

June 12, 2009 Pinelands Commission Meeting Packet Items
Not Included on the Commission's Electronic Packet

1. May 8, 2009, Closed Session Minutes (*these closed session minutes are not available to the public*)
2. Attachments to the May 8, 2009 Pinelands Commission meeting minutes which consist of:
 - Resolution #PC4-09-26
 - Resolution #PC4-09-27
 - Resolution #PC4-09-28
 - Resolution #PC4-09-29
 - Public comments from Pinelands Preservation Alliance regarding Application #2005-0041.002
 - Presentation on Ecological Integrity Assessment
 - Presentation on Draft Affordable Housing Rules
3. Documents related to the resolution: Endorsing the April 2009 Joint Land Use Study for Joint Base McGuire-Dix-Lakehurst
 1. The Joint Land Use Study report is available at <http://www.jointbasenj.org/default.aspx>
 2. The PowerPoint presentation made to the CMP P&I Committee is not included in the electronic packet

Document related to the presentation by Taintor and Associates on the Scenic Byway:

The Pine Barrens Byway (formerly referred to as the Southern Pinelands Natural Heritage Trail) Corridor Management Plan (including supporting reports and maps) is available at <http://njpinelandstrail.com/> and after June 12, 2009 will be posted on both the Commission's web site and the newly created Pine Barrens Byway web site, <http://www.pinebarrensbyway.org/>

MEMORANDUM

DATE: June 5, 2009

TO: Members of the Commission

FROM: John C. Stokes, Executive Director

SUBJECT: Summary of the June 12, 2009 Meeting Packet

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Minutes

The Commission meeting minutes (open and closed session) of May 8, 2009 are included in your packet.

Public Development Applications

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

1. **Cape May County Municipal Utilities Authority**, Pinelands Town, expansion of the existing Cape May County Municipal Utilities Authority landfill;
2. **The Richard Stockton College of New Jersey**, Regional Growth Area, construction of a 670 square foot building addition, a 3,966 square foot building addition and other minor building improvements;
3. **Evesham Township**, Regional Growth Area, replacement of an existing grass athletic field with an 86,400 square foot synthetic turf athletic field;
4. **Township of Stafford**, Regional Growth Area, development of a 1,600 square foot municipal vehicle washdown building and associated development;
5. **Township of Manchester**, Pinelands Town, expansion of an existing public works facility and associated site improvements;
6. **Naval Air Engineering Station, Lakehurst**, Military and Federal Installation Area, construction of a 400 foot long by 75 foot wide high-speed aircraft turnaround taxiway, a

2,000 square foot control building, two 2,745 square foot equipment buildings, seven space parking lot, demolition of two structures, 50 years old or older, and associated development;

7. **Stafford Township Water and Sewer Utility Department**, Regional Growth Area, installation of 810 linear feet of 18 inch potable water main on a 6.84 acre lot and within the Garden State Parkway right-of-way;
8. **New Jersey Turnpike Authority**, Pinelands Village of New Gretna, placement of riprap around two existing bridge piers located within the Bass River;
9. **New Jersey Department of Military & Veterans Affairs**, Military and Federal Installation Area, 82,340 square foot building addition to the existing Consolidated Logistic and Training Facility; and
10. **Borough of Berlin**, Regional Growth Area, installation of a water well at an existing sanitary sewer pumping station.

Waivers of Strict Compliance

There was one Waiver of Strict Compliance application originally scheduled for this month's agenda. The waiver applicant has requested an extension of time to determine if they wish to request a New Jersey Office of Administrative Law (OAL) hearing. Therefore, there are no waiver applications on this month's agenda.

Letters of Interpretation

There were three PDC Letters of Interpretation issued this month. The PDC Letters of Interpretation allocated 1.85 PDCs to a total of 95.9 acres. There was one Letter of Interpretation issued this month as to the presence or absence of wetlands.

Recreation Permit

There were five recreation permits issued this month.

Certificate of Appropriateness

There were no Commission Certificates of Appropriateness issued for public development.

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 resolution to expend an additional \$15,000 for legal fees associated with labor and employment matters. It is possible that the \$50,000 authorized in April 2007 may be fully expended by June 30, 2009. This \$15,000 has been budgeted in FY 2009 and will carry forward into FY 2010 if this resolution is approved. It is possible that additional funds will need to be authorized later in FY 2010.

The resolution to Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2010 at the Same Level of Expenditures as Fiscal Year 2009 Until the Adoption of the Fiscal Year 2010 Budgets will allow for the routine purchases which are necessary for operational purposes. This type of resolution is considered by the Commission every year at this time.

We have also included a resolution relating to the 42nd Round of acquisition under the Limited Practical Use Program. One questionnaire was received for Round 42, involving 0.69 acres in the Pinelands Village of Milmay in Maurice River Township. We are recommending that the Commission approve the acquisition of this parcel.

There is also resolution on the agenda relating to the Commission's agreement with The Nature Conservancy to administer the Cape May County MUA Land Acquisition Funds. This resolution would authorize the use of Cape May County MUA Land Acquisition Funds for acquisition of a property outside the locations previously approved by the Commission. This property is located in the City of Estell Manor within the Tuckahoe River Basin, as depicted on the map attached to the resolution. The Permanent Land Protection Committee reviewed the project in detail at its May 29, 2009 meeting and determined the property has sufficient merit to warrant funding. Because the property is located outside the pre-approved acquisition areas, the full Commission must determine whether funding for the project should be provided. If approved, this acquisition would utilize all remaining funds.

A resolution to endorse the recently completed Joint Land Use Study (JLUS) for Joint Base McGuire-Dix-Lakehurst is enclosed for your consideration. We're also enclosing a CD for each Commissioner which contains the May 29, 2009 Power Point presentation made by the JLUS consultants to the Policy & Implementation Committee, as well as the entire JLUS Final Report. Other packet recipients are receiving hard copies of the Power Point presentation and may access the JLUS Final Report on-line at <http://www.jointbasenj.org/default.aspx>

Amendments to the Fair Housing Act, P.L. 2008, Chapter 46, which went into effect on July 17, 2008, include provisions that require that developments consisting of newly constructed residential units located, or to be located, within the jurisdiction of a designated regional planning entity, including the Pinelands Area, include a 20% set aside for low and moderate income households to the extent that it is economically feasible. P.L. 2008, Chapter 46, Section 18(a). We have received preliminary advice from the Division of Law that this 20% affordable

housing set-aside obligation is sufficiently clear to warrant implementation pending the adoption of regulations. As a result, a draft resolution providing notice of the Commission's implementation of the 20% affordable housing set aside of P.L. 2008, Chapter 46, Section 18(a) and setting forth the mechanism for such implementation is included in your packet. We have asked Ms. Haynes and Ms. Donlon to provide more detailed advice to you in closed session. This resolution can be considered after the closed session.

Ordinances Not Requiring Commission Action

Your packet does not include a No Substantial Issue memorandum this month.

Other Agenda Items

A representative from Taintor & Associates, our consultants for the Southern Pinelands Natural Heritage Trail (Scenic Byway), will provide a brief presentation on the Corridor Management Plan for what is now known as the Pine Barrens Byway. For Commission members, we have included in the packet a copy of the Corridor Management Plan along with a CD (in the front pocket) providing supporting reports and maps. Other packet recipients may access the complete report online at <http://njpinelandstrail.com/> The report will also be made available shortly on the Pine Barrens Byway's new website: <http://www.pinebarrensbyway.org/>

Closed Session

A short closed session is required for Ms. Haynes and Ms. Donlon to discuss the 20% affordable housing set-aside obligations of P.L. 2008, Chapter 46, Section 18. We will also discuss with you certain personnel-related matters that may be necessary as part of the Commission's FY2010 budget.

Other Materials

The June and July 2009 Pinelands Commission calendars are included in your packet.

As we near the end of the fiscal year, Donna Connor is asking for Commission members to complete the enclosed travel expense reimbursement form.

As always, the management report is enclosed.

June 2009

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1	2	3	4 9:30 a.m. – P&B Cmte. Mtg., RJS Center, Library 7 p.m. – Pinelands Educ. Adv. Council Mtg. Library	5	6
7	8	9	10	11	12 9:30 a.m. – Pinelands Commission Mtg. – RJS Center	13
14	15	16	17 9:30 a.m. – Special P&I Committee Mtg. – RJS Center	18 2 p.m. Pinelands Speaker Series - RJS Center	19	20
21	22	23	24	25	26 9:30 a.m. – P&I Committee Mtg., at RJS Center	27
28	29 10:30 a.m. P&G Committee Mtg. - RJS Center	30 4:00 p.m. Scenic Byway Task Force (Location to be Determined)				

July 2009

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2 9:30 a.m. – P&B Cmte. Mtg. - RJS Center, Library	3	4
5	6	7	8	9	10 9:30 a.m. – Pinelands Commission Mtg. – RJS Center	11
12	13	14	15 7 p.m. – Public Hearing – CMP Amendments – Septic Mgt. – RJS Center	16 2 p.m. - Pinelands Speaker Series - RJS Center	17	18
19	20	21	22 7 p.m. – Public Hearing –CMP Amendments, Forestry, Wetlands Mgt., Electric Transmission Right-of- Way Maintenance – RJS Center	23	24 9:30 a.m. – P&I 12 noon – PLP Both Meetings at RJS Center	25
26	27 10:30 a.m. P&G Committee Mtg. - RJS Center	28	29 7:30 p.m. – Pinelands Municipal Council – Little Egg Harbor Twp.	30	31	



NEW JERSEY PINELANDS COMMISSION

June 12, 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 May 8, 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 Authorize the Executive Director to Expend an Additional \$15,000 for Legal Services
- o To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2010 at the Same Level of Expenditures as Fiscal Year 2009 until the Adoption of the Fiscal Year 2010 Budgets
- o Determining the Eligibility of Parcels of Land for Acquisition by the Department of Environmental Protection Pursuant to the Limited Practical Use Program
- o To Approve a Request by The Nature Conservancy to Purchase a Property Outside the Pre-Approved Acquisition Areas for the Cape May County MUA Land Acquisition Funds (Simon #2)
- o Endorsing the April 2009 Joint Land Use Study for Joint Base McGuire-Dix-Lakehurst

10. Ordinances Not Requiring Commission Action

- o None

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

12. Other Agenda Items

- o Presentation on the Scenic Byway by Taintor & Associates
- o 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*). This may include action on a resolution Implementing the 20% Affordable Housing Set-Aside for Developments Consisting of Newly-Constructed Residential Units Required by P.L. 2008, Chapter 48

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](#) 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

May 8, 2009

Commissioners Present

Candace Ashmun, Guy Campbell, Leslie M. Ficcaglia, Paul E. Galletta, John A. Haas, Robert Jackson, Daniel M. Kennedy, Stephen Lee, III, Edward Lloyd, 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

William J. Brown and Robert McIntosh

Vice-Chairman Tomasello called the meeting to order at 9:38 a.m.

Vice-Chairman Tomasello introduced Deputy Attorney General Amy Donlon to the Commission. He said that DAG Donlon will be replacing DAG Haynes when she retires in June.

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

Mr. Stokes called the roll.

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

Minutes

Vice-Chairman Tomasello presented the April 17, 2009 Part II Commission meeting minutes. Commissioner Ashmun moved the adoption of the minutes. Commissioner Ficcaglia seconded the motion.

The Commission adopted the minutes by a vote of 11 to 0.

Committee Chairs' and Executive Director's Reports

CMP Policy and Implementation Committee Meeting

Commissioner Ashmun reported that the CMP Policy and Implementation Committee met on April 24, 2009 and adopted the minutes of the March 27, 2009 meeting.

The Committee recommended that the Commission certify Jackson Township's stormwater management plan and ordinances.

The Committee received a presentation by Jackson Township regarding proposed master plan and zoning amendments.

The Committee reviewed a draft rule proposal related to the PDC Program.

The Committee reviewed draft rules related to affordable housing.

Commissioner Ashmun stated that the Committee also conducted a special P&I Committee meeting on May 4, 2009 at Monroe Township Municipal Building in Williamstown. The Committee adopted the minutes of the April 6, 2009 Special Meeting.

The Committee continued its discussion of proposed map changes.

The Committee voted to eliminate one of the 11 proposed polygons due to significant agricultural use.

Public and Governmental Programs Committee Meeting

Commissioner Lloyd reported that the Public and Governmental Programs Committee met on April 27, 2009.

The Committee discussed appointments to the Pinelands Educational Advisory Council. The Committee unanimously recommended that the Chairman of the Commission appoint Ellen Mushinski, the Director of Educational Initiatives at New Jersey Network Public Television and Radio, and Norma Spice, the supervisor of the Toms River School District's Science Department, as new members to fill two vacant positions on the Pinelands Educational Advisory Council (PEAC). These two appointments bring the PEAC to full capacity.

The Committee discussed the draft county/municipal Public Development Streamlining MOA. Commission staff provided the Committee with a revised draft which addressed the Committee's comments and guidance provided at the March 30, 2009 Committee meeting. The Committee provided additional comments and guidance regarding the revised draft. The Committee recommended that staff begin inviting Counties to enter into the MOA.

The Committee discussed the evaluation of Local Review Officer Program. Commission staff provided the Committee with an April 14, 2009 memorandum providing an evaluation of the Local Review Officer (LRO) Program. In 1995, the program was established to provide a simplified municipal permitting process for applications for single family dwellings on existing lots that met lot size requirements and environmental standards. Nineteen municipalities participate in the LRO Program. The staff offered both positive and negative observations regarding the program and made several recommendations regarding the program. The

Committee suggested that staff brief the Pinelands Municipal Council on the LRO Program. The Committee will continue its discussion of the evaluation at a future Committee meeting.

The Committee received an update on MOAs. Commission staff provided the Committee with an April 24, 2009 memorandum identifying the MOAs that may be included in the Fiscal Year 2010 work plan. Specifically, staff plans to carry over Robert J. Miller Airpark MOA, County/Municipality Streamlining MOA, Oceangro MOA and Camden County Water Supply/Sewer Service MOU into the FY 2010 work plan. The memorandum also identified nine other possible MOAs that could be considered in the FY 2010 work plan, such as Richard Stockton College Master Plan MOA and NJDOT Streamlining MOA.

Personnel and Budget Committee Meeting

Commissioner Ficcaglia reported that the Committee meeting of April 30 was canceled.

Executive Director's Report

Mr. Stokes reported on the following items:

The first meeting with Pinelands botanists is scheduled for May 21, 2009 to start identifying hot spots for rare plants along Pinelands roads. This is the Commission's first step in its effort to work with counties and municipalities to improve maintenance practices along Pinelands roadways.

Staff will be conducting its annual orientation for local officials on May 28, 2009 at 4:00 p.m. at the Pinelands Commission offices.

Staff will be holding its spring and summer Pinelands Speaker Series. The first speaker is scheduled for June 18, 2009 and the topic will be "Survival in the Pinelands," which is being presented by the Tom Brown Tracker School.

On an annual basis staff issues a report to the Commission regarding waiver changes that were made to the Comprehensive Management Plan (CMP) several years ago. Ms. Young distributed that report to everyone this morning. He asked Ms. Grogan to provide the Commission with a brief summary of why the report is prepared and what it indicates.

Ms. Grogan explained that approximately three years ago the Commission adopted amendments to the CMP to address PDC obligations for certain applications which require both waivers and lot size variances. Such applications carry with them an obligation to purchase PDCs, 0.25 for the waiver and 0.25 for the municipal variance. What the Commission was looking at 3 years ago was the combination of those 2 requirements. The Commission was concerned with the cost of the cumulative obligation and decided in certain cases, it would be a good idea to eliminate the need to buy the quarter credit for the municipal variance. PDCs would still be required for the waiver of the environmental standard. The amendments relieve that part of the PDC obligation when one is developing on an undersized lot in a Regional Growth Area, Pinelands Village or Pinelands Town or in certain cases for cultural housing. The Commission's resolution directed

staff to report annually on how many waivers the Commission had granted and how many of those fell into this category where their PDC obligation would be cut in half due to the amendment. She said that the memorandum summarizes the findings from the first two years. She went through the waivers that had been granted and indicated that in the last 3 years there have only been three applicants affected by the amendment. She suggested to the Commission that there is really no need to continue with a formal annual report, although staff will continue to monitor the issue.

Commissioner Galletta made a motion agreeing with Ms. Grogan's suggestion not to report annually on the waivers. Commissioner Hass seconded the motion. The Commission adopted the motion by a vote of 11 to 0.

Mr. Stokes continued with his report.

Regarding the Commission's budget, Mr. Stokes indicated that he forwarded an e-mail to members of the Commission earlier this week informing them that staff has been advised by the State Budget Office that a third cut of Commission's funding has been imposed. The net effect of all three cuts is that the Commission will be receiving a little more than \$450,000 less than what was anticipated. Coupled with some drops in revenue (grants, investment income, etc), the Commission is facing a potential deficit between \$700,000-\$800,000. This represents between 16 -20 percent of the Commission's budget. Staff is continuing to look at the budget in order to find ways to save on expenses.

Also relevant to the budget, staff received a request from the Pinelands Development Credit Bank as a result of a teleconference that he and Ms. Grogan had with the Director of the Division of Banking for the Commission to assume some of the responsibilities of the PDC Bank because it is running out of money. He has received a preliminary proposal from the Bank in which the Bank would discharge its record keeping responsibilities but would not undertake any other efforts, such as outreach, property owner notification, working with developers, etc. This proposal essentially maintains the status quo with one exception that its service agreement with the Commission be discontinued, saving about \$7,000 a year. It is unclear if this is what will be officially proposed to the Commission.

Commissioner Ashmun stated that she would like to be informed if this proposal is going to be discussed at an upcoming Personnel and Budget Committee meeting.

Mr. Stokes agreed that staff will inform Commissioner Ashmun.

The Commission received in its packets a list of potential special projects that staff might consider including in its work plan for the coming year. The recent budget news creates a greater degree of uncertainty in terms of what projects may or may not be able to be undertaken. Mr. Stokes asked if the Commission wishes to discuss these projects.

The Commission agreed that the work plan projects should be discussed at the Committee meetings and that the decisions on the projects should be made by the full Commission.

Major agenda topics of today consist of a presentation by Mark Holmes from the State Ethics Commission, an update by Ms. Grogan on the draft affordable housing rules that serve to respond to State legislation enacted last year, and an update by Mr. Liggett on the potential map changes that the CMP Policy and Implementation Committee (P&I) has been reviewing. A closed session will be needed to discuss the Commission's options relative to the State legislation on affordable housing and whether the Commission needs to take any interim steps to implement that legislation.

Mr. Stokes reminded the Commission that the financial disclosure statements are due May 15.

Mr. Horner reported on the following items:

Two applications will be coming before the Commission, one by Burlington County regarding the widening of Route 530 and the other by Evesham Township on recreational area improvements. Both applications relate to the proposed regulation the Commission adopted approximately 6 months ago with regard to public development applications and stormwater management standards which are now in effect.

The State of New Jersey has adopted a Permit Extension Act. Staff will have to determine which applications are covered by this act and how the Municipal Land Use Law folds into this issue.

There is a large redevelopment application for the Wheaton Mills site in Mays Landing. The applicant is proposing to rehabilitate several existing buildings, demolish several buildings and build several multi-family structures. Many permits are required for this proposal from other agencies, particularly from DEP. Staff is setting up a meeting with the applicant to try to streamline the permitting process so both agencies are not reviewing the same matter, particularly those relating to stormwater.

Commissioner Ashmun asked that she receive a copy of recent CMP amendments.

Ms. Grogan indicated that staff just received the revised code pages on the clustering and stormwater amendments and that these will be forwarded to the Commission shortly.

Mr. Liggett reported on the following items:

An article in the paper indicated that Buena Borough has received \$4.6 million in stimulus money to construct the Buena Borough Sewerage Treatment Recharge Facilities. Staff will be contacting them shortly to see if it can get the Borough moving on their projects.

Stockton State College has submitted additional environmental work which the Project Review staff is currently reviewing. The College is eager to move ahead with its planning effort that started a few years ago. Staff is meeting with them in an attempt to get their master plan and a MOA moving ahead.

The Pinelands Conservation Fund acquisitions are starting to be completed. Two have been purchased recently, one in Mullica and the other in Galloway.

Public Comment on Agenda Items

Mr. Russell Juelg from the Pinelands Preservation Alliance commented in opposition to the Woodland Township application and the paving of various roads in the Township. (See comment attached).

Ms. Theresa Lettman from the Pinelands Preservation Alliance commented in opposition to the Woodland Township road application. She referred to previous comments made about school buses using the road and stated that she was out at the site for three days and didn't see one school bus. She said a Township official told her that the reason for paving the roads is because of the frequent grading that has to be done. She said she wanted the record to show that she looked at both of those issues and found no evidence of either. She stated that there is no compelling public need for the paving. She referred to a condition that has been placed on previous applications regarding northern pine snake habitat. She said that construction could occur between April 15 and October 31 and that a biologist would have to monitor the construction activities to ensure that they do not impact individual pine snakes or pine snake nests. She stated further that prior to the start of construction the applicant would need to notify the Commission as to who is going to be out there and who is going to be doing the work. She stated that this condition was placed on the Garden State Parkway application and also the Mule Road application.

Mr. Stokes introduced Mayor DePetris from Woodland Township who will respond to some of the questions when the Commission considers the application.

Development Review Matters

Review of Public Development Projects

Mr. Stokes stated that Application Numbers 1981-2437-011, Atlantic County Institute of Technology, 1990-1025.011, Waterford Township, 1990-1055.002, New Jersey Department of Environmental Protection, Division of Parks and Forestry, and 2005-0166.004, Egg Harbor City, are applications for public development recommended for approval with conditions.

Mr. Stokes stated that Ms. Young distributed a resolution to the Commission today that included a revised report on public development for the New Jersey Department of Environmental Protection, Division of Parks and Forestry's project. He said that the revised report refers to corrected copy relating to page 2, paragraph 1 which describes some additional information that staff received from the department after issuance of the prior report.

Commissioner Haas moved the adoption of the Resolution Approving with Conditions Applications for Public Development (Application Numbers 1981-2437.011, 1990-1025.011, 1990-1055.002 and 2005-0166.004). (PC4-09-26 attached). Commissioner Witt seconded the motion.

Ms. Karen Young described the new information for the Commission.

Mr. Stokes indicated that representatives of Parks and Forestry are present today in the event the Commission has any questions on the application.

The Commission adopted the resolution by a vote of 11 to 0.

Mr. Stokes stated that Application Numbers 1988-0706.015, Town of Hammonton and 1988-1286.003, Hammonton Board of Education, are applications for public development recommended for approval with conditions.

Commissioner Galletta noted that he does not have to recuse himself on the Hammonton Board of Education application, but that he does have to recuse himself on the recreation project for the Town of Hammonton. He left the room at this time.

Commissioner Ficcaglia moved the adoption of the Resolution Approving with Conditions Applications for Public Development (Application Numbers 1988-0706.015 and 1988-1286-003). (See Resolution #PC4-09-27 attached). Commissioner Jackson seconded the motion.

The Commission adopted the resolution by a vote of 10 to 0.

Commissioner Galletta rejoined the meeting.

Mr. Stokes stated that Application Number 2005-0041.002, Woodland Township is application for public development recommended for approval with conditions.

Mr. Stokes stated that the Commission discussed this application last month and at that time asked staff to follow up on five questions. He said that Mr. Horner wrote to the municipality and they have modified some aspects of its application in response to the questions.

Mr. Horner briefed the Commission on the location of the municipal roads that are proposed for improvement in Woodland Township. He said that the application is for 3 miles of paving of an existing gravel road that is maintained by the Township. He said that the Mayor of the Township agreed to postpone the application until this meeting. He said that the Commission has a revised report before it and there are copies for the public as well. He referred to the report and indicated that he has placed a star on the paragraphs that contain the new information and went through the changes for the Commission.

Commissioner Ficcaglia asked about the corn, rattle, and pine snakes in the area.

