.6	31.7	31.7	31.7	31.6					31.6
Cromaglass	34	49.5	114.9	49.5	47.8	49.5	51.6	53.8	61.0	68.3	74.1				74.1
Cromaglass	35	43.0	42.9	43.0	47.4	43.0	43.8	44.6	43.8	44.6	43.8				43.8
Cromaglass	36	100.1	90.1	80.1	78.9	77.8	78.9	77.8	63.7	77.8	76.3	74.8			74.8
Cromaglass	37	24.1	21.7	19.3	18.7	18.0	18.7	18.0	18.0	18.0	17.3	16.7			16.7
Cromaglass	38	61.3	49.0	36.8	35.1	33.4	24.5	15.7	16.0	16.3					16.3
Cromaglass	39	11.3	26.3	24.9	26.3	27.7	28.0	28.4	34.8	31.6	30.0	31.6			31.6
Cromaglass	40	17.2	13.5	17.2	18.9	17.2	18.9	17.2	15.5	17.2	17.9				17.9
Cromaglass	41	35.8	23.3	35.8	23.3	15.1	13.1	11.2	12.9	11.2	12.9				12.9
Cromaglass	42	48.2	29.2	10.2	11.6	10.2	11.6	13.1	11.6	10.2	11.6				11.6
Cromaglass	43	79.2	46.9	79.2	47.2	31.4	23.3	15.2	14.9	15.2					15.2
Cromaglass	44	8.3	11.5	14.6	14.6	14.6	14.6	14.5	12.6	10.6	9.8	9.1	9.9		9.9
Cromaglass	45	69.1	46.2	30.6	27.0	23.3	16.8	23.3	27.0	23.3	16.8	23.3			23.3
Cromaglass	46	29.1	24.0	29.1	29.7	29.1	29.7	30.3	31.8	33.4	38.4				38.4
Cromaglass	47	75.1	56.7	38.3	33.7	32.6	35.4	38.3	45.5	52.7	53.7				53.7
Cromaglass	48	30.1	48.0	65.9	48.0	52.7	59.3	52.7	54.6	56.5	60.6				60.6
Cromaglass	49	46.6	26.7	6.8	21.0	28.3	22.7	17.2	22.7						22.7
Cromaglass	50	18.0	22.0	18.0	21.1										21.1
Cromaglass	51	51.6	36.3	21.0	23.0	25.1	23.0	21.0							21.0
Cromaglass	52	18.1	16.6	18.1	29.0										29.0
Cromaglass	53	8.9	8.3	8.9	15.2										15.2
Cromaglass	54	21.2													21.2
Cromaglass	55	22.0	22.3												22.3
Cromaglass	56	21.5													21.5
Cromaglass	57	11.7	17.3	11.9	17.3										17.3
Cromaglass	58	7.1	16.6	26.1											26.1
Cromaglass	59	9.0													9.0
Cromaglass	60	41.5													41.5
Cromaglass	61	39.1													39.1
Sample # Median		43.5	45.6	33.5	32.5	31.5	30.7	31.1	31.7	31.3	36.7	31.3	26.1	31.7	26.6
25th percentile		22.0	25.7	20.3	21.6	24.0	22.8	18.9	18.5	18.0	18.3	19.0	16.3	24.4	17.6
75th percentile		69.1	61.5	49.2	43.3	43.4	43.5	44.3	44.8	45.5	47.4	43.8	37.8	39.0	41.5
N		61	56	55	54	50	50	50	49	48	44	26	11	2	

Table 4. FAST running median of total nitrogen (mg L^{-1}) by number of sampling events for each wastewater treatment system. The grand median, 25th percentile, 75th percentile, and number of systems sampled (N) per event are provided. (See Appendix 1 for discussion of data editing.)

Total Nitrogen Running Median

Technology	System	Number of Sampling Events												Grand Median
		1	2	3	4	5	6	7	8	9	10	11	12	
FAST	1	31.3	45.4	37.9										37.9
FAST	2	27.1	25.8	27.1	34.6									34.6
FAST	3	39.3	34.4											34.4
FAST	4	32.4	23.0											23.0
FAST	5	30.1												30.1
Sample # Median		31.3	30.1	32.5	34.6									34.4
25th percentile		30.1	25.1	29.8	34.6									30.1
75th percentile		32.4	37.2	35.2	34.6									34.6
N		5	4	2	1									

Figure 1. Box plots showing the 25th percentile, grand median, and 75th percentile of total nitrogen (mg L^{-1}) for each sampling event. Individual graphs are presented for each technology. The gray line at 14 mg L^{-1} represents the Pinelands Commission's target for the use of these systems on one acre lots. (See Appendix 1 for discussion of data editing.)



Note: To meet the Pinelands groundwater quality standard of 2 ppm TN at the boundary of a minimum one acre parcel, the grand median for a treatment technology must meet a target TN value of 14 mg/L . Number in parenthesis (60) represents number of systems evaluated.

Cromaglass Retrofits

As discussed above, the Commission instituted a temporary suspension on new Cromaglass systems in November 2006, pending satisfactory reductions in effluent total nitrogen concentrations. Cromaglass Corporation has responded by implementing a series of system retrofits characterized by the addition of fixed film media in select

systems, reprogramming aerobic/anoxic cycles of select systems, combined fixed film and reprogrammed cycles in select systems and combined fixed film, reprogrammed cycles and new floats and float levels in select systems. Cromaglass reports that thirty-five (35) systems have been retrofitted to date.

While the Cromaglass technology appears to have benefited from these retrofits, as evidenced by total nitrogen levels improving from 42.5 mg/l in 2006 to 34.3 mg/l in 2007 to 31.0 mg/l in 2008 and to 26.6 in 2009, the retrofits have not yet resulted in improvements to the degree necessary to lift the temporary suspension on new Cromaglass installations. Cromaglass Corporation continues its efforts to identify and implement corrective measures through trials on a test unit in Williamsport, Pennsylvania and on another test unit at Penn State University, in Harrisburg, Pennsylvania. Cromaglass Corporation has reportedly analyzed the impact of low alkalinity in source water (onsite well water being typically low in alkalinity vs. community water supplies with typically higher alkalinity), the impact of surfactant (detergent) toxicity or inhibition upon nitrifying bacteria in sequencing batch reactors (SBRs) and the impact that erratic or relatively low flows may have on the ability SBRs to nitrify and denitrify.

More recently, Cromaglass Corporation reports that two new research and development (R&D) projects have been initiated which aim to ultimately reduce nitrogen discharged from treatment systems operating in the Pinelands. One project centers on the installation of a new Cromaglass CA-12D treatment unit at the Kelly Township (PA) Municipal Authority's wastewater treatment plant. This unit will be equipped with an upstream equalization tank and will be "fed" with influent received at the Kelly Township plant. The CA-12D unit and equalization tank will be operated in a manner which will periodically dose the CA-12D with raw influent from the equalization tank at pre-set time intervals to achieve nitrification. Following nitrification, the equalization tank will again dose the CA-12D unit with raw influent (containing soluble cBOD or "carbon") to achieve denitrification. If this modified configuration and mode of operation proves successful in achieving acceptable total nitrogen effluent values at the Kelly Township plant, Cromaglass Corporation would modify and similarly equip systems operating in the Pinelands. A second project will focus on the operation of the discharge pump float level switch in the CA-12D unit. Cromaglass Corporation reports that typical daily discharge volumes have often been observed to be less than the corresponding daily influent volumes. This imbalance reportedly results in the hydraulic overload of the Cromaglass unit and may be responsible for excessive effluent nitrogen levels. Trouble shooting and correcting for this condition is currently underway.

The suspension of new Cromaglass installations will remain in place until such time as Cromaglass Corporation demonstrates sustained nitrogen attenuation consistent with Pinelands water quality requirements

Other Issues in 2009

One remaining challenge to meeting the water quality standards of the CMP will be the development and implementation by Pinelands Area municipalities of institutional programs to address the continued approval, use and maintenance of advanced onsite treatment technologies. To achieve this goal, septic system management programs should be implemented by the municipalities prior to the conclusion of this pilot program. Moreover, July 2008 amendments to the NJDP Water Quality Management Planning Rules now require all New Jersey municipalities to implement septic system management programs. This DEP requirement applies to all septic systems, not just advanced treatment technologies.

It is only through such programs that the long-term maintenance and monitoring of the alternative technologies as well as conventional or traditional septic systems can be ensured. In the absence of a septic system management program, the ability to permit unsewered residential development on lots between one and three acres may be jeopardized. Absent a meaningful management program, rezoning of these parcels would likely be necessary. Further, routine maintenance of septic systems is currently required in the CMP, although to date, there has been no effort to enforce that requirement.

To meet these water quality objectives, the Commission engaged Stone Environmental, Inc. to develop a Septic System Management Manual to assist local governments establish institutional arrangements for the long term management of onsite wastewater treatment systems. Commission staff, working with Stone Environmental conducted a series of meetings with septic system management technical advisory groups, undertook an analysis of the legal basis for local entities to require the management of septic systems and produced two septic system

management manuals for the Commission. Simultaneously, the Commission undertook an aggressive public outreach and education program in 2008 and 2009 to convey to the public and elected officials, the relationship between septic systems and clean water, property values and quality of life in unsewered communities. The Commission will continue to work with all of the Pinelands Area municipalities in the future to achieve implementation of septic system management programs.

The Executive Director will issue an implementation report on the pilot program in November 2009. The implementation report will provide the Executive Director's recommendations on future actions related to the pilot program, including the status of institutional controls to assure continued proper operation and maintenance of the pilot program technologies.

To advance the transfer of information acquired through the Pinelands alternate design treatment systems pilot program, Commission staff continues to share all data with NJDEP and posts data contained within the annual reports on the Commission's web site.

In June 2009 the Commission proposed amendments to the CMP related to the implementation of septic system management programs throughout the Pinelands Area. A public hearing on the rule proposal was held on July 15, 2009. The rule amendment would require that all Pinelands Area municipalities adopt an ordinance requiring that all traditional/conventional septic systems be inspected at least once every three years and pumped as necessary and that all advanced treatment systems (those subject of the Pinelands Alternate Design Wastewater Treatment Systems Pilot Program) be covered under an approved operation and maintenance agreement. Details of the rule proposal may be viewed on the Commission's web site at <http://www.state.nj.us/pinelands/cmp/amend/>. The public comment period on the rule proposal ends on August 14, 2009. The staff expects that the Commission will consider whether management rules should be adopted in the later part of 2009.

The existing pilot program is limited to residential development because the Pinelands Ad Hoc Septic System Committee determined that insufficient data were available to establish specific nitrogen removal efficiencies for the highly variable characteristics of non-residential (commercial and institutional) wastewater. The CMP allows non-residential applicants to propose to use an advanced treatment system (in lieu of dilution based upon parcel size) only on a case by case basis. Many Pinelands Towns and Villages could benefit from the use of pre-approved alternative treatment technologies by commercial establishments. Although the Commission staff remains ready to assist municipalities explore the use of "community" systems to serve multiple residential and commercial buildings, the Commission may wish at some future point to authorize pre-approved specific advanced treatment technologies for commercial uses as part of a closely monitored pilot program.

In 2008 the Commission approved the first of two advanced onsite wastewater treatment systems (Amphidrome technology) for use by commercial operations (retail pharmacies) to meet ground water quality standards in unsewered Regional Growth and Pinelands Town management areas. As systems have proven their capability for N-reduction, the critical component of these commercial (non-NJPDES) approvals was the establishment of mechanisms to ensure the long term operation and maintenance of these systems.

The limited number of operating alternative treatment systems and the limited analyses upon which to evaluate these systems led the Commission to adopt amendments to the CMP in 2007 which authorize the extension of the pilot program until August 5, 2010.

Future Steps

Commission staff will continue to work with the local government officials, especially the Pinelands Area health officials and construction code officials, to achieve the objectives of the pilot program and assure required documentation is received prior to the issuance of construction approvals and certificates of occupancy. In addition, Commission staff will continue to work with the alternate design treatment systems technology vendors and their agents to assure adherence to the requisite sampling, analysis and reporting requirements of the pilot program.

Further, in an effort to expand the number of treatment system choices available to Pinelands residential applicants, staff will continue to keep abreast of emerging small scale denitrification technologies and may return to the Commission in the future to recommend new rule making to allow the introduction of additional technologies to the

pilot program. Several alternative systems are undergoing evaluation in other technology demonstration projects and preliminary results indicate that some of these systems, if used on appropriately sized lots, may also meet the water quality requirements of the CMP. A likely benefit to introducing additional proven technologies may be lower system costs resulting from increased competition among the approved technology vendors.

All advanced treatment systems require a higher level of maintenance to achieve optimum treatment efficiencies as compared to standard septic systems. Because of this, the CMP specifies that municipalities will be encouraged to allow community treatment systems to be installed in larger residential developments where lots between one and 3.2 acres are currently authorized. However, experience indicates that developers are frequently disinclined to propose a community treatment system because of delays in acquiring the necessary wastewater management plan amendments. Greater use of community treatment systems might be achieved if an expedited process for wastewater management plan amendments in the Pinelands could be developed. Moreover, Commission staff will work with the NJDEP to facilitate the approval of appropriate community wastewater treatment systems in unsewered Pinelands Regional Growth Areas, Towns and Villages.

Appendix 1

Data Editing

Total nitrogen (TN) is reported herein as the sum of kjeldahl nitrogen plus nitrate nitrogen plus nitrite nitrogen. It should be noted that the retained data set includes instances where analyses for multiple parameters (from a single sampling event) were performed by different (DEP certified) laboratories under subcontract, i.e. nitrate and nitrite by one lab and total kjeldahl nitrogen by another lab, and where different (NJDEP approved) methodologies were used on various sampling dates from a single system location. In all of these instances, both the laboratories and analytical methods utilized were DEP approved and/or certified. In some instances, these state certified laboratories reported kjeldahl nitrogen values (sum on ammonia nitrogen plus organic nitrogen) at higher levels than ammonia values. Laboratory managers consistently reported that such variation is consistent with standard laboratory reporting protocols and does not constitute lab error. Nevertheless, where such reporting occurred, the data was not included in this analysis. Where laboratories reported analyte values as “Not Detected” the Commission’s analysis assigned a concentration of one-half the laboratory reporting limit to that parameter when computing the total nitrogen mass in the sample.

Prior to conducting the data analysis, data were edited, sorted and evaluated by Commission staff. Where obvious errors in the data were evident, i.e. exceeding a maximum sample holding time or a lab reporting error, such data were discarded. When values for the various nitrogen parameters, (e.g. nitrate, nitrite, total kjeldahl nitrogen) were not collected during a single sampling event, the results of the individual parameters were not used in computing total nitrogen concentrations. After discarding such data and consulting with NJDEP’s Office of Quality Assurance and Division of Water Quality, Bureau of Nonpoint Pollution Control, more than 85 % of the submitted laboratory results were retained for analysis.

Data Accuracy

It is typical for a regulatory pilot program of this nature to generate data that would not meet the rigorous standards required of a peer reviewed research project. Because of the uncontrolled variables associated with such a pilot program, the reader should understand that a pilot program of this nature is not research. Uncontrolled variables are significant and numerous where treatment technologies are operating under real world conditions. Apart from these real world pilot programs, a number of technology test centers (National Sanitation Foundation (NSF), US Environmental Protection Agency Environmental Technology

Verification (ETV)) routinely conduct benchmark tests to determine what a treatment system is capable of doing. Such trials are conducted under rigidly controlled conditions. While these benchmark studies measure what a technology is capable of achieving, they do not assess what a technology actually achieves in widely ranging real world applications. Moreover, while standard assessment protocols are well developed for test center benchmark trials, there are currently no similar standard assessment protocols for evaluating actual field performance of treatment technologies. As recently as September 2006, the NSF's Joint Wastewater Committee formed a Field Performance Task Group to address this issue and the group hopes to develop a draft field performance protocol by September 2007. In December 1999, New Jersey, Massachusetts and Pennsylvania, acting under a Memorandum of Understanding (MOU) originally entered into in June 1996, agreed to work on the development of a standard protocol for approving innovative and alternate onsite wastewater treatment technologies. In its September 2005 report, released as a result of that MOU, this multi-state consortium acknowledged the dearth of third-party peer-reviewed, replicable data related to field trials of onsite wastewater systems. The group advises however, that even in the absence of "pure" data, regulators should exercise caution before throwing out "imperfect" data while assessing onsite system performance. The consortium instead recommends that regulators rank data on the basis of a hierarchy of strength, and to not to allow the perfect to be the enemy of the good. The consortium produced a report for the New England Interstate Water Pollution Control Commission, entitled *Variability and Reliability of Test Center and Field Data: Definition of Proven Technology From a Regulatory Program Viewpoint*. In its report, the consortium concludes that all non-fraudulent field performance data on alternate design wastewater treatment systems is valuable in regulatory decision making, even if that data is not gathered in a completely controlled study.²

On April 16, 2007, the NJDEP, Division of Watershed Management, Bureau of Environmental Analysis and Restoration issued a technical report entitled Nitrate as a Surrogate of Assessing Impact of Development Using Individual Subsurface Sewage Disposal Systems on Ground Water Quality. In that report, NJDEP relied upon datasets from the USGS National Water Information System (NWIS) and the New Jersey Ambient Ground Water Quality Monitoring Network (AGWQMN) to establish an ambient nitrate concentration of 2 mg/L in NJ groundwater. In that analysis, DEP acknowledges retaining data with questionable precision, rather than abandoning data, to conduct its analysis.

The Pinelands pilot program involved multiple uncontrolled variables including homeowners, private laboratories, operation/maintenance companies, and wastewater technology vendors, all engaging in standard industry and marketplace practices. Some of these practices are regulated, such as laboratory certifications, while others are not. As a result of these real world conditions, it should be emphasized that the monitoring provisions of this pilot program do not rise to the level of peer-reviewed, journal-published research, but instead are intended to provide a statistically sound measure of the field performance of the pilot program systems. Variables that were not controlled in the pilot program include variability in the make up of households serviced by the systems, variability of wastewater flow and strength characteristics, variability in individuals involved in sample collection, variability in laboratories performing the analysis (including subcontracting between laboratories), and variability in laboratory personnel, equipment and analytical methods. Additionally, all samples were collected as grab samples (as opposed to composite samples) and are thus greatly affected by wastewater usage conditions which prevailed just prior to the sampling event and do not necessarily characterize long term effluent characteristics.

¹ Groves, T.W., F. Bowers, E. Corriveau, J. Higgins, J. Heltshe, and M. Hoover. 2005. Variability and Reliability of Test Center and Field Data: Definition of Proven Technology From a Regulatory Program Viewpoint. Project No. WU-HT-03-35. Prepared for the National Decentralized Water Resources Capacity Development Project, Washington University, St. Louis, MO, by the New England Interstate Water Pollution Control Commission

MANAGEMENT REPORT FOR JULY 2009

Updates are in *italics*

I. PLANNING

A. CMP AMENDMENTS

1. Pinelands Development Credit program: A comprehensive package of strategies and initiatives was discussed by the P&I Committee on March 26, 2007 and March 30, 2007. Staff then met with interested parties and conducted more detailed analyses on those initiatives selected by the Committee. The full Commission was briefed on the PDC Study at its May 2007 meeting. Meetings were held with Department of Agriculture staff, environmental groups, builders, the Pinelands Municipal Council, and affordable housing interests in May and with Pinelands municipalities having Regional Growth Areas, sewerred Villages and Pinelands Towns in June. Staff reported back to the P&I Committee on those meetings in June. In July, meetings were held with representatives of the Governor's Office and the Office of Smart Growth, and with the County. The NJ Builders' Association presented its PDC program ideas to the P&I Committee on 7/27/07. The Agricultural Advisory Committee discussed the PDC program recommendations on August 29. There was general support but some concern with when it would be appropriate to allocate additional PDCs to the Forest Area and with how many PDCs to require at lower densities. Staff presented a package of recommendations at the August 31 P&I Committee meeting. On September 28, 2007, the P&I and PLP Committees deferred discussion of the PDC program until October 26, 2007, pending receipt of more detailed advice from the State Ethics Commission. On November 28, the Committee again deferred discussion. The PDC Study was not on the agenda for the Committee's January through July meetings. Staff briefed the state TDR bank on the possible changes on July 8, 2008. On February 10, 2009, the State Ethics Commission issued its written decision concerning the Commission's request for guidance, finding that Commissioners who own PDCs and/or lands that may be affected by the potential amendments to the PDC program must recuse themselves from discussions and voting on these potential amendments to the Pinelands CMP. Staff briefed the Commission on February 13, 2009. A briefing on the PDC policies was scheduled to be conducted at the Commission's March 13, 2009 meeting. However, because of time constraints, that briefing did not occur. Rather, a memo detailing the content of the potential rule package was distributed to Commissioners. Draft implementing rules were prepared and discussed with the P&I Committee on March 27, 2009. Further discussion of a full rule proposal occurred at the April 24, 2009 and May 29, 2009 P&I Committee meetings. The New Jersey Builders Association has asked that the Commission delay action. Staff met with the Governor's office on June 10, 2009 to discuss the PDC amendments.

2. Development area densities: Staff developed several alternative housing density implementation scenarios that were included in the PDC strategies and initiatives that the Policy and Implementation Committee considered and that have been discussed with stakeholder groups (see 1 above). Draft implementing rules were prepared and discussed with the P&I Committee on March 27, April 24, and May 29, 2009. Staff met with the Governor's office on June 10, 2009 to discuss the amendments.

3. Forestry: The Commission authorized the proposed amendments on April 17, 2009. The proposed rule was published in the NJ Register on June 15, 2009. *A public hearing was conducted on July 22, 2009. Approximately 40 people attended the hearing; testimony was*

offered by 18 individuals. Written comments will be accepted throughout the public comment period which ends on August 14, 2009.

4. Clustering: Mr. Stokes reviewed mean and median values for land sales in an effort to determine what effect lot size has on lot values and distributed information to the P&I Committee. At its November 28, 2007 meeting, the Committee was provided with an outline of the previous clustering proposals as well as recommended revisions to the bonus density provisions for the Forest Area. The Committee discussed the proposed amendments and raised a series of questions and concerns at its January 7, 2008 meeting. Further discussion occurred at the Committee's January 25 and February 29, 2008 meetings. The Committee discussed a series of clustering principles as well as various alternatives on March 28, 2008. At a special meeting on April 11, 2008, the Committee discussed the remaining issues and directed the staff to draft implementing rules for review at an upcoming meeting. A draft rule proposal was reviewed with the P&I Committee on May 30, 2008. Alternatives will be prepared in accordance with the Committee's discussion and presented at the June 27, 2008 P&I meeting. After discussing a series of minor revisions and clarifications, the Committee recommended the rule proposal to the Commission for formal action. Staff briefed the state TDR Bank on this proposal on July 8, 2008. The Commission unanimously authorized the rule proposal on July 11, 2008. The proposal has been filed with OAL and was published in the September 2, 2008 New Jersey Register, with public comment accepted through November 1, 2008. A public hearing was held on October 7, 2008 (approximately 10 people attended; oral testimony was provided by 7 individuals). The proposed amendments were discussed with the Agricultural Advisory Committee on September 29, 2008. The public comments were distributed to and discussed with the P&I Committee on December 1, 2008. The Committee recommended adoption of the clustering amendments without change. At its December 12, 2008 meeting, the Commission elected to postpone consideration of adoption of the amendments until the January 2009 meeting so that all members of the Commission could be present. The Commission unanimously adopted the clustering amendments on January 16, 2009. Mr. Liggett met with Weymouth Twp. Officials concerning next steps on 3/11/09; some opposition to the rules remains. The amendments took effect upon publication in the April 6, 2009 New Jersey Register. Model ordinances are being prepared.

5. Long term septic management plan: Stone completed all tasks of the septic system management consulting contract and submitted final versions of the "Legal Basis for Onsite Wastewater System Management" report and the "Onsite Wastewater Systems Management Manual for the New Jersey Pinelands." Staff presented the final Septic System Management Manual to the Commission at the September 12, 2008 meeting. Staff has posted both reports on the Commission's website. Stone has also delivered final copies of the legal basis report and septic system management manual on disc for distribution to each Pinelands Area municipality. Staff has requested NJDEP Division of Water Quality consider amending the (now completed) Pinelands septic system grant to enable the Commission to offer seed money to a Pinelands municipality(ies) willing to implement a model septic system management program. Staff briefed the P&I Committee on the status of a Pinelands model septic system management ordinance and is scheduled to brief the Commission in February. Staff met with and reviewed conceptual septic management requirements with Vineland Health Officials, Manchester Mayor et al., Burlington County Bridge Commission, Mt. Holly MUA, Burlington County Water Resources Coordinator et al., and discussed via telephone septic ordinance with Plumsted Municipal Engineer and Buena Vista Mayor. The Commission was briefed on the model septic management ordinance at the February 13, 2009 Commission meeting and the P&I Committee

reviewed the initial draft of the CMP amendment for septic system management on February 27, 2009. Staff met with Washington Township and Galloway Township officials to review model septic management concepts. Staff appeared before the Port Republic City Mayor and Council to review septic system management concepts and provided a presentation on the subject at the March 16 Pinelands Municipal Council meeting. On March 27, 2009, the P&I Committee voted to recommend the amendments to the Commission for formal proposal. The Commission authorized the proposed amendments on April 17, 2009. They have been submitted for publication in the NJ Register on June 15, 2009. Staff was invited to speak in early May on septic system maintenance before a civic group from Mullica Township. Approximately 25 individuals were present during this presentation that focused on the connection between septic systems and clean water. Staff has submitted a request to NJDEP for grant funding to allow the Commission to assist local entities (municipalities, counties, etc) to establish septic system management programs which would conform with both NJDEP and Pinelands septic management requirements. Planning staff continues to engage with the print media regarding the basis and background for the proposed septic system management rules. *A public hearing was held on July 15, 2009. Four people attended the hearing; testimony was offered by one individual. Written comments will be accepted throughout the public comment period which ends on August 14, 2009. Staff attended the joint Pinelands Municipal Council/Pinelands Commission meeting to address the Council's comments relative to the septic management rule proposal. Staff also attended the Council's meeting on July 29 and gave a presentation on the septic management rule proposal.*

6. Wetlands Restoration: The Commission authorized the proposed amendments on April 17, 2009. The proposed rule was published in the NJ Register on June 15, 2009. *A public hearing was conducted on July 22, 2009. One individual offered testimony on the proposed wetlands management rules. Written comments will be accepted throughout the public comment period which ends on August 14, 2009.*

7. Management Area Changes: Local officials were briefed on possible management area changes on October 22 and 23. Updated maps were presented to the CMP P&I Committee at its October 31, 2008 meeting. Updated maps were briefly presented to the Pinelands Commission at its November 14, 2008 meeting. Staff reviewed the criteria being used to evaluate possible changes to the Land Capability Map with the CMP P&I Committee at its December 1, 2008 meeting. Regulatory Programs staff reviewed the draft EIA maps prepared by the Planning staff and provided the Planning staff with comments regarding the proposed management area changes. Such comments included Regulatory Programs staff knowledge concerning pending and/or approved major development applications, threatened and endangered species sitings, wetlands and sewer service area information which may effect the proposed management area changes. Planning staff also indicated that it was considering an additional management area called a "settlement" area which may allow for sewer service. The Regulatory Programs staff also provided planning staff with comments regarding existing development areas which may benefit from sewer service, such as Presidential Lakes in Pemberton Township. Staff continued to refine the maps including gathering any additional information available from municipalities, counties, DEP, etc. throughout most of January. On January 29, the staff again briefed the Municipal Council and met with individual towns to review the changes. The final draft of the staff's recommended management area changes was distributed to the P&I Committee at its January 30, 2009 meeting. A special meeting of the P&I Committee was held on February 18 to review staff's recommendations in greater detail. Following the February 18 special meeting, a prioritized list of recommended changes was presented to the P&I Committee at a second special

meeting held on March 23 (Burlington and Ocean Counties were discussed). A third special meeting was held on April 6 to review staff's recommendations relative to Atlantic County in greater detail. A fourth special P&I Committee meeting was held on May 4 to review staff's recommendations relative to Gloucester and Cumberland Counties in greater detail. The data on the web site now includes Google aerial search capability and a listing of parcels. Data exchanges with municipalities and stakeholders continue. A fifth special P&I Committee meeting was held on May 27 at which the Committee recommended the approval of portions of Staff's recommended management area changes. Science staff was in attendance to provide technical support with regard to the proposed management area changes based on the results of the EIA. A sixth special P&I Committee meeting was held on June 17 at which the Committee recommended the approval of portions of Staff's recommended management area changes. At the P&I Committee's regularly scheduled June 26 meeting, the Committee recommended the approval of several other portions of Staff's recommended management area changes. *At the July 24 P&I Committee meeting, the Committee recommended the approval of several other portions of the potential management area changes within Egg Harbor Township. The remainder of the management area changes (those within Hamilton and Maurice River Townships) will be reviewed at the August 28 P&I Committee meeting.*