Mr. Horner replied that the applicant's report addresses Northern Pine and Timber Rattle snakes. He said that, although the applicant's report does not address corn snakes, staff did a review of all snake sightings in this region and found only one corn snake. Staff had to evaluate the impact of the road on any of the species that may be present and didn't differentiate between the species. Staff also compiled a graphic that shows where snakes have been found dead along Route 72 and County Route 563.

Commissioner Lloyd asked Mr. Horner to address the question about having an expert on site during construction.

Mr. Horner replied that staff has done that in the past but did not feel that it was necessary for this application.

Mr. Stokes noted that the other instances where staff has recommended this are ones where the construction activity itself affects virgin territory to ensure that it does not inadvertently destroy dens, hibernacula and the like. He said that this proposed construction will not be affecting undisturbed land and dens and hibernacula are not located within the cartway of the road. He said further that the proposed fencing will keep active snakes out of the construction project. He said that these two things do not suggest that an expert is needed on site.

Commissioner Ashmun asked if there has been any discussion on the part of the Township or part of the staff, of bifurcating this application to separate the paving of Prince Street.

Mr. Horner replied that the Mayor has discussed the need for different segments of the project.

Commissioner Lee moved the adoption of the Resolution Approving with Conditions an Application for Public Development (Application Number 2005-0051.002). (See Resolution #PC4-09-28 attached). Commissioner Campbell seconded the motion.

Commissioner Jackson referred to last month's discussion about the children in this area and indicated that paving this road will not necessarily make it safer.

Mr. Stokes stated that from staff's standpoint, the Township's reason for paving the roads is not relative to its review. He stated that the standards of the CMP permit the Township to pave these roads.

Mr. Horner commented on the traffic that already exists on the roadways. He said that these include school buses, residents and delivery trucks and noted that the snakes in the area already bask on the existing gravel roadway.

Commissioner Kennedy thanked staff for inviting the Mayor of the Township to attend today's meeting. He said that the Commission's decision should be based on the public need of this project and that he is very interested to hear from the Mayor on these matters.

Mr. Stokes introduced Mayor Bob DePetris to the Commission.

Mayor DePetris provided the Commission with some background information on the roadways in the Township noting that they rely on community development block grants or DOT grants for road maintenance. He said that there have been many requests by residents, the fire department, emergency squad, and school bus drivers that something needs to be done about the roads in question. He said that several years ago the Township started with Prince and Cedar Streets and that it is now in phase 4 and 5 of the project. He noted that deadlines have to be met or grant money will be lost. He said that the Township's main concern is the safety, health and welfare

of its citizens. He said it is important to get fire trucks, ambulances, and police there when needed. He said that the school buses are only going as far as the blacktop then turning around and heading out to Route 72 and coming back to Cedar Lane in order to access Oak and Laurel Streets. He said that the Township has to continually grade the roads and at some point fill will have to be brought in to build the roads up. He said that would contain invasive species which is a worse condition. He said as far as the black top, he believes that what the Township is doing is improving the condition because fill won't have to be brought in. He referred to snakes and said that he has been traveling these roads for years and sightings are a very rare occasion. He said that the safety of the citizens is his main concern and asked the Commission to vote in the affirmative.

Commissioner Lloyd asked if the Township has the funding for the entire project now.

Mayor DePetrìs replied that they have approximately \$400,000 right now in DOT grants and approximately \$80,000 in community development block grants for phase 4 and 5. He said that the Township is trying to get some stimulus money to do the whole road. He said that the Township asked its engineer to plan out the whole road so the Township doesn't have to keep coming back on a piecemeal basis. He indicated that the Township engineer submitted the entire plan to Pinelands staff and the Township has met all the criteria. He referred to Oak and Laurel Streets and stated that these roads will have to be paved as well. He said that the citizens on those roads deserve the same conveniences as the rest of the citizens in the Township. He noted also that the post office in the Township has the option as to whether or not to deliver on unpaved roads and they have refused to deliver on Oak and Laurel Streets.

Commissioner Haas stated that he visited the site and agreed with the Mayor's contention that these streets should be paved. He said that if construction stays within the right-of-way it will have minimal impact and it will be a benefit for local residents.

Commissioner Jackson referred to potential rule changes in the CMP and asked if the Township would be amenable to having a discussion with the staff in the future if issues come up.

Mayor DePetrìs said that the Township has never failed to meet with the Pinelands on any issues and stated that they would be open to any discussion. He said that he hopes that the Township will get some stimulus money and will be able to complete the whole project.

Commissioner Campbell stated that he feels the Township has done all that they can do to try and meet requirements and is in support of the application.

Commissioner Witt asked that the Chair call for the vote.

Mr. Stokes commented on irreversible adverse impacts and said that the question relates to whether the adverse impacts from the project are critical to the habitat and to the survival of any local snake populations. He read the standard of the CMP relating to irreversible adverse impacts and indicated that this is the standard that the Commission has to apply in this application. He said that staff does not believe that those adverse impacts are critical to the habitat and survival of any local snake populations in this case.

Commissioner Ashmun asked Mayor DePetrìs if it is possible that the Township could separate the application to apply to Prince Road and finish the top of Cedar Road to deal with the special problems the Commission is facing (snakes, wetlands, etc.) more appropriately.

Mayor DePetrìs asked Mr. Callaway to comment on Commissioner Ashmun's question.

Mr. Robert Callaway, Woodland Township Engineer, stated that the construction that has been done over the years is based on the money the Township has received. He briefed the Commission on the initial roadway designs and the stormwater system that is in place and explained why the full design is in front of the Commission today. He also commented on what is occurring as the money comes along.

Commissioner Ashmun asked if trucks can come in and pave a road that is 18 or 20 foot wide without disturbing anything outside that area.

Mr. Callaway said as long as the fence is up on the outside, the work will be done inside that fence. He indicated that progress on this project is based on the availability of funding.

Commissioner Ashmun asked if the design standard that the staff has looked at is because of the stormwater.

Mr. Callaway replied that is correct and stated that it was so they could show that they have compensated for the entire area in terms of stormwater.

Commissioner Lloyd asked how much stimulus money is needed to finish the whole project.

Mr. Callaway replied that they have asked for \$1.7 million.

Mayor DePetrìs stated that the paved road will discourage a lot of dirt bikes and indicated that the roads will not get a lot of traffic.

Mr. Callaway noted that the school board has stopped school buses from traveling the roads due to damage to the buses.

Commissioner Witt stated that there has been a lot of discussion about this application. He said that he would not like to see this project separated because the Township will be back and staff will have to review the project again. He said that he has a lot of confidence in the staff and they are recommending that this project be approved. He said that he does not want this project to fail and suggested that maybe the application should be tabled until all the members of the Commission are more confident about what the staff has already proposed.

Vice-Chairman Tomasello noted that there are parts of the roadway that are only 15 feet wide, hardly enough room for two cars to go by. He questioned if two trucks come down the road whether or not they will be able to get by one another.

Mayor DePetrìs indicated that if one travels on Prince Street it is unlikely that two vehicles will be using the road at the same time.

Vice-Chairman Tomasello stated that he is not against the project and concurred with Commissioner Witt as he too, would like to see the application approved.

Commissioner Lee stated that this was his concern as well. He asked if staff is limiting the applicant to 15 feet or 18 feet, noting that the report says 15 to 26 feet.

Mr. Horner replied that there are sections in the existing road where it is as narrow as 15 feet. He indicated that the Township will be paving at that width in those sections.

Commissioner Lee asked what the speed limit is on the road.

Mr. Callaway replied 25 mph.

Commissioner Lee asked how a school bus and a delivery truck pass one another on a 15 foot cartway.

Mr. Callaway replied the same way they do now on the gravel road.

Commissioner Lee said that there has to be a minimum level of service for roads. He said that the Commission should allow them to construct these roads to a safe standard and in some places instead of 15 feet, he believes it should be 18 feet. He said he also has a problem with piecemealing this application.

Mr. Callaway stated that he is in favor of anything that gives the Commission comfort but noted the Township's funding resources have time constraints.

The Commission discussed whether or not to table the application or to consider the vote. Commissioner Lloyd questioned if the Commission can vote on the phases for which the Township has funding and which have the least environmental problems. The Commission can then consider the other concerns that have been raised. He asked if there is a way to bifurcate this that would be useful to the Township and to the Commission.

Commissioner Kennedy said that he doesn't agree with that approach stating that often times the Commission finds itself in a position of compromise. He said that the Township has followed the Commission's stormwater rules and listened to the staff to try to find a way to minimize the impact by keeping the project in the existing cartway. Some of the Commission members want to see the road wider for public use, and guesses that the Township would like to see this design widened a bit. He said that this middle ground position appears to be the compromise between these two schools of thought on what to do with the project of this nature. He said that he doesn't mind if the Township supports moving this matter to the next meeting to get more members here so the full Commission can hear this. He said that the Commission is hamstrung by the lack of members not seated at this table.

Commissioner Jackson suggested that the Commission should first vote on the resolution.

Commissioner Ficcaglia stated that if the Commission voted to bifurcate the application it would have a much better chance of passing.

Commissioner Kennedy stated that if the basis to do this was in the Commission's regulations he would agree with Commissioner Ficcaglia, but he sees no basis in the regulations to bifurcate this application.

Commissioner Ashmun stated that if the Commission looks at the Preservation Area and at the necessity to prove compelling public need, there are a lot of things that are still unresolved between Prince Street and the paved section of Cedar Street. She said that bifurcating the application would be the answer to a problem. She asked about the number of existing lots on Cedar Road.

Mr. Callaway replied that there are 10 homes between the two roads. He said that there are not many lots left on Prince Street.

Commissioner Ashmun stated that what bothers her here is that this street becomes a short cut from Route 72 down to Prince Street. She again suggested that the project be bifurcated.

Mr. Stokes stated that the Commission does not have the authority to unilaterally bifurcate the project. He added that if the project is bifurcated, he is not sure what the issues are on the remaining project. He said if there was some additional information that could be provided, he would be happy to provide the Commission with that information.

Commissioner Haas suggested that the matter be tabled and acted on at next month's meeting.

Commissioner Jackson stated that the Commission should vote on the matter today.

Commissioner Lee asked Commissioner Jackson what happens if the vote fails.

Commissioner Jackson questioned whether or not the vote would fail.

Commissioner Lee said that he doesn't know if the vote will fail, but knows that he doesn't want it to fail and send everyone back to square one.

Mr. Stokes stated that if the vote fails, the matter is referred to the Office of Administrative Law for fact finding. He said that he doesn't believe the Township nor the Commission wants to go through the OAL process. He said that the solution would be, if the Commission votes on this application today and it fails, the Commission and the Township could agree to withdraw the OAL matter and then the matter could come back to the Commission next month. He reminded the Commission that the Mayor agreed to discuss with the Commission those sections of the road that are not paved if new information or concerns arise.

Vice-Chairman Tomasello asked Mayor DePetrìs if the roads will be done this summer.

Mayor DePetrìs stated that there is a deadline that has to be met and this project has to be awarded by August or the Township loses the funding.

Vice Chairman Tomasello asked Mr. Stokes to call the roll on the application.

Campbell	yes	Jackson	yes	Witt	yes
Ficcaglia	no	Kennedy	yes	Ashmun	no
Galletta	yes	Lee	yes	Tomasello	yes
Haas	yes	Lloyd	no		

The resolution was adopted by 8 Commissioners voting in the affirmative and three voting in the negative.

Mayor DePetrìs thanked the members of the Commission for approving the application.

Other Development Review Matters

Mr. Stokes stated that there were two PDC Letters of Interpretation issued this month.

Resolutions Relating to Municipal Ordinances

Mr. Stokes presented the Resolution Issuing an Order to Certify Planning Board Resolution 2009-10, adopting the 2005 Stormwater Management Plan with February 2009 amendment thereto, and Ordinances 09-08 and 20-08 of Jackson Township. (See Resolution #PC4-09-29 attached).

Commissioner Lloyd moved the adoption of the resolution. Commissioner Galletta seconded the motion. The Commission adopted the resolution by a vote of 11 to 0.

Ordinances Not Requiring Commission Action

Mr. Stokes stated that Egg Harbor Township Ordinance 61-2008, Hamilton Township Ordinance 1639-2008, Medford Township Ordinance 2009-4, Vineland City Ordinance 2009-10, Vineland City Ordinance 2009-11 and Wrightstown Borough Ordinance 2008-13, 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 Other Agenda Items

Ms. Theresa Lettman of the Pinelands Preservation Alliance referred to the Woodland Township application and stated that the public development report says that the applicant proposes to erect construction fencing within the limits of the existing gravel roadway. The conditions state that

the fencing is to preclude sediment from entering the wetlands to protect the Pinelands Tree Frog and that the proposed fencing will also be installed to ensure that disturbance will occur within the limits of the existing gravel roadway. She indicated that it did not say that the fencing would be put in to protect the Northern Pine snakes. She said she is assuming that it is being implied by the Commission that the only protection the Commission gave the Northern Pine snake in the paving of this road, is the fencing.

Mr. Stokes stated that if Ms. Lettman would like to ask the staff to respond to that question they will be happy to meet with her following the meeting today.

Ms. Lettman stated that she didn't want the question answered by staff, but rather, by the Commission.

Mr. Russell Juelg of the Pinelands Preservation Alliance thanked the Commission for the work that PPA and Commission staff are doing together on the roadside plant issue. He referred to the Commission's vote today on the Woodland Township application and stated that 8 members voted to approve an application that does not comply with the Commission's regulations and he doesn't know how it can justify that approval. He said that there is no evidence to demonstrate that the applicant is in compliance with the Commission's threatened and endangered protection rule. He said neither the staff nor the applicant know whether they are in compliance and whether or not paving will introduce a permanent adverse impact to habitats that are critical.

Ms. Nan Walnut from Southampton Township said that many years ago one of the Commissioners referred to her as the conscience of the Pinelands. She said that today she has seen the Pinelands dealt a final blow.

Mr. Carleton Montgomery of the Pinelands Preservation Alliance referred to the Commission's vote last month to amend the draft forestry regulation that was put out for public comment, particularly the change to allow disking in Pitch Pine Shrub Oak forest. This change was made to a key provision of the draft regulations, a provision that had been a specific subject of discussion and consensus by the Forestry Advisory Committee that disking was not appropriate because of the damage it would do the shrub oak understory. He said that this eleventh hour change was made with no discussion or examination of the justification for the change or the scientific bases for the change, the ecological impact that it could have in a forest operation whose agenda was being served, where it was coming from, or what was to be accomplished. He said that it undermines the overriding purpose of these regulations which is to ensure that forestry can go forward in a way that preserves the local forest types including those that are most sensitive and important, such as the Pitch Pine Shrub Oak. He said that when the Commission does this it undermines the confidence of those who try and participate in its processes and undermines the public's confidence in the agency's decision making process.

Mr. Bill Fox of Ocean Township and a member of the Agricultural Advisory Committee stated that he did not like the way the vote was done on the forestry rules and regulations. He said that the Pinelands Agricultural Advisory Committee was opposed to it. The whole package was a series of compromises over 5 years to make it economically viable for them to have a forestry operation.

Commissioner Ashmun indicated that those rules have been published so that the Commission can hear comments before making a final decision.

Other Agenda Items

Presentation – Mark Holmes of the State Ethics Commission

Mr. Stokes introduced Deputy Executive Director Mark Holmes of the State Ethics Commission who will provide the Commission with a brief overview of the Ethics Commission's advice to the Commission. He is also willing to respond to questions that the Commission may have about the decision.

Mr. Holmes apologized for the length of time it took the Ethics Commission to answer the questions the Commission posed. He said that it reflects that his office, the Commission, and the Attorney General's office took the questions very seriously and wanted to give it an appropriate level of thought and consideration. He said that he was contacted by Ms. Roth of the Commission's staff about the extent, if any, that any of the members need to recuse themselves from participation and voting on amendments to the CMP. He said that this raised a threshold question regarding a particular provision in the Commission's own statute which contains an exemption for Commissioners to participate in the preparation and adoption of the CMP itself. The question posed was, does that exemption, which would exempt the Commission from the application of the conflicts law and regulations, apply to amendments to the CMP as well. That is not a question that is within the jurisdiction of the Ethics Commission so it was forwarded to the Attorney General's office for advice. Since the exemption was meant to apply only to the original adoption of the CMP, the Ethics Commission had to address the underlying issues that were posed to them. The Ethics Commission felt very strongly that the Commission needed to understand the basis for the Attorney General's advice so it waived the privilege for that advice and it was attached to the opinion. He said the amendments to the CMP were doing a host of things but in one significant way they are making changes to the Commission's PDC program. He said the question became whether a Commissioner who owned PDC rights or was eligible to receive PDC rights, owned property in an area which either was a Regional Growth Area or might become a Regional Growth Area would have a conflict because there was a financial or personal interest in the outcome of the amendments. He said that a decision that could have a direct financial impact on you as an individual, that Commissioner needs to recuse himself under the recusal rule and also under an appearance of a proprietary standard. He said that this answered the first question. He said that there was also an issue raised as to whether this Commission is unique in the sense that the statute mandates members from certain backgrounds, similar to a decision that the Ethics Commission issued to the State Board of Agriculture, and that the standards ought to be changed for the Pinelands Commission to reflect those unique circumstances. He said that the State Board of Agriculture is a unique body in that every one of its members is required to be a producer of either livestock or crops so that body has to make decisions which affect its members. He said that if a rule affects the entire industry all members would be forced to recuse themselves if the Ethics Commission applied its ordinary standards, so the Ethics Commission changed the standards with respect to the State Board of Agriculture and said that a member could participate so long as s/he is not uniquely affected. The Ethics

Commission looked at the composition of the Pinelands Commission and by statute some of the members have to be residents of the Pinelands with economic interests and others have to be residents of the State with conservation interests. However, these are not the same sort of broad based statutory requirements which create an inevitable conflict which cannot be resolved with ordinary recusal standards. As a result, the Ethics Commission decided not to apply the standard that it applied in the agricultural decision to this body. Therefore, the ordinary recusal standards were applied in the Pinelands Commission's case. He said that the Ethics Commission issued very general advice based on that. The decision which was rendered by the Ethics Commission was not specifically addressed to any of the Commission members as individuals but it was intended to be a much higher level, broad based set of standards that it can apply. He said that he is sure that many of the members of the Commission have individual circumstances which require particular advice, which Ms. Roth and his staff is willing to provide.

Commissioner Galletta stated that "COIL" was enacted in 1971 or 1972 and the Pinelands Protection Act was enacted in 1979. The Commission has been doing business for almost 29 years and asked what changed this year.

Mr. Holmes stated that he has been with the Ethics Commission for about a year and a half and he hasn't seen any reported decisions that addressed that issue at all. He said that it may be that Commissioner Galletta's assumption is incorrect and that it may have been going on but they simply weren't aware of it. He said that the only change he is aware of that would be significant was the potential change that came from the State Board of Agriculture.

Commissioner Lee said that the process has changed and for a very long time the Attorney General's office provided direct advice to the Commission about conflict of interest and ethics issues, in closed and open sessions, Commission retreats and training for new Commission members. He said about 8 years ago, the Attorney General's office was no longer permitted to discuss ethics issues with the Commission; rather, they had to go through an ethics liaison officer and through the Ethics Commission's office. He said that advice by Deputy Attorneys General sitting at this table made many distinctions about uniquely affected and a great deal of time was spent discussing the concepts of judicial versus administrative functions of the Commission. He said at the Commission's level they had a pretty good understanding of how to apply both the Conflict of Interest Law and the Pinelands Protection Act. He said Commissioner Galletta is pointing to a sharp turn that occurred in the last year in interpreting both the Conflict of Interest Law and the Pinelands Protection Act and without interaction that had routinely occurred with the Attorney General's office on ethics issues. He said that he is sure that something happened internally, either at the Attorney General's office or at the Ethics Commission office, to cause the abrupt turn in the road. He said that the advice in the Ethics Commission's opinion was in sharp contrast to all the verbal and written advice that the Commission had received from the Attorney General's over many years.

Mr. Holmes said that he hasn't seen the advice that Commissioner Lee is referring to and he is not aware of any significant policy change. As far as he is aware, when specific recusal questions come up on short notice, members can rely on its liaison officer or the deputy attorney general. He said that the issue his office dealt with was much broader and would affect a multitude of the members. He said that the public view of ethics has changed. He said that there

is a lot more sensitivity to ethics now than there was even 5 years ago. He said the appearance of impropriety is a significant element of their statute and of their regulations. He said that one has to think of it not from the perspective of do "I" think I can be objective but would someone watching me think that I was making the decisions because of my official position and not because of my personal circumstances. He said as they understood the PDC program, a number of the Commissioners stand to be impacted financially by those changes.

Commissioner Galletta said that if someone in the audience actually owned PDCs or that could receive PDCs, the appearance of impropriety would be just as great because nobody would be voting with that perspective. There are two ways of looking at the public appearance of impropriety. Today, the Commission was short handed and hamstrung on a vote, the same thing is going to happen with PDCs. Some of the Commission members are going to have to recuse themselves and there will be a hamstrung board voting and the appearance of impropriety is going to be very great.

Mr. Holmes said that he understands and is sympathetic to Commissioner Galletta's point as his Commission is down in members and they have quorum problems themselves right now. He said that, although the Pinelands Commission by statute is required to have people come from certain backgrounds, he wouldn't read that as suggesting that it is the Commission's job to represent those special interests as opposed to being simply a person with background knowledge and perspective because of that history. He said that he doesn't think you have to be a person who owns PDCs or owns property in a Regional Growth Area to understand the issues and factor them into whatever it is the Commission is going to do. He said that quite a number of interest groups made submissions to the Ethics Commission. He said that his impression from reading those was that the Commission has a number of bodies that come to its meetings that can present those perspectives, even if individual Commissioners have to recuse themselves.

Mr. Stokes stated that some of the difficulties that Commission members may be having in sorting this out relates to how broad or narrow the policy issues are. Virtually every policy decision could have an effect on people who live in the Pinelands. He asked if a policy that has universal application throughout the Pinelands would not inherently disqualify a person from voting merely because that person lives in the Pinelands.

Mr. Holmes replied that this would be fair to say.

Mr. Stokes stated, in the future, a policy that has a very direct and limited impact on a member of the Commission would clearly require recusal. He said that the other end of the spectrum is the very broad, overarching policy where recusal is not warranted. The issue is where in the middle the line is drawn. He said that Mr. Holmes is probably not in a position to give the Commission that advice today.

Commissioner Jackson stated that it is personal gain that seems to be the issue.

Commissioner Galletta stated that that could be ambiguous because he had to recuse himself because of forestry. He said that he never did forestry but he owns a piece of ground that is forested. What's to say that any of the Commissioners could vote and the very next day either

lease or buy a piece of ground for forestry. He said that everyone on the Commission is afforded the same opportunity in the future to go into forestry and apply those rules.

Commissioner Jackson stated that at that time they probably would have to recuse themselves if a forestry issue came up because a potential for gain exists.

Commissioner Galletta said that they would have already voted on the new forestry rules.

Ms. Roth said that there is a direct and indirect personal or financial interest that may be implicated as a result of the potential regulation or administrative action. She said on the other side of the spectrum there is what she would characterize as actions by the Commission of general applicability. These are not dependent upon the circumstances of any specific Commissioners' holdings or personal interest, they are across the board, broad based, and will be applied the same. She said that she and Mr. Holmes are engaged frequently in discussions to define that middle ground as the Commission moves forward. She said that taking the forestry regulations as an example, the difference in terms of the general applicability standards is that the regulatory package is designed to set forth forestry activities and prescriptions based on the types of resources that are found on the ground. She said if a Commission member has forest lands that have specific types of resources, you are required to use specific types of processes or procedures and are precluded from using other processes or procedures. She said hypothetically that someone who is motivated by increasing their financial gain with regard to the resources on their property or decreasing their cost with regard to operations on their property could adjust the regulations to accommodate their needs because they are not universal but are based on facts that are inherent to the land. When she looks at the analysis that way, there is a potential appearance problem. That is the very detailed analysis that goes into these types of questions.

Commissioner Galletta stated that there was not a cedar inventory done on his property when the discussion of him being recused happened. He said that there was a little piece of forest on his lot and that was enough to say he was recused. He said that it was ambiguous.