8. Electric Transmission Line Maintenance Plan: Science and Rutgers University staff completed the final draft the ROW plan. The draft ROW report and GIS layer of vegetation-management prescriptions is on the Commission's web page. Staff then drafted implementing rules in the form of a new pilot program. The P&I Committee reviewed the draft rules and rule proposal at its January 30, 2009 meeting. On February 27, the P&I Committee recommended that the ROW plan and associated rules be advanced to the full Commission. The Commission authorized the proposed amendments on April 17, 2009. They will be submitted for publication in the NJ Register on June 15, 2009. *A public hearing was held on July 22, 2009. No testimony on the proposed rules was received. Written comments will be accepted throughout the public comment period which ends on August 14, 2009.*

9. Affordable housing: Staff briefed the P&G Committee on COAH's proposed rules on February 25, 2008 and submitted comments to COAH prior to the March 22, 2008 deadline. A follow-up meeting was held on April 10, 2008. COAH recently adopted its rules and has also proposed amendments, which staff will review. Staff briefed the P&G Committee on the proposed rules on July 28, 2008. Formal written comments were subsequently submitted to COAH by the August 15, 2008 due date and have been distributed to the P&G Committee. A conference call was held with COAH staff on September 10, 2008 to discuss a revised MOA, the recently enacted affordable housing legislation (A-500) and an extension of the 12/31/08 deadline for submission of 3rd round plans for all Pinelands municipalities. COAH staff will begin to draft a revised MOA. Ms. Grogan attended the Burlington County Shared Services Forum on September 18, 2008, at which the new COAH 3rd round rules were the sole agenda item for discussion. Mr. Liggett provided COAH staff with his recommendations on how to match COAH with CMP considerations in October. Mr. Stokes wrote to DCA Commissioner Doria on November 7, 2008 requesting assistance in obtaining a waiver of COAH's December 31, 2008 deadline for submission of municipal housing plans. Following a conversation with the Commissioner on November 14, 2008, staff drafted and provided a draft Memorandum of Understanding between the Commission and COAH to the Commissioner and COAH staff on November 21, 2008. The draft MOA sets forth a mechanism by which the two agencies would coordinate review of municipal housing elements and fair share plans. The P&I Committee discussed the draft MOU on December 1, 2008. On December 12, 2008, the Commission

authorized Mr. Stokes to execute an MOU with COAH and make any revisions necessary to advance the constitutional and legislative mandates of both the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., and the Pinelands Protection Act, N.J.S.A. 13:18A-1 et seq. A number of revisions have been discussed with COAH staff. As of December 31, 2008, no extension of the deadline for submission of third round housing plans had been granted to Pinelands municipalities. Draft or adopted housing plans from a number of Pinelands municipalities (17-20) have been received and are under review to determine consistency with the CMP. The Highlands and Meadowlands have hired consultants to assist them. Staff prepared CMP amendments to implement A-500 and discussed them with the P&I Committee on April 24, 2009. The draft amendments were then distributed to COAH, the Municipal Council and other interested parties. Staff met with COAH staff on May 14, 2009 and with NJBA representatives on May 26, 2009. At the Commission meeting on May 8, a draft resolution regarding interim implementation of A-500 was discussed with the Commission in closed session. A revised draft version of the affordable housing rules was prepared and distributed for discussion at the May 29, 2009 P&I Committee meeting. No action on the draft rules was taken; however, the Committee referred the resolution regarding interim implementation to the full Commission. Due to ongoing discussions with the Attorney General's office, the Commission did not take action on the interim resolution at its June 12, 2009 meeting, and the draft amendments were not on the P&I Committee's June 26, 2009 agenda. Staff met with the Attorney General's office on June 22, 2009 to discuss A-500 and the Commission's obligations. *Staff reviewed draft guidelines regarding the regional coordination of affordable housing opportunities and provided comments on July 30, 2009. A telephone conference between COAH and Commission staff is scheduled for August 6 to discuss these comments.*

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

- 1. Ordinances/plans received this month:** 6 (6 this FY; average FY=100)
- 2. Interpretations/consultations/assistance last month:** 163 (16 this FY; average FY=150)
- 3. Issues:** *A recent Supreme Court decision invalidated municipal ordinances which require recreation and open space to either be provided on-site in residential developments (other than planned developments) or addressed through the payment of in-lieu fees to the municipality. The Court found that the MLUL does not authorize municipalities to have such requirements; however, the Appellate Division acknowledged the CMP may provide such authority within the Pinelands Area. This potentially affects 20+ Pinelands municipalities which have ordinances containing such requirements that have been certified by the Commission.*

C. SPECIAL PLANNING PROJECTS

- 1. Egg Harbor Township community plan:** Until such time as the Township advises the Commission that it is prepared to commit the necessary resources to the implementation of the Livable Community Plan, no further action will be taken by staff.
- 2. Southern Medford/Evesham plan:** *Most of the arrangements for the second Native Plant Sale have been completed. Four nurseries will again be participating in the event, which is scheduled for September 12, 2009. Several new exhibitors will be participating this year making presentations on rain gardens, native pollinators, water quality, composting, and fire safety. This year a companion education program on Pinelands ecology was launched on July 28 with Camp Inawendiwin girl scouts.*

3. Pinelands Infrastructure Trust: Further work on this project has been deferred due to staff constraints.

4. Scenic byway: Southern Pinelands Natural Heritage Trail (renamed the Pine Barrens Byway): Taintor Associates are concluding their responsibilities and a Task Force of Committee members is taking the lead in implementing the recommendations of the Corridor Management Plan. A new web site has been developed <http://www.pinebarrensbyway.org/>. A Task Force meeting was held on June 30, 2009. Copies of the final Corridor Management Plan, dated June 2009, were distributed to the Commission on June 5, 2009 and the consultants made a presentation to the Commission at its June 12, 2009 meeting. Resolutions/letters of endorsement for both the Corridor Management Plan and route changes are required by the Department of Transportation of all participating counties and municipalities; *to date, we await documents from Upper and Washington Townships and Atlantic and Burlington Counties. The next meeting is scheduled for September 2, 2009 at 4pm at the Woodbine Borough municipal building.*

5. Alternative septic system pilot program: Staff continues to process new applications for Amphidrome, Bioclere and Fast alternate treatment technologies. Monitoring of each of the operating technologies is ongoing with Cromaglass continuing in its efforts to improve treatment system performance. Staff sent out reminders to each alternate design wastewater treatment system manufacturer reminding each that semi-annual reports are due for submission on January 5, 2009. Staff received semi-annual reports from the alternate design wastewater treatment system manufacturers (*except Cromaglass*) and is conducting a mid-year analysis of effluent data. Staff has requested the past due semi-annual report from Cromaglass Corp. and has requested additional information related to two Cromaglass units which are reportedly experiencing hydraulic failure of disposal fields. Staff spoke at the NJDEP / Rutgers annual septic system seminar on the status of the Pinelands alternate septic system pilot program. Staff issued an advisory to each of the Pinelands alternate technology manufacturers advising that semi-annual reports are due on or before July 5. Twenty one new alternate design systems have been installed during the current reporting year, slightly off last years total of 26. Staff continues to receive inquiries from multiple treatment system manufacturers seeking to participate in the Pinelands pilot program. *Staff met with representatives of Bio-Microbics, the vendor of the FAST technology to discuss the need for more timely submission of data required for participation in the pilot program. Staff also discussed a concern with effluent monitoring results, albeit based upon a limited number of systems and sample events. Bio-Microbics reported similar results in the early stages of their participation in the Mass. DEP pilot programs and the later turn around in the technology's performance. Also discussed strategies that Bio-Microbics would be expected to employ should effluent data not improve with additional sample events. An annual report will be included in the August 14, 2009 Commission meeting packet.*

6. Hammonton wastewater recharge project: USGS met with the project cooperators on December 18 to review preliminary findings. In general, USGS has determined that soil conditions at the Boyer Avenue facility are more complex (heterogeneous) than characterized in the original site selection and design studies. USGS recommends that Hammonton conduct site optimization studies to determine the maximum hydraulic loading capability of the site. Hammonton officials reported their intent to investigate the potential for drip (trickle) irrigation to permit forested areas and contiguous athletic fields to be used for recharge. USGS briefed the Commission's Science Committee on the results of the study on February 8. Staff accompanied USGS staff to three other groundwater discharge facilities in the area to compare and contrast best management practices, geology and design. Techniques utilized to examine Hammonton

site are being evaluated for potential use at Buena Borough MUA site. Staff has prepared a draft letter to Hammonton advising the Town of next steps to maximize recharge at the Boyer Avenue site and the Commission's intent, what assistance the Commission could offer, and how to handle new, high volume wastewater projects until the recharge deficiency is remedied. Staff met with USGS on November 13 and discussed the format of the final report. Staff attended a meeting in Hammonton to discuss the next steps to be taken to resolve the continuing discharge to Hammonton Creek. USGS provided a brief recap and update on its study. The meeting was attended by one Hammonton Committeeman and the two representatives of ARH, the Township engineering consultants. Also in attendance was DEP enforcement and Division of Water Quality. Hammonton sought guidance from the Commission and DEP on its stated intention to investigate feasibility of wicks, injection wells, drip dispersal at site of IP lagoons, drip dispersal at site of recreation fields, and spray irrigation at Frog Rock golf course. Pinelands staff advised the town of the likelihood of a sewer connection ban if stream discharge persists. The Town was further advised that an expert consultant should be retained to evaluate every disposal alternative with a report due to the Commission no later than March 2010. The report should provide a schedule for the timely implementation of feasible remediation alternatives. Hammonton reported that they will respond to the Commission in the coming weeks. USGS reports the draft final report on Hammonton Recharge and Regional Assessment will be provided for cooperators comments in April. On April 21, 2009, staff received the draft USGS report on the Hammonton Land Application Facility. The report is currently being reviewed by Planning and Science staff. Staff comments will be forwarded to USGS by mid-May. In addition, a letter is being prepared to update Hammonton on the overall status. Staff is currently reviewing a preliminary draft report prepared by USGS on the Hammonton wastewater infiltration facility. Planning and Science staff met with USGS on a related matter concerning a water quality study of Hammonton Creek. NJDEP has agreed to share water quality monitoring data being collected for this TMDL study with the Commission. Staff completed its review of the USGS Draft report and submitted review comments. Staff has also arranged for copies of the draft report to be distributed to the Pinelands Public and Governmental Programs Committee and will brief the Committee on the Draft report at its next scheduled meeting. Staff continues to work with Hammonton officials on advancing efforts to optimize wastewater infiltration at the Boyer Avenue land application facility. *Staff met with representatives of Hammonton (ARH and Omni Environmental) to discuss USGS report findings and the Town's efforts to develop strategies to optimize wastewater infiltration at the facility. Staff provided the P&G Committee with a presentation summarizing the USGS report.*

7. DEP Off Road Vehicle project: Deputy DEP Commissioner Watson advised Mr. Stokes that the Department will issue an RFP for a private entity to plan, construct and manage the proposed ATV facility in Monroe. Mr. Stokes has offered to help DEP prepare the RFP so that important environmental issues which may affect facility plans are fully covered in the RFP. As of February 2009, a draft of the RFP has not been released. The Ecological Integrity Assessment has led to a recommendation to redesignate this area from Rural Development to Forest Area classification. Such a change would preclude development of an ORV facility unless the Commission authorizes it through an intergovernmental agreement. At a February 20, 2009 meeting with DEP Commissioner Mauriello, Mr. Stokes reaffirmed his commitment to help create a DEP/Pinelands technical team to complete an environmental inventory of the site. During a March 23 conversation with Commissioner Mauriello, Mr. Stokes agreed to have Pinelands staff independently review natural resource inventory information and prepare a site

constraints map because of DEP staff limitations. The map was provided to DEP on May 20, 2009.

8. College Master Plans:

a. **Stockton:** Joint discussions with Galloway Township and Stockton College on the expansion of the Regional Growth Area portion of the campus are ongoing. Galloway Township's adopted master plan, ordinance amendments and zoning map were received on August 30, 2007. Portions of the College's amended Master Plan were subsequently received. Revised MOA to be drafted and public hearings to be scheduled upon completion of the College's threatened and endangered species survey work, probably during the summer of 2008. Stockton is working on a possible transit station initiative at nearby Pomona. EIA findings were discussed with Stockton officials. A meeting with Stockton representatives was held March 30, 2009. Recommended management area changes were acceptable to Stockton. On April 1, 2009, Commission staff met with representatives of the College to discuss a threatened and endangered snake species study that had been completed at the college. An issue had arisen over the qualifications of the individual heading the study. Mr. Stokes and Dr. Saatkamp, President of the College, have also discussed these efforts. Further discussions were held on April 29 and Mr. Liggett will be working with the College on Master Plan revisions. Mr. Liggett met with Stockton site planner on May 6, 2009. *Another meeting was held on July 22, 2009 among staff to advance the plan. Further discussion was held with President Saatkamp in the following days to finalize the site plan.*

b. **Atlantic Cape Community College:** *Staff met with Dr. Mora on July 8, 2009 on a possible public development application and master plan. Mr. Liggett followed up on July 30, 2009.*

9. Military compatible land use plan: Ms. Grogan and Mr. Liggett met with the Joint Land Use Study consultants on May 15, 2008. Mr. Davis subsequently provided the consultants with zoning and parcel data for the relevant Burlington and Ocean County municipalities. Ms. Grogan attended the May 29, 2008 meeting of the Policy Committee. The National Academy of Public Administration has selected the Joint Land Use Study Program as one of the government programs it will be evaluating this year. A meeting was held with representatives of the Academy on September 30, 2008. The JLUS Policy Committee held two open houses, one in Jackson on September 15, 2008 and one at Burlington County College on September 18, 2008. Ms. Grogan attended the October 29, 2008 meeting of the Policy Committee, at which the topics of discussion included the September Open Houses, on-going economic analyses, and the AICUZ data received from the Bases to date. Staff provided the EIA preliminary management area map changes and GIS layers for Burlington and Ocean Counties to the JLUS consultant on December 15, 2008. Ms. Grogan reviewed an initial draft of the JLUS Plan and provided detailed comments and recommendations on zoning, buildout and land use changes within the study area during the last week of January. A second draft of the JLUS Plan was released on January 30 to certain Policy Committee members for review and input. The draft plan was subsequently released to the full Policy Committee and discussed at a meeting on March 10, 2009 which Ms. Grogan attended. A public meeting was held on March 30. Mr. Liggett presented recommended management area map changes to a land conservation meeting on March 31. The final JLUS plan is scheduled to be released on April 30. The JLUS consultants presented the Plan to the P&I Committee at its May 29, 2009 meeting. The Committee recommended endorsement of the Plan by the full Commission. The Commission adopted a resolution endorsing the Plan on June 12, 2009.

10. Fire Safety Program: *The fire safety implementation group convened a meeting on July 22. As a result, staff will be meeting with Barnegat Township and the Forest Fire Service to define the Township's role in implementing the Pancoast Road fuel break. The Forest Fire Service expects to submit a draft fuel break plan for Pancoast Road to the Commission at the beginning of August. In addition to Horizons at Barnegat, 3 residential communities in Stafford and Barnegat have asked to participate in property risk assessments as a preliminary step in developing a fire safety plan for each. The next meeting of the implementation group is scheduled for August 27.*

11. Atlantic City Regional Transportation Plan: *The first meeting of ACRIGHT (Atlantic City Regional Implementation Group for Housing and Transportation) was held on June 15, 2009. The next meeting is scheduled for August 10, 2009.*

12. Off-Site Clustering Pilot Program: *Staff provided the Policy & Implementation Committee with an update on this pilot program, originally adopted by the Commission in 1996. To date, the program has facilitated the development of a new hotel and golf course at the Renault Winery complex, along with the permanent protection of 503 acres of land in Galloway Township's Forest Area. The Committee concurred with the staff's determination that the program has successfully met all of the criteria set forth in the CMP. The Committee further agreed that applicability of the pilot program should not be broadened at this time but that certain elements of the program might come into play during Phase II of the planning office's Ecological Integrity Assessment project.*

D. ECONOMIC MONITORING

1. Annual Report: *All variables that will have new data for this year's report have now been collected. Analysis of the data has now begun, and the first draft of the report for in-house review is scheduled to be completed by August 31, 2009.*

2. Land value project: *This project has been put on hold for the time being and is being re-evaluated along with other possible projects for this fiscal year. (see #4 below)*

3. Municipal fiscal health project: *Completion of this project has been put temporarily on hold as the economist focuses on taking over report preparation for the build-out portion of the Kirkwood/Cohansey study.*

4. Other economic items: *The economist completed the final draft of the build-out analysis paper for the Kirkwood-Cohansey project and submitted it for internal review on July 23. Statistics from the report will be available for municipalities seeking to use them in affordable housing plans.*

E. PERMANENT LAND PROTECTION

1. Pinelands Development Credits: PDC Activity: *January-July 2009: 9 LOIs issued for 33 rights (potential protection of 268 acres); 3 LOIs amended for a reduction of 5 rights; 13 rights severed protecting 177 acres; 3 rights sold @\$17,000 and 1 @\$18,500; 6 rights redeemed.*

2. Farmland Preservation program: *January-June 2009 SADC preserved one farm in Buena Borough protecting 116 acres and retiring 20 rights and a second farm in Mullica/Hammonton protecting 40 acres and retiring 8 rights.*

3. Cape May Acquisition Fund: *On February 22, 2009, The Nature Conservancy provided maps and other information about an additional acquisition project. As this project is located just outside the pre-approved acquisition areas, full Commission approval will be necessary. At its*

March 27, 2009 meeting, the PLP Committee discussed the project and recommended its acquisition using CMCMUA funds. The Committee was also provided with an update on the status of the program including acres preserved to date (approximately 3,000) and remaining funds (approximately \$240,000). The Commission's contract with The Nature Conservancy expires on June 21, 2009 and specifies that all purchases of land must be completed by that date, unless the Executive Director grants an extension. The Committee asked that The Nature Conservancy submit its extension request by April 3. An extension request was received on April 13, 2009. On April 17, 2009, the Commission voted to authorize the expenditure of CMCMUA funds for the acquisition of 25 acres in Estell Manor located outside the pre-approved acquisition areas. The PLP Committee recommended use of CMCMUA funds for an additional parcel (Simon #2) located outside the pre-approved acquisition areas on May 29, 2009. The Commission adopted a resolution to authorize this acquisition on June 12, 2009. The Executive Director granted a 60-day extension of the contract with The Nature Conservancy to accommodate the expenditure of funds for this final project. *Reimbursement for the Simon #2 project, 5 acres in Estell Manor, was provided to The Nature Conservancy on July 21, 2009. The entire CMCMUA land acquisition fund has now been utilized. Representatives of The Nature Conservancy will attend the Commission's August 14, 2009 meeting to provide a summary of what was accomplished under this program.*

4. Pinelands Conservation Fund: As of the December 1, 2008 PLP Committee meeting, all remaining first round projects are progressing (8 out of 12 projects including the large Horner and Interboro projects. All second round projects were extended until January 30, 2009. A 3rd round of funding was announced with applications due by December 15, 2008. At its January 30, 2009 meeting, the PLP Committee approved extensions until June 1, 2009 for 7 second round projects. The Committee also reviewed and made recommendations on the applications received for the third round of funding. Six projects totaling approximately 600 acres were recommended for funding. Two of these projects are located outside the 502 and planning areas and thus required approval by the full Commission. The Commission discussed the projects at its February 13, 2009 meeting and authorized the allocation of PCF funds. Notification letters and interim milestones have been provided to each of the organizations allocated funding under the third round. During March, grant agreements were executed for two Round 2 projects (Lee and Wharton Properties), both of which are being pursued by the New Jersey Conservation Foundation. NJCF requested that PCF funds be provided in advance of closing on the two projects. The PLP Committee approved this request at its March 27, 2009 meeting and the funds have since been provided to Conservation Resources, Inc. in accordance with the contract. At its May 29, 2009 meeting, the PLP Committee approved final extensions until October 15, 2009 for nine projects. Another round of funding is targeted for late summer/early fall. The Committee also established a July 17, 2009 deadline for return of grant agreements for 4 other projects. The Committee also approved NJCF's request for PCF funding in advance of closing on the Interboro project. A revised grant agreement for the Interboro project has since been signed. *Grant agreements for the 4 projects subject to the July 17, 2009 deadline were signed and returned. Reimbursement was made for a Round 1 project (Cologne Avenue - 700 acres in Hamilton Township) on July 22, 2009.*

5. Limited Practical Use Program: At its May 29, 2009 meeting, the PLP Committee agreed to renew the contract with Green Acres for FY10 at the same funding level (\$15,000), with one minor revision related to the provision of block and lot information. One application was approved for Round 42 at the June 12, 2009 Commission meeting (0.69 ac. in the Pinelands Village of Milmay).

6. Other land protection items:

- a. *No new action.*

F. OTHER PLANNING ITEMS

1. Water supply: Planning staff reviewed an application submitted by Stockton College for an increase in allocation and found no adverse regional impacts. Staff reviewed a monitoring plan submitted by New Jersey American Water as part of their Tilton Road well application and found it to be acceptable. Staff reviewed a request for additional allocation from 800' sands wells from Stafford Township and asked for additional clarifications. *No new action as of July 31, 2009.*

2. Wireless communication plans: Staff provided T-Mobile with data discs overlaying proposed tower sites with environmental site data to assist T-Mobile in better locating towers. Staff conducted a site visit to Forked River Mountains with T-Mobile attorney and planner to assess potential visual impacts of proposed towers. Follow-up meeting conducted at Commission offices with T-Mobile attorney and planner to discuss next steps. Alion contract amendments received, reviewed and approved by both Alion and Commission. T-Mobile amended its proposed Plan Amendment by including additional and revised sites. Staff continues to work with T-Mobile to develop an acceptable visual analysis approach to assessing impacts of towers, both at Plan and application stages. A written methodology for assessing visual impacts is being drafted. A meeting was held on February 15, 2008 with the United States Forestry Service, the N.J. Forest Fire Service and various NGO's to discuss minimizing the anticipated visual impacts of the towers proposed in the Forked River Mountain Area. Staff has drafted a protocol for assessing the visual impacts of certain towers for incorporation into the T-Mobile Plan Amendment. A meeting was held on June 4, 2008 with T-Mobile representatives to discuss the proper method for analyzing the anticipated visual impacts of proposed towers. T-Mobile has submitted a list of towers which it believes are inconsistent with either the CMP's siting or visual impact standards. A letter identifying additional towers not included in T-Mobile's list was sent to T-Mobile and, in response, T-Mobile indicated it would likely be amending its proposed Plan Amendment again to remove some of the proposed towers. The attorney and consultant for T-Mobile are waiting further direction from their client. T-Mobile has indicated it will be supplementing its application with additional information on its proposed sites in September. Sample diagrams depicting significant visual assets in the vicinity of one of T-Mobile's proposed sites received and under review by Staff. Sprint has indicated that it has two new sites to add to the plan. Staff requested that T-Mobile amend its sample diagrams to depict additional information. T-Mobile has agreed to provide some but not all of the additional information. Staff has issued a written response to T-Mobile concerning its diagrams. In March T-Mobile submitted a series of bubble diagrams for its proposed Plan Amendment. The bubble diagrams have been reviewed by staff. The proposed Plan Amendment has been determined to be incomplete. It is expected to be completed in the near future. Shortly thereafter a public hearing will be scheduled.

3. Cultural resources: *9 (9 this fiscal year) cultural resource activities undertaken:*

- a. *4 (4) applications reviewed*
- b. *0 (0) forestry inquiries*
- c. *5 (5) surveys reviewed*
- d. *0 (0) CAFRA reviews*
- e. *0 (0) Preliminary Investigation*

- f. 0 (0) site coordination with other agencies/meetings & phone conferences
- g. 0 (0) coordinated reviews w/SHPO
- h. 0 (0) Municipal/consultant inquiries
- i. *Data Acquisition Plan*: no new action

4. State Plan: The State Planning Commission proposed new rules relating to the plan endorsement process in the June 16, 2008 New Jersey Register. A significant concern is the manner in which certified Pinelands municipalities are addressed in the proposed rules. The P&G Committee was briefed on July 28, 2008. Staff met with the Executive Director of the Office of Smart Growth on August 13, 2008 to review concerns with Pinelands municipalities and discuss revised rule language. Formal written comments were subsequently submitted to the Office of Smart Growth reflecting the language agreed upon at the August 13 meeting. Copies of the staff's letter were also distributed to the P&G Committee. Amendment language was discussed with OSG staff in early October; the State Planning Commission's Plan Implementation Committee was scheduled to review public comments, response document and suggested revisions to the proposed plan endorsement rules at its October 22, 2008 meeting. Mr. Stokes and Ms. Grogan met with the Executive Director of the Office of Smart Growth and his staff on November 12, 2008 to discuss those sections of the State Plan relating to the Pinelands as well as interagency coordination opportunities in general. Ms. Grogan reviewed and provided suggested revisions to the Pinelands policies set forth in the State Plan on November 26, 2008. The State Planning Commission adopted the revised plan endorsement rules at the end of 2008, including the requested clarifications related to certified Pinelands municipalities and center designation in the Pinelands. As a result, all Pinelands Villages, Pinelands Towns and Pinelands Regional Growth Areas are considered to be equivalent to designated centers under the State Plan. In addition, the Commission's certification of a Pinelands municipality's master plan and land use ordinances is deemed equivalent to endorsement by the State Planning Commission. Certified Pinelands municipalities and the centers contained therein are thus eligible for the State agency benefits afforded to municipalities outside the Pinelands Area that choose to go through the plan endorsement process. Staff was recently informed that the State Planning Commission has been required to go through an adoption and concurrent proposal process because the revisions being made upon adoption were too substantive in nature. The adoption and concurrent proposal appeared in the April 20 NJ Register.

5. Highlands: The Council adopted the final plan in July 2008. Council staff met with Commission staff on October 6 to review Pinelands municipal conformance procedures. Subsequently, more detailed information on county conformance procedures and standards was provided to Council staff. Mr. Liggett spoke to the new Highlands Credit Bank on March 5.

6. State-wide threatened and endangered species rules: In 2007, Senior level DEP and Pinelands staff had been working on rule language to ensure that any state wide rules and the Pinelands program were consistent. As of October 2008, the DEP has not proposed the state-wide threatened and endangered species rules and there have been no further discussions between staff regarding such rules. *No new action as of July 28, 2009.*

7. DEP wastewater planning rules/County implementation: Staff met with senior DEP staff to review the Commission's written comments on the proposed rule amendments. DEP expressed an interest in addressing each of the Commission's concerns and assured staff that the rule adoption would not result in conflicts with the CMP. A follow-up meeting was held April 1, 2008 at which coordinated sewer planning was discussed (using upcoming results from the Ecological Integrity Assessment), consistency between state and Pinelands septic dilution models, and community wastewater facility planning. DEP's adoption notice was published in

the NJ Register and did not address Pinelands Commission concerns. A request for further consultation has been forwarded to the Department. (Also see #12 below) A meeting was delayed due to DEP staff illness. Recent correspondence from DEP has indicated they will rely on the CMP's designation. Planning staff is scheduled to attend a meeting in early February with DEP and Ocean County Planners to review the status of the Ocean County WQM Plan. Staff is meeting again with Ocean County and DEP officials in early April. County plans, originally due in April, have been deferred until August. Staff met with Burlington County staff to discuss the status of WQMP process in Burlington. The New Jersey Builders Association has also expressed concerns that the rules could undermine Regional Growth Area development densities.

8. Agricultural Advisory Committee: The Committee met on February 20, 2009 and discussed the Ethics Commission decision, the EIA project as related to APA lands, wetlands restoration rules, and potential changes to the PDC program. A resolution was passed expressing opposition to the ethics decision and urging the Commission to work for a better solution, perhaps involving an amendment to the Pinelands Protection Act. The Committee met on March 20, 2009 to discuss the draft forestry rules. The draft PDC rule proposal was distributed to the Committee on April 22, 2009. Committee members were asked to submit any additional comments and to indicate whether they wished to hold a meeting for purposes of discussing the proposed rules. *Other than Mr. Mounier's comments on an alternative approach, there were no responses as of July 31, 2009.*

9. Data Sharing Agreement: DEP's T&E data has been incorporated into the Commission's GIS database and the Commission has provided DEP with the first data exchange under the data sharing agreement. *The Commission continues to share data per the agreement.*

10. Water Quality Management Plans: CCMUA submitted its plan for various areas within the Pinelands Areas. *Based upon some conflicting interpretations, staff will schedule a meeting soon with NJ DEP.*

11. Landfill Capping/Closure Initiative: The Commission co-sponsored a 2.5 day workshop on "Alternative Covers for Landfills" held on Sept. 16–18, 2008 at the Rutgers EcoComplex. Pinelands staff prepared a Fact Sheet which was used in the workshop to provide participants with a generalized characterization of "typical" Pinelands Area landfill conditions. Staff is following up with workshop collaborators to investigate opportunities to assess Pinelands landfills and use alternative covers (Water Balance Covers) where appropriate. Staff completed its review of a proposed Site investigation/Remedial Investigation Workplan (SI/RI WP) for the Estell Manor Landfill (intended to substantiate an alternative closure method) and provided written comments on the SI/RI WP comments to the applicant and DEP. A request for a further meeting on the Estell Manor Landfill has been received. Staff met on November 12 to discuss the closure of the Estell Manor Landfill with the Mayor, Senator Whelan and the town's landfill closure consultant. Estell Manor asked for relief from the impermeable capping standard. Staff indicated that, based on a quick review, the consultant's October 2008 report and November 3, 2008 cover letter failed to adequately address issues outlined in a letter issued on May 20, 2008. Staff agreed to review the consultant's latest report and to again provide the consultant with written comments. The Consultant notified the Commission that he was beginning an investigation concerning closure of Hamilton's landfill. Staff has provided a written response to Senator Whelan's inquiry on the status of alternative landfill closure in the Pinelands. No funding yet found for Pinelands investigation. Both Estell Manor City and Winslow Township are actively reviewing options. Senator Whelan asked that staff expedite review of Estell Manor and consider it as a possible candidate for a pilot experimental cap. Staff attended a meeting with NJDEP, Winslow and a landfill closure consultant to discuss the planned closure of the

Winslow landfill. DEP, Winslow and Pinelands officials suggested that alternative capping did not appear to be a viable alternative to an impermeable cap for this facility, specifically given its size (100+ acres), proximity to a stream, and the fact that the impermeable cap design has progressed beyond the 50% design status. Staff continues to be engaged with municipal officials (Winslow) and alternative landfill closure consultants regarding proposals to close the Winslow and Estell Manor landfills without the use of impermeable caps.

12. Solid Waste Management Planning Rules: Staff attended a meeting with NJDEP and others who had submitted comments on the rule proposal on September 8. The rule has been adopted.

13. Roadside Plants: *On July 8 a second meeting was conducted with area botanists to refine a map showing known populations of rare plants along Pinelands roadsides. This phase of the project is now completed. In early August, staff will review and supplement the maps with data that has been collected by the Commission. Staff has also been working with representatives from the Natural Resource Conservation Service to seek Soil Conservation District office concurrence on alternative practices for soil stabilization and erosion control that would encourage the use of native plants. Once SCS determines whether these alternative practices can be applied, a meeting will be arranged with County road supervisors.*

15. Other Rules: No new action.

16. Miscellaneous:

a. Solar Planning: *Discussed possibility of solar facility at closed Southern Ocean County Landfill with Ocean Township and Ocean County. A meeting is scheduled in late August with BPU officials (Michael Winka) to discuss solar facilities.*

II. DEVELOPMENT APPLICATIONS

A. APPLICATION ACTIVITY

		May	Jun	Jul
<i>New applications received for the last three months with a comparison to last year:</i>	this year	42	33	68
	last year	85	36	59
<i>Total applications active per month for the last three months with a comparison to last year:</i>	this year	608	531	548
	last year	719	665	586
<i>“No Call-ups” issued for each of the last three months:</i> By mail		57	32	36
	By fax	50	42	44
<i>Certificates of Filing issued for each of the last three months:</i>		24	18	23
<i>“Call-ups” issued for each of the last three months:</i>		13	8	6

<i>Streamlined permitting actions taken during each of the last three months:</i> LRO MOA	5	8	4
	16	16	8

B. NOTABLE DEVELOPMENT APPLICATIONS

1. Sanctuary, Evesham: Settlement reached with two of the three developers. Developer has re-designed Georgia O'Keefe Road in accordance with the settlement agreement. Commission staff reviewed the final details of the re-designed road in August 2006 and found the re-design, with the exception of the height of one box culvert, to be consistent with the terms of the Settlement. The reduction of the height of one box culvert from 4 feet to 3 feet required an amendment of the Settlement by the Commission. That amendment was authorized by the Commission at its September 8, 2006 meeting. The developer, however, still had to incorporate the re-design of the road into a revised set of plans for Sections 6, 7 & 8 of the development, submit the revised plans to the Township for its approval and submit such approval to the Commission for its final review. The third developer's permits (Steliga) are still being held for a possible call-up hearing depending upon the outcome of a court proceeding between Ivelin and Steliga regarding ownership of the lots. On June 26, 2007, staff sent a letter to Joseph Samost, reminding him of Ivelin L.P.'s obligations under the January 19, 2005 Stipulation of Settlement (hereinafter the "Stipulation") in the matter entitled Ivelin, L.P. and Iva Samost v. State of New Jersey, Pinelands Commission, et al., Docket No. 03-cv-6110, United States District Court for the District of New Jersey. Staff also sent a letter to Ivelin L.P.'s counsel, James A. Greenberg, Esq., enclosing a draft Amended Stipulation of Settlement authorizing the reduction in the height of one set of box culverts and requesting information regarding the status of litigation between Ivelin L.P. and Steliga Homes concerning certain lots within the Sanctuary Development. In addition, the Commission recently received a letter from the property owner's attorney seeking a further amendment to the 2005 Stipulation of Settlement. Specifically, the property owner would like to leave the existing culverts and hardwire fencing and install additional 19" x 30" elliptical pipes every 150', rather than installing the required 4'x 12' box culverts and solid durable barrier as he previously agreed. Commission staff is in the process of reviewing the materials recently submitted by the property owner's counsel and continues to work to have the property owner satisfy all remaining obligations under the 2005 Stipulation of Settlement. Commission staff met with the applicant's attorney on April 21, 2008 to discuss resolution of the applicant's outstanding obligations under the January 19, 2005 Settlement Agreement and his request for a further amendment of the Settlement Agreement. The Pinelands Commission has received the \$75,000 contribution from Ivelin L.P. required under the January 19, 2005 Settlement Agreement. Commission staff is continuing its dialog with Ivelin's attorney regarding its request for a further amendment of its obligations pertaining to Georgia O'Keefe Road. By letter dated May 27, 2008, the Commission staff advised one of the developers (Steliga) whose four construction permits were being held for a possible Commission call-up hearing, depending upon the outcome of a court proceeding between Ivelin and Steliga regarding ownership of the lots, that the concerned construction permits for 4 of the lots has expired based upon the uniform Construction Code and that no further action was required by the Commission on those permits. The applicant has retained new counsel to pursue its request for a further amendment to the 2005

Settlement Agreement. Staff advised the applicant's counsel of the extent of its discussions with the applicant's prior counsel and the remaining obligations of the Settlement which must be satisfied before the applicant's request could be entertained. Staff continues to work with the applicant's counsel to bring this matter to a close. The Applicant has yet again retained new counsel to further his request for another amendment to the 2005 Settlement Agreement. That counsel met with the Executive Director on September 19, 2008. Applicant has retained another new attorney who has submitted a new proposal to bring this matter to closure. That proposal has been referred to the Attorney General's Office for its review. The Commission received correspondence from yet a new attorney for the applicant. That correspondence was referred to the Attorney General's Office for review and response. The Attorney General's office has responded that it doesn't believe any modification to the settlement should be considered until the status of two lots is resolved. *No new action as of July 28, 2009.*

2. D.R. Horton Homes, Pemberton Twp. (App. No. 1981-0640.001): An application proposes the development of approximately 700 dwelling units in the vicinity of Country Lakes in Pemberton Township. Northern Pine snakes have been discovered on the parcel. On June 27, 2005, the staff issued a Certificate of Filing for the proposed development identifying a number of inconsistencies with the CMP. Of particular note, the proposed development requires the purchase of 126 PDCs. On February 22, 2007, staff met with the Mayor and other representatives of the Township to discuss threatened and endangered species and a second means of road access to the proposed development. By letter dated April 2, 2007, the staff advised the applicant of the status of various threatened and endangered species issues. On July 20, 2007, the Commission received a complete notice of municipal "General Development Plan" approval. The staff is currently reviewing that approval. On August 13, 2007, the staff issued a letter indicating that the municipal approval raised issues with the Pemberton Township land use ordinance and the Pinelands Comprehensive Management Plan and scheduled a public hearing. On August 23, 2007, the staff met with the applicant to discuss the issues raised by the application. On September 4, 2007, the applicant requested that the application be transferred to the NJ Office of Administrative Law (OAL) for a hearing. On September 18, 2007, the applicant requested that the matter not be transferred to the OAL until the applicant had received a written response to certain information that had been submitted to the Commission. On September 27, 2007 the staff sent the applicant a letter responding to the submitted information. A meeting with the applicant is scheduled for October 11, 2007. At the October 11, 2007 meeting, the staff discussed the various issues associated with the proposed development, in particular, the PDC obligation. Between October 2007 and June 2009, the applicant submitted numerous requests that the matter not be transferred to the OAL to allow the applicant the opportunity to resolve the issues raised by the municipal approval and the staff issued numerous letters granting extensions of time to transmit the case to NJ OAL. *On July 23, 2009, the applicant requested an extension of time to transmit the case to NJ OAL. By letter of July 27, 2009, staff granted an extension until September 14, 2009 to transmit the case to NJ OAL.*

3. Village of Chatsworth, Woodland (App. No. 2004-0335.001): The staff is currently reviewing the proposed residential development of an approximately 40 acre parcel in the Village of Chatsworth. The applicant is proposing approximately 37 dwelling units. The applicant is attempting to design the project to address a threatened and endangered species issue. In response to a conceptual layout of the proposed subdivision submitted on February 13, 2007, the staff advised the applicant by letter dated March 16, 2007 that the proposed design continued to raise threatened and endangered species issues and suggested an alternate approach to the design of the development. On June 15, 2007, the staff provided the applicant with an

example of a conceptual sketch that the applicant could consider in designing the development. On July 26, 2007, the applicant submitted a revised conceptual layout of the proposed development. By letter dated August 24, 2007, the staff provided comments on the proposed layout and offered to meet with the applicant. On November 14, 2007, the applicant submitted a revised conceptual sketch of the proposed development. The staff is currently reviewing that sketch. The staff completed a review of the sketch and by letter dated December 27, 2007 the staff provided additional guidance to the applicant regarding the proposed layout of the development. On November 28, 2008, the applicant submitted a letter and conceptual sketch in response to the Commission staff's December 27, 2007 letter. The applicant has questioned the staff regarding the implications of potential land management area/zoning changes that the Commission is considering that will affect the applicant's parcel as a result of the EIA. The parcel may be subject of a management area/zoning change which would place it in the Preservation Area and eliminate the ability to develop it per the concept plan. By letter of January 14, 2009, Commission staff responded to the applicant's letter and detailed the information necessary to proceed with an application for the proposed dwelling units. *No new action as of July 31, 2009.*

4. Blue Heron, Galloway (App. No. 1987-0690.019): An application was filed with the Commission in October 2004 proposing the development of approximately 900 dwelling units on a portion of the existing Blue Heron East Golf Course. The Commission staff issued a Certificate of Filing for the proposed development on May 16, 2005. The applicant is currently addressing a threatened and endangered species issue. The applicant received Township preliminary approval for 944 dwelling units in September of 2006 and conditional approval from the Atlantic County Department of Regional Planning and Development on April 18, 2007. The Commission staff received a complete notice of the municipal approval in March of 2007 and is currently reviewing both the municipal and county approvals. The applicant submitted additional threatened and endangered species information on April 16, 2007, April 17, 2007 and May 15, 2007. The preliminary approval was called up for review on June 12, 2007 and a hearing scheduled regarding threatened and endangered species. The Commission received notice of final approval for section I (104 multifamily units and 121 sf'd's). The issue raised by the application is the acquisition of PDCs. The applicant submitted information to address the threatened and endangered species issue. On September 10, 2007, the Commission issued a letter indicating that the municipal preliminary approval could take effect. On September 10, 2007, the staff issued a "call up" letter advising that a final approval for the first section for residential development raised issues with the CMP, specifically the need to purchase PDCs. The hearing has been rescheduled for March 7, 2008. By letter dated March 11, 2008, the hearing was rescheduled for June 10, 2008. By letter received May 28, 2008, the applicant requested postponement of the hearing. By letter of June 2, 2008, the hearing was rescheduled for November 7, 2008. By letter received October 20, 2008, the applicant requested postponement of the hearing. By letter of October 29, 2008, the hearing was rescheduled for February 6, 2009. By letter received January 9, 2009, the applicant requested postponement of the hearing. By letter of February 11, 2009, the hearing was rescheduled for August 6, 2009. *No new action as of July 31, 2009.*

5. Stafford Landfill/Business Park (App. No. 1987-1159.001, .026, .027, .029 -.039 & .041 - .044): All rare plant and animal species management plans have been approved. On January 19, 2007, in accordance with the provisions of the MOA, the staff issued a letter approving the mining of the unlicensed landfills and the closure of the licensed landfill. On March 14, 2007, in accordance with the provisions of the MOA, the staff approved relocated County office buildings

and an indoor commercial ice rink. On May 25, 2007, the staff issued a letter approving the relocation of certain county facilities including the animal shelter and the recycling center. On December 17, 2007, the Commission approved an application for a 100 foot high temporary test “wind tower.” On July 27, 2007, the staff issued a letter approving the Route 72 stormwater retrofits, Parkway interchange improvements and a “box” retail store (Target). By letter dated September 11, 2007, a second proposed “box retail” store (150,525 sf) was approved by the staff in accordance with the provisions of the MOA. An application for a third phase of commercial development containing 158,892 square feet has been submitted. On October 18, 2007, the Commission staff issued an approval letter for the third phase of commercial development. On December 14, 2007, the Commission approved an amended to the previously approved 100 foot high temporary test “wind tower” increasing the height of the temporary tower to 200 feet. On December 6, 2007 the staff approved, in accordance with the terms of the MOA, the “as built” plan for the stormwater retrofits along Route 72. Information regarding the proposed realignment of 850 linear feet of existing Cook Street, the street that the existing State Motor Vehicle Agency fronts on, was submitted on March 18, 2008. By letter dated May 7, 2008, the staff approved the proposed realignment of Cook Street. On June 26, 2008, the applicant submitted information proposing a resubdivision of a portion of the Stafford Business Park site as a result of the proposed relocation of the proposed affordable housing project. By letter of July 17, 2008, we indicated that the proposed resubdivision of the parcel, resulting in four lots, and no further development was consistent with the terms of the existing MOA and the requirements of the CMP. On August 21, 2008, the staff met with the applicant and other agencies to discuss a soil erosion/stabilization issue on the parcel. Agreement was reached at the meeting regarding the steps necessary to address the soil erosion issue. By letter dated August 27, 2008, the staff advised the Township regarding the need to submit certain information to the Commission regarding the open space requirements of the existing MOA. On September 29, 2008, the Commission staff issued a Report on Public Development recommending the approval of an application for the installation of solar voltaic panels on a portion of the Stafford Business Park which currently contains the previously approved and constructed Ocean County facilities (App. No. 1987-1159.044). That report will be considered by the Commission at its November 14, 2008 meeting. By letter of October 9, 2008, the staff approved the proposed 112 unit low and moderate income apartment complex (Application No. 1987-1159.042). By letter of October 20, 2008, the staff approved Ocean County’s proposal to change the orientation of the leaf windrows within the previously approved leaf composting facility and to resurface the existing approved surface (R-blend) within the composting area with asphalt millings (Application No. 1987-1159.037). On November 14, 2008, the Commission approved the public development application for the installation of solar voltaic panels on a portion of the Stafford Business Park (App. No. 1987-1159.044). On December 10, 2008, the staff issued a letter to Ocean County advising that, based upon previously submitted information, Ocean County had met its land acquisition obligation required by the MOA. On December 10, 2008, the staff issued a letter to Stafford Township requesting additional information to enable the staff to determine whether Stafford Township’s land acquisition obligation required by the MOA had been met. On December 22 and 24, 2008, the staff received LEED final review reports for two of the previously approved retail commercial uses within the Stafford Business Park (App. No. 1987-1159.041). Both of the submitted reports confirm that each retail use has obtained the 50% or more of the LEED credits from sustainable sites and water efficiency categories of the LEED program as required by the MOA. On January 16, 2009, the staff received information from Stafford Township attempting to demonstrate that Stafford Township’s land acquisition

obligation required by the MOA had been met. This information is currently under review. On January 27, 2009, the staff received a LEED final review report for one of the previously approved retail commercial uses within the Stafford Business Park (App. No. 1987-1159.036). The submitted report confirms that this retail use has obtained the 50% or more of the LEED credits from sustainable sites and water efficiency categories of the LEED program as required by the MOA. On February 10, 2009, the staff received a report detailing the growth progress of the previously transplanted populations of Knieskern's beaked rush and Little ladies' tresses authorized by the MOA (App. No. 1987-1159.032). This information is currently under review. In response to the Township's January 16, 2009 submission, on February 19, 2009, the staff advised the Township of additional information required to address the Township's land acquisition obligation required by the MOA. On February 24, 2009 the staff received information from Stafford Township to supplement previously submitted information attempting to demonstrate that Stafford Township's land acquisition obligation required by the MOA has been met. This information is currently under review. On February 20, 2009, the staff received a LEED final review report for another of the previously approved retail commercial uses within the Stafford Business Park (App. No. 1987-1159.038). That information is currently under review. On February 19 & 25, 2009 the staff received an application for public development and supplemental information from Stafford Township for the development of a 1,925 square foot vehicle wash-down facility associated with an existing public works garage in the Stafford Business Park (App. No. 1987-1159.045). This proposed development was not authorized by the MOA. The staff completed its review of the information submitted on February 10, 2009 detailing the growth progress of the previously transplanted populations of Knieskern's beaked rush and Little ladies' tresses authorized by the MOA (App. No. 1987-1159.032). The report indicates that the transplanted Knieskern's beaked rush did not emerge during the 2007 growing season apparently because they were dormant. The report also indicates that the success of the transplant of the Little ladies' tresses is still being evaluated. The Township's consultant will continue to monitor both plants in 2009. On March 4, 2009, the staff advised the Township's LEED consultant that the LEED final review report for one of the previously approved retail commercial buildings (Costco) within the Stafford Business Park confirms that this retail use has obtained 50% or more of the LEED credits from the sustainable sites and water efficiency categories of the LEED program as required by the MOA (App. No. 1987-1159.038). On March 5, 2009, the staff issued a letter to Stafford Township indicating that a proposed minor change to the building square footage of two previously approved retail pad sites within the Stafford Business Park did not raise an issue with the MOA. This proposed change would not increase the overall commercial square footage approved by the MOA (App. No. 1987-1159.041). On March 27, 2009, the staff issued a letter to Stafford Township confirming that the Township has met its open space land acquisition obligations under the MOA. On March 31, 2009, the staff received a LEED final review report for another of the previously approved retail commercial buildings (Best Buy) within the Stafford Business Park (App. No. 1987-1159.041). On April 1, 2009, the staff issued a letter requesting additional information to complete Stafford Township's public development application for the development of a 1,925 square foot vehicle wash-down facility associated with an existing public works garage in the Stafford Business Park (App. No. 1987-1159.045). This proposed development was not subject to the MOA. On April 2, 2009, the staff received a copy of the LEED certification for the Costco retail building. On April 9, 2009, the staff advised the Township's LEED consultant that the LEED final review report for the Best Buy building confirms that this retail use has obtained 50% or more of the LEED credits from the sustainable sites and water efficiency categories of the LEED program as required by the

MOA (App. No. 1987-1159.041). On April 20, 2009, the staff received additional information in response to its April 1, 2009 letter for the development of a 1,925 square foot municipal vehicle wash-down facility associated with an existing public works garage in the Stafford Business Park (App. No. 1987-1159.045). On May 1, 2009, the staff received an application proposing the co-location of six local wireless communication antennae on an existing communication tower and associated development on a lot within the Stafford Business Park (App. No. 1987-1159.046). Although located in the Business Park, this privately owned lot was not involved in the Stafford Business Park MOA. By letter of May 27, 2009, staff advised the applicant of the additional information necessary to complete the application. On May 13, 2009, the staff issued a Public Development Report recommending Commission approval of Stafford Township's application for the development of a 1,600 square foot municipal vehicle washdown building and associated development on a lot in the Stafford Business Park containing an existing public works facility (App. No. 1987-1159.045). Staff issued a Public Development Report on May 13, 2009 recommending approval at the June 12, 2009 Commission meeting. On June 12, 2009, the Commission approved Stafford Township's application for the development of a 1,600 square foot municipal vehicle washdown building and associated development on a lot in the Stafford Business Park containing an existing public works facility (App. No. 1987-1159.045). *No new action as of July 31, 2009.*

6. Baker Residential (a/k/a Hardings Run), Hamilton (App. No. 1981-0202.002): On August 24, 2007, the staff met with representatives of the applicant regarding the system. March 22, 2007, the staff met with an applicant for a residential development proposing 135 dwelling units. The application was approved by the municipality as a "Planned Residential development." The issue raised by the application is whether the project still qualifies as a "Planned Residential Development." By letter dated April 26, 2007, the applicant submitted additional information to the Commission to demonstrate that the zoning of the project was "vested" and the Municipal Land Use Law allows for an extension for a "planned development" after the expiration date of a prior municipal development approval. After review of that information, the Commission staff requested certain additional information and scheduled a Commission staff public hearing for August 17, 2007. That hearing has been continued to October 3, 2007. The hearing has again been continued to a date to be determined. By letter dated October 9, 2007, the applicant was provided a copy of the Commission staff's report which discusses the zoning issue raised by the proposed development. By letter dated October 16, 2007, the public hearing was continued to November 15, 2007. On November 2, 2007, the Commission staff met with representatives of the applicant to discuss the zoning issue, the resulting PDC obligation and potential resolution of the issue. By letter dated November 5, 2007, the applicant "informally" proposed various scenarios for the acquisition of PDC's to resolve the issue. In response, the staff confirmed that one of the PDC proposals contained in the November 5, 2007 letter appeared to resolve the substantial issue raised by the application. By letter dated November 14, 2007, the applicant requested that the hearing scheduled for November 15, 2007 be continued. By letter dated November 19, 2007, the hearing was rescheduled for December 19, 2007. By letter dated December 3, 2007, the applicant "formally" proposed the acquisition of a certain number of PDCs to resolve the zoning issue. That proposal is currently under review. By letter dated December 11, 2007, the applicant requested that the application be referred to the New Jersey Office of Administrative Law for a hearing. By letter dated December 20, 2007, the applicant requested that the matter not be transferred to the NJ OAL for a 30 day period. By letter dated December 28, 2007, the Commission staff advised that the matter would not be transferred to the NJ OAL until January 28, 2008. By letter dated January 8, 2008, the Commission staff

responded to the applicants' December 3, 2007 letter regarding the number of PDCs required to resolve the zoning issue. By letter dated January 10, 2008, the applicant again requested that the matter be referred to the New Jersey Office of Administrative Law for a hearing. By letter dated January 18, 2008, the applicant submitted additional information regarding the zoning issue directly to the Commission staff. By letter dated January 25, 2008, the applicant again asked that the staff not transfer the matter to the NJOAL. By letter dated January 29, 2008, the Commission advised that the matter would not be transferred to the NJOAL until February 15, 2008. By letter dated February 28, 2008, the applicant again requested that the matter not be referred to the NJ OAL until March 14, 2008. No further information has been received from the applicant. The application is being transferred to the NJ OAL. On April 10, 2008, the applicant submitted additional information and requested that the application not be forwarded to the NJ OAL until April 30, 2008. That information does not resolve the issue and the application is being forwarded to the NJ OAL for a hearing. The applicant has indicated that they propose to purchase PDCs and again requested that the matter not be referred to the NJ OAL. By letter dated August 8, 2008, the applicant confirmed that the applicant proposed to purchase PDCs to resolve the issue. By letter dated September 3, 2008, the applicant asked that the matter not be transferred to NJ OAL until October 31, 2008. By letter dated September 17, 2008, the Commission staff granted the requested extension of time for forwarding the application to NJ OAL. By letter dated October 29, 2008, the Commission staff indicated that the applicant's proposal appeared to address the residential density (PDC) issues raised by the application. That letter also detailed the steps necessary to resolve the matter. By letter dated January 13, 2009, the applicant provided suggested language to be incorporated in a revised municipal resolution of approval to address the PDC issue. That information is currently under review. By letter dated February 24, 2009, the applicant asked that the application not be transferred to NJOAL until May 29, 2009. *The applicant has since requested an extension until July 31, 2009 to transmit the case to NJ OAL.*

7. Oak Crest Estates-Phase 3B Hamilton Township (App. No.1981-0618.001): On May 8, 2008, Commission staff issued a letter scheduling a public hearing to review the issues raised by a final major subdivision and final site plan approval extension granted by the Hamilton Township Planning Board for the proposed development of 42 single family dwellings on a portion of an original 90 acre parcel. The application was approved by the municipality as a "Planned Unit Residential Development." Specifically, the issue raised by the application is whether the project still qualifies as a "Planned Unit Residential Development." The issues raised relate to whether the proposed development is consistent with the current zoning standards of the Hamilton Township land use ordinance and the CMP. The applicant subsequently requested two adjournments of the public hearing which is currently scheduled for December 10, 2008. On November 13, 2008, the staff met with the applicant and representatives of the applicant to discuss the above issues. On December 3, 2008, the applicant requested another adjournment of the public hearing which was scheduled for December 10, 2008. Following receipt of an adjournment request from the applicant's attorney, on January 6, 2009, the staff issued a letter rescheduling the public hearing for April 6, 2009. On March 20, 2009, the staff issued a letter to the applicant providing guidance and the staff's position regarding the outstanding issues surrounding the previously granted municipal approvals and the specific number of Pinelands Development Credits required for the proposed development. On April 1, 2009, the staff received a letter from the applicant's attorney requesting that the April 6, 2009 staff public hearing be adjourned and proposing acquisition of a certain number of PDCs to

resolve the issue. On April 6, 2009, the staff issued a letter rescheduling the staff public hearing for July 6, 2009. The PDC proposal remains under review.