Mr. Stokes stated that unfortunately it is just not a clear line.

Commissioner Kennedy stated that he thinks that Mr. Holmes' position and the Ethics Commission and DAG's opinion are based on the same things that the Commission is concerned about which is that actions are grounded in democracy. The reason why everyone wants clean ethics is because they want to believe in the process. What is at risk here is the perception issue. Taking good ethical people on both sides of the table off the table erodes the faith in the democratic process. He thinks that ethics is always going to be a moving line. He said that he believes that we are reacting to some people crossing that line and we're now going a little too far on the other side. He said that democracy means people at the table who have an interest and knowledge of the issues that they are making decisions about.

Commissioner Lee said that the distinctions that they heard in the past were quasi legislative and quasi judicial. He said that helped guide and allow for some of the broad discussions on broad topics. He said that when he hears general applicability and broad based he is not sure what that means anymore. He said that he doesn't want to break something that is not broken but he

doesn't understand. He said that he believes he is the only one here today that lives in the Pinelands who has a septic system. He asked if he is uniquely affected around this table. He said that maybe he shouldn't discuss septic systems anymore. He said that he believes that the Legislature tried to put people around this table to discuss things on an ongoing basis. He said that he disagrees with the ethics opinion but is more than willing to follow it. He said that municipal planning boards in New Jersey seem to deal with this issue all of the time when they do master plans that affect everyone in town. He asked if there is an analogy between the work of a planning entity like the Pinelands Commission and municipal planning boards.

Mr. Holmes stated that Commissioner Lee makes a good point that the perception that the Commission's judgment could be affected by one's personal circumstances is going to be affected by whether talking about something that applied to one's home, town, county or state. When one gets outside the realm of the square corners of the recusal rule and gets into an appearance issue, he believes this kind of analysis can take place. The rule is what it is. With respect to the issue that was before the Ethics Commission at the time, the PDCs did have the potential to have a very personal impact on some of the Commission members. He said that he is not sure that they are in the realm of the very general regulations for septic systems that would apply equally to everyone. He said that there is a role for that analysis to play in some of these gray zones that Mr. Stokes was describing.

Vice-Chairman Tomasello referred to his two sons who own farmland that they are considering preserving and do not intend to sell their PDCs because they may go through the county. He asked if he has to recuse himself.

Mr. Holmes replied that this would be a close call.

Mr. Stokes stated that this is something that Ms. Roth and Mr. Holmes should take a closer look at.

Vice-Chairman Tomasello asked if this means that he can't get himself involved with a discussion with Commissioner Galletta or Commissioner Lee if PDCs come up.

Mr. Holmes said that this is a different question than Vice-Chairman Tomasello's first one. He said unrelated to whether his son would be impacted by a change to the CMP, if a particular issue came up about Mr. Galletta's and Mr. Lee's PDCs that doesn't impact his son's rights, Vice-Chairman Tomasello could participate in that unless there is some other issue that hasn't been talked about that might create a problem.

Mr. Stokes stated that he believes that Vice-Chairman Tomasello was asking whether or not he could discuss a PDC matter with Commissioners Galletta and Lee.

Mr. Holmes said that if Vice-Chairman Tomasello was recused he shouldn't be participating in discussions about it with any other members of the Commission.

Mr. Stokes stated that Mr. Holmes and Ms. Roth will take a closer look at the issue Mr. Tomasello raised.

Vice-Chairman Tomasello said that he was the mayor of Winslow for five years and asked if he would have to recuse himself from any matter relating to the town that came before the Commission.

Mr. Holmes replied only if he felt that he couldn't be objective or was directly involved in a matter. He said that the Ethics rules would not require him to recuse himself from any matter involving that town simply because he was the mayor.

Ms. Roth said that she is always available to discuss these types of issues with members of the Commission and, by understanding the personal facts, can make a quicker answer and speed up the process. She said that she would rather speak to the Commission beforehand than have an investigation afterward. She said that another risk is that, if it turns out that someone was supposed to recuse oneself and didn't, a Commission decision will be rendered invalid by the court.

Presentation – Larry Liggett –Update of Land Capability Map Changes

Mr. Liggett provided a power point presentation and briefed the Commission on the proposed changes to the Land Capability map. He discussed the Ecological Integrity Assessment Study prepared by the Science office and described the principles and assessment methods used to look at the ecological integrity of the Pinelands and how that assessment was utilized in recommending changes to the management areas (see presentation attached).

Presentation – Possible Affordable Housing Rules

Mr. Stokes stated that the discussion on the possible Affordable Housing Rules has two parts—both stem from legislation that was enacted last year. The legislation amends the State's Fair Housing Act. There is a section that deals with regional planning entities of which the Pinelands Commission is one. It establishes a newer role for the Pinelands Commission to play in the provision of affordable housing within the Pinelands Area. Ms. Grogan will brief the Commission on this in the context of what regional rules the Commission may consider. He said that the other side is an interim question which is does the Commission have an obligation to implement at least parts of the State law even before the rule making process is complete. He said since this involves advice from the Commission's counsel, this discussion will occur in closed session. Following that, both of these matters will be discussed at the next P&I Commission in an open forum.

Ms. Grogan provided the Commission with a power point presentation. She briefly provided background information on the State's affordable housing rules and indicated that this relates to what the Council on Affordable Housing (COAH) refers to as its third round rules for affordable housing throughout the state. She said that staff has discussed the rules and the difficulties it sees in trying to harmonize the Commission's standards with COAH rules, problems that were identified to COAH and how those rules can best be applied in the Pinelands. She said that the Commission doesn't have state planning areas in the Pinelands but rather Pinelands management areas. She said that there are some basic issues between the two sets of rules that staff have tried

to resolve over time. She indicated that staff have made comments to COAH formally and continue to try and work with them on a revised MOA between the two agencies to iron out some of those differences. She said that staff is discussing this matter with the P&I Committee now in an attempt to address some of the long standing issues. Ms. Grogan summarized the new State Law, A-500, which is now also Public Law P.L. 2008, Chapter 46. She said that she tried to reflect the provisions of the new state law and issues staff has come across with the COAH rules into amendments to the Commission's rules that would implement the State Law and resolve some of the differences with the COAH rules. She said that the amendments themselves are pretty basic and described them for the Commission (see presentation attached). She indicated that the rules were discussed with the P&I Committee and will be discussed with them again at the end of this month. In the meantime she has distributed them to all interested parties and is beginning to receive comments on them. She said that a lot of the comments received have been very helpful and staff will be meeting with COAH staff next week to hear their concerns. She indicated that most of the issues that have come up have been fairly minor thus far, such as terminology and a question of what you do with municipalities who aren't going to COAH with their housing element and fair share plans but are choosing to go through the court process instead. She said that perhaps the Commission's rules need to recognize that as another means of achieving the affordable housing plan. She said that staff will be working through all of this and then will come back to the Commission with a revised version of the rules at the end of the month.

Commissioner Ashmun asked how this all connects with the first and second round numbers.

Ms. Grogan replied that these rules and the State Law apply only to the third round.

Commissioner Ashmun asked if the round one and two numbers will still have to be met.

Ms. Grogan replied that COAH would require that.

Ms. Stokes stated that the COAH certification process is voluntary and municipalities are not required to get COAH approval of their fair share and housing plans. He said there are municipalities in the Pinelands that have not sought certification.

Commissioner Ashmun said that this is why she is asking because it has all been voluntary and remains voluntary. She questioned how voluntary it will be.

Mr. Stokes stated what will happen in the Pinelands is the 20% inclusionary requirement that the State Law requires in the Pinelands will apply to every municipality in the Pinelands regardless of whether they go to COAH for certification. He said that going to COAH would be voluntary. The question is whether or not a municipality might have an added inducement to do that because if they do they can develop their own housing plan and, to the extent that they want to do something different than a 20% across the board requirement, this gives them the opportunity to do so. He said that he looks at it that unlike other parts of the State there will be affordable housing provided throughout the Pinelands, and two, municipalities can exercise more creativity and discretion if they go through the COAH certification process.

Ms. Grogan said that many of the Pinelands Towns may choose not to go through the process and just do the 20%, which is fine.

Commissioner Galletta asked if the towns can still be sued for a builder's remedy if they do the Pinelands 20%.

Ms. Grogan replied that this is a very good question and said that she doesn't know the answer to that. It is something that needs to be discussed with COAH and with the Commission's attorneys because the State Law does not make that clear.

Mr. Stokes stated that the Fair Housing Act protects municipalities from builders' remedy lawsuits if they have COAH certification. He said that he doubts that the Pinelands 20% set aside is a segregate for COAH certification.

Mr. Stokes stated that the Commission will need to adjourn into closed session to discuss the second part of this affordable housing question which is whether the Commission should take any action before it goes through formal rule making.

Closed Session Resolution

DAG Donlon read a resolution to retire into closed session to discuss attorney-client matters.

Commissioner Witt moved to retire into closed session. Commissioner Jackson seconded the motion. The Commission agreed to retire into closed session by a vote of 10 to 0. Commissioner Ficcaglia 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 the impact of A-500 and the P&I Committee will be considering a resolution to that effect at its next meeting.

Commissioner Jackson referred to the Woodland Township application. He said that there were reasons for all the Commission members' stance and he thinks knowing how funding is done, knowing the time frame necessary, hearing testimony from the Mayor, realizing that there were 8 Commission members, probably not today, but at the next meeting who would vote yes, he thinks it is important that the Commission compromise where it can and move on. They have to seek other funding in times of hardship and that other portion may never get done. He thinks that fewer disturbances are better than discussing a wider road with more disturbances and right now there was a compromise where it would vary from 15 to 20. He said he doesn't like that being paved but knowing what could happen, he wanted to see it move forward now. He said that this is why he voted the way he did. He said that the Commission needs to be responsible where it can and make compromises where it can.

Commissioner Lee moved to adjourn the meeting. Commissioner Lloyd seconded the motion. The Commission agreed to adjourn at 1:30 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: June 2, 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 June 12, 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 **Waiver of Strict Compliance** applications scheduled for the June 12, 2009 Commission meeting. A waiver application originally scheduled for the June 12, 2009 agenda has requested an extension of time to determine if they want to request a NJ OAL hearing.

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 five **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 were no Commission issued **Certificates of Appropriateness** last month.

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 4/25/2009 and 5/29/2009

County	Muni Name	App. Number	Applicant Name	Block	Lot	Development Type	Units	Issue Raised	Date Action
Atlantic	Folsom Borough	19823229.004	New Cingular Wireless	201	9	Commercial/Industrial	0	Environmental standards	5/19/2009
Atlantic	Galloway Township	19880851.006	MetroPCS Pennsylvania, LLC	867	1	Commercial/Industrial	0	Environmental standards	5/7/2009
Atlantic	Galloway Township	20080304.001	M & K Associates, LLC	775	3	Residential	1	Demonstrate Sewer	5/13/2009
Atlantic	Hamilton Township	20050346.001	Pennetti	314	1	Residential	1	Scenic setback	5/20/2009
Atlantic	Mullica Township	20040553.001	Jassby	9201	2	Residential	1	Wetlands-Wetlands protection	5/7/2009
Burlington	Medford Township	20070263.003	Karanzalis	1602	20	Commercial/Industrial	0	Cultural resources	5/28/2009
Burlington	Pemberton Township	19810586.007	AutoZone, Inc.	530	11.10	Commercial/Industrial	0	Stormwater-General	4/30/2009
Camden	Waterford Township	19900309.003	Tirro	35	32	Commercial/Industrial a	0	Environmental standards	5/8/2009

New Jersey Pinelands Commission
Callup Letters Sent

Summary of Activity Between 4/25/2009 and 5/29/2009

Gloucester	Franklin Township	20070292.001	Hubbard	6503	6	Residential	4	T and E wildlife	5/22/2009
								Wetlands-Wetlands protection	
Gloucester	Monroe Township	19880057.003	Smith	12601	42	Residential	1	2ppm-standard system	5/29/2009
								Environmental standards	
								Minimum lot size-Minimum lot s	
Gloucester	Monroe Township	19930871.001	Harris	12601	43	Residential	1	2ppm-standard system	5/29/2009
								Environmental standards	
								Minimum lot size-Minimum lot s	
Ocean	Lacey Township	19800012.001	Parker Associates	2500	4	Resource Extraction	0	Environmental standards	5/5/2009
Ocean	Lacey Township	19870010.002	Mackres	2298	1	Commercial/Industrial a	2	Minimum lot size-Forest Area	5/19/2009
								Minimum lot size-Overall densi	
								T and E wildlife	

New Jersey Pinelands Commission
Public Development Report
Summary of Activity Between 4/25/2009 and 5/29/2009

County	Municipality	App. Number	Applicant Name	Date Received	Block	Lot	Development Type	Units	Action Description	Action Date
Atlantic	Galloway Township	19811833.056	Richard Stockton College of New Jersey	5/6/2009	875.04	1.01	Institutional	0	Report on an Application for Public Development: Recommendation for Approval Sent	5/22/2009
Burlington	Bass River Township	19970257.002	New Jersey Turnpike Authority	2/19/2009	99999	99999	Infrastructure	0	Report on an Application for Public Development: Recommendation for Approval Sent	5/20/2009
Burlington	Evesham Township	19850619.011	Evesham Township	12/26/2007	44	6	Institutional	0	Report on an Application for Public Development: Recommendation for Approval Sent	5/13/2009
Camden	Berlin Borough	20090069.001	Berlin Borough	4/23/2009	1502	14	Infrastructure	0	Report on an Application for Public Development: Recommendation for Approval Sent	5/20/2009
Cape May	Upper Township	19810837.024	Cape May County Utilities Authority	4/30/2007	247	1	Infrastructure	0	Report on an Application for Public Development: Recommendation for Approval Sent	5/22/2009
Ocean	Jackson Township	19910836.051	Lakehurst NAES	3/10/2008	23601	1	Institutional	0	Report on an Application for Public Development: Recommendation for Approval Sent	5/19/2009
Ocean	Jackson Township	20060160.002	NJ Dept. of Military & Veterans Affairs	10/29/2007	23601	1	Infrastructure	0	Report on an Application for Public Development: Recommendation for Approval Sent	5/19/2009

Ocean	Manchester Township	19880144.004	Public Works Yard	11/1/2007	113	9	Institutional	0	Report on an Application for Public Development: Recommendation for Approval Sent	5/21/2009
Ocean	Stafford Township	19871159.045	Stafford Township	2/19/2009	13	61	Institutional	0	Report on an Application for Public Development: Recommendation for Approval Sent	5/13/2009
Ocean	Stafford Township	19951213.009	Stafford Township Water & Sewer Utility	11/13/2008	44.59	18.01	Infrastructure	0	Report on an Application for Public Development: Recommendation for Approval Sent	5/6/2009

06/01/2009

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New Jersey Pinelands Commission
Letters of Interpretation Report
Summary of Activity Between 4/25/2009 - 5/29/2009

County	Municipality	Application Id	Lastname	Loi Number	Block	Lot	Pdc Allocated	Description	Date Action
Atlantic	Galloway Township	20090068.001	Walls, Jr.	2010	509	5	0.1000	Letter of Interpretation: PDC Sent	5/15/2009
Burlington	Bass River Township	20040119.002	Luber	2008	78	32	0.2500	Letter of Interpretation: PDC Sent	5/6/2009
Burlington	Bass River Township	20080318.001	K&D Land Trust	2009	91	5	1.5000	Letter of Interpretation: PDC Sent	5/11/2009
Ocean	Manchester Township	19839591.002	Kokes Organization	2007	90	20		Letter of Interpretation: Standard Sent	4/30/2009
			Count:	4		Sum:	1.8500		

6/1/2009
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New Jersey Pinelands Commission

Recreation Permits

Summary of Activity Between 4/25/2009 And 5/29/2009

County	Municipality	App. Number	Applicant Name	Block	Lot	Development Type	Action Description	Action Date
Atlantic	Hammonton Town	19990119.011	Jeep Jamboree USA	99999	99999	Recreation	Recreation Permit: Approval Sent	5/6/2009
Burlington	Woodland Township	19823054.044	Pine Barons Enduro Riders	99999	99999	Recreation	Recreation Permit: Approval Sent	4/28/2009
Cumberland	Maurice River Township	20050459.007	Northeast Offroad Championship Series	117	13	Recreation	Recreation Permit: Approval Sent	4/28/2009
Cumberland	Maurice River Township	19880757.033	Polhamus, President	247	31	Recreation	Recreation Permit: Approval Sent	5/6/2009
Ocean	Manchester Township	19880272.023	Central Jersey Competition Riders	99999	99999	Recreation	Recreation Permit: Approval Sent	4/28/2009

6/1/2009
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New Jersey Pinelands Commission
Consistent Memorandums of Agreement
Summary of Activity Between 4/25/2009 And 5/29/2009

County	Municipality	App. Number	Applicant Name	Block	Lot	Development Type	Action Description	Action Date
Atlantic	Egg Harbor Township	20000163.004	Borek	5401	24	Infrastructure	MOA Consistent: Lake Treatment Sent	4/30/2009
Burlington	Evesham Township	19890444.001	Runyon, Jr.	81.04	84	Infrastructure	MOA Consistent: Lake Treatment Sent	5/5/2009
Burlington	Evesham Township	19870914.007	Burlington Co Board of Chosen Freeholders	99999	99999	Infrastructure	MOA Consistent: Town/County Sent	5/14/2009
Burlington	Medford Township	19835490.002	Mizak	4701.0	1	Infrastructure	MOA Consistent: Lake Treatment Sent	5/4/2009
Burlington	Medford Township	19880433.001	Taunton Lake and Inlet Pond	5511	1	Infrastructure	MOA Consistent: Lake Treatment Sent	5/5/2009
Burlington	Medford Township	19880435.001	Ottmann	6307.0	1	Infrastructure	MOA Consistent: Lake Treatment Sent	5/15/2009
Burlington	Medford Township	19920306.001	Runyon	2705	1	Infrastructure	MOA Consistent: Lake Treatment Sent	5/27/2009
Burlington	Pemberton Township	19970585.003	Burlington Co Board of Chosen Freeholders	99999	99999	Infrastructure	MOA Consistent: Town/County Sent	5/14/2009
Gloucester	Monroe Township	19870761.003	Clear Lakes, Inc.	10301	16	Infrastructure	MOA Consistent: Lake Treatment Sent	5/27/2009

6/1/2009
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New Jersey Pinelands Commission
Inconsistent Memorandums of Agreement
Summary of Activity Between 4/25/2009 And 5/29/2009

County	Municipality	App. Number	Applicant Name	Block	Lot	Development Type	Action Description	Action Date
Atlantic	Egg Harbor Township	19861227.004	MOBIL SERVICE STATION #15 EVA	4B	1	Infrastructure	MOA Inconsistent: HazMat Sent	5/4/2009
Atlantic	Hammonton Town	19835553.011	WHITEHALL LABORATORIES	3706	4	Infrastructure	MOA Inconsistent: HazMat Sent	5/11/2009
Burlington	Medford Township	19870092.003	Mizak	5101.0	1	Infrastructure	MOA Inconsistent: Lake Treatment Sent	5/4/2009
Burlington	New Hanover Township	19911149.033	McGuire AFB	15	1	Infrastructure	MOA Inconsistent: HazMat Sent	5/11/2009
Burlington	Pemberton Township	19839146.004	ROCCO BERARDI	775	18	Infrastructure	MOA Inconsistent: HazMat Sent	5/15/2009
Burlington	Woodland Township	19850967.010	WOODLAND PRIVATE STUDY GROUP	4210	1	Infrastructure	MOA Inconsistent: HazMat Sent	5/14/2009
Camden	Winslow Township	19840836.005	SCHULLER INTERNATIONAL, INC	901	24	Infrastructure	MOA Inconsistent: HazMat Sent	5/12/2009



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-09-_____

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1981-0837.024, 1981-1833.056, 1985-0619.011, 1987-1159.045, 1988-0144.004, 1991-0836.051, 1995-1213.009, 1997-0257.002, 2006-0160.002 & 2009-0069.001)

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:

- 1981-0837.024

CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY, Upper Township and Borough of Woodbine, Pinelands Town of Woodbine, expansion of the existing Cape May County Municipal Utilities Authority landfill (Date of Report: May 22, 2009);
- 1981-1833.056

THE RICHARD STOCKTON COLLEGE OF NEW JERSEY, Galloway Township, Regional Growth Area, construction of a 670 square foot building addition, a 3,966 square foot building addition and other minor building improvements (Date of Report: May 22, 2009);
- 1985-0619.011

EVESHAM TOWNSHIP, Evesham Township, Regional Growth Area, replacement of an existing grass athletic field with an 86,400 square foot synthetic turf athletic field and associated development (Date of Report: May 22, 2009);
- 1987-1159.045

TOWNSHIP OF STAFFORD, Stafford Township, Regional Growth Area, development of a 1,600 square foot municipal vehicle washdown building and associated development (Date of Report: May 13, 2009);
- 1988-0144.004

TOWNSHIP OF MANCHESTER, Manchester Township, Pinelands Town, expansion of an existing public works facility proposing a 360 square foot office addition, a 43,314 square foot paved parking and storage area, and 8,000 square foot storage building, a 6,400 square foot storage building, a 1,604 square foot storage building, a 963 square foot storage building, a 1,609 square foot storage building and associated site improvements (Date or Report: May 21, 2009);
- 1991-0836.051

NAVAL AIR ENGINEERING STATION, LAKEHURST, Jackson Township, Preservation Area, construction of a 400 foot long by 75 foot wide high-speed aircraft turnaround taxiway, a 2,000 square foot control building, two 2,745 square foot equipment buildings, seven space parking lot, demolition of two structures, 50 years old or older, and associated development (Date of Report: May 19, 2009);
- 1995-1213.009

STAFFORD TOWNSHIP WATER & SEWER UTILITY DEPARTMENT, Stafford Township, Regional Growth Area, installation of 810 linear feet of 18 inch potable water main on a 6.84 acre lot and within the Garden State Parkway right-of-way (Date of Report: May 6, 2009);
- 1997-0257.002

NEW JERSEY TURNPIKE AUTHORITY, Bass River Township, Pinelands Village of New Gretna, placement of riprap around two existing bridge piers located within the Bass River (Date of Report: May 20, 2009);
- 2006-0160.002

NEW JERSEY DEPARTMENT OF MILITARY & VETERANS AFFAIRS, Jackson Township, Preservation Area, 82,340 square foot building addition to the existing Consolidated Logistic and Training Facility (Date of Report: May 19, 2009); and

2009-0069.001 **BOROUGH OF BERLIN**, Borough of Berlin, Regional Growth Area, installation of a water well at an existing sanitary sewer pumping station (Date of Report: May 20, 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.