8. Timber Glen-Phase V Hamilton Township (App. No. 1981-0852.001): On September 22, 2008, the staff issued a letter scheduling a public hearing on December 11, 2008 to review the issues raised by an extension of a final municipal approval for Phase V of Timber Glen. The application was approved by the municipality as a “Planned Unit Residential Development.” The issue raised by the application is whether the project still qualifies as a “Planned Unit Residential Development.” Specifically, the issue raised relate to whether the proposed development is consistent with the current zoning standards of the Hamilton Township land use ordinance and the CMP. The application proposes to construct 64 townhouse units. There is a question as to whether the approvals were properly granted/extended in accordance with the Municipal Land Use Law. On November 17, 2008, the staff met with representatives of the applicant to discuss the above issues. On November 25, 2008, the staff issued a letter to the applicant as a follow-up to that meeting and to provide further details and guidance regarding the above issues. On March 4, 2009, the staff met with the applicant’s representatives to discuss the residential density and PDC obligation issue. On March 13, 2009, the staff received a letter from the applicant requesting that the previously scheduled staff public hearing be adjourned and also a chronology of prior municipal approvals dating back to early 2000. On March 20, 2009, the staff met with the applicant’s representatives to discuss the residential density, PDC obligation and approval history. The staff indicated that a review of the entire project history back to early 1980 would be prepared by the Commission staff. That document is currently being prepared. The staff public hearing scheduled for June 23, 2009 was not held. *On July 24, 2009, the staff issued a letter to the applicant indicating the staff’s understanding of the approval history of the application. On July 27, 2009, the staff received a letter from the applicant’s attorney requesting that the June 23, 2009 staff public hearing be rescheduled.*

9. Atlantic City Expressway Widening (App. No. 1984-0644.015): On January 29, 2007, the Commission received an application for a wetlands Letter of Interpretation regarding the proposed addition of one west bound lane to the Expressway from approximately the Garden State Parkway to Route 73. In a meeting with the applicant, the applicant requested that the application be placed on hold until a section of wetlands was re-delineated. On December 14, 2007, the applicant submitted a threatened and endangered species habitat assessment for the project. The assessment identified potential T&E habitat and confirmed the presence of certain T&E species. By letter dated February 13, 2008, the staff advised the applicant of additional information necessary for the Commission to provide further guidance on the T&E issue. The Commission staff attended a June 12, 2008 meeting with the applicant and NJDEP. The NJDEP and the Pinelands Commission staff discussed the project with the applicant and application requirements for each agency, including stormwater requirements and threatened and endangered species requirements. On May 20 and May 22, 2009, staff received an application for the development of a third westbound lane. *On May, 27 and 29, 2009 and June 3, 15, 18 and 22, 2009, staff received additional information for the proposed third westbound lane. That information is currently under review. A meeting was held with the applicant on July 6, 2009. A site meeting was held with the applicant on July 13, 2009. On July 27, 2009, staff received additional information for the proposed third westbound lane. That information is currently under review. The Planning staff are compiling land status information on the areas around the interchanges in non-growth areas.*

10. Private Commercial/Recreation Complex, Hamilton Township: On March 29, 2007, the Commission received an application for the development of a 136 acre recreational complex in

the Hamilton Township Industrial Park. The complex includes a hotel and indoor recreational fields. By letter dated May 3, 2007, the staff advised the applicant of the information required, including a threatened and endangered species survey, to complete an application with the Commission. On July 19, 2007, staff received information from the applicant questioning why surrounding applicants were not required to address threatened and endangered species. On July 26, 2007, staff met with a Freeholder to discuss the threatened and endangered species issue. By letter dated September 5, 2007, the Commission staff responded to that letter. On September 20, 2007 the applicant submitted additional threatened and endangered species information. On September 24, 2007, the applicant submitted revised wetlands mapping. The information is currently under review. By letter dated November 28, 2007, the staff advised that, after further review, the number of threatened and endangered species of continuing concern had been reduced and that the wetlands mapping appeared to be accurate. The applicant submitted revised plans on January 28, 2008. By letter dated February 29, 2008, the Commission staff advised the applicant of the additional information necessary to complete the application. On March 6 and 11, 2008, the applicant submitted additional information. After review of that information, on March 13, 2008, the Commission staff issued a Certificate of Filing. In late May, the staff provided pre-application assistance to the applicant who was interested in acquiring an additional 150 acres for athletic fields. On April 22, 2008, the staff received information from the NJDEP indicating that the proposed development would not violate state ambient air quality standards for carbon monoxide. On May 30, 2008, the staff received the results of the required threatened and endangered species survey for this application. The results were negative for the concerned species. On June 24, 2008, the staff issued a letter to the applicant indicating that the proposed development appears to be consistent with the air quality and threatened and endangered species protection standards of the Hamilton Township land use ordinance and the CMP. The applicant is currently seeking local approvals for this project. *No new action as of July 31, 2009.*

11. Winzinger Mining Application, Woodland Township (App. No. 1980-0062.001): On February 13, 2007, the Commission received an application which proposes mining of a site in the Township. On April 13, 2007, the Commission responded by letter specifying the information necessary to complete the application. The Commission received a letter dated May 16, 2007 from the applicant's attorney raising certain questions about the information required to complete an application with the Commission, in particular the requirement to address threatened and endangered species. By letter dated June 4, 2007, the Commission staff responded regarding why certain information was required to complete the application. On April 14, 2008, the Commission staff received a letter from the applicant's attorney reiterating that, notwithstanding the amendment to the CMP regarding abandonment, his client had not "abandoned" the proposed mining use. By letter dated April 25, 2008, the staff responded indicating that the Commission staff would rely on the adopted regulations of the CMP in evaluating any issue that may arise regarding "abandonment" of a particular use. On May 1, 2008, the Commission staff received a letter from the applicant's attorney indicating that the applicant is pursuing the continuation of a mining application on the parcel and has no intent of abandoning the mining use. On June 5, 2008, the applicant submitted a threatened/endangered species survey protocol for this application. On June 18, 2008 the staff sent a letter to the applicant requesting modifications to the protocol prior to the survey being performed. Although no additional information has been submitted to the Commission, it is staff's understanding that the applicant is conducting threatened and endangered species survey work on the parcel. On January 7, 2009, Commission staff received a letter from the applicant's attorney indicating that a threatened and endangered species survey and a cultural resource survey had been completed on the lot, and that the reports

would be submitted to the Commission staff shortly. The attorney's letter also indicated that the applicant had not abandoned the proposed mining use. By letter dated January 12, 2009, staff advised the applicant of the information necessary to complete the application. *No new action as of July 31, 2009.*

12. Cape May County Landfill Expansion (App. No. 1981-0837.024): On July 25, 2007, we received an application proposing a 74 acre expansion of the landfill. Staff completed a site inspection and a review of the submitted information. On October 25, 2007, the staff sent a letter to the applicant identifying the information necessary to complete an application. On November 23, 2007, the applicant submitted additional information. Based upon review of that information, a meeting was held on December 20, 2007 to discuss the information necessary to complete the application. In particular, threatened and endangered species and stormwater standards were discussed. Pinelands Commission staff are developing recommendations for the CMCUA to address each of these issues. On February 29, 2008, the staff advised the CMCUA of the information necessary to address the threatened and endangered species issue and the recommended approach to addressing the stormwater standard. By letter dated March 17, 2008, the staff sent a letter describing how the threatened and endangered species standard could be addressed. By letter dated April 2, 2008, the staff advised how the stormwater management standard could be addressed. Staff is providing extensive assistance. A meeting was held on April 18, 2008 to review stormwater and most issues have now been resolved. The last threatened & endangered species work is scheduled for May. Coordinated review with DEP will be sought. Planning and Regulatory Programs staff met with Joe Skupien on May 12, 2008 to review stormwater infiltration requirements applicable to the landfill expansion and how soil covers will be treated. Staff is compiling information for the applicant's direction. Staff has indicated to the applicant that concurrent review with NJDEP is acceptable. On June 2, 2008, the Commission staff issued a Certificate of Filing for the proposed development. The Certificate of Filing enables the NJDEP to conduct a concurrent review of the application with the Commission. The application still requires a Commission Public Development Approval. On June 17, 2008, the Commission staff received a threatened and endangered species report from the applicant indicating that a threatened species, Red headed woodpecker, had been found on the parcel. On July 23, 2008, Commission staff met with Cape May County representatives to discuss the threatened and endangered species issues. The staff continues to discuss possible approaches to address the potential T&E issue. Science staff provided technical assistance to Planning staff with regard to Red-headed Woodpecker issues at the Cape May landfill. The Executive Director met with the applicant on September 3, 2008 to further discuss the T&E issue. Final Stormwater plans are being reviewed with the Commission's Stormwater consultant. At the request of CMCMUA, staff has reviewed the stormwater services RFP issued by CMCMUA and has responded to a number of technical questions from potential bidders. CMCMUA reports their intent to award the geotechnical services contract for stormwater and septic system soils work on or about November 4. A contract for geotechnical work was awarded by CMCMUA to Melick-Tully and Associates in late November. Staff reviewed an analysis of landfill cover runoff methodologies developed by Joe Skupien, PE which recognizes the ability of landfill cover soils to reduce stormwater runoff volume. Commission staff accepted one methodology outlined by Mr. Skupien and provided CMCMUA with Mr. Skupien's report and staff recommendations. On December 15, 2008, the applicant submitted additional information, including stormwater calculations and a site plan. By letter of December 22, 2008, staff advised the applicant of the additional information necessary to complete an application. On February 25, 2009, the applicant submitted additional information, including stormwater

calculations and a site plan. By letter dated April 13, 2009, staff advised the applicant of the additional information necessary to complete an application. On May 12, 2009, staff received additional information from the applicant, including stormwater calculations. Staff issued a Public Development Report on May 22, 2009 recommending approval at the June 12, 2009 Commission meeting. The public development application was approved by the Commission at the June 12, 2009 meeting. *NJDEP has issued its approval. Therefore, escrow funds to go to the Pinelands Conservation Fund have been released and the Executive Director will be making a recommendation on their proposed usage.*

13. Medford Township, Medford Walk (App. No. 1986-0473.006): On October 15, 2007, the staff received an application for a two lot subdivision and no further development of a 29 acre vacant lot. On November 15, 2007 the staff sent a letter to the applicant requesting additional information to complete the application. On January 28, 2008, the staff received notice of a subdivision approval granted by the Medford Township Planning Board for this lot. On January 31, 2008, the staff sent a letter to the applicant advising that the approval was void since the application filed with the Commission was not complete. On May 21, 2008, the staff received additional information from the applicant. On June 3, 2008, the staff met with the applicant to discuss the application requirements. On June 12, 2008, the staff sent a letter to the applicant advising that additional information was necessary to complete the application. On June 20, 2008, a conference call was held to discuss the June 12, 2008 letter. On June 25, 2008, the staff received additional information from the applicant. By letter of July 23, 2008, the staff requested additional information to complete the application and demonstrate consistency with wetland protection standards. On August 4, 2008, additional information was submitted to the Commission. By letter dated September 3, 2008, the Commission responded to the submitted information indicating that the applicant had not demonstrated that a proposed wetlands road crossing was consistent with wetland protection standards. On May 6, 2009, staff received a request from the applicant's consultant for any documented sitings of threatened and endangered species on or in the vicinity of the lot, based on Commission records. By letter of June 1, 2009, Commission staff provided information regarding Commission records for threatened and endangered species on or in the immediate vicinity of the lot. *No new action as of July 31, 2009.*

14. Grawtown, Jackson Township (App. No. 1983-5447.004): On April 29, 2004, the staff issued an Inconsistent Amended Certificate of Filing for a 416 lot subdivision and the development of 408 single family dwellings. The application was inconsistent with the water quality standards of the Jackson Township land use ordinance and the CMP because public sanitary sewer was not immediately available to service the proposed development. Prior to issuance of the Amended Certificate of Filing, the applicant performed two separate Northern Pine snake drift fence surveys on the parcel. Neither survey found any Northern Pine snakes onsite. In May 2005, the staff received information from a Jackson Township resident indicating that a Northern Pine snake was captured on a property adjacent to the subject parcel. Subsequent to receipt of that information, the applicant was required to perform additional Northern Pine snake work on the parcel. That work also did not find any Northern Pine snakes onsite. On February 26, 2008, the staff received notice of the Ocean County Planning Board approval of a 497 lot subdivision and the development of 493 single family dwellings on the parcel. On that same date, the staff also received notice of the Jackson Township Planning Board's denial of the application. On April 3, 2008, the staff sent a letter to the applicant advising that the county planning board's approval raised issues with the Jackson Township land use ordinance and the CMP and required that the approval be referred to the Office of Administrative Law (OAL) for a hearing. On April 14, 2008, the applicant requested an

extension of time for the approval to be referred to OAL. On April 17, 2008, the staff sent a letter to the applicant granting a time extension until July 16, 2008. A meeting was held with the applicant on July 2, 2008 to discuss a number of issues concerning the county planning board's approval, including those related to stormwater management and threatened/endangered species. On July 15, 2008, the applicant requested an extension of time for the approval to be referred to NJ OAL. By letter of July 18, 2008, the staff granted an extension of time until October 24, 2008 for the approval to be referred to NJ OAL. On July 21, July 31, and August 6, 2008, additional information was submitted to the Commission including revised stormwater management calculations and additional information regarding the threatened and endangered species issues. By letter dated August 13, 2008, the Commission staff requested additional information to demonstrate that the proposed development is consistent with the stormwater management standards. The information submitted on August 6, 2008 regarding threatened and endangered species is currently under review. Staff reviewed that information and determined that a hearing remained necessary on the threatened and endangered species issue. On November 6, 2008, the applicant submitted stormwater management reports and plans for review. That information is currently under review by Commission staff. On December 30, 2008, staff received a copy of Superior Court decision overturning Jackson Township's denial of the proposed development. By letter of January 6, 2009, staff advised the applicant of information required to demonstrate that the proposed development is consistent with stormwater management standards. On June 15, 2009, staff received notice that the Superior Court of New Jersey Law Division, Ocean County had ordered a Resolution of Approval for preliminary municipal approval of the proposed development. *By letter of June 30, 2009, staff requested additional information from the applicant necessary to review the court ordered municipal preliminary subdivision approval.*

15. Wheaton Mill Site, Hamilton Township (App. No. 1989-0546.008): On May 8, 9 and 21, 2007, the staff received an application and supplemental information requesting a staff review of the wetland buffer, threatened and endangered species, and cultural resource protection requirements pertaining to future proposed residential development on the parcel. The applicant contemplates the development of 180 dwelling units on the parcel. The parcel is the former Wheaton Mill site in Mays Landing. On June 29, 2007, the staff sent a letter to the applicant requesting additional information necessary for the staff to complete its review of the application, including submission of a cultural resource survey. Subsequent to issuance of the June 29, 2007 letter, a fire occurred on the parcel. By letter dated October 30, 2007, the applicant's attorney requested that the staff refrain from continuing its review until further notice. On December 11 & 12, 2007, the staff received additional information and a request to resume its review of the application. On January 7, 2008, the staff sent a letter to the applicant requesting that additional wetlands found onsite be flagged in the field and that the cultural resource survey be submitted. On January 30, 2008 the applicant's consultant and the staff met onsite to verify the wetlands flagging. On February 26, 2008, the staff received a wetlands delineation plan from the applicant. By letter dated March 28, 2008, the staff advised the applicant that the onsite wetlands mapping was accurate. On April 11 & 28, 2008 and May 15, 2008, the staff received the previously requested cultural resource survey information for this application. On May 20, 2008, the staff sent a letter to the applicant indicating that it is necessary for the survey report to be supplemented with the results of an archaeological field testing program for the staff to complete its review relative to the cultural resource protection requirements of this application. On June 13, 2008, the staff received information from the applicant requesting that the extent of the required archaeological field testing could be reduced.

On June 20, 2008 the staff archaeologist met with the applicant onsite to discuss this question. The applicant anticipates that two separate Pinelands applications will be pursued, one for the demolition of an unspecified number of fire damaged buildings greater than 50 years old and one for the redevelopment/rehabilitation of an unspecified number of remaining buildings, new buildings and associated site improvements. Consultation with SHPO and the Planning Office on impacts was held in late July. By letter of July 25, 2008, the staff provided the applicant with guidance as to how to proceed with the two applications and obtain Certificates of Filing for the proposed development. Impacts to the historic resource may necessitate design changes. On September 11, 2008, the applicant submitted an addendum to the previously submitted cultural resource survey pertaining to the proposed modifications to existing historic buildings on the parcel. A meeting was held in late October with the State Historic Preservation Office. By letter of October 20, 2008, Commission staff summarized the status of its review of the cultural resource issues associated with the application to date. That letter requested that the applicant refer to the Commission's July 25, 2008 letter for further information concerning the cultural resource survey archaeological testing requirements for the application. On October 24, 2008 the staff archaeologist met with the applicant and representatives of the New Jersey Historic Preservation Office to discuss consistency of the proposed development with applicable historic preservation standards. The staff is awaiting a written opinion from the New Jersey Historic Preservation Office regarding the proposed modifications to historic buildings. On December 12, 18, 19 and 26, 2008, the staff received information from the applicant for this application, including a December 11, 2008 opinion letter from the New Jersey Historic Preservation Office regarding the proposed modifications to historic buildings. On January 16, 2009, the staff received additional information from the applicant for this application regarding the proposed modifications to historic buildings. On March 16, 2009, the staff issued a letter to the applicant providing guidance and the staff's position regarding cultural resource management standards and the proposed demolition of certain buildings which were previously destroyed by fire and the rehabilitation of existing buildings to remain on the parcel. On March 6, 2009 and *April 3, 2009*, the staff received an application and supplemental information for the proposed demolition of the buildings which were previously destroyed by fire on the parcel. On April 9, 2009, the staff received a letter from the applicant's attorney requesting a meeting between the applicant, NJDEP and the staff to discuss agency approval coordination for the proposed redevelopment of the Wheaton Mill site (App. No. 1989-0546.008). This meeting is in the process of being scheduled. On April 24, 2009, the staff issued a Certificate of Filing for the proposed demolition of certain buildings on the parcel which were previously damaged/destroyed by fire (App. No. 1989-0546.011). On May 15, 2009, the staff received a letter from the applicant's attorney confirming a June 9, 2009 meeting between the applicant, NJDEP and Commission staff to discuss agency approval coordination for the proposed redevelopment of the Wheaton Mill site (App. No. 1989-0546.008). On June 9, 2009, a meeting between the applicant, NJDEP and Commission staff was held to discuss agency approval coordination for the proposed redevelopment of the Wheaton Mill site (App. No. 1989-0546.008). On June 18, 2009, the staff received a letter from the applicant's attorney summarizing the topics discussed at the June 9, 2009 meeting. On June 24, 2009, the staff issued a letter to the applicant's attorney indicating that the remaining two-thirds portion of the required application review fee must be submitted to enable the staff to continue with our review of the redevelopment application (App. No. 1989-0546.008). On June 9, 2009, the staff received a copy of a Certificate of Appropriateness issued by the Hamilton Township Planning Board authorizing the demolition of three of seven buildings on the Wheaton Mill site proposed to be demolished in the April 24, 2009 Certificate

of Filing (App. No. 1989-0546.011). On June 22, 2009, the staff received a copy of an Amended Certificate of Appropriateness issued by the Hamilton Township Planning Board authorizing the demolition of all [seven]of the buildings on the Wheaton Mill site proposed to be demolished in the April 24, 2009 Certificate of Filing (App. No. 1989-0546.011). *On July 7, 2009, the staff received additional information from the applicant enabling the staff to complete its review of the Amended Certificate of Appropriateness issued by the Hamilton Township Planning Board authorizing the demolition of seven of the buildings on the Wheaton Mill site. On July 7, 2009, the staff called up an Amended Certificate of Appropriateness for review and scheduled a staff public hearing on August 3, 2009. On July 15, 2009, the staff received a letter from the applicant's attorney requesting that the August 3, 2009 staff public hearing be adjourned. On July 29, 2009, the staff received cultural resource information from the applicant's consultant (recording information) attempting to resolve the cultural resource protection issue. That information is currently under review.*

16. Hamilton Mall, Application Fee Issue (App. No. 1985-0708.001): On July 11, 1985, the staff issued a Certificate of Filing for the development of the Mall. On October 22, 1985, the staff sent a letter to the applicant advising that the site plan approval granted by the Hamilton Township Planning Board for the development of a 1,340,000 square foot mall may take effect. While most of the Mall that was subject of that approval has been built, two stores that were approved have not been built. On February 8, 2005, the staff sent a letter to the applicant advising that a two year extension of final site plan approval for the two unbuilt stores could take effect. It appears that the extension expired on December 31, 2006. The staff has not received notice of any subsequent site plan extensions for those stores. By letter dated March 13, 2008, the applicant's attorney advised that his client proposes the development of a 130,415 square foot addition, containing 15 stores, to the front of the Mall and inquired whether the Certificate of Filing issued on July 11, 1985 could be utilized to appear before the Hamilton Township Planning Board and other agencies to seek necessary approvals and permits for the proposed addition. The applicant also wishes to reserve the right to develop the two approved, but not built, stores in the future. On May 1, 2008, the staff sent a letter to the applicant's attorney indicating that since the currently proposed addition to the Mall is significantly different than the development subject of the July 11, 1985 Certificate of Filing, that Certificate of Filing cannot be utilized for the currently proposed addition. As a result, a new application must be completed with the Commission for the currently proposed development. On June 25, 2008, the applicant's attorney met with staff requesting further clarification on the matter, particularly as it relates to application fees. On July 23, 2008, the staff received a letter from the applicant requesting that the Commission staff reconsider its determination that the July 11, 1985 Certificate of Filing cannot be utilized for the currently proposed addition. On September 19, 2008, the staff issued a letter to the applicant indicating that an application for the currently proposed addition was required and that the July 11, 1985 Certificate of Filing cannot be utilized for the currently proposed addition. 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). On December 12, 2008, the staff issued a letter to the applicant requesting additional information necessary to complete the application. *On June 29, 2009, a conference call between the staff and the applicant's representatives was conducted to discuss the requirements of our December 12, 2008 letter for Application No. 1985-0708.007. On July 9, 2009, the staff received information as a follow-up to the June 29, 2009 conference call. On July 23, 2009, the staff issued a letter to the applicant in response to that information.*

17. Egg Harbor Township Age-Restricted Housing (B.C. Thatcher Real Estate): On February 26, 2007, the staff issued an Inconsistent Certificate of Filing for the proposed development of a 208 unit age-restricted residential condominium complex and a 4,900 square foot clubhouse. The application was inconsistent with the stormwater management and groundwater quality standards of the Egg Harbor Township land use ordinance and the CMP. The Certificate of Filing also required the purchase and redemption of 17.25 Pinelands Development Credits (PDCs) for this project. On May 14, 2007, the staff received notice that the Egg Harbor Township Zoning Board of Adjustment granted a preliminary site plan approval for the project. On August 3, 2007, the staff received notice that the Atlantic County Department of Regional Planning and Development granted an approval for the project. On August 15, 2007, the staff sent a letter to the applicant requesting additional information concerning that approval. To date, the staff has not received the approval information requested in our May 30, 2007 and August 15, 2007 letters. On June 13, 2008, the staff received a letter from the applicant and a copy of an April 7, 2008 Egg Harbor Township Zoning Board of Adjustment resolution which issues an interpretation of the municipal land use ordinance regarding the requirement to purchase PDCs for this project. Specifically, the Township resolution finds that the applicant should be able to “reuse” 11.25 PDCs which were previously purchased and redeemed for the development of a commercial use (golf driving range) in a residential zone which has been built on the site. This information is currently under review. By letter dated July 29, 2008, the Commission staff indicated that the application continued to require the purchase and redemption of 17.25 PDCs. The applicant’s attorney sent a letter “appealing” the Commission staff’s decision and requested that the matter be forward to the NJOAL. By letter dated August 22, 2008, the Commission staff indicated that the matter could not be forwarded to NJOAL until any approvals or permits have been submitted to the Commission and the Commission staff determined whether any such approvals or permits raised substantial issues with the CMP. *No new action as of July 31, 2009.*

18. Ocean Acres Overlay Area (App. No. 1990-0788.015): On February 14, 2008, the Commission received a letter from the applicant questioning the Commission’s prior written determination that the results of the two year Northern pine snake survey in the Ocean Acres Overlay Area could not be considered under the terms of “Three Party Agreement” that required that all survey work be completed by September of 2006 because the survey work had been completed after that date. By letter dated June 30, 2008, the staff responded by indicating that the Agreement appeared to specify the timeframe the survey work must be completed and that it was the staff’s continuing opinion that the survey work was not in accordance with the timeframe. On July 14, 2008, the staff met with the applicant to discuss the matter. Based upon new information, the staff reconsidered its preliminary determination. On August 22, 2008, staff sent a letter to the Barnegat Township Administrator advising him of its determination that the additional survey work was completed in accordance with the requirements of the Three Party Agreement and providing the Township an opportunity to raise any concerns. On November 3, 2008, the Commission received a letter from the applicant requesting resolution of the survey review/rezoning process. On January 5, 2009, Commission staff sent a response identifying the public review process that will be followed in determining whether the Overlay Area constitutes critical habitat for Northern pine snake. On January 15, 2009, staff met with the applicant to discuss the public review process for the Northern pine snake survey. On March 4, 2009, the staff sent a request for comment to individuals with expertise in snake surveys requesting comments on the submitted Northern pine snake survey. On March 5, 2009 the Commission staff sent a letter to the applicant’s attorney which outlined the public review process for the

snake survey. Staff received additional comments from individuals with expertise in snake surveys, including an April 17, 2009 letter from NJ Division of Fish, Game and Wildlife. Staff received a letter dated April 21, 2009 from the developer's attorney, continuing to object to the public review process. By letter of April 28, 2009, staff responded to the April 17, 2009 letter from the Division of Fish and Wildlife indicating that, notwithstanding the statement in the survey submitted by the applicant, we believed that the previously approved residential development in Ocean Acres is consistent with the standards of the CMP. *On July 10, 2009, the staff issued its preliminary recommendation and posted it on the Commission's website. The staff also provided notice of the preliminary recommendation to residents in the vicinity and other interested parties.*

19. Ancora Landfills (App. No. 1981-0656.010): Commission staff has provided assistance to Department of Human Services regarding capping of landfills. Such assistance includes coordination with NJDEP and providing copies of prior NJDEP required landfill groundwater monitoring data contained in Commission files to Human Services. As part of the application for a sewer extension which is subject of a Commission Public Development Application, the Department of Human Services has provided a schedule for the capping of the landfills. *No new action as of July 31, 2009.*

20. 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 Winslow Township Wildlife Management Area. An impermeable cap is proposed. The applicant submitted stormwater management information on February 17 and 19, 2009 and March 13, 2009. Staff issued a letter requesting additional stormwater management information on April 30, 2009. Staff attended a meeting with NJDEP and Winslow Township officials on May 28, 2009 to discuss the use of an alternative capping method for the landfill. See landfill capping/closure initiative earlier for more details. *On July 21, 2009, the applicant submitted a habitat analysis for the landfill and surrounding area. That information is currently under review. A meeting is scheduled for August 4, 2009 with NJDEP staff and Township officials to discuss the application.*

21. Stagecoach Stop, Medford Township (App. No. 2007-0263.003): On February 3, 2009, the Commission received an application for the demolition and reconstruction of a fire damaged commercial building in Medford Township's locally designated historic district. The existing building appeared to be a historic structure (resource). On February 23, 2009, a Certificate of Filing was issued for the proposed demolition/reconstruction noting the need for a Certificate of Appropriateness from the Township to address the treatment of the historic structure. On May 4 and May 13, 2009, staff received a copy of a Medford Township Planning Board Resolution, including a Certificate of Appropriateness, and supplemental reports/plans for the proposed development. By letter of May 28, 2009, staff indicated that the Township Planning Board Resolution/Certificate of Appropriateness raised issues with regard to the standards of the CMP. Specifically, the Certificate of Appropriateness granted by the Township identifies the appropriate treatment for the historic structure as recordation and information had not been submitted to the Commission demonstrating that recordation had occurred. On June 22, 2009, staff received a copy of a recordation report for the concerned historic structure. *By letter of July 16, 2009, staff indicated that the municipal approvals and Certificate of Appropriateness could take effect.*

22. Residential Development, Egg Harbor Township (App. No. 1982-3304.003): This application involves a 155 acre parcel in Egg Harbor Township proposed for residential

development. The applicant completed threatened and endangered field surveys and found Barred owls on the parcel. No engineering work has been submitted to the Commission staff. By letter dated February 27, 2009, Commission staff indicated that the information submitted to date has not demonstrated whether a proposed 17 acre development envelope is critical Barred owl habitat. In addition, the parcel is currently under review by the Commission staff for a possible recommended management area change from Regional Growth to Forest Management Area. On May 1, 2009 staff received information from the applicant's lawyer requesting that the Executive Director reconsider the proposed management area change for the parcel and providing an analysis of the development potential of the parcel. On May 18, 2009, staff provided a memo addressing the issues raised by the applicant's attorney and a copy of the attorney's letter to Commission members regarding the potential management area change.

23. Ethanol plant, Borough of Woodbine (App. No. 2007-0353.001): A pre-application meeting was held on October 11, 2007 regarding the development of an ethanol plant on the site of the Borough's existing landfill. The applicant is proposing closure of the existing landfills as part of the application. Information regarding a threatened and endangered species survey protocol was received on February 5, 2008. Correspondence was exchanged between applicant and the Commission staff regarding modifications to the threatened and endangered species survey protocol. On May 13, 2008, the applicant submitted an application for full review of proposed development. Correspondence continued to occur between applicant and Commission staff regarding threatened and endangered species review and the submitted application. On December 5, 2008, the applicant submitted the results of the threatened and endangered species survey. By letter dated January 14, 2009, an incomplete letter was issued requesting additional information to review the threatened and endangered species survey. Additional information was received February 26, 2009 regarding threatened and endangered species and is currently under review. Staff issued a letter on April 16, 2009 requesting additional information to review the threatened and endangered species survey and to complete a development application. On April 29, 2009, staff received a letter from the applicant requesting that staff permit the NJDEP to review any application pertaining to the proposed development, including an expansion of the sanitary sewer service area and remediation of the existing landfill onsite. On June 4, 2009, staff issued a letter to the applicant advising that the NJDEP was authorized to review and act on approvals for the concerned development. The letter advised that any approval issued by the NJDEP regarding the project, must be expressly conditioned upon the applicant receiving an approval from the Pinelands Commission and upon the applicant satisfying any conditions imposed by the Commission and that any NJDEP approval must also expressly provide that no development may commence until and unless the Pinelands Commission has granted an approval for the proposed development. The Borough has requested a letter of support for a WQMP amendment to sewer the site, which was supplied on June 4, 2009. On June 29, 2009, staff received additional information from the applicant. *By letter dated July 13, 2009, staff requested a site meeting to review the wetland delineation. Additional information regarding threatened and endangered species was received from the applicant on July 13, 2009. That information is currently under review.*

24. Eastern Concrete mining application, Barnegat Township (App. No. 1980-0061.001): A meeting was held on August 27, 2008 with the applicant regarding the expansion of the existing resource extraction operation and the documented presence of Northern pine snake on the parcel. The Commission staff recommended that additional survey work for Northern pine snake be completed on the site. The applicant completed the additional survey work and located an additional Northern pine snake and the potential location of hibernacula adjacent to the mining

area. The Commission staff issued a letter on January 15, 2009 indicating that the site may be critical habitat for Northern pine snake and that the applicant would need to complete additional survey work to demonstrate whether the areas proposed to be mined constitutes critical habitat or that the applicant could prepare an overall management plan for the parcel which would provide sufficient protection of critical habitat for any local populations of Northern pine snake. Staff met with the applicant on March 20, 2009 and discussed alternatives for the applicant to address T/E standards. The applicant indicated that they would be providing additional information to the Commission. On April 9, 2009, staff received additional information from the applicant regarding a T/E management plan. The Commission staff issued a letter on May 28, 2009 requesting a plan showing all areas proposed to be deed restricted. On June 9, 2009, staff received additional information regarding the threatened and endangered species management plan. *By letter of August 3, 200, staff requested a plan eliminating the relocated sand plant and clarifying that any proposed deed restriction would need to be permanent.*

25. Burlington County Route 530 (App. No. 1997-0585.002): *Staff met with the applicant on July 30, 2009 to discuss feasible alternatives to proposed road improvements on lands subject to a PDC deed restriction. Commission staff arranged for an NJDOT engineer to review the proposed road design and to assist in determining whether feasible alternatives exist.*

C. OFFICE OF ADMINISTRATIVE LAW MATTERS

1. Monthly activity: 0

2. Pending OAL matters:

a. D.D. Residential Limited Partnership (Hamilton): Involves the review of an amended final site plan approval and planned unit residential development for Phases IV and V of an overall development project with over a twenty five year municipal approval history. The applicant has requested an administrative hearing regarding the Commission's determination to review the local approval with respect to the proposed development's conformance with the Comprehensive Management Plan. The matter has been transmitted to the Office of Administrative Law in order to initiate the administrative hearing process. A prehearing conference was conducted on July 10, 2008. A scheduling order has been entered by the Administrative Law Judge. The Commission's DAG provided responses to the Petitioner's discovery requests on December 23, 2009 and has requested an extension of the date by which the Commission must file its Summary Decision motion until January 9, 2009. A motion seeking Summary Decision motion and supporting brief were filed in this case on January 9, 2009. The Commission's brief in opposition to the Petitioner's motion for summary decision was filed on March 5, 2009 and its reply brief was filed on April 1. Oral argument on the cross motions for summary decision was conducted before Administrative Law Judge Gorman on April 20, 2009. At the conclusion of oral argument the ALJ asked that the parties submit briefs regarding the legal implications of N.J.S.A. 40:55D-52(c) which are due on June 1 and set a deadline of June 15 for the submission of short reply briefs. The Commission's brief addressing the Judge's legal inquiry and its reply brief were filed on June 1 and 3, 2009, respectively. *A hearing date has been set for September 30, 2009.*

D. VIOLATIONS

1. **Monthly activity:** *8 reports received; 20 violation letters sent; 1 case resolved.*

2. **Notable violations:**

a. Mt. Misery dam, Pemberton (App. No. 1985-0473.008): Improvements to Mt. Misery dam made without application. Application completed with Commission and a Certificate of Filing was issued on February 11, 2004. Staff is awaiting information from applicant to process necessary Freshwater Wetlands General Permit. Applicant sent letter to NJDEP on October 11, 2004 regarding necessary dam safety permit. On November 30, 2004, Commission staff verified that the dam safety permit is still under review by NJDEP. The Commission staff is still awaiting issuance of the dam safety permit to determine that the Freshwater Wetlands General Permit application is complete. As of July 1, 2008, NJDEP advised that they issued a letter on June 22, 2007 requesting information by September 30, 2007. To date NJDEP has received no response. A NJDEP Dam safety permit has not been issued to date. The Commission staff cannot issue a wetlands GP until NJDEP Dam Safety issues a dam permit. *No new action as of July 31, 2009.*

b. Frog Rock, Hammonton (App. No. 1989-0931.001): Concerns continue to exist about the owner's adherence to the terms of a consent decree, specifically as it relates to reporting results of water quality monitoring. Staff is currently reviewing water quality monitoring information submitted by the applicant. On August 1, 2005, we sent a letter advising the applicant of the requirement to submit golf course water quality information on a continuing basis. As of October 2007, the Commission has received some monitoring information. On December 19, 2007, the staff met with the applicant regarding several applications. The need to submit all golf course groundwater monitoring information prior to completing any other development applications on the parcel was reinforced with the applicant. On April 6, 2009, the Commission staff issued a letter to the applicant advising of the information necessary to bring the required groundwater monitoring program for the golf course into compliance with the judicial Consent Agreement. *No new action as of July 31, 2009.*

c. Recharge basins, Hammonton. *See section I.C.6.*

d. Motocross track, Lacey (App. No. 1987-0010.002): On August 8, 2005, the staff met with a property owner regarding several potential violations on a parcel, including a longstanding motocross track. On September 28, 2005, the staff issued a letter to the individual indicating the information necessary to resolve the violations. The Commission staff received an application to resolve the violation on January 24, 2006. On June 30, 2006, the staff met with the applicant to discuss resolution of the multiple violations on the parcel. On August 30, 2006, a joint meeting was held with the applicant, representatives of the Township and the Commission staff. The purpose of the meeting was to discuss resolution of all of the outstanding violations on the parcel. After coordination with municipal officials, by letter dated November 27, 2006, the staff detailed the course of action in a letter to the applicant. A meeting was held on August 3, 2007 with the applicant to further discuss the issues. On August 26, 2007, a meeting was held with the applicant to discuss the matter. A site inspection was conducted December 19, 2007 in response to a December 11, 2007 request from the applicant. At a March 24, 2008 meeting, the staff discussed with the applicant the information necessary to

complete the application. On May 8, 2008, the applicant submitted an application for an allocation of PDCs to the parcel. On June 25, 2008, the staff issued Letter of Interpretation #1988 allocating 0.50 PDCs to the parcel. In response to a September 9, 2008 letter from the applicant, Commission staff sent a September 26, 2008 letter stating that certain proposed activities proposed to occur on the parcel such as the sale of pumpkins for Halloween, due to their limited scope, did not require an application to the Commission. On October 27, 2008, the Commission staff issued a Certificate of Filing for the development of two single family dwellings and the establishment of a commercial equestrian use, including a 18,864 square foot building, on the lot. As part of the application, the applicant also proposed to restore clearing that occurred within wetlands and wetland buffers and to establish a motocross track on the lot. In December 2008, an application was made to Lacey Twp. for the proposed future residences, agricultural commercial development and violation restoration and the Twp. determined that the application was incomplete because it did not include an application for a subdivision. On February 26, 2009, the applicant submitted draft open space deed restrictions to the Commission for review. On April 6, 2009, staff received notice of a pending septic permit for the proposed development. On April 14, 2009, staff advised that PDCs allocated to the parcel must be severed and certain other applicant proposed deed restrictions must be recorded prior to Commission issuance of a letter indicating that the septic permit can take effect. Staff issued a letter on April 22, 2009 commenting on the draft deed restriction. On May 21 and 22, 2009, the applicant submitted a request to adjourn the public hearing scheduled for June 11, 2009. By letter of June 16, 2009, staff rescheduled the public hearing for September 16, 2009 and indicated that the pending septic permit continued to raise issues with respect to the standards of the CMP.

e. Wetlands filling, Medford Township (App. No. 1985-0604.001): The staff is coordinating the resolution of a wetlands filling violation in the Township. The filling violation concerns the development of a driveway in wetlands and wetlands buffer. The dwelling was subject of a Commission waiver of strict compliance. The waiver specified the location of the drive. The property owner re-oriented the layout of the proposed dwelling and significantly expanded the proposed driveway into wetlands. The property owner has applied for an amended waiver of strict compliance. In May, 2007, the staff issued a letter specifying the information necessary to complete such an application. On July 10, 2007, we met with the applicant to discuss the matter. On October 31, 2007, the staff met with representatives of the Township and the applicant to discuss resolution of the matter. A tentative resolution was agreed upon. The concerned individual must consider the suggested resolution and return to municipal court to advise the Judge regarding status. *No new action as of July 31, 2009.*

f. Clearing and filling, Mullica Township: On July 3, 2007, the staff appeared in Municipal Court in support of the Township on two separate municipal violation issues. The individuals were found guilty of the violations, fined and ordered to resolve the violations. One clearing and filling violation has been resolved and restored. The staff sent a letter to the property owner regarding the second violation on March 5, 2008. Staff sent additional letters on March 12 and April 1, 2009 regarding the violation. On April 14, 2009, the applicant submitted additional information. By letter of May 15, 2009, staff advised the applicant of the additional information necessary to complete an application and address the violation. *No new action as of July 31, 2009.*

g. Potential clearing of wetlands and required buffers to wetlands, Franklin Township (App. No. 1983-9052.012): After consultation with Township officials, by letter dated July 9, 2007, the Commission advised a property owner of a potential clearing and wetlands violation. In response to multiple submissions on behalf of the concerned parties, the Commission staff issued a letter regarding this matter on October 26, 2007. That letter indicated that although certain agricultural activities do not require application to the Commission, those activities must still meet applicable wetlands protection standards. By letter dated November 16, 2007, the attorney for the concerned individuals raised certain questions regarding applicable wetlands regulations. A field meeting has been scheduled for January 17, 2008 and an office meeting for January 22, 2007 to review the matter. Representatives of the concerned individuals, the Township, the NJDEP and the Commission staff will attend the meetings. The concerned parties attended the January 17, 2008 field meeting and a meeting was held in the Commission office on January 22, 2008 to review the matter. The regulatory issues raised by the activity were identified and a discussion was held regarding resolution of the issues. The concerned parties will be advising the staff as to their course of action. By letter dated February 21, 2008, the concerned parties advised the Commission staff of their proposal to address the violations. By letter dated April 17, 2008, the Commission staff responded to the applicant's representative indicating that some of the alleged violations had been resolved but that wetlands clearing remains an issue. On May 29, 2008, the concerned individuals submitted additional information to the Commission staff. On June 4, 2008, the concerned individuals submitted additional information to the staff. By letter of July 23, 2008, the staff advised the concerned individuals of the additional information necessary to resolve the remaining violations on the parcel. On August 29, 2008, Commission staff received a letter from the applicant's attorney indicating that more time was needed to gather the information requested in our July 23, 2008 letter. The applicant submitted additional information on October 21, 2008. By letter dated December 3, 2008, the Commission staff responded to the submitted information. The Commission staff letter indicated that the applicant had demonstrated a portion of the concerned cleared areas had been historically used for agriculture. The letter also indicated that other portions of the cleared areas, including wetlands, must be restored. On January 14, 2009, staff received a letter from the applicant's attorney stating that they are working on getting a response to the staff. On March 13, 2009, staff received a restoration plan proposing to restore certain cleared areas. A review of the restoration plan by staff indicated that several changes need to be made to address the violation. Staff discussed the requisite changes via telephone discussion with the applicant's engineer. On April 13, 2009, staff received a letter from the applicant's agent asking for a 30 day extension to revise the restoration plan. On May 8, 2009, staff received a letter from the applicant's agent asking for an additional extension to revise the restoration plan. On May 26, 2009, staff issued a letter to the applicant granting the extension and suggesting that they contact staff if further clarification of the areas subject of the restoration was needed. *No new action as of July 31, 2009.*

h. Clearing Violation, Little Egg Harbor Township (App. No. 1980-0054.001): On April 2, 2008, the staff met with representatives of Phoenix Pinelands Corporation, regarding an approximate 60 acre clearing violation. On April 11, 2008, the staff met with the applicant and reached an agreement regarding resolution of the violation and a modified approach to pursue an application for continued mining on the parcel. On April

24, 28 & 30, 2008, the staff received additional information from the applicant to address the violation and complete the application for continued mining on a portion of the parcel that did not involve the clearing violation. On May 5, 2008, the staff issued a Certificate of Filing for the continuation of mining on a portion of the parcel that did not include the area of the clearing violation. With respect to the area of the clearing violation, on May 19, 2008, the staff sent a letter to the applicant's consultant indicating that the staff was in agreement with the applicant's proposed spring and fall 2008 threatened and endangered species survey protocols. On September 11 and October 6, 2008, Commission staff received the results of the spring threatened and endangered species survey. By letter of November 7, 2008, Commission staff accepted the results of the spring threatened and endangered species survey. On November 17, 2008, the applicant submitted the results of the fall threatened and endangered species survey. By letter of December 17, 2008, staff accepted the results of the fall threatened and endangered species survey. On February 10, 2009, the applicant submitted an approval from Little Egg Harbor Township for the continuation of a resource extraction operation. That approval included the area of the parcel subject of the previously issued Certificate of Filing and the area of the clearing violation. On February 24, 2009, the Commission issued a letter scheduling a public hearing to review whether the proposed Township mining approval will result in an irreversible adverse impact on the survival of the local population of a threatened/endangered plant species. This issue is raised because the limits of the proposed mining in relation to the site of the identified threatened/endangered plant species was unclear. On May 11 and May 18, 2009, staff received a copy of a revised Township approval for the continuation of a resource extraction operation on the parcel. On June 15, 2009, staff received a letter from the Township engineer clarifying which plan sheets and revision dates were reviewed by the engineer. *On July 15, 2009, staff issued a letter indicating that the Township mining approval could take effect.*

i. Development without Application: Plumsted Township (App. No. 1985-0035.008): A meeting was held on April 2, 2008 to discuss development at New Egypt Raceway that occurred without application to the Commission. At the meeting, the applicant was advised of the steps necessary to resolve the violation. If the Township is supportive, those steps may involve a rezoning of a small portion of the parcel. By letter of June 2, 2008, Commission staff provided comments to Plumsted Township's proposal to alter the zoning boundaries of the New Egypt Speedway. By letter of October 1, 2008, Commission staff indicated that it had been notified that an amended site plan approval had been received for the development on the parcel and that to proceed with the development, an application must be completed with the Commission. On January 29, 2009, the applicant submitted information to the Commission to address the violation. That information is currently under review. Commission certification of a rezoning to address a portion of the proposed development is scheduled for consideration at the March 13, 2009 Commission meeting. On March 13, 2009, the Commission approved rezoning of the portion of the site which was located in Plumsted Township's FA zoning district to Plumsted's RD zoning district, making the established track a permitted use throughout the parcel. On March 18, 2009, the Commission staff issued a letter regarding site improvements made without application and indicating that the submitted stormwater management plan (January 2009) did not address the existing site improvements and increased use of the site. *No new action as of July 31, 2009.*

j. Single Family Dwelling, Mullica (App. No. 1981-0118.002): On September 30, 1999, the staff advised the applicant by letter that the construction of a structure (garage) accessory to two existing single family dwellings did not require the completion of an application with the Commission. On June 12, 1991, the staff received a report of the filling of wetlands on this parcel. On July 23, 2001, the staff sent a letter to the property owner advising of this violation of the wetlands protection standards of the Mullica Township land use ordinance and the CMP. On September 19, 2003 the staff received a copy of a Notice of Violation issued to the property owner by the New Jersey Department of Environmental Protection regarding the filling of approximately 0.50 acres of freshwater wetlands and the piping of a stream located in front of the existing dwellings on the parcel. On July 3, 2007, the staff received another violation report that a garage was under construction within the portion of the parcel where the wetlands were previously filled. On July 18, 2007, the staff sent a letter to the property owner again advising of the violation and deferred this matter to the NJDEP for enforcement. On December 12, 2007, the NJDEP issued a Notice of Violation to the property owner. On February 2, 2008 and March 5, 2008, staff received information from the property owner attempting to address the violation. On March 24, 2008, the staff received a copy of a NJDEP Administrative Order and Notice of Civil Administrative Penalty Assessment for this parcel. On May 27, 2008, the staff sent a letter to the property owner indicating that since this matter is now subject of a NJDEP Notice of Violation proceeding, they should direct all further correspondence and communications to NJDEP. On June 11, 2008, the staff received a copy of an application packet submitted to the NJDEP for a Freshwater Wetlands General Permit authorization for the concerned filled area. By letter of June 30, 2008, the staff advised NJDEP that any permit issued by the NJDEP must be consistent with the CMP. Specifically, NJDEP issuance of any wetlands permit authorizing fill in wetlands, the piping of a stream and the construction of a garage accessory to the existing single family dwelling within filled wetlands would be inconsistent with the wetlands protection standards of the CMP. On May 26, 2009, staff received a copy of an NJDEP denial for the General Permit application to permit the filling of wetlands for the garage and the piping of a stream. Commission staff will schedule a meeting to discuss the violation with NJDEP staff. *No new action as of July 31, 2009.*

k. Campground, Buena Vista Township: On June 4, 2007, the staff received an application for a two lot subdivision and no further development on the parcel. On June 25, 2007, the staff sent a letter to the applicant requesting additional information to complete the application. On June 29, 2007 and July 2, 2007, the staff received additional information from the applicant. On August 9, 2007 and October 9, 2007, the staff sent a letter to the applicant indicating that since the existing campground is served by an onsite septic system, and the campground currently exceeds the groundwater quality standard of 2ppm nitrogen concentration at the property line of the parcel, the proposed subdivision is inconsistent with the groundwater quality (septic dilution) standards of the Buena Vista Township land use ordinance and the CMP. On October 11, 2007, the staff received a letter from the applicant's attorney. On November 28, 2007, the staff sent a letter to the applicant's attorney advising that the proposed subdivision is inconsistent with the CMP and that no further development of the parcel is permitted. By letters of January 28, 2008 and June 10, 2008, the staff advised the property owner that the development of a building, parking area and certain site improvements on a contiguous parcel without

application to the Commission and clearing/filling in wetlands and wetland buffers on that parcel constituted violations of the Township land use ordinance and the CMP. On July 9, 2008, a meeting was held between Commission staff and the property owner to discuss the matter. Additional information was received from the applicant on July 15, 2008 regarding the matter. On August 15, 2008, the Commission staff issued a Certificate of Filing for the proposed two lot subdivision and no further development. The Certificate of Filing indicated that the proposed subdivision was inconsistent with groundwater quality (septic dilution) standards of the Buena Vista Township land use ordinance and the CMP. *No new action as of July 31, 2009.*

l. Commercial Development, Maurice River Township (App. No. 1991-1011.001 & .002): By letter dated November 3, 2008, the Commission staff advised the applicant of existing violations on the lot, including vegetation clearing and construction of buildings without application to the Commission. A meeting was held with staff, the Township Zoning Officer and the applicant on December 10, 2008. By letter of March 5, 2009 the Commission staff advised the applicant of the additional information necessary to complete the application and resolve the violations. A response from the applicant was received March 20, 2009. After review of the submitted information, staff sent a letter on April 24, 2009 requesting additional information. On June 17, 2009, staff sent a letter reminding the applicant to submit the requested information. On June 17 and 23, 2009, staff received information from the applicant. *It is under review.*

m. Shooting Range, Lacey Township (App. No. 1982-3059.002): On November 17, 2008, staff received a report that Lacey Township had relocated and expanded an existing shooting range without application to the Commission. A violation letter was issued on January 5, 2009. On February 9, 2009, a meeting was held with Lacey Township officials regarding the situation. A meeting was held on March 19, 2009 to further discuss resolution of the violation. At that meeting a map delineating wetlands was submitted to the Commission. A site meeting was held on March 31, 2009 to review the submitted wetlands delineation. The staff is currently preparing a letter to identify the “after the fact” application requirements. *By letter of July 7, 2009, staff requested information to complete an application and resolve the violation. A letter was received on July 22, 2009 from Lacey Township requesting a meeting. A meeting has been scheduled with Township officials for August 18, 2009.*

n. Hammonton Board of Education (App. No. 1988-1286.002 & 003): On August 11, 2000, the Commission approved a 25,050 square foot addition, 42 vehicle parking area and associated development to an existing elementary school. On September 23, 2008, the staff had a pre-application meeting with BOE consultants regarding proposed additional development on the lot. By letter dated October 22, 2008, the staff advised the BOE that the previously approved development was not constructed as approved on August 11, 2000 and that an amended application was needed to be completed with the Pinelands Commission for development that occurred. The Commission previously approved a 25,050 square foot school addition but a 40,000 square foot addition and a 115 vehicle parking area was developed. On February 9, 2009, the Commission received an application for additional development at the elementary school (unrelated to addition that was not constructed as approved). The Commission staff issued a letter on February 23, 2009 advising the applicant of the additional information required to complete that application and also the information necessary to resolve the violation. On April 1, 2009, the staff will meet with the BOE to discuss the information required to complete an

application for the violation. Staff received additional information from the applicant on April 13 and April 15, 2009 indicating that an application would be submitted for the approximate 40,000 square foot addition and a 115 car parking lot subject of the violation (App. No. 1988-1282.002). Staff issued a Public Development Report on April 20, 2009 recommending approval of the additional development proposed at the elementary school (unrelated to the violation development) at the May 8, 2009 Commission meeting. The staff Report contains a condition requiring that an amended application be submitted to the Commission for the development subject of the violation by May 15, 2009 and completed by July 15, 2009. Any necessary improvements to resolve the violation must be constructed within 120 days of Commission approval of amended application. The application for the additional development proposed at the elementary school (unrelated to the violation development) was approved at the May 8, 2009 Commission meeting. An application and additional information was received May 15, 22, and 26, 2009 for an amended approval for the development subject of the existing violation. By letter of May 28, 2009, staff indicated that an application fee must be paid to proceed with the application. An application fee was received June 22, 2009. *By letter dated July 23, 2009, staff requested additional information to complete the application.*

o. Junkyard, Manchester (App. No. 2002-0256.001): On March 23, 2009, staff met with Manchester Township officials regarding the existing violation. At the meeting, the Commission staff agreed to try to reach out to various agencies (DEP, county) to pursue this upland junkyard violation which has been outstanding since 2004. Commission staff contacted NJDEP, Bureau of Solid Waste Enforcement, who indicated they sent the property owner a Notice of Violation. On May 4, 2009 staff met with various officials (Manchester Township, Ocean County) regarding the violation. Progress is being made and half of the vehicles/junk appears to have been removed. *No new action as of July 31, 2009.*

p. Commercial development, Hamilton Township (Application No. 1987-0973.001, .002 & .004): By letter dated October 14, 2008 the staff advised the applicant that there were existing violations that required applications to be submitted to the Commission. A pre-application conference was held on April 1, 2009 with the applicant, lawyer and consulting staff regarding the violations. *No new action as of July 31, 2009.*

q. Commercial development, Waterford Township (App. No. 1987-1138.002): On January 26, 2009, the staff issued a letter regarding a commercial use and clearing violation on this parcel. On March 25, 2009, the staff met with representatives of the Township, including the Mayor, and the individual responsible for the violation to discuss resolution of the violation. The Commission and the Township will be issuing a joint letter providing guidance to resolve the violation. The Commission issued a letter to the Township on April 19, 2009 and a letter to the property owners on April 22, 2009 discussing how the property owner may resolve the violation. A municipal court hearing is scheduled for July 30, 2009 regarding the violation. *Staff attended the court hearing. The owner was given two weeks to file the necessary applications.*

E. OTHER NON-APPLICATION REGULATORY PROGRAMS ITEMS

1. Guidance Document for CMP stormwater management rules: Staff is modifying the document prepared for the Stormwater Management Seminar for distribution to municipalities to

administer. A final draft has been prepared and distributed to Commission staff for comments prior to distribution to municipalities. Staff is finalizing revisions to the document and preparing to distribute the document to municipalities/counties. Staff has developed a draft guidance document on the use of replacement soil below stormwater infiltration BMPs. The draft will be reviewed by Executive Staff and the Pinelands Stormwater Management Advisory Committee before release to facility designers. A draft copy of the soil replacement guidance document is now ready to be distributed to the Pinelands Stormwater Management Advisory Committee for technical review. On June 29, 2009, the guidance document was mailed to all municipal engineers, planning board engineers and zoning board engineers in the Pinelands. *On July 30, 2009, staff emailed all engineers who had been invited to the October 15, 2008 seminar for engineers advising them that an updated guidance document was available on the Commission's website.*

2. Local Review Officer Program Report: Staff has completed the report. It was presented to the P&G Committee on April 27, 2009. Staff reviewed the report with the Pinelands Municipal Council at its May 27, 2009 meeting. *At the suggestion of the Municipal Council, the report was provided to all Mayors with a LRO Program for comment.*

3. Hamilton Stormwater Basins: 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 were causing downstream flooding of nearby roads and streams. The staff had sent a letter to the Township September 7, 2007 asking for a meeting with the Township to discuss steps that may be taken to address measures that may be taken to remedy these problems. A meeting was held on October 31, 2008 with the Township officials and Fred Akers of the Great Egg Harbor Watershed Assoc. to discuss options to remedy these basins. At that meeting, the attendees prioritized the failing stormwater basins and agreed upon a course of action to systematically address the basins through a variety of approaches. To date, the Township has approved a plan proposing the remediation of an existing basin (location one) at an existing shopping center. Site investigation is occurring to correct stormwater basin problems at a second and third shopping center location. We are awaiting municipal signoff on a revised site plan, which includes the remediation of an existing basin at an existing shopping center (location one). This will enable the staff to issue a letter of no further review on the previously granted municipal approval. We are also awaiting municipal signoff on a revised site plan for the modification of existing basins serving an existing residential subdivision. This will enable staff to issue a letter of no further review on the previously granted municipal approval. On May 5, 2009, staff received a proposed stormwater basin remediation plan for Consumer Square. On June 8, 2009, staff issued a letter to the owner of the Consumer Square shopping center in response to the proposed basin remediation plan submitted on May 5, 2009. The staff's letter provided guidance to the owner. The staff's letter also indicated that no application to the Commission is required for the proposed investigative work necessary to determine the reason(s) for failure of the concerned basins. However, the letter indicated that, depending upon the nature of the basin design improvements/modifications that may be determined to be necessary following the initial investigation, an application to the Commission may be required. *On June 30, 2009 and July 7, 2009, the staff received municipal signoff on a revised site plan, which includes the remediation of an existing basin at an existing shopping center (location one). On July 9, 2009, the staff received a written request from the consultant representing the owner of the Consumer Square shopping center for a meeting with the staff to discuss our June 8, 2009 letter. On July 22, 2009, the staff contacted that consultant to schedule the meeting. The meeting has not yet been scheduled.*