1981-0837.025 **CAPE MAY COUNTY MUNICIPAL UTILITIES AUTHORITY**, Upper Township and Borough of Woodbine, Pinelands Town of Woodbine, expansion of the existing Cape May County Municipal Utilities Authority landfill (Date of Report: May 22, 2009);

1981-1833.056 **THE RICHARD STOCKTON COLLEGE OF NEW JERSEY**, Galloway Township, Regional Growth Area, construction of a 670 square foot building addition, a 3,966 square foot building addition and other minor building improvements (Date of Report: May 22, 2009);

1985-0619.011 **EVESHAM TOWNSHIP**, Evesham Township, Regional Growth Area, replacement of an existing grass athletic field with an 86,400 square foot synthetic turf athletic field and associated development (Date of Report: May 22, 2009);

1987-1159.045 **TOWNSHIP OF STAFFORD**, Stafford Township, Regional Growth Area, development of a 1,600 square foot municipal vehicle washdown building and associated development (Date of Report: May 13, 2009);

1988-0144.004 **TOWNSHIP OF MANCHESTER**, Manchester Township, Pinelands Town, expansion of an existing public works facility proposing a 360 square foot office addition, a 43,314 square foot paved parking and storage area, and 8,000 square foot storage building, a 6,400 square foot storage building, a 1,604 square foot storage building, a 963 square foot storage building, a 1,609 square foot storage building and associated site improvements (Date or Report: May 21, 2009);

1991-0836.051 **NAVAL AIR ENGINEERING STATION, LAKEHURST**, Jackson Township, Preservation Area, construction of a 400 foot long by 75 foot wide high-speed aircraft turnaround taxiway, a 2,000 square foot control building, two 2,745 square foot equipment buildings, seven space parking lot, demolition of two structures, 50 years old or older, and associated development (Date of Report: May 19, 2009);

1995-1213.009 **STAFFORD TOWNSHIP WATER & SEWER UTILITY DEPARTMENT**, Stafford Township, Regional Growth Area, installation of 810 linear feet of 18 inch potable water main on a 6.84 acre lot and within the Garden State Parkway right-of-way (Date of Report: May 6, 2009);

1997-0257.002 **NEW JERSEY TURNPIKE AUTHORITY**, Bass River Township, Pinelands Village of New Gretna, placement of riprap around two existing bridge piers located within the Bass River (Date of Report: May 20, 2009);

- 2006-0160.002

NEW JERSEY DEPARTMENT OF MILITARY & VETERANS AFFAIRS, Jackson Township, Preservation Area, 82,340 square foot building addition to the existing Consolidated Logistic and Training Facility (Date of Report: May 19, 2009); and
- 2009-0069.001

BOROUGH OF BERLIN, Borough of Berlin, Regional Growth Area, installation of a water well at an existing sanitary sewer pumping station (Date of Report: May 20, 2009).

Record of Commission Votes

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

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**

May 22, 2009

Charles Norkis
Cape May County Municipal Utilities Authority
P.O. Box 610
Cape May Court House, NJ 08210

Please Always Refer To
This Application Number

Re: Application #: 1981-0837.024
 Block 247, Lots 1-3 & 5-7
 Block 248, Lot 9
 Upper Township
 Block 123, Lots 1-3
 Block 124, Lot 1
 Block 128, Lots 1, 3 & 4
 Block 128.02, Lots 1-3
 Block 131, Lots 1, 4 & 5
 Block 131.02, Lots 1-29
 Block 137.02, Lots 1-9
 Borough of Woodbine

Dear Mr. Norkis:

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 June 12, 2009 meeting.

FINDINGS OF FACT

This application is for a expansion of the existing 93 acre Cape May County Municipal Utilities Authority (CMCMUA) landfill located on the above referenced 457 acre parcel in Upper Township and the Borough of Woodbine. This application proposes a 74 acre expansion of the landfill. This application also proposes relocation of certain existing facilities accessory to



the existing landfill that are currently located on the parcel to different locations on the parcel and the development of additional facilities accessory to the landfill on the parcel. The parcel is located partly in the Pinelands Town of Woodbine (376 acres) and partly in a Pinelands Forest Area (81 acres). The proposed development will be located entirely within the Pinelands Town of Woodbine.

When adopted in 1981, the Pinelands Comprehensive Management Plan (CMP) required that the use of any new landfill be terminated by August 8, 1990. The Commission issued three Waivers of Strict Compliance to the CMCMUA in 1981, 1983 and 1990 regarding the establishment and operation of the CMCMUA landfill. On March 4, 1983, the Commission approved the development of the CMCMUA landfill. Thereafter, the CMCMUA and the Commission were involved in litigation regarding the 1990 Waiver of Strict Compliance. Ultimately, the CMP was amended on April 1, 1996 to allow the CMCMUA landfill to continue operation subject to specific conditions contained in the CMP (N.J.A.C. 7:50-6.75(i)). Those conditions include that all landfiling be located within the Pinelands Town management area on approximately 167 acres owned by the CMCMUA as of May 1, 2006, that all landfiling must occur on specific lands contiguous to the existing landfill cells and that all landfiling occur on an additional 74 acres contiguous to the existing landfill. That 74 acres is subject of the currently proposed landfill expansion application.

In addition to the proposed 74 acre expansion of the existing landfill, the current application also proposes to relocate the following existing facilities and improvements to a different location on the parcel:

- a leaf composting area;
- a Class B (wood) recycling area;
- a 38,406 square foot intermediate processing building;
- a 5,973 Class B recycling building;
- a 37,868 square foot maintenance building;
- a 9,671 square foot gas management facility;
- a 240 square foot convenience building;
- two scale houses, totaling 1,340 square feet; and
- approximately 6,800 linear feet of internal roadway.

The application also proposes the following additional facilities and improvements on the parcel:

- a third leachate storage tank;
- a stormwater infiltration basin;
- the expansion of an existing resource extraction area accessory to the landfill; and
- the establishment of an additional resource extraction area accessory to the landfill.

The parcel 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 excavation of sand and gravel for landfill cover on the above referenced parcel and a two lot subdivision of the landfill parcel was previously approved pursuant to the provisions of the Pinelands Comprehensive Management Plan (App. No. 1981-0837.003). The Pinelands Commission has previously approved various other applications, primarily associated with the landfill, on the above referenced parcel (App. Nos. 1981-0837.001 through .023).

The proposed development will be located within developed areas, maintained grassed areas and wooded areas. There are no wetlands located within 300 feet of the proposed development.

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 4.4 acre stormwater infiltration basin to accept stormwater runoff from the proposed 74 acre landfill expansion.

The landfill expansion will occur on existing cleared or developed areas. The proposed relocated facilities and new facilities will disturb approximately 53.5 acres of an 81 acre wooded area on the parcel. The applicant completed a threatened and endangered species survey for Red-headed woodpecker. The applicant's survey documented the presence of a population of Red-headed woodpecker and a Red-headed woodpecker nest within the area proposed to contain proposed facilities accessory to the landfill. To avoid irreversible adverse impacts on habitats that are critical to the survival of Red-headed woodpecker, the applicant proposes to deed restrict 11 acres of the parcel to protect the nest and the area surrounding the nest. In addition, the applicant has proposed to restrict all development activities within a 200 foot buffer around the 11 acres from April 1 to August 15 of any year. The applicant also proposes to limit clearing within the 53.5 acre area, proposed to be disturbed, to 10 acres or less within any one year period. If the conditions recommended in this report are imposed, the proposed development will avoid irreversible adverse impacts to local populations of Red-headed woodpecker.

Information available to the Commission staff did not provide sufficient evidence of significant cultural resources 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 received seven public comments concerning the application. The commenter's were concerned with the proposed size and height of the landfill, the noise and odors associated with the landfill and the number of bird attracted to the landfill.

CONCLUSION

The proposed landfill expansion and associated development are permitted uses in a Pinelands Town (N.J.A.C. 7:50-6.75(i)). If the following conditions are imposed, the proposed

development will be consistent with the management standards contained in Subchapter 6 of the CMP.

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 46 sheets, prepared by Shaw Environmental, Inc. and dated as follows:

Cover Sheet – November 2006

Sheets 1 & 2 – November 28, 2006

Sheet 3 – November 28, 2006; revised May 6, 2009

Sheets 4-6, 9 & 35 – November 28, 2006; revised February 17, 2009

Sheets 7, 8, 10, 11, 14 & 31 – November 28, 2006; revised February 16, 2009

Sheets 12, 15-24, 26-30, 36 & 43 – undated

Sheets 13 & 33 – January 13, 2006; revised February 16, 2009

Sheet 25 – January 13, 2006; revised January 30, 2009

Sheet 32 – November 13, 2006; revised May 6, 2009

Sheet 34 – November 13, 2006; revised February 17, 2009

Sheets 37-42 – August 4, 2006

Sheet 44 – November 28, 2006; revised January 20, 2009

Sheet 45 – January 13, 2006

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. The existing landfill and the proposed landfill expansion shall be developed and operated consistent with all of the requirements for the CMCMUA landfill specified in the CMP (N.J.A.C. 7:50-6.75(i)).
5. Prior to any development subject of this application occurring on the parcel, the applicant shall submit to the Commission a recorded copy of the proposed deed restriction to protect the 11 acres of Red-headed woodpecker habitat.
6. No development shall occur within a 200 foot buffer around the 11 acre deed restricted area between April 1 to August 15 of any year.
7. 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, Borough of Woodbine Planning Board;
 - c. Secretary, Upper Township Planning Board; and
 - d. Cape May 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 June 12, 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, Borough of Woodbine Planning Board
Secretary, Upper Township Planning Board
Cape May County Planning Board
Karen Switek
Len & Linda Tomkiewicz
Geraldine Vitone
John & Theresa Rhisskowski
Richard & Elaine Menkins
Ken Boody
Glenda Dunlap
Larry Liggett
Ernest Deman

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT**

May 22, 2009

Thomas Lang
The Richard Stockton College of New Jersey
10 West Jimmie Leeds Road
Pomona, NJ 08240

Please Always Refer To
This Application Number

Re: Application #: 1981-1833.056
 Block 875.04, Lot 1.01
 Galloway Township

Dear Mr. Lang:

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 June 12, 2009 meeting.

FINDINGS OF FACT

This application is for various improvements to the main academic building of the Richard Stockton College located on the above referenced 1,586.85 acre lot in Galloway Township. The lot is located partially in a Pinelands Regional Growth Area (500 acres) and partially in a Pinelands Rural Development Area (1086.85 acres). The proposed development is located entirely in a Pinelands Regional Growth Area.

The improvements include the of the construction of a 670 square foot building addition, a 3,966 square foot building addition and other minor building improvements. All proposed improvements are located within existing developed and maintained grassed areas.

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 within 300 feet of the proposed development. The proposed development will be located further from wetlands than existing development.

The proposed development will be 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 site improvements at the existing college are a permitted use in a Pinelands Regional Growth Area (N.J.A.C. 7:50-5.28(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 Galloway Township certified master plan and 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 plans, consisting of five sheets, prepared by PS&S and dated as follows:

 Sheets A-003 & A-051 – May 18, 2009; revised May 18, 2009
 Sheet A-050 & A-100 – February 23, 2009; revised May 18, 2009
 Sheet A-101 – May 21, 2009; revised May 18, 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, 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 June 12, 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:CH

c: Secretary, Galloway Township Planning Board
Galloway Township Environmental Commission
Atlantic County Department of Regional Planning and Development
P S & S Architecture P.C.

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT**

May 13, 2009

Mayor Randy Brown
Evesham Township
984 Tuckerton Rd.
Marlton, NJ 08053

Please Always Refer To
This Application Number

Re: Application #: 1985-0619.011
 Block 44, Lots 5 - 8, & 11.01
 Tuckerton and New Roads
 Evesham Township

Dear Mayor Brown:

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 June 12, 2009 meeting.

FINDINGS OF FACT

This application is for the replacement of an existing grass athletic field with an 86,400 square foot synthetic turf athletic field and associated development on the above referenced 141.2 acre parcel. The Evesham Township Memorial Sports Complex is located on the parcel. A portion of the parcel is located in a Pinelands Regional Growth Area (55.9 acres). The remainder of the parcel is located in a Pinelands Rural Development Area (85.3 acres). The proposed development is located on the portion of the parcel located in the Regional Growth Area.

The parcel 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.



Since the adoption of the Pinelands Comprehensive Management Plan (CMP), the Commission has approved the following development on the parcel:

- The renovation of a former indoor equestrian arena, the renovation of an existing 1,500 square foot storage building, the construction of a one story 1,900 square foot pole barn, and the demolition of an existing 4,200 square foot stable/pole barn (Application #1985-0619.004);
- Two parking areas (Application #1985-0619.005);
- An irrigation well and well house (Application #1985-0619.007); and
- The paving of an existing 2,400 linear foot gravel access drive (1985-0619.010).

Concern has 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 for bioaccessibility of lead. Bioaccessibility is the fraction of a substance in a material that is soluble and made available for absorption. 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 most restricted criterion for lead is NJDEP's residential direct contact soil cleanup criterion. The NJDEP residential direct contact soil cleanup criterion is 400 mg/Kg for lead.

For the current application, the applicant submitted information indicating that the synthetic turf athletic field proposed in this application will be composed of polyethylene fibers, silica sand, cryogenic rubber and polyethylene fabric and is marketed under the name FieldTurf. As part of a prior application to the Commission for the installation of a synthetic turf athletic field in Medford Township, an applicant proposed to install a synthetic turf athletic field composed of the same material as proposed in the current application and marketed under the name FieldTurf (Application #1987-0345.018). As part of Application #1987-0345.018, the applicant submitted the test results to the Commission of two samples of the artificial turf Fieldturf which indicated that lead was not found at a detectable level in the Fieldturf material, and would not leach lead from the material.

The Commission previously approved the development of a community park on the parcel (Application #1985-0619.001). To meet the stormwater management requirements of the CMP, Application #1985-0619.001 proposed numerous stormwater management basins on the parcel. In violation of the requirements of the CMP, discharge pipes were installed in the bottom of two basins located between two existing baseball fields on the parcel. These pipes eliminate the storage of stormwater within the existing basins. Additionally, equipment and a soil stockpile have been placed in the wetlands buffer on the parcel. To resolve these violations, by letter dated April 27, 2009, the applicant has indicated that the concerned pipes will be removed from the two concerned basins and the equipment and soil stockpile removed from the wetlands buffer by June 11, 2009.

This application proposes to expand existing Basins #1 and #2 on the parcel, that were developed as part of Application #1985-0619.001, to provide the required storage of stormwater generated by the proposed installation of a synthetic turf athletic field. Basins #1 and #2 are located adjacent to the proposed synthetic turf athletic field. The applicant has indicated that these two basins are currently not functioning due to the accumulation of silts and clays in the bottom of the basins. The two basins continuously hold water to near capacity. Additionally, stormwater retained in Basin #2 overflows out of the basin, across an existing gravel drive and creates an erosional channel that extends into a wetland located at the southern end of the parcel.

To resolve the stormwater issues associated with existing Basins #1 and #2 and to meet the stormwater requirements for the proposed development, the applicant proposes to enlarge existing Basins #1 and #2, excavate the bottoms of the basins and install 24 inches of sand with a permeability between 1 and 20 inches per hour, and re-grade and stabilize the wetland area where erosion has occurred.

The CMP requires that a minimum separation of two feet between the bottom of stormwater management facilities and the seasonal high water table. Proposed Basin #2 will meet the required 2 foot separation between the bottom of the basin and the seasonal high water table. Proposed Basin #1 will maintain an approximate 1.5 foot separation between the bottom of the basin and the seasonal high water table. The applicant has not demonstrated that the CMP standard of maintaining a minimum separation of two feet between the bottom of the stormwater management facilities and the seasonal high water table can be met.

As applicable to this application, the CMP provides that if an applicant for major public development cannot demonstrate that all of the stormwater management standards can be met on the parcel proposed for development, an exception to those standards may be granted at the discretion of the Commission, provided any alternate stormwater measure occurs within the Pinelands Area and within the same drainage area as the parcel proposed for development and the alternate stormwater measure is sufficient to offset the granting of the exception. The applicant has proposed, as an alternate measure to offset the inability to meet the two feet to seasonal high water table standard for proposed Basin #1, to install a 540 linear foot vegetated swale and a 390 linear feet vegetated swale adjacent to an existing paved internal drive and two vegetative filter strips, approximately 610 square feet and 600 square feet in area, adjacent to the down gradient side of two existing gravel parking lots, to provide pretreatment of stormwater prior to entering stormwater Basins #1 and #2. The applicant also proposes to install a 1,145 square foot vegetative filter strip in the area where the erosional channel has been created to pre-treat stormwater generated by existing development. The proposed stormwater vegetative filter strips and swales for pretreatment of stormwater are sufficient to grant the exception.

Wetlands are located on and within 300 feet of the parcel. All proposed development will be located outside of wetlands and wetlands buffers.

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

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.

The project will be located in Evesham Township's CP (Conservation Park) zoning district. The proposed development is a permitted use in this zoning district.

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

CONCLUSION

The proposed synthetic turf athletic field is a permitted use in a Pinelands Regional Growth Area (N.J.A.C. 7:50-5.28(a)1). If the following conditions are imposed, the proposed development will be consistent with the management standards contained in Subchapter 6 of the CMP and Evesham Township's certified master plan and 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 11 sheets, prepared by CME Associates and dated as follows:

 Sheets 1-8 & 11 - June 10, 2008; last revised April 30, 2009
 Sheets 9-10 - June 10, 2008; last revised April 22, 2009
2. 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.
3. The discharge pipes that have been placed in the bottom of two basins located west of the proposed synthetic turf athletic field and the material and soil stockpile located within the wetlands buffer shall be removed by June 11, 2009 and the areas stabilized.
4. Any discharge from dewatering of the stormwater basins for construction purposes shall not occur in wetlands or wetlands buffers.
5. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
6. Landscaping shall adhere to the requirements of the CMP.

7. 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, Evesham 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 June 12, 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/ED/KY/CH

c: Secretary, Evesham Township Planning Board
Evesham Township Environmental Commission
Burlington County Planning Board
CME Engineering
Rhonda Ward

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT**

May 13, 2009

Carl W. Block, Mayor
Township of Stafford
260 East Bay Avenue
Manahawkin, NJ 08050

Please Always Refer To
This Application Number

Re: Application #: 1987-1159.045
 Block 13, Lot 61
 Stafford Township

Dear Mayor Block:

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 June 12, 2009 meeting.

FINDINGS OF FACT

This application is for the development of a 1,600 square foot municipal vehicle washdown building and associated development on the above referenced 20.61 acre lot. There is an existing municipal public works facility located on the lot. The lot is located within the Stafford Township Business Park. The lot is located in a Pinelands Regional Growth Area.

There are wetlands located on and within 300 feet of the above referenced lot. All development will maintain at least a 300 foot buffer to wetlands.

With the conditions recommended below, the proposed development will be consistent with all 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 1,600 square foot municipal vehicle washdown building is a permitted use in a Pinelands Regional Growth Area (N.J.A.C. 7:50-5.28(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 Stafford Township certified master plan and 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 four sheets and prepared by CMX, and dated as follows:

Sheet 1 – January 2009
Sheet 2 – January 30, 2009; revised April 12, 2009
Sheet 3 – January 30, 2009; revised January 20, 2009
Sheet 4 – February 2, 2009; revised April 13, 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, Stafford Township Planning Board;
 - c. Stafford 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, the Pinelands Commission will act on this application at its meeting on June 12, 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:CH

- c: Secretary, Stafford Township Planning Board
Stafford Township Environmental Commission
Ocean County Planning Board
Robert Fiorile

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT**

May 21, 2009

Michael Fressola, Mayor
Township of Manchester
1 Colonial Drive
Manchester, NJ 08759

Please Always Refer To
This Application Number

Re: Application #: 1988-0144.004
 Block 113, Lot 9
 Manchester Township

Dear Mayor Fressola:

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 June 12, 2009 meeting.

FINDINGS OF FACT

This application is for the expansion of an existing public works facility on the above referenced 13.95 acre lot. The lot is located in the Pinelands Town of Whiting.

The application proposes a 360 square foot office addition, a 43,314 square foot paved parking and storage area, an 8,000 square foot storage building, a 6,400 square foot storage building, a 1,604 square foot storage building, a 963 square foot storage building, a 1,608 square foot storage building and associated site improvements.

The paving of approximately 28,314 square feet of the proposed parking and storage area, the development of a 1,280 square foot loading area for salt trucks, a 1,604 square foot storage building, a 963 square foot storage building, a 1,608 square foot storage building, and associated site improvements occurred without completion of an application with and approval



by the Pinelands Commission in violation of the provisions of the Pinelands Comprehensive Management Plan (CMP). This application is to resolve that violation of the CMP.

The Pinelands Commission previously approved the development of a 252 square foot office addition to the existing Manchester Township Public Works building (App. No. 1988-0144.001) and a 150 foot high local communication tower for the municipal police on the above referenced lot (App. No. 1988-0144.003).

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 proposed development will be located partially in a developed area and partially within an oak pine wooded area. There are wetlands located within 300 feet of the parcel. The proposed development will be located at least 300 feet from all wetlands.

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 and proposed buildings and the anticipated number of personal using the facility, the applicant has demonstrated that the total wastewater flow from the existing and proposed development calculated in accordance with the CMP standards will result in a nitrogen concentration in the groundwater that will not exceed two parts per million at the property line.

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards of the CMP. The applicant will be constructing a stormwater infiltration basin.

Based on the location of the existing and proposed development, the proposed limits of disturbance 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.

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

The development will be located in Manchester Township's WTHD (Whiting Town Highway Development) zoning district. Public works facilities are a permitted use 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 applicant has provided the requisite notice. The Pinelands Commission has not received any public comments concerning the application.

CONCLUSION

The proposed expansion of the existing public works facility is a permitted use in a Pinelands Town (N.J.A.C. 7:50-5.27(a)1). If the following conditions are imposed, the proposed development will be consistent with the management standards contained in Subchapter 6 of the CMP and Manchester Township certified master plan and 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 six sheets, prepared by T&M Associates and dated as follows:

Sheet 1 – undated

Sheets 2-6 – August 14, 2008; revised May 18, 2009

2. Silt fencing, hay bales or other appropriate measures shall be taken prior to construction to preclude sediment from entering wetlands. The measure 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. Any proposed 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:

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT**

May 19, 2009

Dennis Blazak
Naval Air Engineering Station, Lakehurst
Code N8L, Building 5, Environmental Department
Lakehurst, NJ 08733

Please Always Refer To
This Application Number

Re: Application #: 1991-0836.051
 Block 23601, Lot 1
 Jackson Township

Dear Mr. Blazak:

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 June 12, 2009 meeting.

FINDINGS OF FACT

This application is for construction of a 400 foot long by 75 foot wide high-speed aircraft turnaround taxiway, a 2,000 square foot control building, two 2,745 square foot equipment buildings and associated development at the Lakehurst Naval Air Engineering Station on the above referenced 6,464.43 acre lot in Jackson Township. The application also proposes the construction of a seven space parking lot and the demolition of two structures, 50 years old or older (Building #373 and Building #374). The project is located in a Military and Federal Installation Area in the Pinelands Preservation Area.

The Pinelands Comprehensive Management Plan (CMP) requires that, where feasible, development shall be located in that portion of a Military and Federal Installation Area located within the Pinelands Protection Area. The Lakehurst Naval Air Engineering Station is located entirely within the Pinelands Preservation Area. The CMP also requires that the proposed use not require any development, including public service infrastructure, within the Preservation Area



District or in a Forest Area. (The Preservation Area District is that portion of the Preservation Area that is not located in another management area, such as a Pinelands Village.) The proposed development does not require any development within the Preservation Area District or in a Forest Area.

This application proposes to construct a high-speed aircraft turnaround taxiway connecting two existing test runways to facilitate the testing of an Advanced Arresting Gear (AAG) system. The AAG system is utilized to test the latest technology for controlled deceleration of aircraft landing on aircraft carriers.

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 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 four stormwater infiltration basins.

The proposed development will be located over existing developed areas, maintained grassed areas and within a wetland located within an existing drainage swale between two existing test runways. The proposed high speed aircraft turnaround will disturb approximately 2,061 square feet of wetlands. The applicant has demonstrated that there is no feasible alternative to the proposed high speed aircraft turnaround taxiway that does not involve development in wetlands or that will result in a less significant adverse impact on wetlands. The proposed development will not result in a substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetlands. The applicant has demonstrated that the need for the taxiway overrides the importance of protecting the wetlands.

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.

The structures proposed to be demolished include a 600 square foot instrumentation building and a 384 square foot bathroom building. Both structures were constructed in 1958. Information available to the Commission staff did not provide sufficient evidence of significant cultural resources to require a full cultural resource survey. The development is not located within the potential Lighter-Than-Air Historic 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 public notice. The Pinelands Commission has not received any public comments concerning the application.

CONCLUSION

The proposed high speed aircraft turnaround taxiway, three buildings and the proposed demolition of two buildings are permitted uses in a Military and Federal Installation Area (N.J.A.C. 7:50-5.29(a)). If the following conditions are imposed, the proposed development will be consistent with the management standards contained in Subchapter 6 of the CMP.

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 sheets (Sheets 8-38), prepared by NAVFAC, and dated as follows:

 Sheets 8, 10-21, 23-25, 27, 29, 32, 34 & 38 – November 10, 2008
 Sheets 9, 26 & 35 – December 22, 2008
 Sheets 22, 28 & 33 – December 19, 2008
 Sheets 30 & 36 – March 17, 2009
 Sheets 31 & 37 – March 30, 2009
2. Silt fencing, hay bales or other appropriate measures shall be taken prior to construction to preclude sediment from entering wetlands. The measure 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. 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.

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, Manchester Township Planning Board;
 - c. Manchester 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, the Pinelands Commission will act on this application at its meeting on June 12, 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, Manchester Township Planning Board
Manchester Township Environmental Commission
Ocean County Planning Board
Ernest Deman

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT**

May 6, 2009

Paul Shives
Stafford Township Water & Sewer Utility Department
260 East Bay Avenue
Manahawkin, NJ 08050

Please Always Refer To
This Application Number

Re: Application #: 1995-1213.009
 Block 44.59, Lot 18.01
 Stafford Township

Dear Mr. Shives:

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 June 12, 2009 meeting.

FINDINGS OF FACT

This application is for installation of 810 linear feet of 18 inch potable water main on the above referenced 6.84 acre lot and within the Garden State Parkway right-of-way. There is a potable water treatment plant and three existing potable water production wells located on the lot. An additional 3,400 linear feet of 18 inch potable water main is proposed outside of the Pinelands Area. The proposed potable water main will be located within an existing stormwater infiltration basin and under the Garden State Parkway. The applicant has indicated that the proposed potable water main is to provide a backup water supply for the portion of Stafford Township located outside of the Pinelands Area. The proposed development is located in a Pinelands Regional Growth 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.



There are wetlands located within 300 feet of the portion of the proposed potable water main located within the Pinelands Area. To maintain consistency with the wetland protection standards of the Pinelands Comprehensive Management Plan (CMP), the potable water main will be directionally drilled under the wetlands and wetland buffers located within the Pinelands Area.

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

CONCLUSION

The proposed potable water main is a permitted use in a Pinelands Regional Growth Area (N.J.A.C. 7:50-5.28). If the following conditions are imposed, the proposed development will be consistent with the management standards contained in Subchapter 6 of the CMP and Stafford Township's certified master plan and 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 plans, consisting of eight sheets, prepared by CMX and dated as follows:

Sheet 1 – undated
Sheets 2 & 6-8 – April 17, 2009
Sheets 3-5 – April 10, 2009

Only Sheets 1-3 and 6-8 pertain to the development that will occur within the Pinelands Area.

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 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, Stafford Township Planning Board;
 - c. Stafford Township Environmental Commission; and
 - d. Secretary, 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, the Pinelands Commission will act on this application at its meeting on June 12, 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, Stafford Township Planning Board
Stafford Township Environmental Commission
Secretary, Ocean County Planning Board
Brian Carr
Ernest Deman

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT**

May 20, 2009

Richard J. Raczynski, P.E.
New Jersey Turnpike Authority
P.O. Box 5042
Woodbridge, NJ 07095

Please Always Refer To
This Application Number

Re: Application #: 1997-0257.002
Garden State Parkway Structure 51.9
Bass River Bridge
Bass River Township

Dear Mr. Raczynski:

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 June 12, 2009 meeting.

FINDINGS OF FACT

This application is for the placement of riprap around two existing bridge piers located within the Bass River. The proposed riprap will be 16 feet wide and embedded into the river bottom. The proposed development is located in the Pinelands Village of New Gretna.

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 Pinelands Commission previously entered into a Memorandum of Agreement (MOA) with the New Jersey Turnpike Authority. The MOA permitted the New Jersey Turnpike



Authority to widen the Garden State Parkway between Interchange 30 and Interchange 80 (Application #1997-0257.001). The proposed development was not included in the MOA.

The proposed development will disturb approximately 3,248 square feet of wetlands. The application requires a NJDEP Coastal Wetlands Permit. The applicant has demonstrated that there is no feasible alternative to the proposed placement of riprap that does not involve development in wetlands or that will result in a less significant adverse impact on wetlands. The proposed development will not result in substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate impacts on wetlands. The applicant has demonstrated that the need for the riprap overrides the importance of protecting the wetlands. The applicant has indicated that the proposed development is necessary to prevent erosion of the existing bridge piers.

Since the proposed development involves less than 5,000 square feet of land disturbance, no stormwater management is required.

With the conditions recommended below, the proposed development will be consistent with all of 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 placement of riprap is a permitted use in a Pinelands Village (N.J.A.C. 7:50-5.27(a)1). If the following conditions are imposed, the proposed development will be consistent with the management standards contained in Subchapter 6 of the CMP.

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 three sheets, prepared by Stantec Consulting Services, Inc., all sheets dated February 2009.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. 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, Bass River Township Planning Board;
 - c. Bass River 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 June 12, 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/ED/CH

c: Secretary, Bass River Township Planning Board
 Bass River Township Environmental Commission
 Burlington County Planning Board
 William Haggerty

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT**

May 19, 2009

Dean Arrighi
New Jersey Department of Military & Veterans Affairs
101 Eggert Crossing Road
Lawrenceville, NJ 08648

Please Always Refer To
This Application Number

Re: Application #: 2006-0160.002
 Lakehurst Naval Air Engineering Station
 Block 23601, Lot 1
 Jackson Township

Dear Mr. Arrighi:

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 June 12, 2009 meeting.

FINDINGS OF FACT

This application proposes an 82,340 square foot building addition to the existing Consolidated Logistic and Training Facility on the above referenced 6,464 acre lot. The lot is located in a Military and Federal Installation Area in the Pinelands Preservation Area.

This application also proposes the construction of an 11,130 square foot addition to an existing building, a 63 space parking lot expansion and associated site improvements.

An application for the construction of the Consolidated Logistic and Training Facility comprised of a 109,000 square foot building and associated site improvements on a 140 acre project site on the above referenced lot was approved with conditions by the Commission on April 6, 2006 (App. No. 1991-0836.023). The applicant indicated that the purpose of the Facility was to consolidate New Jersey Army National Guard logistical support functions within close proximity to Fort Dix training ranges and facilities. The applicant has represented that App. No 1991-0836.023 was phase one of a four phase development and that the current application (App. No. 2006-



0160.002) is phase two of the development.

The Pinelands Comprehensive Management Plan (CMP) requires that, where feasible, development in a Military and Federal Installation Area shall be located in that portion of the Installation located within the Pinelands Protection Area. The development proposed in this application is located in the Preservation Area. As part of App. No. 1991-0836.023, the applicant demonstrated that there was no feasible alternative location for the proposed development that would not require development in the Preservation Area. Specifically, the applicant has indicated that based on the size of the proposed project site (140 acres), the need to readily access existing training and existing range areas at Fort Dix, the availability of lands not encumbered by existing uses and wetlands protection standards, the proposed development could not be located in the Pinelands Protection Area.

The lot 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 proposed development will be located in existing wooded and successional field areas. There are no wetlands within 300 feet of the proposed development.

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards of the CMP. To meet the stormwater management standards, the applicant will be expanding an existing stormwater infiltration basin and constructing an additional stormwater infiltration basin.

The proposed facility will utilize on-site septic systems. The septic systems will be located where the seasonal high water table is at least five feet below the natural ground surface. Based on the size of the project site and the anticipated number of personal using the Facility, the applicant has demonstrated that the total nitrogen concentration in the groundwater will not exceed two parts per million at the property line.

A threatened and endangered species survey was previously completed for the entire 140 acre project site subject for App. No. 1991-0836.023. That survey evaluated the entire 140 acre project site for Sickie-leaved golden aster, Grasshopper sparrow, Uplands sandpiper and Northern pine snake. The completed survey demonstrated that the entire project site was not habitat for Grasshopper sparrow or Uplands sandpiper and that there was no evidence of any local population of Sickie-leaved golden aster within the entire project site. Although no Northern pine snakes were located on the entire project site during the survey, a Northern pine snake shed skin was found in the vicinity of the entire project site. Northern pine snakes have been observed at the on the 140 acre project site by Lakehurst personal and by previous threatened and endangered species studies completed by Lakehurst Naval Air Engineering Station (NAES). The Commission staff required an additional study to determine if any Northern pine snake dens or nests were located within the entire 140 acre project site. No dens or nests were identified on the entire project site during that study.

The Lakehurst NAES previously submitted a draft master plan, dated April 15, 2003, to the Commission for the 7,438 acre Lakehurst NAES site. That draft master plan indicates that the only proposed future development located west of the Westfield Runways is this 140 acre project site. In addition, the draft master plan indicates that significant acreage of the Lakehurst NAES located west of the Westfield Runways is potentially constrained from development due to environmental, cultural, land use compatibility and other issues. (The Commission staff is beginning discussions on

a Memorandum of Agreement to address development on the Joint Base McGuire-Dix-Lakehurst.) Based on the results of the threatened and endangered species survey, the draft master plan for Lakehurst NAES, the presence of the 12,667 acre New Jersey Colliers Mills Wildlife Management Area and the 3,085 acre New Jersey Manchester Wildlife Management Area, both contiguous to the Lakehurst NAES and the large documented population of Northern pine snake at Lakehurst NAES, the applicant demonstrated in App. No. 1991-0836.023 that the proposed development will not have a irreversible adverse impact on habitats that are critical to the survival of Northern pine snake.

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. The development is not located within the potential Lighter-Than-Air Historic 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 public notice. The Pinelands Commission has not received any public comments concerning the application.

CONCLUSION

The proposed facility is a permitted use in a Military and Federal Installation Area (N.J.A.C. 7:50-5.29(a)). If the following conditions are imposed, the proposed development will be consistent with the management standards contained in Subchapter 6 of the CMP.

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 fifteen sheets, prepared by Maitra Associates, P.C. and dated as follows:

Sheets 1-10 & 14 – June 23, 2006; revised January 26, 2009
 Sheets 11-13 – December 22, 2005; revised January 26, 2009
 Sheet 15 – June 23, 2006; revised December 8, 2008

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. No further major development is permitted west of the Westfield Runways (6, 15 and 33) at Lakehurst NAES until either a revised Lakehurst NAES Master Plan has been approved by the Pinelands Commission and/or a Memorandum of Agreement is approved by the Commission addressing development at the Joint Base McGuire-Dix-Lakehurst.

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, Jackson Township Planning Board
 - c. Jackson 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, the Pinelands Commission will act on this application at its meeting on June 12, 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, Jackson Township Planning Board
Jackson Township Environmental Commission
Ocean County Planning Board
John Helbig
Ernest Deman

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT**

May 20, 2009

Charlene Santora
Borough of Berlin
59 S. White Horse Pike
Berlin, NJ 08009

Please Always Refer To
This Application Number

Re: Application #: 2009-0069.001
 Block 1502, Lot 14
 Borough of Berlin

Dear Ms. Santora:

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 June 12, 2009 meeting.

FINDINGS OF FACT

This application is for the installation of a water well at an existing sanitary sewer pumping station on the above referenced 0.06 acre lot. The purpose of the proposed well is to provide washing facilities for personnel working at the sanitary sewer pumping station. The lot is located in a Pinelands Regional Growth Area.

The proposed well will be installed to a depth of 100 feet. The applicant has indicated that the maximum pumping rate for the proposed well will be 40 gallons per minute. The proposed well is being installed to comply with the New Jersey Department of Environmental Protection, New Jersey Pollutant Discharge Elimination System Rules (N.J.A.C. 7:14A-23.10(a)7). These rules require that adequate freshwater facilities be provided at all wastewater pumping stations.



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

CONCLUSION

The installation of a water well is a permitted use in a Pinelands Regional Growth Area (N.J.A.C. 7:50-5.28(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 Berlin Borough certified master plan and 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. 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. 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, Berlin Borough 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 June 12, 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:CH

c: Secretary, Berlin Borough Planning Board
Atlantic County Department of Regional Planning and Development
Christopher J. Noll, P.E.

LETTER OF INTERPRETATION # 2007

April 30, 2009

Kokes Organization
55 Schoolhouse Road
Whiting, NJ 08759

Please Always Refer To
This Application Number

Re: Application # 1983-9591.002
Block 90, Lot 20
Manchester Township

FINDINGS OF FACT

This application is for a Letter of Interpretation regarding the presence or absence of wetlands on the above referenced 16.4 acre lot. The lot is located in the Pinelands Town of Whiting. In accordance with the provisions of the Pinelands Comprehensive Management Plan (CMP) (N.J.A.C. 7:50-4.72(a)2), the above referenced application has been submitted for a Letter of Interpretation (LOI) as to the presence or absence of wetlands on the above referenced lot.

The Commission staff has site inspected the lot, reviewed the information submitted by the applicant, the available resource capability maps and other natural resource data available to the Commission staff.

The lot is vacant and consists of agricultural fields, disturbed uplands and pitch pine uplands. Based on the submitted information and upon inspection of the lot conducted by the staff of the Pinelands Commission, no evidence of the presence of wetlands has been observed on the lot.

The LOI is solely for the presence or absence of wetlands on the lot. This LOI makes no determination regarding the presence or absence of wetlands and required buffers to wetlands within 300 feet of the lot subject of this LOI.

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



CONCLUSION

There are no wetlands located on the referenced lot.

This LOI does not authorize the commencement of any development on this lot (N.J.A.C. 7:50-4.76(a)). The applicant must still complete an application for development as set forth in Part III of Subchapter 4 of the CMP. The proposed development must meet all requirements of Subchapters 5 and 6 of the CMP.

The CMP provides that this LOI is valid with the Pinelands Commission for a period of two years only unless final approval pursuant to the CMP has been granted within that period and development is thereafter diligently pursued to completion or is legally commenced within that period.

APPEAL

Any interested person may appeal the Executive Director's determination on this application to the Pinelands Commission. Any appeal will be referred to the Office of Administrative Law for a hearing. 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, Manchester Township Planning Board;
 - c. Manchester 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 have any questions, please contact the Regulatory Programs staff.

Sincerely,

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

JM:JR:ED:KY

c: Secretary, Manchester Township Planning Board
Manchester Township Construction Code Official
Manchester Township Environmental Commission
Ocean County Planning Board
Katie Kinsella
Jennifer Ruegg

LETTER OF INTERPRETATION #2008

May 6, 2009

Roberta Luber
Andrew Goldner
Stephen M. Goldner
702 Delancey Street
Philadelphia, PA 19106

Please Always Refer To
This Application Number

Re: Application # 2004-0119.002
Block 78, Lot 32
Tucker Avenue
Bass River Township

FINDINGS OF FACT

The applicants own the above referenced 5 acre lot in Bass River Township. This acreage is based on a recorded deed for the lot. The lot is located in the Pinelands Preservation Area District. 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 0.26 acres of wooded uplands and 4.74 acres of wetlands as defined by N.J.A.C. 7:50-6.5(a). The lot is vacant. There are no easements limiting the use of this parcel to non-residential uses. The lot was not in common ownership with any other contiguous lot on or after February 7, 1979. One of the applicants (Stephen Goldner) and the applicants' mother acquired the parcel prior to February 7, 1979. The two remaining applicants are immediate family members of Stephen Goldner. No resource extraction operation or development has been approved for this lot pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP).

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 parcel.



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 uplands which have been approved for resource extraction operations. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

For the 0.26 acres of the lot which are uplands, the applicants are entitled to 0.007 PDCs. For the 4.74 acres of wetlands, the applicants are entitled to 0.02 PDCs. There would be 0.027 PDCs allocated to the lot.

However, the CMP (N.J.A.C. 7:50-5.43(b)4) provides that the owners of any parcel of vacant land containing at least 0.1 acres in the Preservation Area District are entitled to 0.25 PDCs provided certain conditions are met. One condition is that the parcel has not been in common ownership with any contiguous land on or after February 7, 1979. The second condition is that the parcel must be in continuous ownership of the owner of the parcel as of February 7, 1979 or the parcel has not been sold or transferred except to a member of the February 7, 1979 owner's immediate family. The applicants have submitted information indicating that one of the applicants (Stephen Goldner) and the applicants' mother owned the lot prior to February 7, 1979. The two remaining applicants are immediate family members of Stephen Goldner. Therefore, the applicants meet this requirement.

The CMP also provides that the total allocations made pursuant to N.J.A.C. 7:50-5.43(b)4 or 5 for any one owner shall not exceed 0.50 PDCs (N.J.A.C. 7:50-5.43(b)6). At such time as the application of N.J.A.C. 7:50-5.43(b)4 or 5 would exceed a total allocation of 0.50 PDCs to an owner, all remaining lands of that owner in excess of that needed to yield the 0.50 PDC allocation shall be entitled to a fractional allocation of PDCs at the same ratio established in N.J.A.C. 7:50-5.43(b)1. The owners have not previously been allocated PDCs based upon N.J.A.C. 7:50-5.43(b)4 or 5.

Therefore, there are 0.25 PDCs allocated to 5 acre Block 78, Lot 32 subject of this application.

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, Bass River Township Planning Board;
- c. Bass River 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, 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, Bass River Township Planning Board
Bass River Township Environmental Commission
Burlington County Planning Board
Executive Director, PDC Bank
Christopher Jage
Betsy Piner
April Fijalkowski

LETTER OF INTERPRETATION #2009

May 11, 2009

Robert Kaufman, Trustee
K&D Land Trust
777 Third Avenue
New York, NY 10017

Please Always Refer To
This Application Number

Re: Application # 2008-0318.001
Block 91, Lots 5 & 5A
Block 96E, Lot 47
Block 97A, Lot 1
Block 97D, Lot 1
Bass River Township

FINDINGS OF FACT

The applicant owns the above referenced 70.9 acre parcel in Bass River Township. This acreage is based on the Township tax map. The parcel is located in the Pinelands Preservation Area District. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicant is requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are attributed to this parcel.

The parcel consists of 60.69 acres of wooded uplands and 10.21 acres of wetlands as defined by N.J.A.C. 7:50-6.5(a). The parcel is vacant. 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. The applicant acquired the parcel prior to February 7, 1979. No resource extraction operation or development has been approved for this parcel pursuant to the provisions of the CMP.

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 parcel.

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 uplands which have been approved for resource extraction operations. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

For the 60.69 acres of the parcel which are uplands, the applicant is entitled to 1.56 PDCs. For the 10.21 acres of wetlands, the applicant is entitled to 0.05 PDCs.

Therefore, there are 1.50 PDCs allocated to 70.9 acre Block 91, Lots 5 and 5A; Block 96E, Lot 47; Block 97A, Lot 1 and Block 97D, Lot 1.

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, Bass River 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, 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: Bass River Township Planning Board
Burlington County Planning Board
Director, PDC Bank
Betsy Piner
April Fijalkowski
Niall J. O’Brien, Esq.

LETTER OF INTERPRETATION #2010

May 15, 2009

George J. & Patricia M. Walls, Jr.
751 Cascade Drive North
Mt. Laurel, NJ 08054

Please Always Refer To
This Application Number

Re: Application # 2009-0068.001
Block 509, Lot 5
Galloway Township

FINDINGS OF FACT

The applicants own the above referenced 20 acre lot in Galloway Township. This acreage is based on the recorded deed for the lot. The lot is located in the Pinelands Preservation Area District. 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 parcel.

The lot consists of 20 acres of wooded wetlands as defined by N.J.A.C. 7:50-6.5(a). The lot is vacant. There are no easements limiting the use of this lot to non-residential uses. The lot was not in common ownership with any contiguous lots on or after February 7, 1979. The applicants acquired the lot after February 7, 1979. No resource extraction operation or development has been approved for this parcel pursuant to the provisions of the CMP.

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 parcel.

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



uplands which have been approved for resource extraction operations. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

For the 20 acres of wetlands, the applicant would be entitled to 0.10 PDCs. There would be 0.10 PDCs allocated to the lot.

However, the CMP (N.J.A.C. 7:50-5.43(b)4) provides that the owners of any parcel of vacant land containing at least 0.1 acres in the Preservation Area District are entitled to 0.25 PDCs provided certain conditions are met. One condition is that the parcel has not been in common ownership with any contiguous land on or after February 7, 1979. The second condition is that the parcel must be in continuous ownership of the owner of the parcel as of February 7, 1979 or the parcel has not been sold or transferred except to a member of the February 7, 1979 owner's immediate family. The applicants acquired the lot after February 7, 1979. Therefore, the applicants do not meet this requirement.

Therefore, there are 0.10 PDCs allocated to 20 acre Block 509, Lot 5 subject of this application.

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, Galloway Township Planning Board;
 - c. Galloway Township Environmental Commission; and

d. Atlantic County Department of Regional Planning & 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, 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, Galloway Township Planning Board
Galloway Township Environmental Commission
Atlantic County Department of Regional Planning & Development
Executive Director, PDC Bank
Betsy Piner
April Fijalkowski

RECREATION PERMIT #1147

April 28, 2009

Brian Hartem
P.O. Box 127
Heislerville, NJ 08324

Please Always Refer To
This Application Number

Re: Application # 2005-0459.007
Northeast Offroad Championship Series
Ormond Farm Hare Scramble
Block 117, Lots 13 & 17.01
Maurice River Township
May 2 & 3, 2009

Dear Mr. Hartem:

The North East Offroad Championship Series has applied to the Pinelands Commission for a recreational vehicle event (hare scramble) scheduled for May 2 and 3, 2009 on the above referenced 175 acre parcel. The event proposes one route on the parcel.

The route proposes to utilize existing dirt roads and farm fields. The event route is shown on a photocopy of an aerial photograph received by the Pinelands Commission on February 19, 2009.

The Commission has received a notarized, completed application letter. In addition, the Pinelands Commission has received a copy of a motor vehicle racing license from the New Jersey State Police for the event, as well as a copy of a resolution passed by Maurice River Township granting permission to hold the proposed event.

The Commission has received a copy of an Insurance Certificate naming the Pinelands Commission as an additional insured.

No other private lands may be utilized unless the owners have granted permission for the use of their land for this recreational vehicle event. The applicant must obtain any necessary special use permits as required by the municipality.



In the event of cancellation or postponement, the Pinelands Commission shall be notified of the new date. A copy of the new insurance policy as well as documentation that the Township, the State Police and private landowners have been notified of the new date is also required.

If you have any questions, please contact the Regulatory Programs staff.

Sincerely,

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

BS:KC

c: Secretary, Maurice River Township Planning Board
Clerk, Maurice River Township
Brian Szura

RECREATION PERMIT #1148

April 28, 2009

George Gaskill
79 Ann Drive
Richboro, PA 18954

Please Always Refer To
This Application Number

Re: Application # 1982-3054.044
Pine Barons Enduro Riders
2009 PBER Clock Run
Tabernacle, Woodland
& Washington Townships
May 17, 2009

Dear Mr. Gaskill:

Pine Barons Enduro Riders has applied to the Pinelands Commission for a recreational vehicle event (motorcycle enduro) scheduled for May 17, 2009. The event proposes one route beginning and ending at the Hedger House on County Route (C.R.) 563 in Woodland Township. The route may utilize only existing improved roadways, existing dirt trails and fire cuts.

The event route is depicted on copies of four USGS quadrangle maps submitted to the Commission, received February 13, 2009, and copies of a compact disc received April 6, 2009. The route was revised at a site meeting with Joseph Springer on April 15, 2009. The route traverses Wharton State Forest.

Beginning at the Hedger House, the route heads south on County Route (C.R.) 563 to Chatsworth. Heading west on C.R. 532, the route proceeds towards White Horse and turns south just after the gun club. Heading along existing trails, the course proceeds in a generally southerly direction to Friendship. Heading northwest on Carranza Road, the course then takes the dirt road west towards High Crossing. Following a fire cut south, the course then heads southeast on Tuckerton Road. Utilizing existing fire cuts, the course then heads in a southeasterly direction past Jemima Mount and continues towards Washington, then turns northwest on Hampton Gate and Sandy Ridge Roads. Continuing back to Carranza Road, the course then turns southeast and heads through Friendship on Speedwell Road. Turning on a trail that parallels Eagle Road, the



* 1 9 8 2 3 0 5 4 . 0 4 4 *

course heads south and then loops back north along Swamp Road and proceeds back to Speedwell Road. Turning east, the course then proceeds to C.R. 563 and heads north to return to the Hedger House.