4. Ocean County Firing Range, Ocean Township: On February 2, 2009, staff conducted a pre-application conference with Ocean County regarding possible relocation and expansion of an existing shooting range at the Boy Scout Camp in Brookville to be utilized by Ocean County for training purposes. *No further action as of July 31, 2009.*

III. INTERGOVERNMENTAL MEMORANDA OF AGREEMENT

A. MOAs UNDER REVIEW

1. Garden State Parkway: The Commission staff has been working for several years with the Turnpike Authority regarding the proposed widening of the Garden State Parkway between Interchange 30 and Interchange 80. This project required approvals from various federal and state entities, e.g. Army Corps of Engineers (ACOE), New Jersey Department of Environmental Protection, State Historic Preservation Office, etc. During the regulatory review of the project, the Commission staff has worked with the Authority in order to resolve issues concerning threatened and endangered species habitat, secondary impacts and stormwater management. The Authority is seeking a Memorandum of Agreement with the Commission authorizing a deviation from the threatened and endangered plant and animal standards (N.J.A.C. 7:50-6.27 & 6.33) of the Pinelands Comprehensive Management Plan, because of impacts to potential habitat for such species associated with the proposed widening. At this point, the Authority has obtained all regulatory approvals for the Proposed Widening Project with the exception of the approval of the Commission. Drafts of a proposed MOA, secondary impacts agreement and escrow agreement was provided to the P&G Committee at its September 29, 2008 meeting and the Committee agreed that staff should proceed to public hearing. A public hearing on the proposed MOA was conducted on October 15, 2008 at 7:00 at Berkeley Town Hall. A draft Executive Director's report, including a summary of the public comments submitted regarding the proposed MOA and the Commission staff's analysis of such comments, as well as a draft resolution authorizing the Executive Director to execute the MOA, were discussed with the P&G Committee at its October 27 meeting and the Committee recommended consideration of the MOA by the full Commission at its November 14, 2008 meeting. The Commission authorized the Executive Director to execute the MOA at its November 14, 2008 meeting. The MOA was fully executed on January 5, 2009. The Turnpike Authority has provided the monetary contribution for undersized lots pursuant to the terms of the secondary impacts agreement. Additionally, the Authority has established the escrow fund for the acquisition of certain conforming lots. Commission staff is working to close out the remaining issues associated with this MOA. The Commission received its first quarterly status report concerning the Authority's progress toward addressing its secondary impacts obligations. Additionally, the Commission received notice of the Authority's intent to commence construction of the first segment of the Widening project from Interchange 63 to Interchange 80, (MP63 –MP 80.0). This item is now complete with the exception of overseeing the continuing obligation of the Turnpike Authority regarding secondary impacts. *A letter was sent to the Turnpike Authority on July 24, 2009 requesting reimbursement of the Commission's staff, consultant and other costs associated with the development of the MOA pursuant to paragraph VI.A.11 of the agreement.*

2. Winslow Township water supply: Staff continues to discuss with Winslow Township and CCMUA outstanding issues (e.g., impact controls, DEP position, future of wastewater treatment for Waterford and Chesilhurst) regarding the possible closure of a wastewater treatment facility near the Great Egg Harbor River and Winslow Township's purchase of water from the New

Jersey American Water Company. Mr. Stokes has recused himself from this matter; therefore, Commission members should deal directly with Mr. Liggett. Staff continues to work with CCMUA and Winslow Township to reach an agreement on how to mitigate impacts to the Great Egg Harbor during low flow/peak demand conditions. Staff has conducted further research and analyses concerning potential impacts of closing the treatment facility would have on the Great Egg Harbor River. The Pinelands Commission has received and reviewed Winslow's proposal. Staff drafted a response to Winslow's proposal which will be the basis of the eventual MOU. A meeting with the USGS was held on December 5 to discuss the implementation of Winslow's proposal. Based on this meeting and on-going research, staff is revising the draft MOU and summarizing key points for discussion with Winslow Township and CCMUA. On January 24, staff met with representatives of CCMUA and Winslow to present an alternative solution to the water supply and wastewater issues in the Sicklerville Sewer Service Area. Staff reviewed and responded to an inquiry to develop a parcel in the Sicklerville Sewer Service Area and connect to the Gloucester Township MUA system. A joint meeting with representatives from Winslow Township and CCMUA was held on May 8 to discuss the pending MOU and an amended Township proposal was presented pending resolution of several issues related to the proposals. Water withdrawal data from Winslow Township were received and reviewed. A status meeting was held on July 10, 2008 to discuss the recently revised draft MOU. A technical meeting was held on July 31, 2008 with the USGS to discuss modeling the basin and monitoring stream flows in the Great Egg Harbor River. A meeting with Winslow Township was held to discuss the MOU and revisions were made to reflect those discussions. Science staff assisted Planning staff in review of the Winslow Township consultant's approach to monitor potential impacts from decommissioning the wastewater treatment infiltration basins. A meeting with Waterford and Chesilhurst to discuss wastewater and water supply issues was held. Commission staff and the CCMUA have finalized a 5th extension to the Mullica River Stream Monitoring Contract. Staff met with Winslow Township's consultant to discuss the remaining outstanding issues related to the MOU. Staff and Winslow Township's consultant are negotiating the precise methodology for measuring adverse impacts to streamflow. An Agreement has been reached and a final draft of the MOA is being prepared for review by the P&G Committee, Camden County and Winslow Township. A mutually acceptable methodology has been developed and incorporated into a revised MOU. The Township's new attorney has raised several new issues. Commission staff has responded and amended some aspects of the MOU. *The MOU's language has been reviewed and commented upon by in-house counsel. Some aspects of the MOU are being amended in response to in-house counsel's comments. Amended MOU's are expected to be distributed to Camden County and Winslow shortly.*

3. South Jersey Transportation Authority (SJTA) Atlantic City Airport (App. No. 1983-5837.042): In 2004, the Commission entered into a MOA with the SJTA to allow certain development to occur at the airport. The SJTA proposed certain "environmental offsets" in the MOA. One of those offsets provided for management of grassland habitat for threatened and endangered bird species. The SJTA has indicated that the FAA has directed them to undertake certain grassland mowing for airplane safety that appears to be inconsistent with the MOA. The staff met with representatives of the SJTA on February 21, 2008 to discuss the issue and identify a course of action to resolve the matter. The Public and Governmental Programs Committee has also been briefed on the issue. On March 6, 2008, the Commission staff received information from SJTA regarding the issue. By letter of July 11, 2008, the staff advised the SJTA regarding the actions necessary to resolve the issue. On November 6, the staff received a letter questioning whether the Grassland Advisory Committee had the authority under the provisions of the MOA

to review and revised the Grassland Management Plan. By letter dated December 5, 2008, the staff reported that the MOA did provide this authority to the Grassland Advisory Committee. The matter will be discussed at the next Grassland Advisory Meeting tentatively scheduled for December 2008. At the December 9, 2008 meeting, the Grassland Advisory Committee agreed that the SJTA would provide an updated assessment of grassland habitat on the airport and that USDA would provide the results of its annual bird survey for the airport. This information will be discussed during the Grassland Advisory Committee's 2009 Fall meeting to determine whether the revised mowing plan is acceptable.

4. Robert Miller Airpark, Ocean County, Berkeley Township: By letter dated April 23, 2007, the staff commented on a threatened and endangered species survey and proposed habitat management plan submitted by the County for the airport. The threatened and endangered species survey and proposed habitat management plan was prepared by the County in an effort to facilitate expansion of the airport. Such an expansion would appear to necessitate an MOA with the Commission to address permitted use in a Pinelands Forest Area and possibly threatened and endangered species. On April 24, 2007, the staff met with representatives of the County to discuss the staff's review comments on the results of the threatened and endangered species. On May 29, 2007, representatives of the County provided an overview of the proposed development to the Public and Governmental Programs Committee. By letter dated August 23, 2007, the staff advised the County of a tentative timeframe for development of the proposed MOA. On October 12, 2007, the applicant submitted a final threatened and endangered species report. That information is currently under review. By letter dated January 25, 2008, the Commission staff provided a comprehensive response to all submitted information regarding the potential MOA. On January 28, 2008, the staff updated the P&G Committee on the status of the potential MOA. On February 19, 2008, the staff met with representatives of the County to discuss the Commission's January 25, 2008 letter. The P&G Committee received an update at its February 25, 2008 meeting. On March 4 and 7, 2008, the County submitted additional information. On March 31, 2008, the County appeared before the P&G Committee to discuss the potential MOA. By letter dated April 17, 2008, the staff provided a review of the previously submitted information and covered certain information that had been discussed at the March 31, 2008 P&G meeting. On May 14, 2008, the applicant submitted additional information to address the staff's April 17, 2008 letter. That information is currently under review. A meeting with the applicant is scheduled for June 12, 2008 to discuss the April 17, 2008 submission and any additional outstanding issues. The June 12, 2008 meeting was held. The staff received additional information from the applicant on June 17 & 20, 2008 in response to the June 12, 2008 meeting. On June 23, 2008, the staff issued a letter summarizing Ocean County's development proposal and offsets to be included in a proposed MOA. On June 30, 2008, the P & G Committee agreed to consider an MOA with Ocean County for the R. J. Miller Airpark. The applicant is currently preparing an initial draft MOA for Commission staff review. As of November 2008, no information has been submitted by the County. On December 9, 2008, the staff received a draft MOA from the County. Commission staff is working on revising the draft of the MOA. It is anticipated that a draft of the MOA will be presented to the P&G Committee at its April 27, 2009 meeting. Just prior to the April 27, 2009 meeting, Commission staff had a conference call with representatives of the County and the Federal Aviation Administration during which the FAA raised concerns regarding deed restricting lands on the airport to provide a potential offset for the MOA. An issue has also arisen concerning the designation of the totality of the Airport, including areas of Airport operations, on the New Jersey Department of Environmental Protection's open space inventory. Ocean County has had discussions with NJDEP staff

concerning resolution of this issue and Commission staff is working with Ocean County and the FAA to develop a mechanism to address FAA's concerns. Commission staff met with representatives from the FAA, Ocean County and the Department of Transportation, Division of Aeronautics, on May 28, 2009, concerning deed restricting of lands at the Airport. At the conclusion of the meeting, the County, in consultation with FAA, agreed to identify those portions of the airport likely to be needed for future airport safety related activities. *The County notified Commission staff via e-mail that portions of the airport not related to future airport safety had already been excluded from the proposed offset area. As a result, the County asked Commission staff to consider revising the terms of the Deed of Conservation easement to address future safety related activities at the Airpark. Staff is reviewing safety guidelines and other information submitted by the County to determine whether the terms of the Deed of Conservation easement may be revised to address FAA's concerns.*

5. Ocean County Utilities Authority: On December 1, 2008, staff provided a revised draft of the Ocean Gro MOA to NJDEP for comments and to the OCUA for review. The OCUA submitted comments on the MOA. An agreement was reached regarding the majority of the contents of the MOA, except for a required monitoring program. The OCUA objects to including a monitoring program in the MOA. Commission staff met with an OCUA representative on March 31, 2009 to discuss the monitoring requirement. The OCUA will be further considering the monitoring requirement and advise the Commission staff of its decision. *No new action as of July 31, 2009.*

6. County/Municipal Permit Streamlining MOA: Staff discussed and reviewed the draft MOA with the P&G Committee on September 29, 2008, October 27, 2008, January 26, 2009 and February 24, 2009. Staff presented the draft MOA to the full Commission on March 13, 2009. Staff presented a revised draft MOA to the P&G Committee on March 30, 2009 and April 27, 2009. On April 27, 2009, the P&G Committee reviewed the revisions to the draft MOA and recommended that staff begin to present the draft MOA to counties for initial discussions. *Initiating discussion with seven Pinelands counties to enter into the MOA.*

7. Wastewater Recharge Facility, Buena Borough MUA: The project recently received financing of over \$4 million. The application process has restarted, including implementing MOA provisions. Groundbreaking may occur in September. *A meeting was held on July 28, 2009 to advance the project.*

B. OTHER MOA REQUESTS

1. Stockton State College: See section I.C.8

2. Woodbine Port Authority: *Woodbine Port Authority has completed a proposal for consideration of an Intergovernmental Agreement in accordance with the Commission's recently established procedures for review of such agreements. The next step in this procedure is for the Executive Director to submit a preliminary assessment and invite the Authority to brief the Public and Governmental Programs Committee on the proposal.*

3. Lacey Cemetery: See Lacey conformance activity (Attachment #1)

4. Richland Village Community Wastewater Treatment System: *A meeting with representatives of the Township, ACUA and the Commission was held on July 16 reaching agreement on the provisions of a memorandum of understanding between the parties to design and construct a community wastewater system to serve portions of Richland Village. This agreement will be reviewed by the Personnel and Budget Committee at its August 6 meeting.*

5. 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. Staff met with NJDOT on March 11, 2009 to discuss the potential MOA. NJDOT provided information for Commission staff to review. That information is currently under review. *NJDOT was advised that significant changes to the submitted information were required.*

6. Little Egg Harbor Township: The Commission received a follow-up request in November 2008 for a MOA to allow a police firing range in the Preservation Area. The Commission advised the applicant to submit the information detailed in the "Process for Considering an Intergovernmental Agreement" posted on the Pinelands Commission's website. *No new action as of July 31, 2009.*

7. Joint Base McGuire Dix Lakehurst: The Commission received a request on December 2, 2008 for a streamlining MOA. The Commission staff sent a letter in late February acknowledging the request and advising that it would be seeking to schedule a meeting in late Spring. *A meeting was held with representatives of Fort Dix, McGuire Air Force Base and Navy Lakehurst on Wednesday, June 3, 2009, to discuss the need for and objectives to be achieved by a streamlining MOA. Model streamlining MOA documents were e-mailed to the Joint Base McGuire/Dix/Lakehurst's attorney and additional information concerning environmental conditions at the three bases was provided to Commission staff. Staff is in the process of reviewing these materials.*

8. NJDEP Site Remediation: An updated MOA may be required to coordinate the review of NJDEP site remediation activities in the Pinelands Area.

9. FAA Technical Center Master Plan: The center recently shared its master plan with the Commission which includes a series of projects and various conservation measures. Approval of the master plan and an expediting MOA would be included.

10. Atlantic/Cape May Community College Master Plan: The college has indicated that it is preparing a new master plan and Mr. Stokes offered to work with the College. In late June, the College accepted Mr. Stokes' offer. *(See I.C.8.)*

11. NJDEP, Parks and Forestry: *The NJDEP is pursuing an MOA with the Commission to streamline review of forestry activities on public and private lands. An August 13 meeting has been scheduled between NJDEP and Commission staff to coordinate the undertaking.*

IV. SCIENCE

A. KIRKWOOD-COHANSEY STUDY

1. Science staff met with USGS and Rutgers cooperators on July 9 to review the details of hydrologic models and discuss preliminary sensitivity-analysis results.

2. Buildout: *The Planning office will give a draft of the final document to the Science department for its review in mid-August.*

B. ENVIRONMENTAL MONITORING

1. CAMCO monitoring: *No new action.*

2. Monroe monitoring: *No new action.*

3. Forest-Plot and Intermittent-Pond Monitoring: *Science staff completed the July round of intermittent-pond and forest-plot water-level measurements.*

4. **Long-term anuran surveys:** *Science staff completed vocalization surveys for 2009 at the 20 ponds monitored annually and entered the data.*
5. **Pinelands-wide water quality monitoring:** *Science staff completed the July round of Pinelands-wide water-quality sampling.*
6. **Rancocas Creek Watershed Surveys:** *Science staff completed the July round of water-quality sampling, completed anuran-vocalization surveys for 2009, completed the first round of vegetation surveys at stream and impoundment monitoring sites, and continued to conduct fish surveys at the sites.*
7. **Miscellaneous monitoring:** *None*

C. OTHER SCIENCE PROJECTS

1. **Ecological Plan for Electric Transmission Line Maintenance:** See Section I.A.8.
2. **Wetland Buffer Research Proposal:** *Science staff completed land-use profiles for wetland buffers within drainage units.*
4. **Forest Characterization Project:** *No new action.*
5. **Science Advisory Committee:** *No new action.*
6. **Commission's Science Committee:** *No new action.*
7. **Miscellaneous notes:**
 - a. *Science staff provided water-quality data to a Rutgers University graduate student.*
 - b. *Science staff provided Science Office publications to NJDEP Land Use Regulation staff.*

V. LITIGATION

A. STATE COURT – SUPERIOR COURT

1. **Onwugbutor v. Township of Medford et al.** - Docket No. BUR-L-1263-09 – This is an action for damages stemming from the Pinelands Commission's alleged "refusal to grant grandfathering protection" or "honor original construction permits" to allow construction of a single family dwelling on Plaintiffs' property. Plaintiff is seeking \$860,000 dollars in damages. A motion to dismiss pursuant to New Jersey Court Rule 4:6-2 was filed on behalf of the Pinelands Commission on June 19, 2009. The Motion is returnable on July 17, 2009. *The Plaintiff withdrew his complaint without prejudice.*
2. **Joseph DeMesquite, et als. v. New Jersey Pinelands Commission** – Docket No. BUR-L-2088-09 – This is an action for inverse condemnation stemming from the Commission's denial of an application for a waiver of strict compliance for construction of a single family dwelling.
3. **Jack O'Brien v. Woodland Township, et al.** – Docket No. BUR-L-354-09 – This is an action in lieu of prerogative writ originally filed against the Township and its Land Use Board. The Plaintiff filed an amended complaint following a recent management conference adding the Pinelands Commission as a party.

B. STATE COURT – APPELLATE DIVISION

In the Matter of New Jersey Pinelands Certification of Stafford Ordinances 2007-98, 2007-99, 2007-107, 2007-120, 2008-88 and 2008-89 – This is an appeal of the Commission’s certification of the above referenced ordinances of Stafford Township and the 2007 revisions to Stafford Township’s Master Plan. These ordinances, among other things, downzoned a parcel from the Regional Growth Area to a conservation zoning designation. The appellant is alleging that the Commission’s certification of the ordinances and revised Master Plan is ultra vires because, among other things, the ordinances and Master Plan are not consistent with the density requirements of the Pinelands Comprehensive Management Plan. The appellant is currently challenging the ordinances and asserting an inverse condemnation claim against the Township in the Superior Court, Law Division. The Pinelands Commission is not a party to the Law Division action. The Statement of Items Comprising the Record on Appeal was filed on May 1, 2009. The Scheduling Order was received on June 4, 2009; the brief and appendix of appellant is due on June 20, 2009. *The Appellant obtained a 30 day extension for filing of his brief, which is now due on August 20, 2009.*

C. FEDERAL COURT

None

D. OTHER LITIGATION MATTERS OF INTEREST

None

VI. LEGISLATION

A. NOTABLE BILLS:

The Legislature is out of session for the summer.

B. BILL TRACKING: *See attachment 2 for all bills being tracked*

VII. PUBLIC PROGRAMS

A. COMMUNICATION

1. Web site: *The online version of the Pinelands Comprehensive Management Plan was the most viewed document on the Commission’s Web site during the July 1-31 monitoring period. The page recorded 9,089 hits or views during this period. Other pages are the Home Page (6,133 hits), the Pinelands National Reserve page (1,010 hits), the Pinelands Comprehensive Management Plan page (746 hits), the Applicant Services page (685 hits), the About the Commission page (651 hits), the Visiting & Recreation page (641 hits), the Land Use and Planning page (641 hits), the Information Center page (596 hits), the Pinelands Image Library page (500 hits), the Pinelands Municipal Council page (351 hits), the Educational Resources page (349 hits) and the Science page (326 hits). Other items or pages with high numbers include the Take Ten Hikes and Bikes document (1,312 hits), the electronic version of the Summer*

Pinelander (1,258 hits) and the *Ocean Acres Public Notice and Northern Pine Snake* survey (1,197 hits).

2. Press releases this month: *Two press releases were issued in July. One press release was issued on July 10 to announce that Judith Y. Link of Atlantic County has joined the Pinelands Commission. A second release was issued on July 22 to announce the preservation of a 700-acre property in Atlantic County with funds administered by the Pinelands Commission.*

3. Inquiries this month: *A total of 17 media inquiries and 200 general inquiries were handled in July. Of the general inquiries, 141 inquiries came via e-mail, 53 came by telephone, and six came by mail. Most of the inquiries pertained to various Commission projects, followed by general information about the Pinelands, development and application questions and recreational opportunities.*

4. Open Public Records Act: *Six requests for government records were processed under the Open Public Records Act in July.*

B. PUBLICATIONS

1. Pinelander: *The Summer 2009 edition of the Pinelander, the Commission's newsletter, was written, edited, designed and posted online in July. As a cost-savings measure, the Commission is no longer producing printed copies of the Pinelander. Several hundred people were notified via e-mail that the newsletter is available online. In August, postcards will be sent to those who previously received hard copies of the newsletter. The postcard will alert those recipients that the newsletter is available online, and it will request their e-mail addresses.*

2. Annual Report: *Information gathering for the 2008 Annual Report continued in July, with several sections of the report being written and designed. The report will be completed in August.*

3. New Pinelands Column: *A column that was written and submitted to newspapers in June was published in several more papers in July. The column focused on the 30th anniversary of the Pinelands Protection Act (passed on June 28, 1979), and charted the Pinelands Commission's achievements during the past year. Thus far, the column has been published in the Asbury Park Press, Burlington County Times, The Central Record (Medford), The Daily Journal (Cumberland County), the Hammonton News, the Hammonton Gazette, Star-Ledger, the Tri-Town News and the Berkeley, Brick, Jackson, Manchester and Toms River Times.*

C. EVENTS AND OUTREACH

1. Pinelands Short Course: *No new action.*

2. Local Officials Seminar: *No new action.*

3. Meetings:

a. *On July 21, Paul Leakan delivered a Pinelands Overview presentation to new Commission member Judith Y. Link. On July 22 and July 28, Joel Mott presented two education programs to approximately 140 Girl Scouts at Camp Inawendiwin in Tabernacle. Science staff participated with Public Programs staff in the outreach activities.*

4. Miscellaneous:

a. *None*

D. INTERPRETIVE PROGRAM

- 1. PNR brochure:** *Staff continued to track and distribute the brochure in July.*
- 2. Pinelands Summer Speaker Series:** *The second presentation of the Pinelands Speaker Series, "Voices in the Pines," was held on July 16 in the Richard J. Sullivan Center. The presentation attracted approximately 50 people. The next presentation, "Secrets of Pinelands Plants," is scheduled for August 20 at 2 p.m.*
- 3. Wayside displays:** *No new action.*
- 4. Exhibits in the Pinelands Technical Center:** *On July 13, the Commission sent a letter to Thomas Berryman, a Project Engineer with the New Jersey Department of Transportation, to formally request that a portion of a NJDOT ISTEA grant for Phase II of the Pinelands Interpretive Plan not be placed on an inactive list and/or rescinded but rather be retained with a change in scope to fund proposed Pinelands-themed interpretive exhibits at the Richard J. Sullivan Center. By approving a change in scope to fund exhibits at the Sullivan Center, the NJDOT would enable the Commission and the National Park Service to complete a project to plan, design, create and install Pinelands exhibits within approximately 30 months. Both the National Park Service and New Jersey Division of Parks & Forestry have indicated their support for the change in scope. On July 27, Commission staff delivered a presentation summarizing the recently-completed report for possible Pinelands exhibits at the Sullivan Center to members of the Commission's Public and Governmental Programs Committee.*

E. EDUCATION

- 1. Pinelands Curriculum Guides:** *No new action.*

VIII. INFORMATION MANAGEMENT

A. GEOGRAPHIC INFORMATION SYSTEM

- 1. System planning and development:** *The new high speed line has yet to be installed so aerial photo testing has not taken place. We are hoping that this new line will be installed in August.*
- 2. Programming:** *Another problem rolling out the Pineview map service has been identified that may be related to program code. The vendor has replied and a month of testing was completed by the Commission. The vendor has results of tests and will be making the necessary changes.*
- 3. Maps/analyses this month:** *this month (this fiscal year): 3 (3) large maps for Commission meeting, 0 conformance board updates.*
- 4. Data 0 (0):** *The application envelope layer is under way and several problems have already been addressed with regard to the methodology. It has been decided that creating polygonal data for application information that has not received an NCU or a CF is unnecessary, when this information can be displayed using select tools within the Map Service itself. The PDC envelope layer has been started and methodologies are scheduled for November completion.*
- 5. LOI for PDC this month (this fiscal year):** *4 (4) Applications, 13 (13) Parcels.*

B. MANAGEMENT INFORMATION SYSTEM

1. System planning and development:

a. PCIS: *MIS staff completed backfilling the deed restriction data with the application number information that is now required for the enhancement regarding the recording of multiple deed restrictions of the same type on the same lot. Additional testing revealed two bugs in the code, which MIS staff corrected.*

b. PDC tracking system: *The PDC tracking system was modified to record the application number in the deed restrictions table when PDCs are severed and the new executable was delivered to the PDC Bank. In addition, MIS staff made a site visit to the PDC bank to re-install the Oracle 9i client software (required to run the PDC Tracking System) on one of their PCs. The software was lost during a hard drive failure.*

c. Document Imaging: Regulatory Programs: *Technical assistance from the Office of Treasury Technology in solving the intermittent program crashes remains on hold until OIT completes the installation of the new high speed line to the Garden State Network. (see "2. Other" below). Municipal Conformance Files: Implementation remains suspended until labor hours become available.*

d. Interpretations Database: *No new action.*

e. Project Tracking System: *Programming commenced on the first stage of a new Project Tracking System. In addition to the broad goal of consolidating all project information and activities in a single unified database, other goals of the new system are to improve work plan development, improve project management, simplify management reporting, and simplify the employee evaluation process relative to measuring project performance. The first stage of the system will maintain project milestone information and also allow users to keep an activities log for major projects. It is anticipated to be released for beta testing by the end of September.*

2. Other:

- 2. a. New High Speed Line to the Garden State Network:** *The completion of the line by OIT has been delayed due to unanticipated emergency maintenance in other areas of the Garden State Network. The final step requires a site visit from an OIT technician to install and configure a new router. Barring additional emergencies, it is anticipated that the new router will be installed next month.*

IX. OPERATIONS

A. FACILITIES

1. Maintenance:

a. Grounds: *Repaired split rail fence, power washed and painted side porch of the RJS Center, and performed routine grounds maintenance.*

b. Buildings: *No new action.*

B. FINANCIAL MANAGEMENT

1. Application fees: *Received 47 checks totaling \$21,994.34; processed 1 refund totaling \$200.00; FY 2010 budget amount \$500,000, received through July \$21,794.34.*

- 2. General ledger:** 42 general journal entries for *July*; 25 additional general journal entries for *June*; 5 special revenue reimbursements were processed.
- 3. Accounts payable/receivable:** 61 invoices paid, 41 checks written, 67 cash receipts issued.
- 4. Budget:** *The FY 2010 budgets were approved at the July 10 Commission meeting. A revision to the FY2010 Pinelands Conservation Fund policies will be discussed with the Personnel and Budget Committee on August 6.*
- 5. Audit:** *The FY2008 Audit Report was issued but Donna Connor discovered several report errors. The Office of the State Auditor corrected and reprinted the reports. The Commission is scheduled to accept the FY08 Audit Report at its August 14 meeting.*
- 6. Miscellaneous:** *No new action.*