The Commission has received a copy of a letter advising Washington Township of the event. In addition, the Commission has received copies of event permits from Tabernacle and Woodland Townships, and documentation demonstrating that the New Jersey State Police have been notified of the event.

The Commission has received a notarized, completed application letter. In addition, the Commission has received a copy of a Certificate of Insurance naming the Pinelands Commission as an additional insured.

No private lands may be utilized unless the owners have granted permission for the use of their land for this event. No public lands shall be utilized for this recreational vehicle event unless any necessary approvals, permits or authorizations that may be required are obtained. This Recreation Permit is subject to all conditions imposed by the New Jersey Department of Environmental Protection or any other public agency. If any changes to the course are proposed, the Commission must be advised of the changes prior to the date of the event.

In the event of cancellation or postponement, the Pinelands Commission shall be notified of the new date. A copy of the new insurance policy as well as documentation that the townships, the State Police, Wharton State Forest, and any private land owners have been notified will also be required.

If you have any questions, please contact the Regulatory Programs staff.

Sincerely,

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

BS:KC

c: Secretary, Tabernacle Township Planning Board
Tabernacle Township Clerk
Secretary, Washington Township Planning Board
Washington Township Clerk
Secretary, Woodland Township Planning Board
Woodland Township Clerk
Robert Auermuller, Wharton State Forest
Brian Szura

RECREATION PERMIT #1149

April 28, 2009

Bob Agonis
14 Fern Street
Edison, NJ 08817

Please Always Refer To
This Application Number

Re: Application # 1988-0272.023
Central Jersey Competition Riders
42nd Annual Pine Hill Enduro
Manchester, Pemberton
& Woodland Townships
May 3, 2009

Dear Mr. Agonis:

Central Jersey Competition Riders has applied to the Pinelands Commission for the above referenced recreational vehicle event (motorcycle enduro) scheduled for May 3, 2009. The event proposes two routes beginning and ending near the campground in Brendan T. Byrne State Forest.

The event routes are depicted on copies of four USGS quadrangle maps submitted to the Commission, received April 17, 2009. The routes traverse portions of Brendan T. Byrne State Forest. The routes may utilize only existing improved roadways, existing dirt trails and fire cuts as depicted on the submitted maps.

The first route begins just north of the campground on Glass House Road and proceeds east to Butler Place Road. Heading northwest along Butterworth Road to the gaging station, the course then proceeds east on Dry Pond Road. The course then turns north and passes through Pomeroy Crossroads and crosses the South Branch of Mount Misery Brook. Looping around and heading west, the course heads towards Mount Misery. Turning east on Mount Misery Road and heading towards Pasadena, the course turns south just before Butler Place Road. Utilizing existing dirt trails and fire cuts, the course proceeds in a generally southerly direction to Pasadena – Woodmansie Road and turns southwest to head through Bullock. Continuing through Woodmansie, the route then heads west along existing trails to Lebanon Road and proceeds along the road back to the campground.



The second route begins on Coopers Road just northwest of the campground and heads northwest along that road. Turning east on Forrest (Reeves Bogs) and Woodmansie Roads, the route then turns north on Butterworth Road. Heading east on Mount Misery Road, the course then proceeds east along existing dirt trails. Turning north on Glass House Road, the course proceeds to Buckingham Road and turns east. Proceeding through Buckingham, the route then heads back along an existing dirt road to Butler Place Road and turns south. The route crosses both branches of the Mount Misery Brook and returns to the campground along Rogers Road, Plowed Road and Coopers Road.

The Commission has received copies of letters advising Manchester and Pemberton Townships of the event. In addition, the Commission has received a copy Woodland Township's Outside Event Permit License for the event, and has received documentation demonstrating that the New Jersey State Police have been notified of the event.

The Commission has received a notarized, completed application letter. In addition, the Commission has received a copy of a Certificate of Insurance naming the Pinelands Commission as an additional insured.

No private lands may be utilized unless the owners have granted permission for the use of their land for this off-road event. If any changes to the course are proposed, the Commission must be advised of the changes prior to the date of the event.

In the event of cancellation or postponement, the Pinelands Commission shall be notified of the new date. A copy of the new insurance policy as well as documentation that the townships, the State Police, Brendan T. Byrne State Forest and any private land owners have been notified will also be required.

If you have any questions, please contact the Regulatory Programs staff.

Sincerely,

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

BS:KC

c: Secretary, Manchester Township Planning Board
Manchester Township Clerk
Secretary, Pemberton Township Planning Board
Pemberton Township Clerk
Secretary, Woodland Township Planning Board
Woodland Township Clerk
Christian Bethmann, Brendan T. Byrne State Forest
Brian Szura

RECREATION PERMIT #1150

May 6, 2009

Kathy Otermat
P.O. Box 1601
Georgetown, CA 95634

Please Always Refer To
This Application Number

Re: Application # 1999-0119.011
2009 Pine Barrens Jeep Jamboree
Hammonton Town & Mullica, Shamong,
Tabernacle & Washington Townships
May 8 & 9, 2009

Dear Ms. Otermat:

Jeep Jamboree USA has applied to the Pinelands Commission for a recreational vehicle event scheduled for May 8 and 9, 2009. The event proposes four routes each beginning and ending at Batsto in Wharton State Forest. Each route may utilize only existing improved roadways and dirt trails.

The event routes are depicted on a copy of USGS quadrangle maps submitted to the Commission, received February 23, 2009.

The Yellow Trail leaves Batsto and heads northwest along a sand road situated to the west of the Mullica River and proceeds to U.S. Route 206. Heading north to Atsion, the course returns to Batsto along Quaker Bridge Road and Batsto-Quaker Bridge Road.

The Blue Trail leaves Batsto and heads northwest along West Mill Road and proceeds to U.S. Route 206. Heading north to Atsion, the course turns right on Rockwood Road and returns to Batsto via West Mill Road and County Route (C.R.) 542.

The Green Trail leaves Batsto and travels northeast on Batsto-Washington Road. The course then turns north on Mount Sand Ridge Road and proceeds to High Crossing along Hampton Gate Road. The course then proceeds west along this road and returns to Batsto via Quaker Bridge Road and Batsto-Washington Road.

The Pink Trail leaves Batsto and travels northeast on Batsto-Washington Road. Turning north on Mount Sandy Ridge Road, the course continues to Carranza Road. Turning southeast on



Carranza, the course then heads north on the road to Apple Pie Hill. The course then returns to Mount Sandy Ridge Road and turns southeast along Hampton Gate Road to Washington. Continuing along Iron Pipe Road, the course proceeds southeast and turns right on Green Bank-Harrisville Road. Continuing along this road, the course returns to Batsto along C.R. 563 and C.R. 542.

The Commission has received copies of letters advising the municipalities of the event. The Commission has received documentation demonstrating that the New Jersey State Police have been notified of the event. The Commission has received a notarized, completed application letter. In addition, the Commission has received a copy of a Certificate of Insurance naming the Pinelands Commission as an additional insured.

No private lands may be utilized unless the owners have granted permission for the use of their land for this event. No public lands shall be utilized for this recreational vehicle event unless any necessary approvals, permits or authorizations that may be required are obtained. This Recreation Permit is subject to all conditions imposed by the New Jersey Department of Environmental Protection or any other public agency. If any changes to the course are proposed, the Commission must be advised of the changes prior to the date of the event.

In the event of cancellation or postponement, the Pinelands Commission, the New Jersey Department of Environmental Protection, and Wharton State Forest shall be notified of the new date. A copy of the new insurance policy as well as documentation that the above municipalities, the State Police, Wharton State Forest and any private landowners have been notified will also be required.

If you have any questions, please contact the Regulatory Programs staff.

Sincerely,

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

BS:KC

c: Secretary, Town of Hammonton Planning Board
Clerk, Town of Hammonton
Secretary, Mullica Township Planning Board
Clerk, Mullica Township
Secretary, Shamong Township Planning Board
Clerk, Shamong Township
Secretary, Tabernacle Township Planning Board
Clerk, Tabernacle Township
Secretary, Washington Township Planning Board
Clerk, Washington Township
Robert Auermuller, Wharton State Forest
Jim Justnes
Brian Szura

RECREATION PERMIT #1151

May 6, 2009

Eldin P. Polhamus, President
Tri-County Sportsmen Motorcycle Club, Inc.
P.O. Box 146
Port Elizabeth, NJ 08348

Please Always Refer To
This Application Number

Re: Application # 1988-0757.033
Tri-County Sportsmen M.C., Inc.
2009 National Hare Scramble
Block 247, Lots 31 & 33
Block 248, Lot 4
Block 249, Lot 21
Block 263, Lot 1
Block 264, Lot 5
Block 265, Lot 3
Maurice River Township
May 9 & 10, 2009

Dear Mr. Polhamus:

The Tri-County Sportsmen Motorcycle Club, Inc. has applied to the Pinelands Commission for a recreational vehicle event (hare scramble) on the above referenced parcel scheduled for May 9 & 10, 2009. The event will utilize only existing dirt trails, fire cuts and gravel pits on the parcel.

The course route is depicted on a copy of a USGS quadrangle map received by the Pinelands Commission on April 17, 2009.

The Commission has received copies of letters indicating that Maurice River Township and the New Jersey State Police have been notified of this event. The Commission has received a copy of an insurance certificate listing the Pinelands Commission as an additional insured.



No private lands may be utilized unless the owners have granted permission for the use of their land for this recreational vehicle event. The applicant must obtain any necessary special use permits as required by the municipalities or any publicly owned property through which the event passes.

In the event of cancellation or postponement, the Pinelands Commission shall be notified of the new date. A copy of the new insurance policy as well as documentation that Maurice River Township, the State police and any private landowners have been notified will also be required.

If you have any questions, please contact the Regulatory Programs staff.

Sincerely,

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

BS:KC

c: Secretary, Maurice River Township Planning Board
Clerk, Maurice River Township
Brian Szura



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-09-_____

TITLE: To Authorize the Executive Director to Expend an Additional \$15,000 for Legal Services

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

WHEREAS, by Resolution No. PC4-07-36, the Commission authorized the Executive Director to expend up to \$50,000 for legal services; and

WHEREAS, after consultation with the Attorney General and the Governor, the Commission obtained the services of outside counsel with expertise in negotiating collective bargaining agreements and labor law; and

WHEREAS, in June 2007, the Commission issued a purchase order to Ruderman & Glickman, P.C., for an amount not to exceed \$50,000; and

WHEREAS, the Commission’s involvement in ongoing labor matters continues; and

WHEREAS, an additional \$15,000 is needed to cover upcoming legal counsel costs for a total not to exceed \$65,000; and

WHEREAS, sufficient funding is included in the FY 2009 operating budget to cover the \$15,000 of additional legal costs; and

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

WHEREAS, the Personnel and Budget Committee has reviewed this resolution and recommends Commission approval; 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 Commission authorizes the Executive Director to expend an additional \$15,000 for labor related legal services for a total not to exceed \$65,000.

Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission Date: _____

John C. Stokes
Executive Director

Norman Tomasello
Vice Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-09-_____

TITLE: To Authorize the Executive Director to Continue to Expend Funds for Fiscal Year 2010 at the Same Level of Expenditures as Fiscal Year 2009 until the Adoption of the Fiscal Year 2010 Budgets

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

WHEREAS, pursuant to the Pinelands Protection Act, the Pinelands Commission is charged with the continuing implementation and monitoring of the Pinelands Comprehensive Management Plan; and

WHEREAS, it is anticipated that the New Jersey Legislature will appropriate \$2,592,000 to support the Commission's operations during Fiscal Year 2010; 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 the Executive Director is authorized to continue to expend funds during Fiscal Year 2010 at the same level of expenditures as Fiscal Year 2009 until adoption of the Fiscal Year 2010 Budgets by the Commission.

Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission Date: _____

John C. Stokes
Executive Director

Norman Tomasello
Vice Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-09-_____

TITLE: Endorsing the April 2009 Joint Land Use Study for Joint Base McGuire-Dix-Lakehurst

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

WHEREAS, the Pinelands Commission recognizes that continued operation of the military reservation soon to be known as Joint Base McGuire-Dix-Lakehurst is important to the local and regional economy and that its future operations should be protected; and

WHEREAS, in recognition of the importance of the continued operation of the Joint Base, the Pinelands Commission adopted Resolution #PC4-03-121 on December 12, 2003 to indicate its willingness to participate in the development of a Joint Land Use Study with the military reservation and involved municipal county and municipal governments to ensure that compatible land uses surround the Joint Base, consistent with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution PC4-03-121 appointed the Executive Director or his representative to the Joint Land Use Study Policy Committee and

WHEREAS, in addition to the Pinelands Commission, the Policy Committee was comprised of representatives from Ocean and Burlington Counties, Jackson Township, Lakehurst Borough, Manchester Township, Plumsted Township, New Hanover Township, North Hanover Township, Pemberton Borough, Pemberton Township, Springfield Township and Wrightstown Borough, Lakehurst Naval Air Engineering Station, McGuire Air Force Base, Fort Dix Army Base, the relevant congressional delegations and a wide variety of State agencies; and

WHEREAS, the Policy Committee held a series of meetings starting in 2007 and concluding in April of 2009 and worked with a team of consultants hired by Ocean County to identify and study issues of compatibility and develop a series of recommendations designed to encourage cooperative land use planning between the military installations and the surrounding communities; and

WHEREAS, the Policy Committee’s work culminated in the development of the April 2009 Final Report of the Joint Base McGuire-Dix-Lakehurst Joint Land Use Study; and

WHEREAS, the April 2009 Final Report includes a series of recommended strategies designed to resolve land compatibility issues, strengthen base and local government relationships and provide a footprint for future Joint Base and community growth; and

WHEREAS, recommended strategies involving the Pinelands Commission involve participation in an new Joint Base JLUS Implementation Committee and coordination with Pinelands municipalities on the creation of overlay zones and other rezonings to reduce land use incompatibilities; and

WHEREAS, the CMP Policy and Implementation Committee has reviewed the Joint Land Use Study and has recommended its endorsement by the Pinelands Commission; and

WHEREAS, the CMP Policy and Implementation Committee has further recommended that the Executive Director or his representative serve on any Joint Base JLUS Implementation Committee which may be formed in the future; and

WHEREAS, the Pinelands Commission accepts the recommendations of the CMP Policy and Implementation Committee and agrees to work with the other participants in the Joint Land Use Study and consider implementation of the recommendations contained in the Study, to the extent such recommendations are consistent with the CMP; and

WHEREAS, the Pinelands Commission will determine the consistency of any municipal master plan and ordinance amendments adopted for purposes of implementing the recommended strategies in the Joint Land Use study with the Pinelands Comprehensive Management Plan upon their adoption and submission to the Commission for review pursuant to the Comprehensive Management Plan; 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 hereby endorses the April 2009 Joint Land Use Study for Joint Base McGuire-Dix-Lakehurst.
- 2. The Pinelands Commission appoints the Executive Director or his representative to the Joint Base JLUS Implementation Committee and directs the Executive Director to work with the relevant Pinelands counties and municipalities to implement the recommended strategies contained in the Joint Land Use Study, recognizing that any municipal master plan and ordinance revisions which result from such implementation will require formal review and certification by the Commission pursuant to the Comprehensive Management Plan.

Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission Date: _____

John C. Stokes
Executive Director

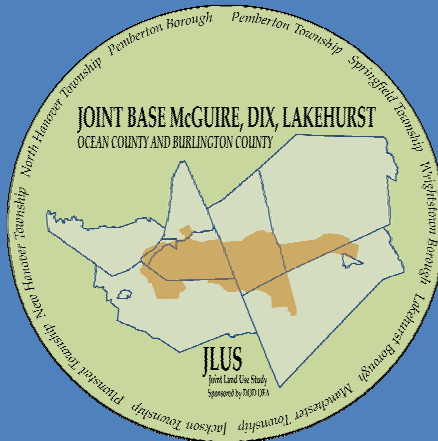
Norman Tomasello
Vice Chairman

Presentation to Pinelands Commission

Joint Base McGuire-Dix-Lakehurst

Joint Land Use Study

May 29, 2009



Joint Land Use Study Team

Consultant Team – PS&S, Sabre Systems, HR&A Advisors

Ocean County Planning Department

Burlington County Department of Economic Development
and Regional Planning

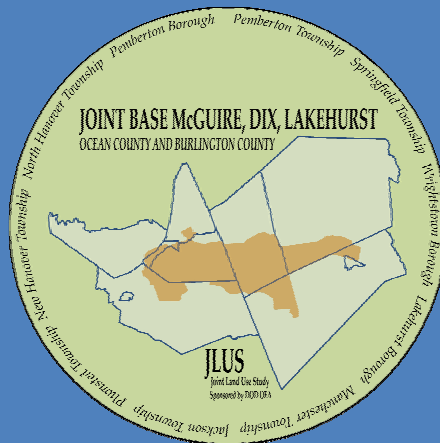
DoD, Office of Economic Adjustment

JLUS Policy and Technical Committee Members

Today's Discussion Items

- What is a JLUS?
- Joint Base Explained
- Year-long JLUS Process
- Quick Overview of JLUS report
- Discussion of Findings
- Suggested Implementation Recommendations
- Questions & Answers

What is a JLUS?



What is a JLUS?

3 military bases located nearby:

NAES Lakehurst

Fort Dix

McGuire AFB

Each installation has its military mission:

- The military mission may have impacts to surrounding communities
- Surrounding communities may have impacts to the military mission

What is a JLUS?

In 1985, the Department of Defense (DoD) initiated the **Joint Land Use Study (JLUS)** program

Objectives of the JLUS program

- *To encourage cooperative land use planning between military installations and the surrounding community*
- *To seek ways to reduce the operational impacts of military bases on adjacent land*

Joint Base JLUS Objectives

Community

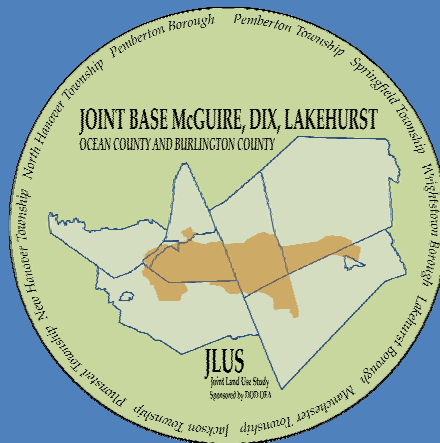
- Protect the **health, safety, and welfare** of the existing residents
- Maintain **quality of life** for community residents
- Guide **incompatible land uses** away from air strips
- Maintain the **economic vitality** of the JLUS Communities
- Provide for **sustainable growth** in an economically, environmentally, and socially sustainable manner

Joint Base JLUS Objectives

Military

- Protect the **health, safety, and welfare** of the military personnel
- Preserve the ability of the Joint Base to **carry out planned missions, maintain military readiness, and support national defense objectives**
- Establish a **framework for communication and cooperation** between the Joint Base and the surrounding communities

Joint Base Explained



Joint Base Location

Joint Base

*NAES Lakehurst, Fort Dix,
McGuire AFB*

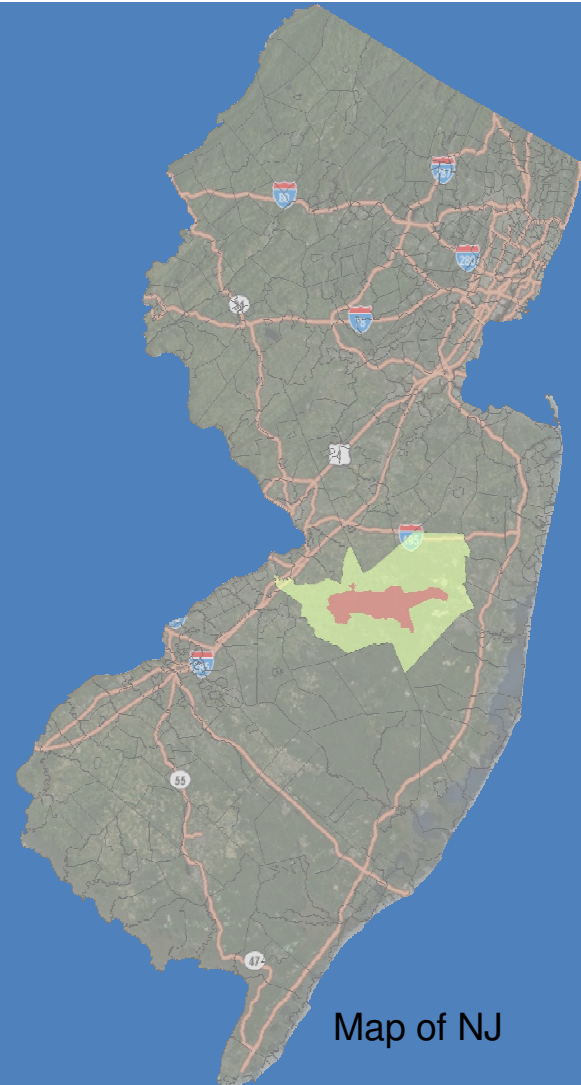
JLUS Municipalities

Ocean County

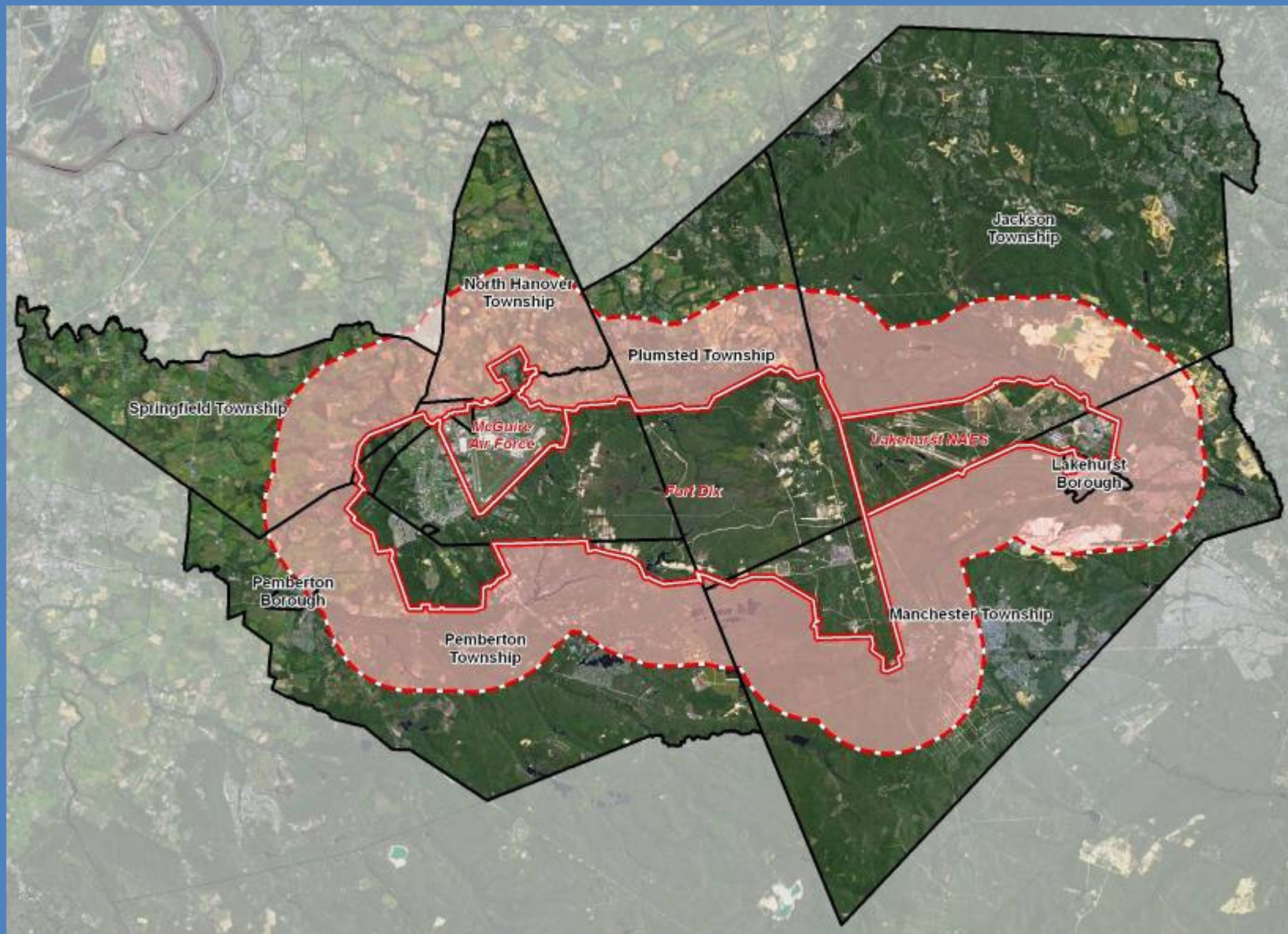
Jackson Township
Lakehurst Borough
Manchester
Township
Plumsted Township