C. HUMAN RESOURCES: *See Attachment 3 for employee notes*

- 1. Benefits:** *No new action.*
- 2. Miscellaneous:**
 - a.** *The performance evaluation process continues.*
 - b.** *A policy to allow irregular work schedules to meet Commission needs has been developed and distributed to staff.*
 - c.** *A procedure addressing furloughs and paid leave bank days is being developed.*

D. PROCUREMENT

- 1. RFQs this month:** *3 issued; 12 solicited; 9 responses*
- 2. RFPs this month:** *0 issued; 0 solicited; 0 responses*
- 3. Purchase orders this month:** *36*
- 4. Contract amendments this month:** *1*

E. OTHER OPERATIONAL ITEMS

- 1. Records Management:** *No new action.*
- 2. Miscellaneous:** *No new action.*

X. PINELANDS MUNICIPAL COUNCIL

A. MEETINGS

- 1. Last meeting:** *Mr. Liggett and Mr. Wengrowski attended the July 29, 2009 meeting in Little Egg Harbor Township. The Council is not convinced of the need for proposed septic rules. The Council hired Tiffany Cuiello, PP to help them review legislation and rules.*
- 2. Upcoming meeting:** *The next meeting is scheduled for September 29, 2009 at the Tabernacle Township Municipal Building.*

B. OTHER COUNCIL BUSINESS

None

XI. MISCELLANEOUS

1. *Mr. Stokes is scheduled to meet with Senators Whelan and Connors on August 12, 2009 to discuss various Pinelands issues.*

ATTACHMENT #1

ONGOING CONFORMANCE ACTIVITY

July 31, 2009

MUNICIPALITY	TOPIC
Barnegat	<p>1. Proposal to rezone lands from RL/AC (residential) to commercial zone within RGA: letter and maps received from Township 6/4/04; meeting with Township held 7/15/04; follow-up information sent to Township 7/16/04; met with Township 3/9/05 and discussed need for t&e information, revised boundaries of proposed commercial zone and means to address lost PDC opportunities. Met with new master plan subcommittee on 3/3/06. Attended pre-application meeting on 9/14/06 with applicant proposing primarily residential development in the area with a minor commercial component. Suggested use variance be pursued. Rezoning from residential to commercial discussed with Township representatives at a meeting on 3/31/08.</p> <p>3. Letter received from mayor requesting consideration of additional zoning changes (expansion of RGA; sewer service for existing mobile home parks); meeting held 3/9/05. Met with new master plan subcommittee on 3/3/06. Meeting held on 3/31/08 at Township's request to discuss extension of sewer to existing mobile home parks and increased commercial development opportunities, potentially through a Pinelands Village designation. Request for another meeting on the same issues received 10/23/08. Staff met with Township representatives on 12/10/08 to discuss these rezonings as well as the EIA management area changes.</p> <p>4. Increased in lieu recreation facilities fees, off-tract drainage assessments, in lieu fees for sidewalks and curbing: adopted ordinances and Open Space and Recreation Plan received and under review. Additional ordinance exempting 17-acre lots in the Forest Area from sidewalk/curbing requirements scheduled for adoption in November of 2005. Comments sent to Township. Draft ordinance (2009-23) requiring sidewalks and curbing received June 18, 2009. 17-acre lots in the Forest Area have the option of constructing sidewalks and curbing or making in lieu payments to the Township's Pedestrian Safety Fund at a reduced rate (20%). <i>Adopted ordinance received 7/22/09 and under review.</i></p> <p>5. Ocean Acres zoning clarification: request for interpretation of zoning line and possible expansion of RC (Residential Conservation) Zone received 11/27/06. Comments provided February 21, 2007.</p>
Berlin Borough	<p>1. Draft Housing Element and Fair Share Plan received and under review.</p> <p>2. Revised zoning map (adopted in 2007) and Redevelopment Plan for Pinelands Regional Growth Area (adopted in 2005) received on 2/19/08 and under review.</p>
Berlin Township	<p>1. Request to redesignate remaining RDA to RGA to facilitate nonresidential development and extension of sanitary sewer: letter received from Township in October 2005. Met with municipal representatives to discuss potential rezonings, water supply issues, residential zoning capacity and PDC opportunities on November 28, 2005. <i>Contacted Township in early July 2009 to discuss potential rezonings involving several existing uses in the RDA; awaiting municipal response.</i></p>
Buena Borough	<p>1. Rezoning of lands within Pinelands Town on Route 54 to allow mixed use development. Notified Borough that staff would work with the municipality on the rezoning once the MOA with the MUA has been executed. The area has now been designated as a Redevelopment Area by the Borough; a resolution of designation was received from the Office of Smart Growth on 5/25/07. Participated in meeting with the Office of Smart Growth, Borough representatives and other state agencies on 7/24/07 and emphasized that wastewater constraints must be taken into account in developing any redevelopment plan. Meeting with</p>

MUNICIPALITY	TOPIC
	<p>Borough representatives held 10/4/07. Need for revisions to Redevelopment Plan discussed. Adopted Ordinance 533 received 10/25/07. No revisions to Redevelopment Plan were made. The Borough requested and was granted an extension of the Commission's review period through 4/9/08 so that revisions could be drafted and adopted. Suggested revisions to Redevelopment Plan provided to the Borough on 4/4/08. Borough is revising Redevelopment Plan to address staff's comments and to remove residential development as a permitted use from the Redevelopment Area. Status requested 5/30/08 (no response) and 12/31/08. No response received as of 7/31/09.</p>
Buena Vista	<p>1. Alpine Village Mobile Home Park Expansion; proposal received 8/21/03 for Pinelands Village designation or ability to use package treatment plant in Forest Area; met with property owner and Township 10/30/03 to discuss alternatives. Revised proposal received 3/10/06. After review, staff sent a letter to the property owner explaining how his latest proposal was not consistent with the 1992 Consent Agreement. Alternatives to his proposal were included in the letter.</p> <p>2. 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). Received letter of concern from adjacent property owner about an upcoming public hearing on the Comar Redevelopment Plan. Requested copy of Plan and associated information from the Township on 11/24/08. Copy of Redevelopment Plan received on 12/9/08; notice of adoption received 1/14/09. Redevelopment Plan is under review to determine consistency with CMP. 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 an extension of the Commission's review period through 7/1/09 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. <i>Township requested and was granted a second extension of the Commission's review period through 10/21/09.</i></p> <p>3. Staff met with Township representatives on 12/11/08 to discuss EIA management area changes.</p>
Burlington County	<p>1. NBC (Northern Burlington County) Futures Plan: participated in several visioning meetings held by the County (Southampton on 7/17/06; Pemberton on 8/10/06). Revised technical report on regional development patterns in NBC received on 9/27/07. Final report to be issued by the county at the end of October 2008. Copy of final report (the Growth and Preservation Plan – GAPP) was received in early February. Ms. Grogan attended a meeting of the Steering Committee held on 3/19/09. The County will now seek comments from the participating municipalities. A final plan is not anticipated until November 2009.</p>
Camden County	<p>1. Atco Transit Station: Camden County Improvement Authority coordinating efforts for transportation improvements (bus service, bikeways, etc.) at Atco Transit Station, as well as redevelopment opportunities. Meeting held 8/23/06 with CCIA, DOT, NJ Transit, Waterford, Winslow, Chesilhurst, Berlin Township and Berlin Borough.</p>
Chesilhurst Borough	<p>1. Agreed to assist in redevelopment plan as time permits 7/04/04. Met with mayor and economic development consultants on 5/2. Mailed letter on 5/18/06 to state Office of Smart Growth supporting Borough's grant application for redevelopment planning funds. Met with Borough planner on 11/21/06 to discuss mixed use development proposal in redevelopment area, water supply, PDC requirements and other zoning issues. Met again with larger group of Borough representatives on 3/27/07 and discussed redevelopment plan, PDC use and water/wastewater constraints. Borough representatives made a presentation to the P&I Committee on 5/25/07.</p>

MUNICIPALITY	TOPIC
	<p>2. 2005 Master Plan Update: adopted 5/4/05, received 5/27/05; letter and comments sent to Borough 6/29. Met with Borough planner on 12/8/05 to discuss rezonings, PDC use, redevelopment plans and water supply issues. Letter and draft ordinance received from Borough planner in late March; vacant land calculations and density implications of proposed rezonings under review. Adopted implementing ordinance received 7/31/06; adopted zoning map subsequently received and under review. Finding letter sent on 9/20/06 requesting meeting with Borough to discuss changes to bring Ordinances into conformance with CMP.</p>
Eagleswood	<p>1. Centers designation petition in Pinelands National Reserve. 2. 2008 Housing Element and Fair Share Plan: adopted plan received 12/19/08 and under review.</p>
Egg Harbor City	<p>1. Residential development in Forest Area: request for higher densities, clustering, etc., at Brother Francis site. Met with City representatives on 6/3/05 to discuss establishment of receiving area under density transfer program; analysis of Forest Area ongoing. City provided information on Forest Area development potential in September, 2006; indicates potential for 83 units. Information is under review by staff.</p> <p>2. Joint review of possible sites for river launching facility to serve EH Yachts discussed at P&I on 9/30/05 and 11/30/05. Owner has indicated probable move out of state. Staff seeking funding for study of alternatives. As of 7/31/06, inquiries have been met with little interest. Further information was requested from one agency, and this request will be forwarded to EHC. City presented to P&I Committee on Oct. 27 request for an answer on whether the potential review sites can be narrowed to those along the south side of the Mullica River. Committee indicated that this would not be acceptable without the studies previously called for.</p> <p>3. Review of potential site for new recreational facility along Philadelphia Ave. Site visit conducted and staff analysis nearing completion. Reviewed rec site rezoning in concert with St. Francis site rezoning. Internal meeting generated need for more analysis. Meeting with EHC on 7/21/06 to discuss. Met with EHC officials on 7/21/06. EHC will submit review of Master Plan placing all rezoning requests (currently, at least 4 additional have been suggested) throughout the City in the context of their goals. Staff has asked EHC to consider a preliminary T&E study designed with the Commission before moving forward with an application.</p> <p>4. Review of use of interior wetland sites for possible development as residential or other use. Staff analysis nearing completion. EHC will approach Milza for sale of land.</p> <p>5. Review of water treatment facility proposed site; assessing feasibility of proposed site and alternatives. Final analysis completed on reduced buffer impact; awaiting Executive Director's final decision on site use. Letter sent on 7/22/06 with final decision of 75' buffer and recommendation for proceeding with the application.</p> <p>6. Request for review of constraints in Easterly portion of Town management area. 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. Staff is pursuing use of Science Office EIA project to supplement the analysis.</p>
Egg Harbor Township	<p>1. Working committee to monitor implementation of new zoning plan; of the 26 new apps submitted since January, 22 involve only a single unit and only 1 involves a major subdivision and remains incomplete; traffic circulation plan adopted - meeting held 7/24.</p> <p>2. Sewer plan submitted 3/29/04 for RG-5 Zone; plan for RG-1 Zone to be completed in April; both will then be provided to EHT Working Committee;</p>

MUNICIPALITY	TOPIC
	<p>called for status of RG-1 sewer plan 6/7/04 (not yet complete).</p> <p>3. Draft Ordinance 49-2006 related to design standards and 51-2006 related to Zoning were received 09/22/06 and are under review. Staff discussed concerns with the Township and they are providing staff with copies of their internal analysis for further review. Internal analysis received and under review. Finding letter; public hearing held 1/24/07. At Township's request, an extension of the Commission's review period has been granted through 3/28/07 to provide an opportunity to discuss potential density/PDC impacts of the ordinance. Staff analysis of perimeter buffer impacts on density and PDC use continues; subdivision plans being reviewed. Met with Township to discuss density concerns on 9/13/07; additional subdivision plans to be reviewed and Township to consider revisions related to stormwater facilities within perimeter buffers. Township submitted additional subdivision plans for review on 10/22/07.</p> <p>4. Builders remedy litigation: the owners of a parcel in the RG-1 Zone have filed a builders remedy lawsuit against the Township. Staff met with both parties and the master appointed by the Court on 11/21/08 to discuss zoning, PDC and affordable housing issues. Information on potential zoning solutions provided to court master on 12/11/08.</p> <p>5. 2008 Master Plan Reexamination Report: adopted by the Planning Board on 11/17/08 and received 12/5/08. Recommends a number of land use changes in the Pinelands Area as suggested in the Liveable Communities Plan.</p> <p>6. 2008 Housing Element and Fair Share Plan: adopted Plan received 12/24/08 and under review.</p> <p>7. Ordinance 13-2009 establishing increased contributions in-lieu of providing active and passive recreational facilities received and reviewed. Finding Letter issued determining that ordinance presented a substantial issue and requesting analyses supporting the fees in question. Requested analysis submitted and under review. <i>A public hearing on Ordinance 13-2009 was held on July 8. The P&I Committee discussed a recent Supreme Court decision related to recreational facilities and in-lieu fees on 7/24/09. The Township is preparing a new ordinance, applicable only to that portion of the municipality in the Pinelands Area, for introduction in August.</i></p> <p>8. <i>Affordable housing: draft ordinance implementing the 20% set aside required in A-500 received 7/16/09. Under review; meeting to be scheduled with Township representatives to discuss implications for PDC program and density.</i></p>
Estell Manor	1. Request from City for analysis of redevelopment opportunities for landfill; response sent 7/28/05.
Franklin	1. Housing Element and Fair Share Plan: adopted Plan received 12/01/08 and under review.
Galloway	<p>1. School/recreation complex in Rural Development Area; met with School Bd., Stockton and Township 10/15/03 to discuss necessary purchase of offsite lands. Township, County, and Commission (through CMCMA/TNC Program) purchased land in heron rookery area in Nov. 2005, allowing school construction to take place.</p> <p>2. Use of two sites in Agricultural Production Area for active recreational facilities: conference call with Township representatives held 11/3/06. Offered to assist municipality in identifying other potential sites or developing a rezoning proposal.</p> <p>3. 2007 Master Plan Amendment: recommends management area changes for Stockton College and other zoning boundary revisions in Pinelands Area. Draft amendment received 7/1/07. Comments provided to Township Planner 7/10/07. Joint conference call with Township and Stockton representatives also held. Adopted master plan amendment received 8/7/07; implementing ordinances received 8/30/07. The Township requested an extension of the Commission's</p>

MUNICIPALITY	TOPIC
	review period on the Stockton College ordinance and map changes until such time as the College is able to complete its environmental work. Revised ordinances and zoning map (omitting management area changes for Stockton College) were adopted and submitted to the Commission for review on 2/22/08. Finding letter sent 2/27/08 indicating ordinances require formal Commission review and approval. Public hearing held 4/23/08. The ordinances were certified by the Commission on 5/9/08.
Hamilton	<p>1. Density transfer program: consider a requirement that lots to be developed contain a certain % of the minimum lot area required for the zone in which they are located. Response provided 6/15/05. Adopted Master Plan amendment received 11/16/06, requiring increased acreage be acquired for those participating in the density transfer program.</p> <p>2. Rezoning proposal: RDA to RGA for commercial development adjacent to FAATC; met with Township and developer 2/9/04.</p>
Hammonton	<p>1. Airport expansion (Agricultural Production Area to Pinelands Town). Inquiry received on possible expansion of industrial zone.</p> <p>2. Tower ordinance: draft received 6/16/04; comments provided to solicitor 7/14/04.</p> <p>3. 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. Asked Town to submit an extension request 3/1 and 3/23 but nothing received. Request for extension received 5/22/07 and granted through 9/22/07. No ordinance revisions received as of 9/27/07. The Town has requested that the Commission take no further action at this time. Request for extension received 10/16/07 and granted through 1/17/08. Second request for extension received 2/6/08 and granted through 4/7/08. As of 6/30, Town is hiring planner to rewrite ordinance and conduct necessary analysis to support in lieu fees; additional extension requested 7/23/08 and granted through 10/29/08.</p> <p>4. Builders remedy litigation involving parcels in Redevelopment Area within Pinelands Town: concept plans provided 5/23/08 and to be reviewed for potential Pinelands issues prior to mediation session with the parties. Comments provided to court master; concerns with wastewater discussed. Court master conducted meeting of all parties on 7/31/08; Ms. Grogan attended on behalf of the Commission.</p>
Jackson	<p>1. Master Plan: Planning Board is beginning its reexamination of the Township Master Plan. New consultant hired; meeting held with Commission staff on 7/31/08 to discuss project status and possible impacts of Navy Lakehurst on the Township's Regional Growth Area. As of 10/31/08, staff is still awaiting more detailed information from the Township on approved projects within the Regional Growth Area, as well as rezoning proposals for the RGA, RDA and Pinelands Village of Legler. Draft Land Use Plan maps received 12/30/08. Meeting with Township representatives on master plan and EIA management area changes held on 12/31/08. Airplane noise incompatibilities in RGA noted. Discussion of noise impacts and possible zoning changes to be scheduled upon the Township's completion of its response to the May 2006 CMP amendments (stormwater). The Township made a presentation to the P&I Committee on 4/24/09. The Committee asked for additional information and consideration of other options which staff will pursue. The Township's draft master plan was received on May 22, 2009, together with a notice indicating it may be adopted by the Planning Board on June 1, 2009. <i>Revised draft of master plan received 7/22/09.</i> Staff is currently reviewing the master plan and will be providing comments to the Township.</p>

MUNICIPALITY	TOPIC
Lacey	1. RDA/FA rezonings: met with Mayor, Administrator and Solicitor 6/24/05 to discuss proposed Oyster Creek downzoning as well as zoning changes to permit new cemetery south of Lacey Road in the Forest Area. Met again with Township representatives on 3/15/06 to discuss rezoning proposal for cemetery and need for survey to address t&e issues. Initial survey work has been completed. Results are under review 5/07. A meeting with the Township and the NJ Conservation Foundation was held on December 3, 2007. A follow-up letter was sent on 1/3/08.
Lakehurst Borough	1. Revised zoning map: adopted by Ordinance 07-08 in November of 2007. Awaiting receipt of map to determine whether changes in Pinelands Area zoning have been made.
Lakehurst Naval Engineering Station	1. Master plan amendment submitted for review. 2. Compatible land use (See also Other Notable Planning Items).
Little Egg Harbor	1. Rt.539 corridor (petition withdrawn from OSG). 2. Housing Element and Fair Share Plan: copy of Plan received 11/25/08 and under review. Planning Board public hearing scheduled for 12/4/08.
Manchester	1. PNR: petition for Town Center designation in PNR submitted to State Planning Commission. Clarification of PC role requested. Pre-petition meeting held 2/1 by OSG. 2. Expansion of Whiting (Pinelands Town): draft ordinance rezoning six lots from Forest to Town received 10/1; potential t&e issues identified and under review; adopted ordinances received 2/7 and 3/8. Discussed t&e concerns and possible alternatives to rezoning with Mayor 8/31. Letter sent 10/3/05. 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) have been prepared and 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 the issues received 12/13/07. 3. Rezoning of one lot within RGA from PB-1 and PR-40/MF to PR-40: draft ordinance received 12/16; comments provided to Township 1/4. 4. 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. 5. Ordinance 05-043 amending the definition of "Improvable Lot Area" and "Shopping Center" among other things received and under review. Staff has requested an analysis demonstrating effect of the amended "Improvable Lot Area" definition. Township is expected to submit requested analysis shortly. Township has submitted the requested analysis and it is under review.
Maurice River	1. Master Plan Reexamination Report and Amendments: adopted master plan report and amendments received 7/24/06. Recommends use of resource extraction sites in the Forest Area as ORV parks or other active recreation facilities. Also recommends potential for cluster development and TDR be examined to prevent scattered development from occurring throughout the municipality's Forest and Rural Development Areas. Letter sent to Township 9/21/06 noting potential issues with recommendations concerning Forest Area mines and active recreational facilities. Meeting held with planning board and other municipal representatives on 11/14/06.

MUNICIPALITY	TOPIC
Medford	<p>1. Possible rezoning for RGD-1 Zone to increase density and provide for open space elsewhere in RGA: met with Township and developer 12/9. Met with Township 7/20/05 and asked for details so analysis could be completed. Received copy of settlement agreement between Township and developer. Met with Township and developer on 7/7/06 and discussed zoning and PDC issues. Met again on 8/24/06. Met with Township 9/15/06 to review ways in which zoning plan could be revised; presented alternatives. Met with Senator Bark on 2/21/07.</p> <p>2. Revisions to Route 70 Smart Growth Redevelopment Plan: Ordinance 2007-16 received 6/28/07. Township is proposing 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 has requested and been granted an extension of the Commission's review period until 12/17/07 to provide an opportunity for further discussion of PDC issues. The Township requested and was granted a second extension until 3/30/08 so that various complications and litigation issues might be resolved. A third extension was requested on 4/24/08 and granted through 6/30/08. Township Solicitor contacted for status on 8/1/08 and 8/25/08; waiting for response. Additional extension requested and granted through 11/1/08. As of 12/31/08, no progress appears to have been made. No response to request for status on 4/24/09.</p>
Monroe	<p>1. Cedar Creek rezoning: proposal to redesignate ±150 acres from RDA to RGA to facilitate additional affordable housing project. Met with Township on 11/4/05 and noted need to accommodate PDC opportunities. Met with Township on 10/23/06 to discuss this and other rezonings. Met again on 12/1/06 to discuss offsetting zoning changes. Township subsequently indicated it wishes to focus on other minor RDA-RGA zoning changes. Proposal received 12/12/06; comments sent 2/1/07. Draft master plan amendment received 3/16/07, proposing rezoning of Cedar Creek area from RDA to RGA with no offsetting management area changes. Adopted master plan amendment and numerous implementing ordinances subsequently received. Discussed concerns with Township planner. Additional master plan amendments, recommending offsetting management area changes, received and scheduled for adoption on 5/24/07. Meetings held with Township representatives, most recently on 12/19/07. Draft revisions to master plan reexamination report received 1/28/08 and under review. <i>Offsetting management area changes discussed with township representatives on numerous occasions, including those related to the EIA. Proposal received from Township 7/27/09 and under review.</i></p> <p>2. Acme Shopping Center Redevelopment Area: Draft amendments to Redevelopment Plan and notice of Planning Board hearing to expand Redevelopment Area (within RGA) and eliminate residential development received 2/19/08. Staff review indicated potential impacts on density and PDC use. Discussed with Township representatives on 3/11/08. 2nd Draft amendments to Redevelopment Plan received on 4/17/08 and under review.</p> <p>3. Housing Element and Fair Share Plan: copy of Plan received 11/24/08 and under review. Planning Board public hearing scheduled for 12/4/08.</p>
Mullica	<p>1. Elwood Village: meeting held with Township on 2/2/06 to discuss potential for higher density, multi-family housing on 20 acre site within Elwood. Second meeting held 5/1/06. Data received from township on vacant land and zoning capacity within Elwood. Follow up meeting with Township and potential developer held 5/7/07. The Township presented its proposal to the P&I Committee on 6/29/07. Commission staff met with Township representatives and toured Elwood on 7/25/07. An additional meeting to discuss design standards was</p>

MUNICIPALITY	TOPIC
	held on 8/9/07. Project may be revised or set aside in 2008. 2. 2008 Housing Element and Fair Share Plan: adopted Plan received 1/2/09 and under review.
Ocean	1. 2008 Housing Element and Fair Share Plan: adopted Plan received 12/22/08 and under review. 2. Revised zoning maps for areas east and west of Parkway: adopted Ordinance (2008-23) received and under review.
Pemberton	1. Agricultural commercial zone for existing packing plant or ordinance to permit commercial uses in Agricultural Production Area w/in 300 ft of existing 2. 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. <i>Draft of conceptual site plan for Browns Mills redevelopment received 7/21/09. Meeting to be scheduled with Township representatives to discuss wetlands buffer and other potential issues.</i> 3. 2008 Housing Element and Fair Share Plan: copy of plan received 11/25/08 and under review. Planning Board public hearing scheduled for 12/4/08. 4. 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. 5. <i>Recreation and open space: Ordinance 11-2009 eliminating in-lieu recreation fees; requiring all residential development within the Pinelands Area of Township to provide recreational facilities in accordance with N.J.A.C. 7:50-6.144; and, establishing site design standards for recreational facilities received 6/25/09 and reviewed. Finding Letter issued determining that ordinance presented no substantial issue with respect to CMP standards.</i>
Plumsted	1. Revision of management area boundary between FA and RD: Ordinance 2008-21 received 11/17/08. Finding letter sent 12/30/08 indicating ordinance requires formal review and approval by the Commission. Public hearing held 2/11/09. Recommendation for certification is on the Commission's agenda for 3/13/09.
Port Republic	1. Septic ordinance; introduced but tabled; Borough Council questions answered; copy of Waterford ordinance addressing repair and replacement issues provided to solicitor 7/12; attended City Council meeting on 8/10; provided information to solicitor on potential for use of systems within the City on 8/24 and 9/21.
Southampton	1. Septic ordinance; attended governing body workshop mtg. 5/6/03; reminder letter sent 9/15/03; received response from Township that they will not be adopting ordinance. Attended Environmental Commission meeting on 12/12/06. 2. Scenic Corridor Vision Statement and Plan (Route 206): received and under review.
Stafford	1. 2007 Master Plan and draft implementing ordinances: master plan, ordinances, zoning map and request from Township for certification of entire PNR area received 10/22/07 and under review. Adopted implementing ordinances received end of 12/07. Finding letter issued determining that Master Plan, Zoning Map and implementing ordinances presented substantial issues. Meeting held with township officials in early April. Extension of Commission's review period requested and granted through 8/14/08. Amending ordinance introduced but tabled after Commission staff review. Additional revisions and amendment language was provided to the Township in early July. Revised draft ordinances, including revised zoning map, received from the Township on 7/23/08 with adoption scheduled for 8/5/08. Adopted, revised zoning map received. Additional ordinance revisions adopted on 9/2/08 and received on 9/8/08. Finding letter sent. Public hearing held on 10/29/08. Staff asked for received comments from OSG re: center designation and planning area changes in the PNR. 2007 Master Plan and implementing ordinances were reviewed by the P&I Committee at its January 5,

MUNICIPALITY	TOPIC
	<p>2009 meeting. The Commission certified the 2007 Master Plan and implementing ordinances at its January 16, 2009 meeting.</p> <p>2. Ordinances 2007-97 and 2008-41 pertaining to resource extraction received and reviewed. Finding Letter issued determining that said ordinances presented a substantial issue.</p> <p>3. Housing Element and Fair Share Plan: adopted Plan received 12/22/08 and under review.</p>
Upper	<p>1. 2008 Housing Element and Fair Share Plan: draft of Plan received 12/8/08 and under review.</p>
Vineland	<p>1. 2008 Housing Element and Fair Share Plan: adopted Plan received 12/26/08 and under review.</p>
Waterford	<p>1. Adult community project in RGA nonresidential zone: letter from attorney received 4/20/04; met with Township and others 5/27/04.</p> <p>2. Redevelopment Plan (for area within RGA): Township may be interested in residential component and/or Transit Village concept; discussed with municipal engineer 6/21; met with Township and prospective developer 7/6 to discuss residential density and water issues; requested Redevelopment Plan maps 7/28; met with County Freeholder and others 8/4.</p> <p>3. 2008 Housing Element and Fair Share Plan: portions of draft plan received 12/18/08 and under review.</p>
Weymouth	<p>1. Tower ordinance: provided model and suggested amendments to Township 10/25/06.</p> <p>2. 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>3. 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. Supporting analysis received and under review. A certified copy of an amended version of Ordinance 468-2008 is expected shortly.</p>
Winslow	<p>1. PTC Zone: meeting scheduled with Township and potential developer on 11/6/06 to discuss the mixed use requirements in this zone and possible amendments.</p> <p>2. Rezoning of 6 lots from PI-3 (Industrial) Zone in RDA to PRC (Recreation/Conservation) Zone in FA: adopted ordinance received; concerns identified with isolated lots left in PI-3 Zone; Township requested extension of Commission review period and has introduced an amending ordinance. Meeting to be scheduled at Township's request to discuss potential impacts of ordinance on nonconforming lots. Received draft ordinance amending original on 7/25. Sent letter to Township on 7/26/05 stating that PC will take no action on ordinance 0-15-05 until adopted amendments are received.</p> <p>3. 2008 Housing Element and Fair Share Plan: adopted Plan received 12/22/08 and under review.</p>
Woodbine	<p>1. 2008 Housing Element and Fair Share Plan: adopted Plan received 12/31/08 and under review.</p>