Burlington County

New Hanover Township
North Hanover
Township
Pemberton Borough
Pemberton Township
Springfield Township
Wrightstown Borough



Joint Base JLUS Study Area



Joint Base Explained

- Base Realignment and Closure (BRAC) Commission
- The purpose of the BRAC is to consolidate installation management functions
 - streamline our military bases for efficiency
- NAES Lakehurst, McGuire Air Force Base and Fort Dix will combine to form a Joint Base

Joint Base Explained

- Joint Base McGuire-Dix-Lakehurst is the nation's first tri-service Joint Base
- First JLUS for McGuire, Fort Dix, or NAES Lakehurst

Joint Base Explained - NAES Lakehurst

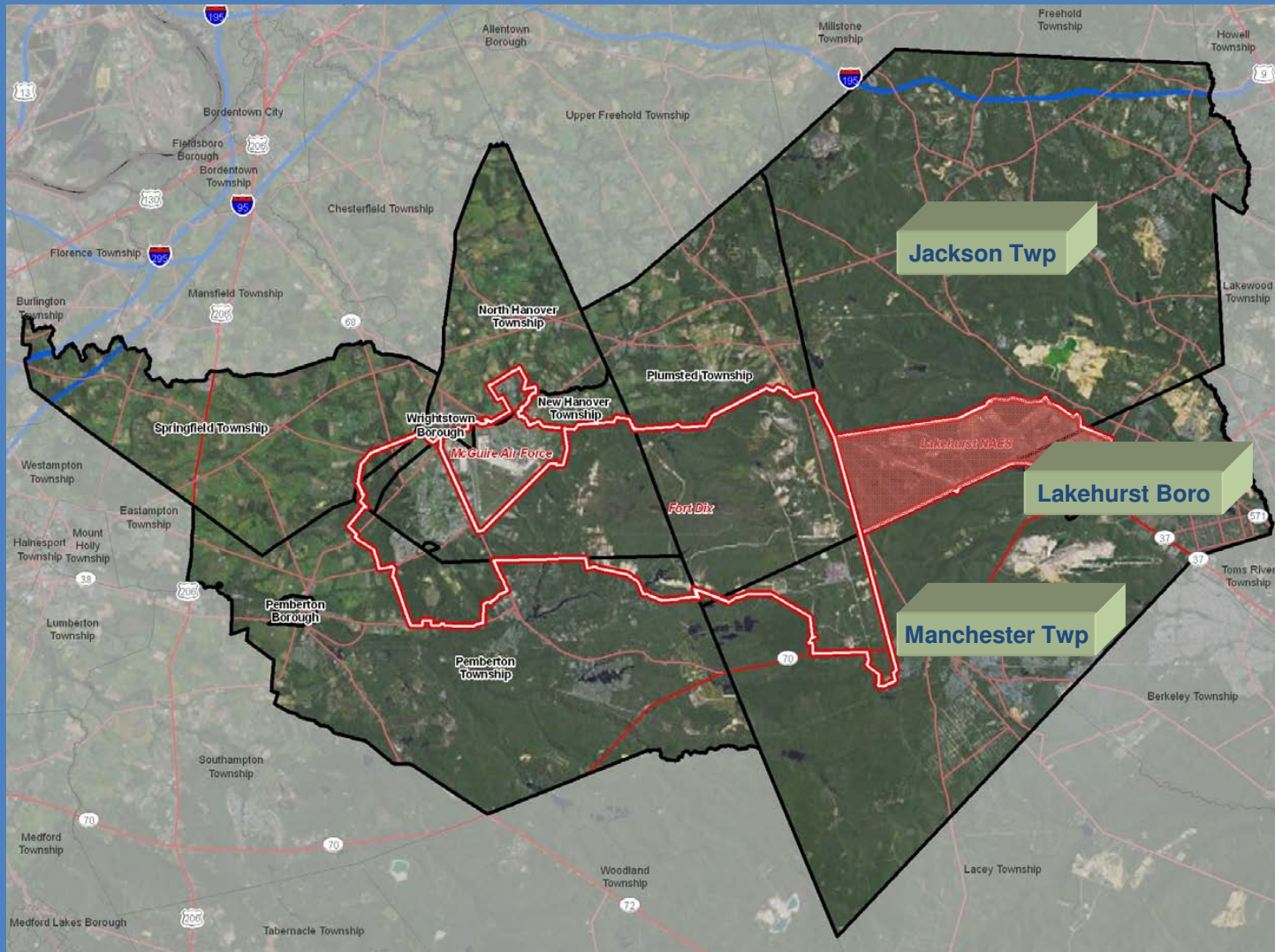


- Design, Develop, and Perform Testing for:
 - Catapults
 - Arresting Gear
 - Visual Landing Aids
 - Flight Deck Marking/Lighting Systems
 - Aircraft & Weapons Handling Equipment
 - Shipboard Aircraft Fire Trucks



- Test Catapult Complex
 - Test Runway
 - Catapult Launch Test Site
 - Runway Arrested Landing Site

Joint Base Explained - NAES Lakehurst



Joint Base Explained – Fort Dix

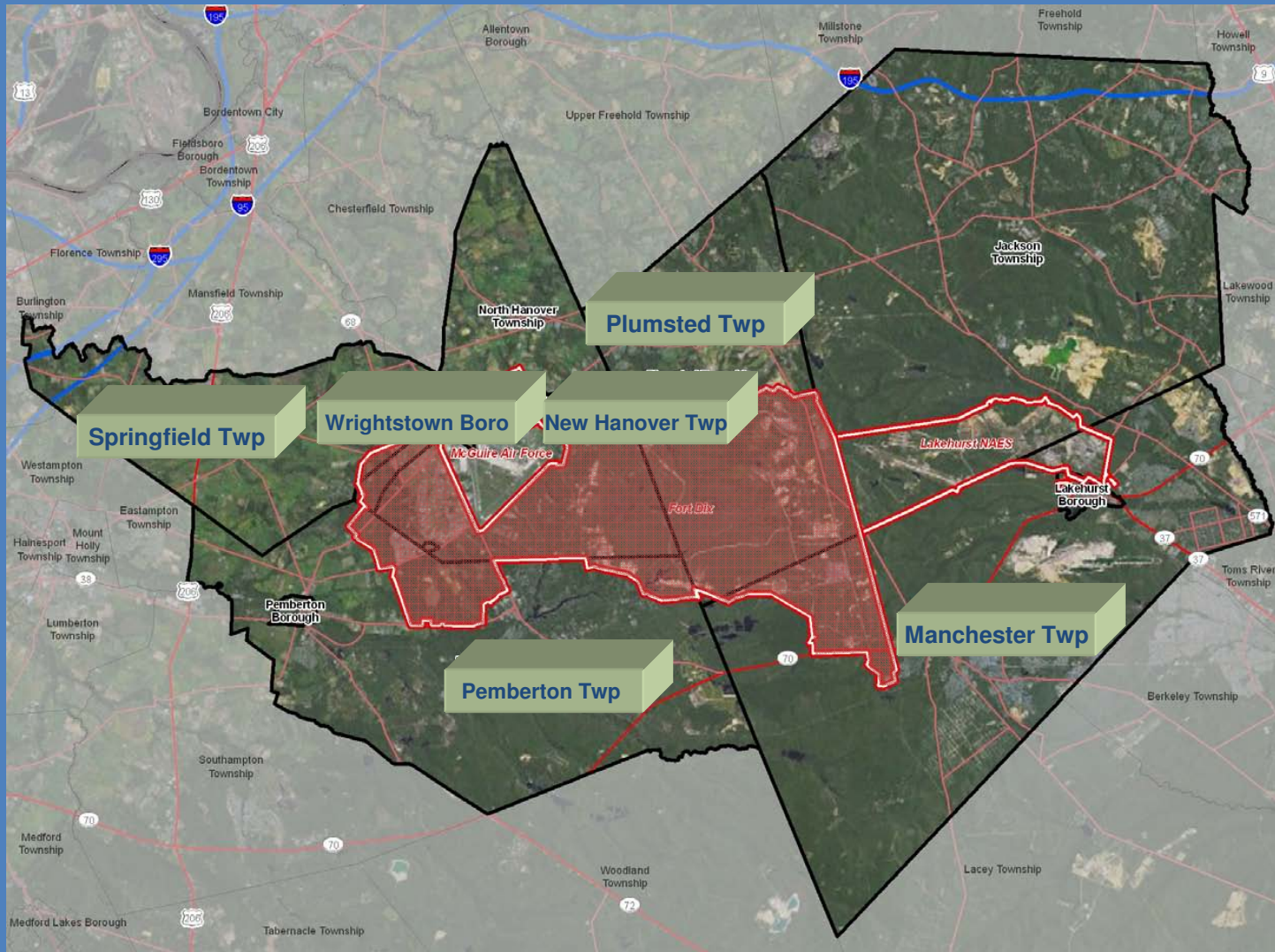


- Army Reserve Training
- Mobilization
- Deployment



- Provide training support to active and reserve component units of all services

Joint Base Explained – Fort Dix



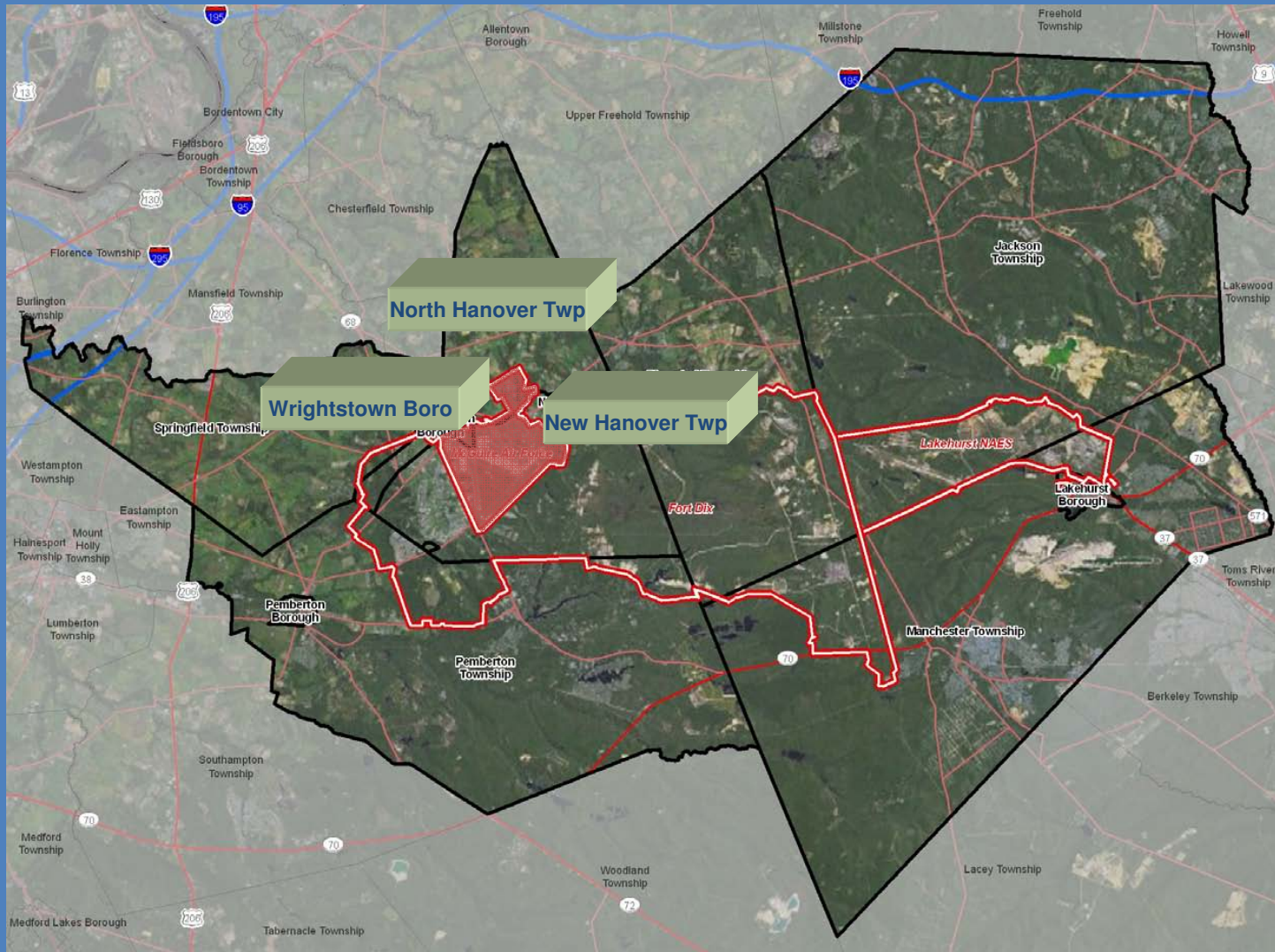
Joint Base Explained – McGuire AFB



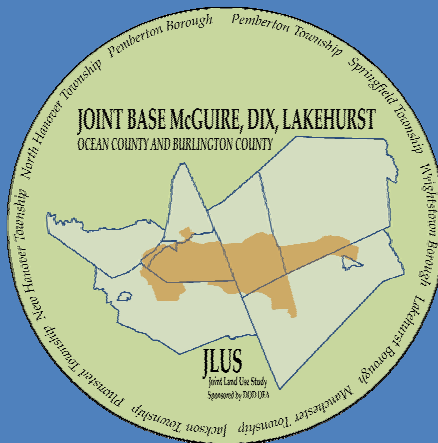
- Air Mobility Command
- Air Refueling
- Training and Deploying Mission Support
- Send aircraft, crews, ground support personnel and supplies to over 50



Joint Base Explained – McGuire AFB



JLUS Process



JLUS Process

- Policy Committee Meetings
- Technical Committee Meetings
- Municipal and Pinelands Meetings
- Military Meetings
- Public Outreach – Open Houses/Public Meeting
- JLUS Surveys
- JLUS website

JLUS Process – 2 Open Houses

- Presented the DoD “Base Next Door” Video
- Presented Individual Municipality Displays



- Joint Base representation and displays

JLUS Process

Online Public Survey Stations

JLUS Community Survey

1. Default Section

1. This is a survey for community residents that reside in the municipalities that are participating in the ongoing Joint Land Use Study.

Thank you for taking the time to participate.

Please let us know which municipality you reside in.

☐ Jackson Township - Ocean County
☐ Lakehurst Borough - Ocean County
☐ Manchester Township - Ocean County
☐ New Hanover Township - Burlington County
☐ North Hanover Township - Burlington County
☐ Other (please specify): _____

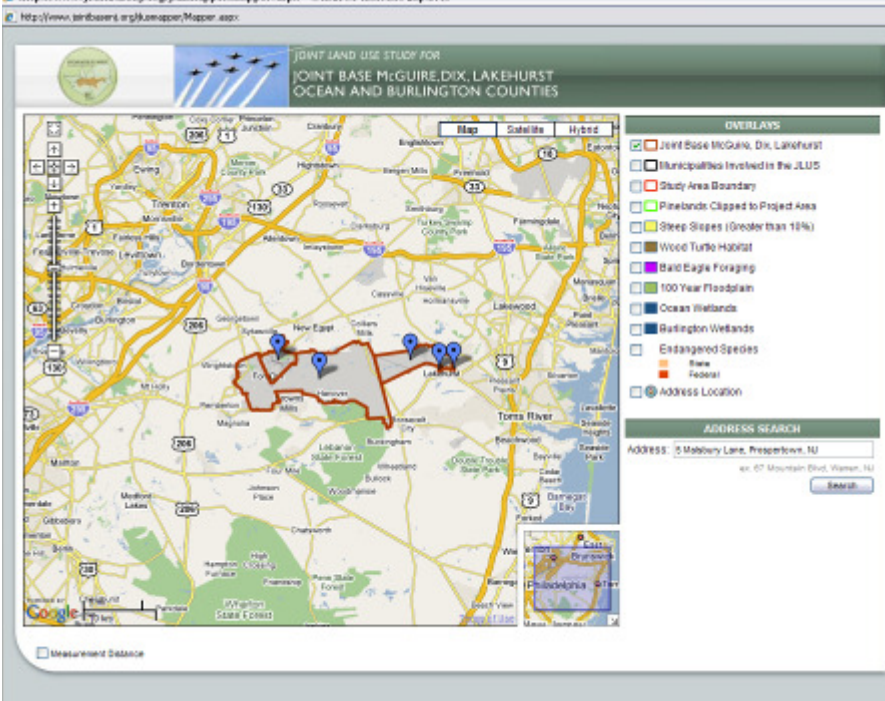
☐ Pennington Borough - Burlington County
☐ Pennington Township - Burlington County
☐ Plumsted Township - Ocean County
☐ Springfield Township - Burlington County
☐ Wrightstown Borough - Burlington County

2. Please give us your opinion and rate the following items in terms of whether they adversely impact your HOUSEHOLD.

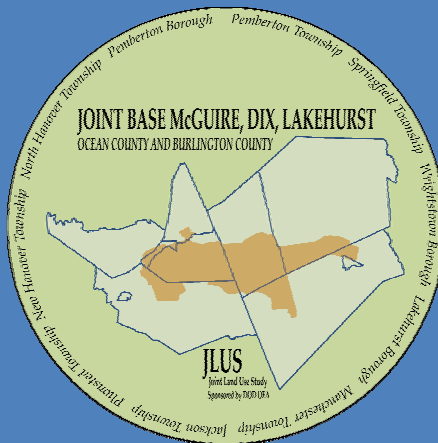
	No impact at all	Minimally impacted	Moderately impacted	Greatly impacted	NSA
Military Planes Overhead	☐	☐	☐	☐	☐
Military Planes Taking Off and Landing	☐	☐	☐	☐	☐
Military Trucks and Vehicles on Local Roads	☐	☐	☐	☐	☐
Road Closures Due to Base Activity or Security	☐	☐	☐	☐	☐
Traffic To and From the Bases	☐	☐	☐	☐	☐
General Military Noise from the Bases	☐	☐	☐	☐	☐
Military Noise During Night Time Hours	☐	☐	☐	☐	☐
Other (please specify): _____					

3. Please give us your opinion and rate the following items in terms of whether they adversely impact your COMMUNITY.

Interactive Online JLUS Map



Overview of JLUS Report



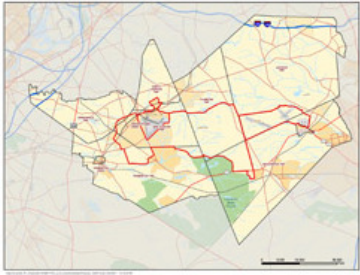
JLUS on the Web – www.jointbasenj.org



JOINT LAND USE STUDY FOR
JOINT BASE MCGUIRE, DIX, LAKEHURST
OCEAN AND BURLINGTON COUNTIES

[Information Management](#) [Home](#) [Contacts](#) [Mapper](#) [Search](#) [GO](#) [Advanced Search](#)

[JLUS News](#)
[JLUS Program Defined](#)
[Miscellaneous Meetings](#)
[Open Houses](#)
[Business with the Military](#)
[Policy Meetings](#)
[Technical Meetings](#)
[Final JLUS Report](#)
[Final JLUS Report](#)
[Public Meeting Documents](#)



The three adjacent military bases in New Jersey; Naval Air Engineering Station Lakehurst, Fort Dix and McGuire Air Force Base will soon be formally joined as Joint Base McGuire-Dix-Lakehurst.

A Joint Land Use Study (JLUS) was prepared to encourage collaborative planning and communication between the Joint Base and nearby local communities. The main objective of the study was to begin to plan in a manner which supports both the military mission and the civilian population.

The JLUS is sponsored by the Department of Defense, Office of Economic Adjustment and the County of Ocean. Burlington County is a partner in the study and elected officials from the ten municipalities surrounding the Joint Base actively participated in the JLUS process. PS&S and its teammates, Sabre Systems and HR&A Advisors were the consultant team for the Joint Base JLUS. Documents for the JLUS are presented in the left-hand menu for this site.

SITE ACTIVITY UPDATE

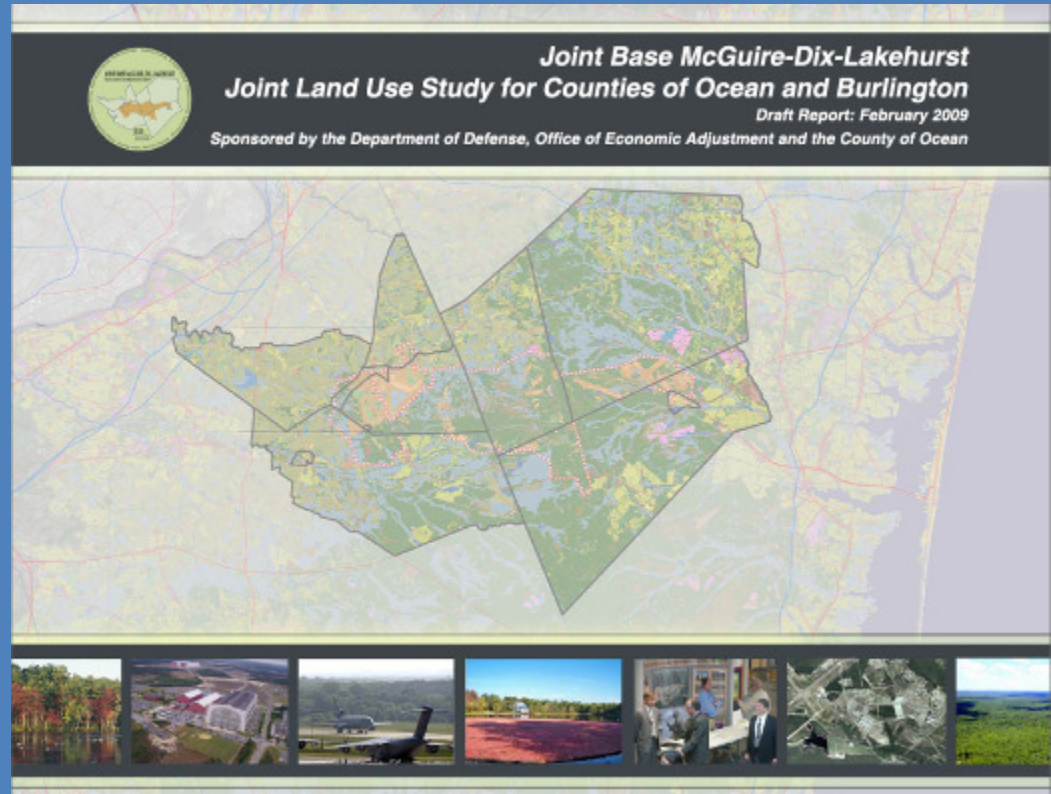
Thank you to everyone that came out for our public presentation on March 30, 2009. The final JLUS has been posted to this site, located within the left-hand menu.