MUNICIPALITY	TOPIC
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.</p> <p>3. Staff met with Township representatives on 12/10/08 to discuss EIA management area changes.</p>
Wrightstown	<p>1. 2008 Housing Element and Fair Share Plan: draft plan received 11/26/08. Notice of adoption subsequently received; plan is under review.</p> <p>2. Redevelopment Plan for Pinelands Town/Mixed Use District: draft ordinance and redevelopment plan for "Patriot's Walk" portion of the Pinelands Town area received 5/15/09. Meeting held with redeveloper and Borough planner on 5/18/09. Suggested revisions to redevelopment plan provided to the Borough on 6/4/09. <i>Adopted ordinance received 6/19/09. Map of new Phase I Patriot's Walk Overlay Zone received 7/27/09 and under review.</i></p>

ATTACHMENT #2

PINELANDS-RELATED LEGISLATION

July 31, 2009

Bill No.(s)	Prime Sponsor(s)	Synopsis	Current Status
A193	Johnson	Revises scope of P.L.2004, c.89, expediting certain State permits in smart growth areas	Introduced, Referred to Assembly Environment and Solid Waste Committee
A391	Handlin/Angelini/Rible	Requires All Elected Officials and Candidates and Certain Other Public Officials to File Financial Disclosure Statement	Introduced, Referred to Assembly State Government Committee
A473	Rooney/Handlin	The "Public Surface Water Supply Protection " Act	Introduced, Referred to the Assembly Environment and Solid Waste Committee
A493	Rooney	Water Supply Preservation and Protection Act	Fiscal Note added
A495	Rooney	Repeals laws expediting certain state permits	Introduced, Referred to Assembly Environment and Solid Waste Committee
S404	Lance/Turner	Identical to A495	Introduced, Referred to Senate Environment Committee
A500	Roberts/Watson-Coleman/ Green/Giblin/Cutinho/ Jasey	Revises laws concerning the provision of affordable housing	Approved P.L.2008, C.46
S1783	Lesniak/Redd	Identical to A500	Substituted by A500 (ACS)
A611	Karrow	Requires State compensation of property owners for certain property devalued due to certain environmental laws; and requires State agencies to evaluate proposed administrative rules for potential to constitute taking of real property	Introduced, Referred to Assembly State Government Committee
S2635	Karrow	Identical to A611	Introduced in the Senate, Referred to Senate Environment Committee
A665	Doherty/Karrow	Revises Highlands Water Protection and Planning Act; repeals law expediting certain State permits	Introduced, Referred to the Assembly Environment and Solid Waste Committee
A1143	Russo	Limits political contributions by certain government contractors; revises disclosure standards applicable to State officials; expands disclosure for lobbyists; prohibits certain types of dual office holding	Introduced, Referred to Assembly State Government Committee
A1148	Russo/Vandervalk	Establishes certain ethical standards and financial control requirements for State authorities.	Introduced, Referred to the Assembly State Government Committee
A1552	Greenstein/Handlin	Amends "State Transfer of Development Rights Act," and provides for impact fees and other incentives for establishment of transfer of development rights programs.	Introduced, Referred to Assembly Environment and Solid Waste Committee
A2339	Greenstein	Requires policy on use of alternative dispute resolution for State agencies; expands duties of Dispute Settlement Office of Department of Public Advocate	Introduced, Referred to Assembly Judiciary Committee
S623	Vitale/Lesniak	Identical to A2339	Fiscal note added; pending before Senate Judiciary Committee
A2785	Doherty	Clarifies the responsible planning entity for provision of fair share housing	Introduced, Referred to Assembly Housing and Local Government Committee
S2022	Oroho	Identical to A2785	Introduced in the Senate, Referred to Senate Community and Urban Affairs Committee
A2800	Greenwald/Pou/Schaer/	Appropriates State and federal funds for the State	Approved with Line Item Veto

<u>Bill No.(s)</u>	<u>Prime Sponsor(s)</u>	<u>Synopsis</u>	<u>Current Status</u>
	Roberts	budget for fiscal year 2008-2009.	P.L.2008, c.35
S2009	Buono	Identical to A2800	Substituted by A2800
A2867	Greenwald/Malone/Cryan/Biondi/McHose	The "Permit Extension Act of 2008." An act concerning the extension of certain permits and approvals affecting the physical development of property located within the State of New Jersey, superseding all statutory and regulatory requirements to the contrary, and supplementing Title 40 of the Revised Statutes.	Approved P.L.2008, c.78.
S1919	Sarlo/Van Drew	Identical to A2867	Substituted by A2867 (2R)
A3441	Rible/Rumana	Revises laws governing provision of affordable housing; reestablishes regional contribution agreement as method of meeting affordable housing obligation; repeals Statewide non-residential development fee	Introduced, Referred to Assembly Housing and Local Government Committee
S2292	Bateman/Haines	Identical to A3441	Introduced in the Senate, Referred to Senate Community and Urban Affairs
A3781	Polistina/Amodeo	Prohibits Pinelands Commission from altering pinelands management area boundaries	Introduced, Referred to Assembly Environment and Solid Waste Committee
A3950	Milam/Albano	Permits members of Pinelands Commission to approve revisions to comprehensive management plan	Introduced, Referred to Assembly Environment and Solid Waste Committee
S2822	Van Drew	Identical to A3950	Introduced
A4065	Malone/Dancer	Authorizes Council on Affordable Housing to enter into memoranda of understanding with certain planning entities; establishes presumption of compliance with council's regulations; establishes moratorium on builder's remedy	Introduced, Referred to Assembly Housing and Local Government Committee
S2894	Kean/Singer	Identical to A4065	Introduced in the Senate, Referred to Senate Community and Urban Affairs Committee
ACR83	Rooney	Amends Constitution to dedicate water consumption and diversion tax revenues for public acquisition of lands within the Highlands Region and the Pinelands by the State which are identified as lands of exceptional natural resource value for water resources and watershed protection.	Introduced, Referred to Assembly Environment and Solid Waste Committee
S396	Lance	Reconstitutes Executive Commission on Ethical Standards with public members; requires certain public officers and employees to file financial disclosure statements and dispose of certain prohibited interests	Introduced, Referred to Senate State Government Committee
S447	Haines	Prohibits the State from Exporting Water from the Pinelands	Introduced, Referred to Senate Environment Committee
S832	Ciesla	Prohibits Pinelands Commission from requiring pinelands development credits for the construction of development project that includes affordable housing	Introduced, Referred to Senate Environment Committee
S1875	Sarlo/Oroho	Extends expiration date of special appraisal process for Green Acres and farmland preservation programs from 2009 to 2011	Referred to Senate Budget and Appropriations Committee
S1983	Hanes	Eliminates development review fees charged by the Pinelands Commission	Introduced, Referred to Senate Environment Committee
S2367	Lesniak	Expands availability of general development plan approvals and long-term vesting of preliminary and final site plan approvals in Smart Growth areas	Introduced in the Senate, Referred to Senate Community and Urban Affairs Committee

SELECTED PINELANDS RELATED LEGISLATION

July 31, 2009

<u>Bill No.(s)</u>	<u>Prime Sponsor(s)</u>	<u>Synopsis</u>	<u>Current Status</u>
A293	Rumpf/Van Pelt	Appropriates \$26,140,000 for dredging projects and dredged material disposal projects related to navigational waterways	Introduced, Referred to Assembly Environment and Solid Waste Committee

Bill No.(s)	Prime Sponsor(s)	Synopsis	Current Status
A296	Rumpf/Van Pelt	Establishes a New Jersey Coordinating Council on the Decommissioning of Nuclear Power Generating Facilities	Introduced, Referred to Assembly Telecommunications and Utilities Committee
A482	Rooney	Revises "Solid Waste Management Act" to Eliminate Those Parts of the Statutory Law that have been Rendered Obsolete, Unconstitutional or Unenforceable by the Carbone, Atlantic Coast and Waste Management v. Shinn Decisions	Introduced, Referred to Assembly Environment and Solid Waste Committee
A485	Rooney	Authorizes municipalities to assume primary responsibility for the collection and disposal of municipal solid waste	Introduced, Referred to Assembly Environment and Solid Waste Committee
A534	Dancer/Doherty	Extends for Five Additional Years Use of Special Appraisal Method when Acquiring Certain Lands for Open Space or Farmland Preservation Purposes	Fiscal Note 8/22/08; as introduced
A665	Doherty/Karrow	Revises Highlands Water Protection and Planning Act; repeals law expediting certain State permits	Introduced, Referred to Assembly Environment and Solid Waste Committee
A790	Gusciora/Handlin	Authorizes Assessment of Development Impact Fees by Municipalities	Introduced, Referred to Assembly Housing and Local Government Committee
S863	Lance	Identical to A790	Introduced, Referred to Senate Community and Urban Affairs Committee
A791	Gusciora/Greenstein /Green	Historic Property Reinvestment Act	Reported out of Asm. Comm. With Amendments and Referred to Assembly Appropriations Committee
S468	Buono	Identical to A791	Introduced in the Senate, Referred to Senate Wagering, Tourism & Historic Preservation Committee
A796	Gusciora/Watson Coleman	Authorizes adoption of timed-growth ordinances by municipalities	Introduced, Referred to Assembly Housing and Local Government Committee
A823	Gusciora/Moriarty/Wisniewski/Ramos	Regulates operation of snowmobiles, all-terrain vehicles, dirt bikes, and certain other vehicles and off-road vehicles.	(second) Assembly Floor Amendment Passed (Gusciora)
S2055	Gordon/Stack	Identical to A823	<i>Reported from Senate Committee, 2nd Reading</i>
A851	Albano	Grants Abbott District Status to the School Districts of Buena Regional, Commercial Township, Fairfield Township, Salem City and Woodbine	Introduced, Referred to Assembly Education Committee
S950	Van Drew	Identical to A851	Introduced, Referred to Senate Education Committee
A857	Albano	Requires DOT and DEP to conduct study on options to alleviate congestion on Route 47	Introduced, Referred to Assembly Transportation, Public Works and Independent Authorities Committee
A904	Holzapfel/Wolfe/Fisher	Requires water purveyors and licensed operators to notify municipalities they service regarding water supply and water quality issues	Reported from Assembly Comm. as a Substitute, 2nd Reading
A914	Scalera/Quigley	Authorizes creation of urban enterprise	Introduced, Referred to

Bill No.(s)	Prime Sponsor(s)	Synopsis	Current Status
		zones in Garfield, Harrison, Keansburg and two joint urban enterprise zones, one in Cliffside Park and Fairview, and one in Buena Vista Township and Buena Borough.	Assembly Commerce and Economic Development Committee
S949	Van Drew	Identical to A914	Introduced, Referred to Senate Economic Growth Committee
A1482	Burzichelli	Authorizes municipality to request DEP to require additional remediation of certain landfill sites	Introduced, Referred to Assembly Environment and Solid Waste Committee
S557	Sweeney	Identical to A1482	Introduced in the Senate, Referred to Senate Environment Committee
A1510	Burzichelli	Makes various technical and procedural amendments to the "Municipal Land Use Law."	Introduced, Referred to Assembly Housing and Local Government Committee
A1559	Greenstein/DeAngelo/Gusciora/Rodriguez	Authorizes municipal planning boards to adopt green buildings and environmental sustainability municipal master plan element.	Approved P.L.2008, c.54.
S1788	Singer	Identical to A1559	Substituted by A1559 (1R)
A1720	Munoz	Establishes Cross-Acceptance of Local Master Plans; Intermunicipal Review of Certain Development Applications	Introduced, Referred to Assembly Housing and Local Government Committee
A1912	Fisher/Conaway/Albano/Karrow	Appropriates \$33 million from "Garden State Green Acres Preservation Trust Fund" for State acquisition of lands for recreation and conservation purposes.	Reported out of Assembly Committee, 2 nd Reading; Substituted by S795
S795	Sarlo/Van Drew	Identical to A1912	Approved P.L. 2008, c.3
A2008	Milam	Supplemental appropriation of \$1.2 million to Maurice River Township for the siting of a State correctional facility	Introduced, Referred to Assembly Law and Public Safety Committee
A2202	Karrow	Authorizes any municipality outside Highlands Region to establish receiving zones for Highlands transfer of development rights program	Introduced, Referred to Assembly Environment and Solid Waste Committee
S2639	Karrow	Identical to A2202	Introduced in the Senate, Referred to Senate Environment Committee
A2203	McKeon	New Jersey Clean Water, Drought Mitigation and Water Resource Trust Fund Act	Introduced, Referred to Assembly Environment and Solid Waste Committee
A2224	Milman/DeCrocce/Fisher/Gusciora	Appropriates \$1,068,921 from "Garden State Historic Preservation Trust Fund" to provide historic site grants for certain historic preservation projects	Substituted by S1164
S1164	Whelan/Beck/Milam/Fisher/Gusciora	Identical to A2224	Approved P.L.2008, c.74.
A2225	Spencer/Albano/Karrow/Smith/Gusciora	Appropriates \$54,917,725 from various Green Acres funds for local government open space acquisition and park development projects	Substituted by S1168
S1168	Adler/Ciesla/Spencer/Albano/Karrow/Smith/Gusciora	Identical to A2225	Approved P.L.2008, c.76.
A2226	McKeon/Rooney/Evans	Appropriates \$8,430,250 from various Green Acres funds for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes	Substituted by S1167
S1167	Bateman/Van Drew/McKeon/Rooney/Evans	Identical to A2226	Approved P.L.2008, c.75.
A2628	Karrow/ Munoz	Expands Eligibility under the Urban Transit Hub Tax Credit Act by broadening certain municipal qualifier provisions	Fiscal Estimate
S1466	Kean/ Kyrillos, Jr.	Identical to A2628	Fiscal Estimate
A2739	Rumpf/Van Pelt	Converts loan awarded to Barnegat Bay	Introduced, Referred to

Bill No.(s)	Prime Sponsor(s)	Synopsis	Current Status
		Decoy and Baymen's Museum from loan to grant	Assembly Appropriations Committee
S1294	Connors	Identical to A2739	Introduced in the Senate, Referred to Senate Wagering, Tourism & Historic Preservation Committee
A2777	Fisher/Wisniewski/Gusciora/Quigley	Authorizes New Jersey Environmental Infrastructure Trust to expend certain sums to make loans for environmental infrastructure projects	Approved P.L.2008, c.67.
S1825	Adler/Kean	Identical to A2777	Substituted by A2777 (1R)
A2778	Pou/Burzichelli/Prieto/Vas	Appropriates funds to DEP for environmental infrastructure projects	Approved P.L.2008, c.68.
S1824	Van Drew/Scutari	Identical to A2778	Substituted by A2778 (1R)
A2785	Doherty	Clarifies the responsible planning entity for provision of fair share housing	Introduced, Referred to Assembly Housing and Local Government Committee
S2022	Oroho	Identical to A2785	Introduced in the Senate, Referred to Senate Community and Urban Affairs Committee
A2859	Chivukula/Fisher/Wagner/McKeon	Allows solar and wind energy generation on preserved farms under certain circumstances and includes solar and wind energy generation on commercial farms as protected activities under "Right to Farm Act"	Reported as an Assembly Committee Substitute and referred to Assembly Appropriations Committee
S1538	Smith/Bateman	Identical to A2859	<i>Amended on the Floor and Passed by the Senate (37-0)</i>
A2888	Rumana/Russo	Provides that municipalities with minimum amounts of developable land may file certification with the Council on Affordable Housing, even if no petition for substantive certification is filed	Introduced, Referred to Assembly Housing and Local Government Committee
A2962	McKeon/Cryan/Barnes/Coutinho/Pou	Establishes licensed site professional program for site remediation and makes various changes to site remediation laws	Approved P.L.2009, c.60
S1897	Smith/Sweeney/Lesniak/Oroho/Van Drew/Ciesla/Gordon/Bateman/Beach	Identical to A2962	Substituted by A2962(ACS)
A3062	McKeon/Chivukula/Coutinho/Greenstein	Defines "inherently beneficial use" for purposes of zoning use variance and specifically includes facilities that supply electrical energy produced from wind, solar or photovoltaic technologies	<i>Substituted by S1303</i>
S1303	Smith/Baroni/McKeon/Chivukula/Coutinho/Greenstein	Identical to A3062	<i>Passed Senate (Passed Both Houses) (33-3)</i>
A3105	McHose/Chiusano	Establishes new Dept. of Agriculture and Conservation; clarifies authority of Fish and Game Council in but not of the new dept.	Withdrawn from Consideration
S2081	Oroho	Identical to A3105	Withdrawn from Consideration
A3197	McKeon/Karrow	Extends expiration date of special appraisal process for Green Acres and farmland preservation programs from 2009 to 2014.	Introduced, Referred to Assembly Environment and Solid Waste Committee; Reported out of Assembly Committee, 2nd Reading
A3215	McKeon	Water Resource Lands Protection Act	Introduced, Referred to Assembly Environment and Solid Waste Committee
A3239	McKeon/Fisher	Establishes forest stewardship and forest certification program in DEP; limits liability of certain landowners who allow sport or recreational activities on their lands for a fee	Reported out of Asm. Comm. With Amendments and Referred to Assembly Appropriations Committee
S713	Smith/ Van Drew/ Adler/ Gordon/ Ciesla/ Bateman/ Singer	Establishes forest stewardship and forest certification programs in DEP; establishes	Reported out of Asm. Comm. With Amendments

Bill No.(s)	Prime Sponsor(s)	Synopsis	Current Status
		Forest Stewardship Incentive Fund	and Referred to Assembly Appropriations Committee
A3391	Polistina/Amodeo	Makes available \$12.6 million from FY09 Special Municipal Aid appropriation to Division of State Police to support cost of providing rural patrol services; makes supplemental appropriation of \$1,000,000 for Pinelands Area Municipality Aid to certain municipalities.	Introduced, Referred to Assembly Housing and Local Government Committee
A3570	Merkt/Biondi	Abolishes Council on Affordable Housing for failure to comply with legislative directives	Introduced, Referred to Assembly Housing and Local Government Committee
A3632	Watson/Jasey/Wolfe/Gusciora/McKeon	Establishes "Smart Housing Incentives Act"	Introduced, Referred to Assembly Housing and Local Government Committee
S2505	Redd/VanDrew	Identical to A3632	Reported from Senate Committee with Amendments, 2 nd Reading; Referred to Senate Budget and Appropriations Committee
A3697	Milam/Albano	Revises laws relative to affordable housing	Introduced, Referred to Assembly Housing and Local Government Committee
S2524	Van Drew	Identical to A3697	Introduced in the Senate, Referred to Senate Community and Urban Affairs Committee
A3725	O'Scanlon/Casagrande	Permits approval of certain regional contribution agreements through December 31, 2009	Introduced, Referred to Assembly Housing and Local Government Committee
S2687	<i>Beck/Haines</i>	<i>Identical to A3725</i>	<i>Motion to Table (22-16)(Sweeney)</i>
A3738	Roones/Prieto	Modifies laws concerning affordable housing and makes an appropriation to the Affordable Housing Trust Fund	Introduced, Referred to Assembly Housing and Local Government Committee
S2485	Lesniak/Bateman	Identical to A3738	Received in the Assembly, Referred to Assembly Housing and Local Government Committee
A3874	McKeon	"Water Supply Open Space, Farmland and Historic Preservation Trust Fund Act"	Introduced, Referred to Assembly Environmental and Solid Waste Committee
A3892	Albano/DeAngelo/Burzychelli/Moriarty/Milam	Appropriates \$49.65 million from "2007 Farmland Preservation Fund" for farmland preservation purposes	<i>Substituted by S2713</i>
S2713	Beach/VanDrew/Albano/DeAngelo/Burzychelli/Moriarty/Milam	Identical to A3892	<i>Passed Assembly (Passed Both Houses) (79-0-0)</i>
A3894	Albano/Burzychelli	<i>Appropriates \$11,293,478 from various farmland preservation bond funds and "Garden State Farmland Preservation Trust Fund" for farmland preservation purposes</i>	<i>Substituted by S2715</i>
S2715	Karrow/Sweeney	<i>Identical to A3894</i>	<i>Passed Assembly (Passed Both Houses)(79-0-0)</i>
A3896	Greenstein/Milam/Moriarty/Gusciora	Appropriates \$66 million from "Garden State Green Acres preservation Trust Fund," "2007 Green Acres Fund," and "2007 Blue Acres Fund" for State acquisition of lands	<i>Substituted by S2767</i>
S2767	Sweeney/Karrow/Greenstein/Milam/Moriarty/Gusciora	Identical to A3896	<i>Passed Assembly (Passed Both Houses) (79-0-0)</i>
A3897	Scalera/DeAngelo/Wagner/Gusciora/	Appropriates \$120,123,420 from various	<i>Substituted by S2768</i>

Bill No.(s)	Prime Sponsor(s)	Synopsis	Current Status
	<i>Schaer</i>	Green Acres funds for local government open space acquisition and park development projects	
S2768	Codey/Buono/ <i>Scalera/DeAngelo/Wagner/Gusciora/Schaer</i>	Identical to A3897	<i>Passed Assembly (Passed Both Houses) (79-0-0)</i>
A3898	McKeon/Schaer/Albano/Gusciora/ <i>Scalera</i>	Appropriates \$19,919,700 from various Green Acres funds for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes	<i>Substituted by S2771</i>
S2771	Cunningham/Haines/ <i>Riley/Burzichelli/Gusciora</i>	Identical to A3898	<i>Passed Assembly (Passed Both Houses) (79-0-0)</i>
A3899	Riley/Burzichelli/Gusciora	Appropriates \$15,557,201 from various historic preservation funds to provide grants for certain historic preservation projects, and appropriates \$574,805 from certain historic preservation bond funds for associated administrative expenses	<i>Substituted by S2770</i>
S2770	Girgenti/Baroni/ <i>McKeon/Schaer/Albano/Gusciora/Scalera</i>	Identical to A3899	<i>Passed Assembly (Passed Both Houses) (79-0-0)</i>
A4045	Moriarty/ <i>Schaer/Albano/DeAngelo/Watson Coleman</i>	<i>Appropriates funds to DEP for environmental infrastructure projects</i>	<i>Substituted by S2888</i>
S2888	Whelan/Vitale/ <i>Moriarty/Schaer/Albano/DeAngelo/Watson Coleman</i>	Identical to A4045	<i>Passed Assembly (Passed Both Houses) (75-3-1)</i>
A4046	<i>Greenstein/Scalera/Riley/Vainieri/Watson Coleman</i>	<i>Authorizes New Jersey Environmental Infrastructure Trust to expend certain sums to make loans for environmental infrastructure projects</i>	<i>Substituted by S2887</i>
S2887	<i>Beach/Scutari</i>	Identical to A 4046	<i>Passes Assembly (Passed Both Houses) (78-0-1)</i>
A4048	Roberts/ <i>Coutinho/Diegnan/Wisniewski/Chivukula/Spencer</i>	<i>"New Jersey Economic Stimulus Act of 2009"; appropriates \$15 million to "New Jersey Affordable Housing Trust Fund."</i>	<i>Passed Senate (Passed Both Houses) (23-14)</i>
S2299	Lesniak	Identical to S2299	<i>Substituted by A4048 (ACS)</i>
ACR111	Fisher/McKeon/Albano/Quigley/Watson Coleman/Gusciora/ Karrow	Amends Constitution to dedicate up to \$175 million annually from FY2009 and FY2038 from sales and use tax revenue for preservation of open space, including flood prone or affected areas, and for preservation of farmland and historic sites.	Introduced, Referred to Assembly Agriculture and Natural Resources Committee
ACR126	Chivukula	Amends Constitution to dedicate up to \$150 million annually from FY2010 to FY2039 from sales and use tax revenue for open space, farmland and historic preservation.	Introduced, Referred to Assembly Environment and Solid Waste Committee
ACR216	Doherty/Carroll	Clarifies housing rights of state residents under State Constitution and prohibits laws requiring municipalities to provide housing opportunities through zoning and land use regulations	Introduced, Referred to Assembly Housing and Local Government Committee
SCR47	Lance/Smith	Identical to ACR126	Introduced, Referred to Senate Environment Committee
S76	Connors	Establishes a New Jersey Coordinating Council on the Decommissioning of Nuclear Power Generating Facilities.	Introduced, Referred to Senate Economic Growth Committee
S200	Cardinale	Changes restrictions on certain county or municipal stream cleaning activities	Introduced, Referred to Senate Environment Committee
S481	Turner	Authorizes municipal assessment of development impact fees following State guidelines and makes an appropriation	Introduced, Referred to Senate Community and Urban Affairs Committee
S714	Smith/Scutari	Requires Site Improvement Advisory Board to offer recommendations to encourage sustainable development	Introduced, Referred to Senate Community and Urban Affairs Committee
S903	Van Drew	Creates "Task Force on the Extension of Route 55"	Introduced, Referred to Senate Transportation Committee

<u>Bill No.(s)</u>	<u>Prime Sponsor(s)</u>	<u>Synopsis</u>	<u>Current Status</u>
S1096	Smith/Bateman	Creates Solar and Wind Energy Commission	Introduced in the Senate, Referred to Senate Economic Growth Committee
S1399	Turner	Provides that preserved farmland may be sold by the State or a local government unit only to established farmers and restricts size of farmer residence which may be built thereon	Introduced, Referred to Senate Economic Growth Committee
S2448	Bateman	Extends the deadline for submission of petition for substantive certification by a municipality to June 30, 2009	Introduced, Referred to Senate Community and Urban Affairs Committee
SCR36	Whelan/Van Drew	Urges Congress to advance construction of Aviation Research and Technology Park in Egg Harbor Township, N.J.	Passed by the Senate (39-0), Received in the Assembly, Referred to Assembly Transportation, Public Works and Independent Authorities Committee
SCR132	Beck	Clarifies constitutional obligation of municipalities regarding affordable housing	Introduced in the Senate, Referred to Senate Community and Urban Affairs Committee
AR182	Rudder/Addiego	Urges Council on Local Mandates to determine certain COAH third round methodology rules invalid as unfunded mandates	Introduced, Referred to Assembly Housing and Local Government Committee
SR112	Haines	Identical to AR182	Introduced in the Senate, Referred to Senate Community and Urban Affairs Committee

ATTACHMENT #3

EMPLOYEE ACTIONS July 2009

A. DEPARTING EMPLOYEE(S)

Name	Title	Office	Effective Date	Hire Date
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B. VACANCIES / RECRUITMENT(S)

Title	Office	Status
Environmental Specialist 2	Regulatory Programs	Vacant, not recruiting
Business Specialist 1	Business Services	Not budgeted
Environmental Specialist 2	Regulatory Programs	Not budgeted
Resource Planner	Land Use & Tech. Pgms.	Not budgeted
Office Assistant (part time)	Land Use & Tech. Pgms.	Vacant, not recruiting
Undetermined (part time)	Unassigned	Vacant, not recruiting
Research Scientist 2* (Ecological Integrity Assessment)	Science	Not budgeted
GIS Specialist* (Ecological Integrity Assessment)	Land Use & Tech. Pgms.	Not budgeted
Community Planner* (Comm. Design Tech. Assist. Project)	Executive	Not budgeted
Planning Assistant (part time) (Long Term Economic Monitoring Program)	Land Use & Tech. Pgms.	Not budgeted
Environmental Specialist	Regulatory Programs	Not budgeted

*Funded by the Pinelands Conservation Fund

C. OTHER NOTES

Name	Title	Office	Note
Michelle Russell	Human Resources Spec.	Business Services	Working a part-time schedule
Barry Brady	Planner 1-Cult. Res.	Land Use & Tech. Pgms.	Working a part-time schedule
Robert Zampella	Chief Scientist	Science	Paid intermittent leave
Allison Brown	Research Scientist	Science	Unpaid intermittent leave
Jennifer Ruegg	Env. Spec. 1	Regulatory Programs	Unpaid leave request for 1 yr.
Daniel Strommen	Intern (unpaid)	Land Use & Tech. Pgms.	Working part-time from April through September 2009
Kevin Connor	Intern (unpaid)	Land Use & Tech. Pgms. (Economic Monitoring)	Working part-time from May through August 2009