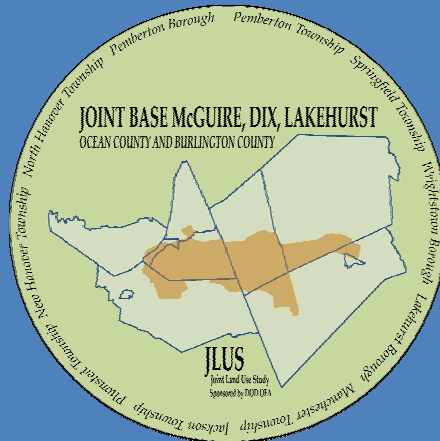
Draft JLUS

Executive Summary

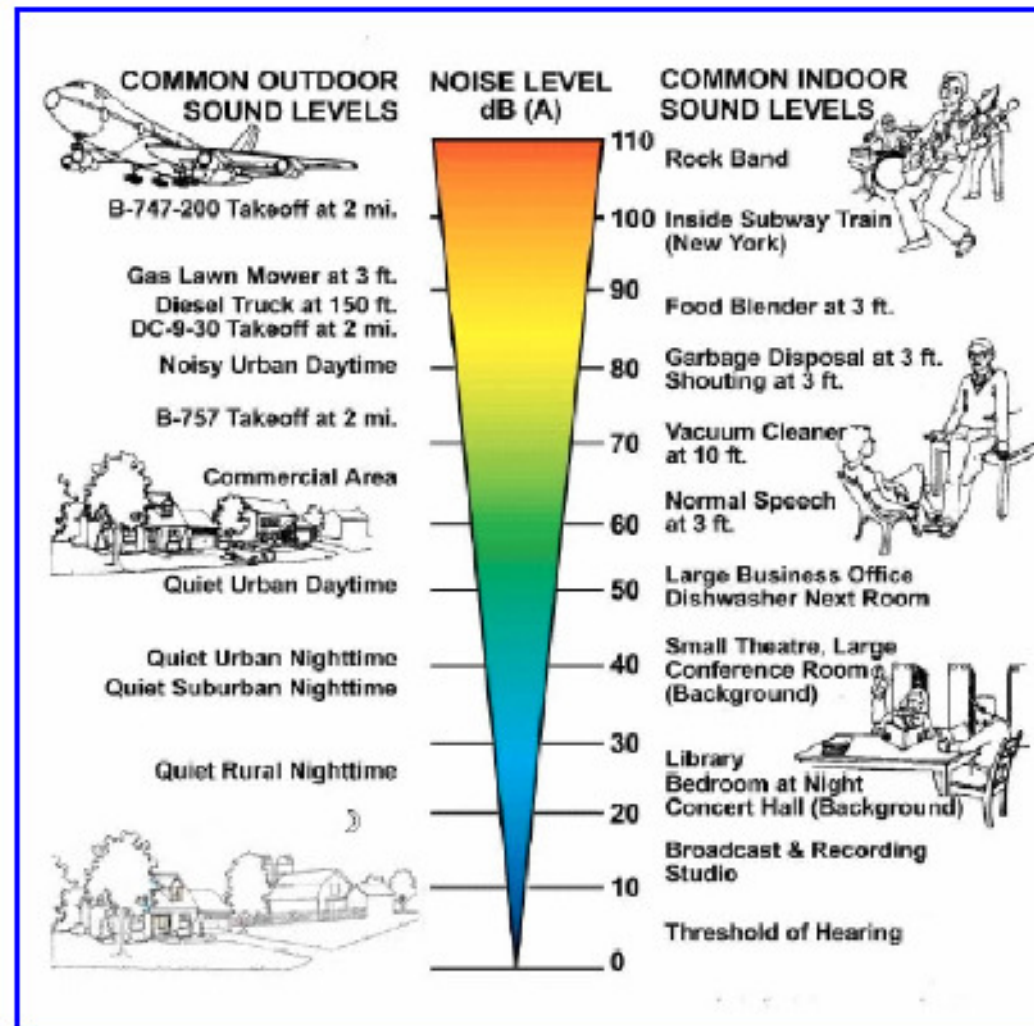
1. Background
2. Objectives
3. JLUS Study Area
4. JLUS Process
5. Base Mission
6. Noise and Safety
7. Community Analysis
8. State Planning Considerations
9. Infrastructure
10. Economic Considerations
11. Existing Land Protection Strategies
12. Recommendations



Discussion of Findings



Noise - Basics Defined

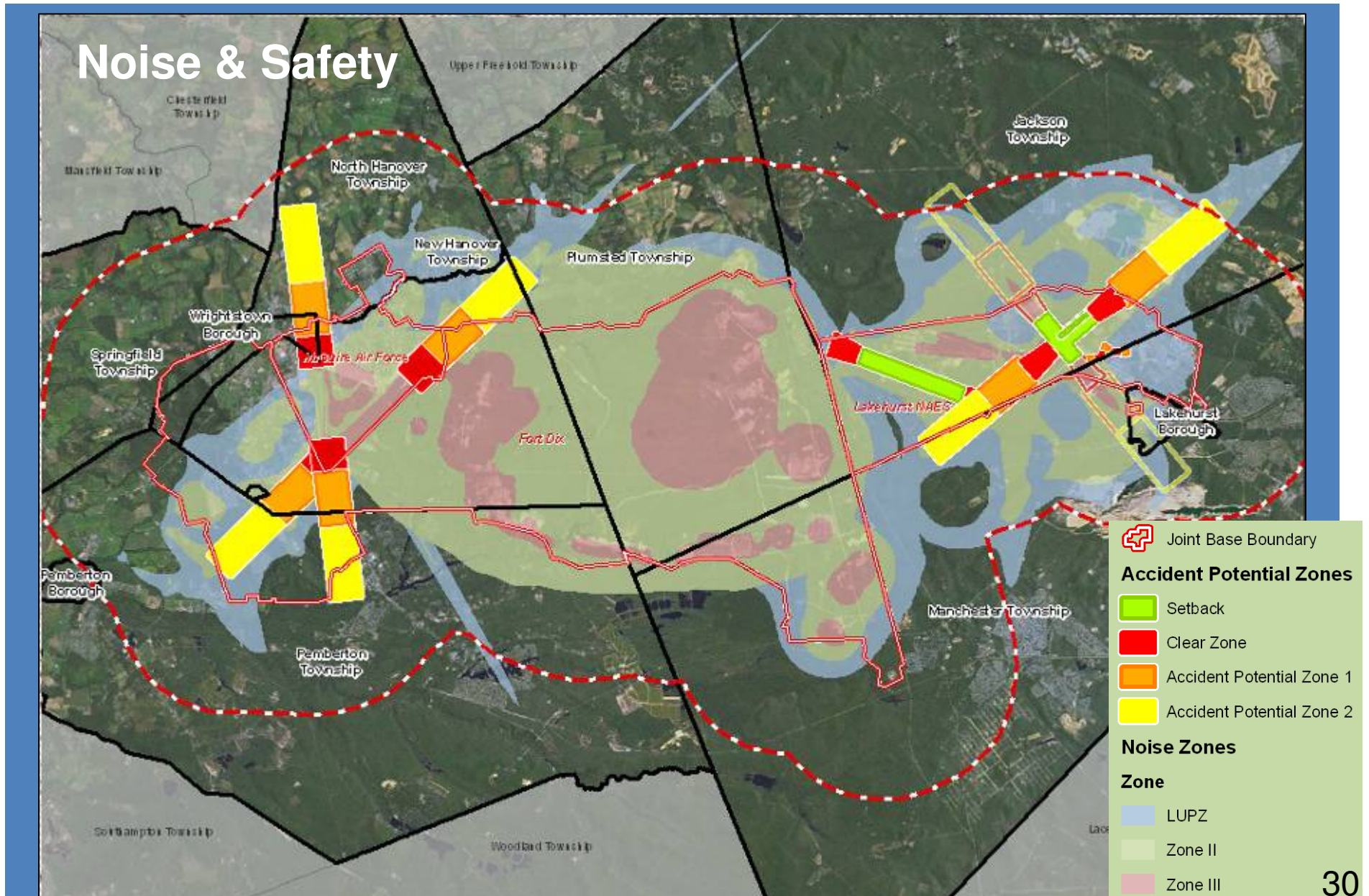


Typical Noise Sources

- Aircraft
- Small Arms
- Artillery
- Heavy Vehicles



Joint Base - Noise and Safety



Joint Base Noise Zones Summary

Noise Zone	Population Highly Annoyed	Acceptability for Noise Sensitive	Small Arms and Aviation ADNL (dBA)	Large Arms	Small Arms Peak (dBP)
Zone I	<15%	Acceptable	<65	< 62	<87
Zone II	15% - 39%	Normally Acceptable	65 – 75	63 - 70	87 – 104
Zone III	>39%	Unacceptable	> 75	> 70	>104
LUPZ	9% - 15%	N/A	60 – 65	57-62	N/A

Joint Base Safety Zones Summary

Land Use	Clear Zone	APZ-I	APZII
Residential	No	No	Yes ¹
Commercial	No	No	Yes ²
Industrial	No	Yes ²	Yes ²
Public/Quasi-Public	No	No	Yes ²
Recreational	No	Yes ²	Yes ²
Open/Agriculture/Low Density	No ³	Yes ²	Yes ²

¹Suggested Maximum Density One Dwelling Unit Per Acre

²Only Limited Low Density, Low-Intensity Uses Recommended

³Except for Limited Agricultural Uses

Community Analysis

- JLUS Study Area “Build Out”
- Define Potential Development Areas (undeveloped lands)
- Extract preserved lands
- Identify Environmental Constraints
- Incorporate Zoning
- Calculate Residential Development Units and Non-Residential Land Areas

Community Analysis – Vacant Residential

Municipality	Total Vacant Area (Ac.)*	Total Potential Development Units	Sum of Constraints Acres
Jackson Township	1,510.5	566	594.4
Lakehurst Borough	9.3	48	3.9
Manchester Township	4,377.7	2,392	3,359.0
New Hanover Township	34.1	37	13.4
North Hanover Township	270.0	139	97.9
Pemberton Borough	8.3	20	4.0
Pemberton Township	1,897.9	2,644	1,507.3
Plumsted Township	519.5	109	316.1
Springfield Township	86.2	10	29.2
Wrightstown Borough	95.9	237	12.6
	8,809.5	6,201	5,937.8

*Only displays build out by residential zoning districts. Excludes Business, Commercial and Industrial Districts

Community Analysis – Vacant Farmland

Municipality	Total Farmland Area (Ac.)	Total Potential Development Units	Sum of Constraints Acres
Jackson Township	64.4	196	2.5
New Hanover Township	841.9	401	413.6
North Hanover Township	1,629.6	815	440.9
Pemberton Borough	0.3	2	0.0
Pemberton Township	2,017.8	522	945.2
Plumsted Township	1,294.5	303	754.8
Springfield Township	3,044.6	305	661.4
Wrightstown Borough	22.6	82	4.1
	8,915.7	2,625	3,222.4

*Only displays build out by residential zoning districts. Excludes Business, Commercial and Industrial Districts

Economic Considerations



**Evolving Joint
Base mission**



**Local
demographics &**



***Regional
economic
developme
nt strategy***

Regional economic analysis: unique to this JLUS

Joint Base Demographics

Joint Base Employment By Manning Levels (2008)

	McGuire ¹	Fort Dix	NAES Lakehurst
Military	5,272	17	275
Civilian²	1,274	1,339	1,839
Contractor	37	1,295	302
Guard/Reservists	3,306	1,185	266
Students/Mobilizatio	0	2,563	0
n³ Total⁴	9,889	6,399	2,682

1 McGuire numbers based on authorizations

2 Civilian numbers include some non-DoD Tenants

3 Students/Mobilizing soldiers numbers will vary based on outside factors

4 Totals don't include private businesses/organizations that reside on JB

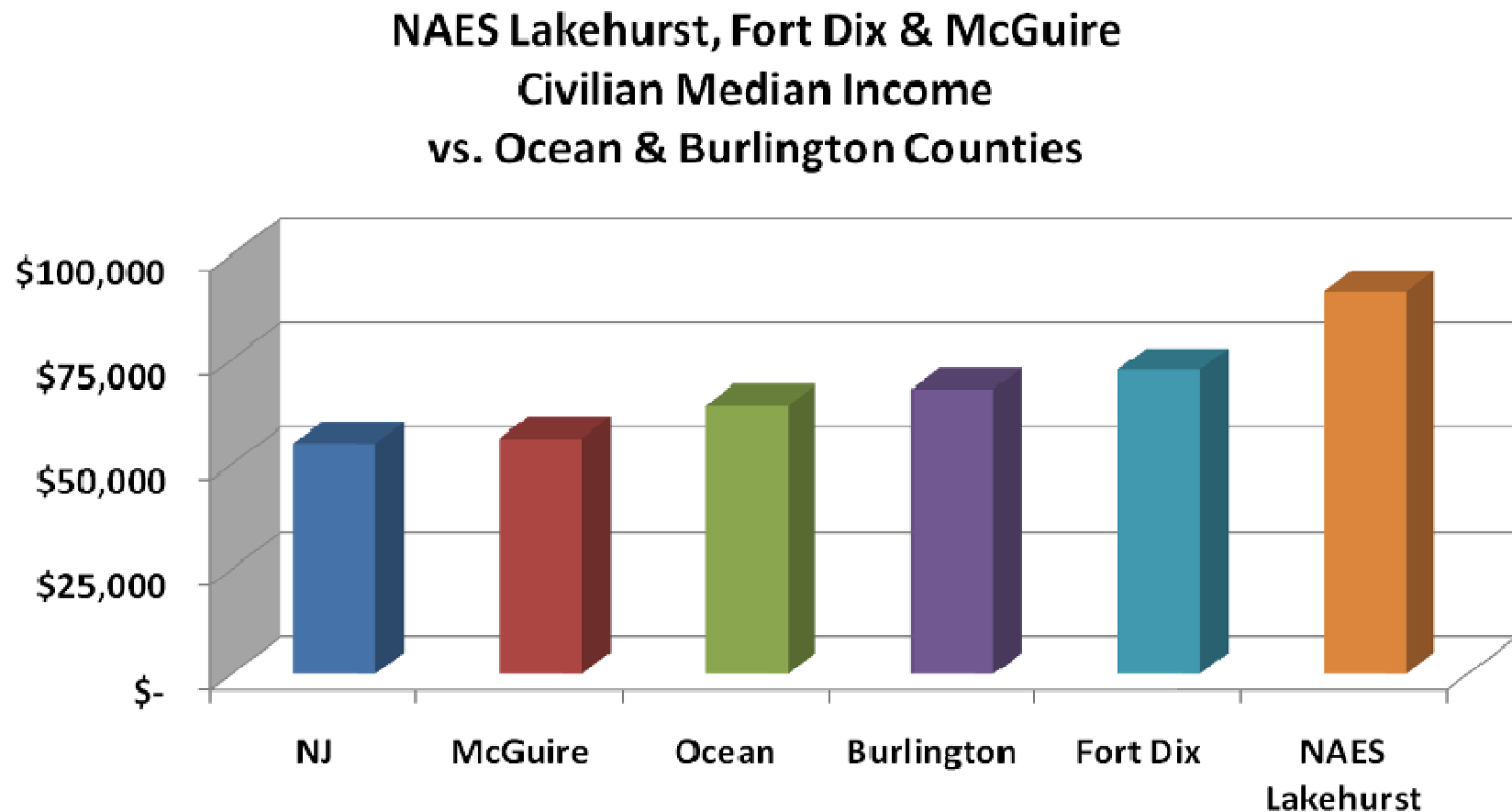
MDI

Joint Base Demographics

Joint Base Civilian Employment Distribution

	Burlington County	Ocean County
McGuire AFB	45%	3%
Fort Dix	71%	4%
NAES Lakehurst	15%	57%

Ft. Dix, NAES jobs are among the best in the region



Provided by Ocean County Department of Planning. Sources: NAES Lakehurst, Fort Dix Army Post, and McGuire AFB personnel received in February 2009, Ocean and Burlington Median incomes: US Census, Bureau of Labor Statistics. Information does not include installation tenants.

Joint Base Demographics

BRAC Employment and Aircraft Gains

	Active Military	Civilian	Reservists	Aircraft Increases
McGuire AFB/Fort Dix*	625	25	1,616	37**

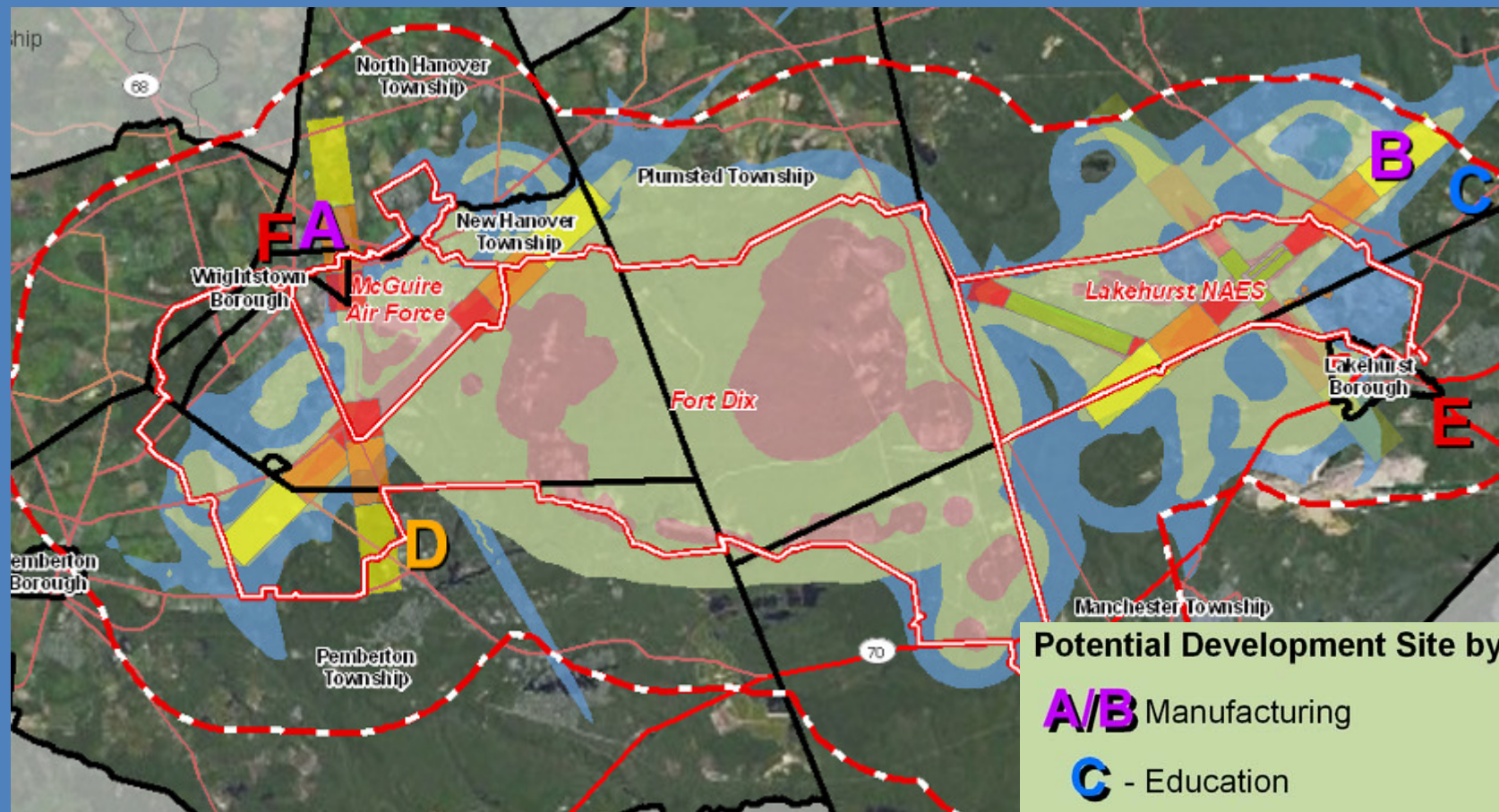
*An additional 400 personnel could be assigned to the Northeast Regional Readiness Command HQ at Fort Dix.

** Does not reflect retirement of 8 KC-135E aircraft by the 108th ARW

Growth sectors

	High employment	Moderate-high growth projected	High wages
Manufacturing	X		X
Health care	X	X	
Education	X	X	
Retail	X	X	

Growth sectors: Potential Sites



Potential Development Site by Type

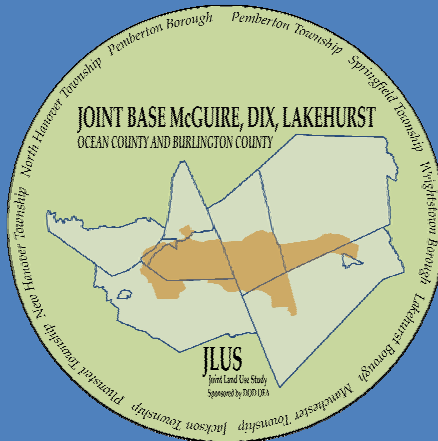
A/B Manufacturing

C - Education

D - Health Care

E/F Retail

Suggested Implementation Recommendations



Identified Issues

Lack of coordinated procedures between JLUS municipalities
and Joint Base

Ongoing support for identified JLUS strategies to be
implemented

Limited public awareness of the Joint Base and Mission

Lack of Municipal dialogue and collaboration with Joint Base
entities

Identified Issues (cont'd)

No forecast of military training schedules for affected municipalities

Urban Growth – New Residential Development within the 2 mile JLUS Study area

Potential residential and incompatible development of land within Noise Zones and Accident Potential Zones

Height of new development may be a Hazard to Air Navigation

Identified Issues (cont'd)

Noise complaints in residential neighborhoods

Lack of funding and standards for noise attenuation

Residences located within safety zones

No procedures in place for prospective home and land buyers
to be aware of proximity to the Joint Base

Identified Issues (cont'd)

Limited procedures in place to encourage regional growth away from noise and Accident Potential Zones

Availability of affordable housing and general quality of life

Concerns of Commercial Competition with the Joint Base and Local Economic Stability

Recommended Implementation Strategies

JLUS Review & Support

- A-1 Execution of a charter that addresses the needs of all participants and defines future participation and goals
- A-2 Create a Joint Base JLUS Implementation Committee
- A-3 Develop Orientation and Procedures manual for incoming military and civilian officials to coordinate long term efforts and coordination
- A-4 Determine when an updated JLUS is warranted

Charter helps establish long-term relationships and formalize implementation process and participants

Implementation Committee ensures dedicated individuals to follow through JLUS recommendations and continue to identify key issues

Orientation and Procedures Manual creates a consistent relationship with Joint Base and JLUS participants

Communication/Coordination

- B-1 Designate Joint Base planner(s) for continued representation at Municipal Planning Board Meetings
- B-2 Create a Joint Base JLUS Implementation Committee
- B-3 Increase dialogue and collaboration between Joint Base, business, and educational communities
- B-4 Develop & Maintain a JLUS website link on Municipal, County and Military Website
- B-5 Update JLUS website

Past relationships with military and community leaders have not been consistent due to commanding officer and political office changes

Military planners should be aware of development interests, restrictions and concerns characteristic to each JLUS municipality

Internet is an easy and inexpensive communication platform for the public

Land Use Approval Process

- C-1 Revision of municipal Master Plans to include Joint Base missions and APZ and noise zones. At a minimum, the Joint Base should be incorporated into the Land Use Plan and Housing Elements
- C-2 Rezone or incorporate an overlay district for high conflict zoning areas

Clear recognition of the AICUZ and APZ in applicable local master plans is a simple but critical first step

Applicable for Jackson, Lakehurst, Manchester, Plumsted, New Hanover, North Hanover, Pemberton Twp, Wrightstown

Minimize conflicts with noise-sensitive land uses, such as housing, schools, and medical facilities

Land Use Approval Process

- C-3 Create an APZ Overlay Zoning District
- C-4 Create a Noise Zone/AICUZ Overlay Zoning District Zoning District
- C-5 Use Cluster Development Techniques and Planned Unit Development in LUPZ

Utilize New Jersey Administrative Code, Chapter 62, (N.J.A.C. CH 62) and DoD Compatible Use Guidelines for APZ

Utilize FICUN Guideline for Considering Noise in Land Use Planning

Use Commercial or Open Space as a Noise Buffer to Residential subdivisions

Land Use Approval Process

C-6 Use of Noise Attenuation Techniques

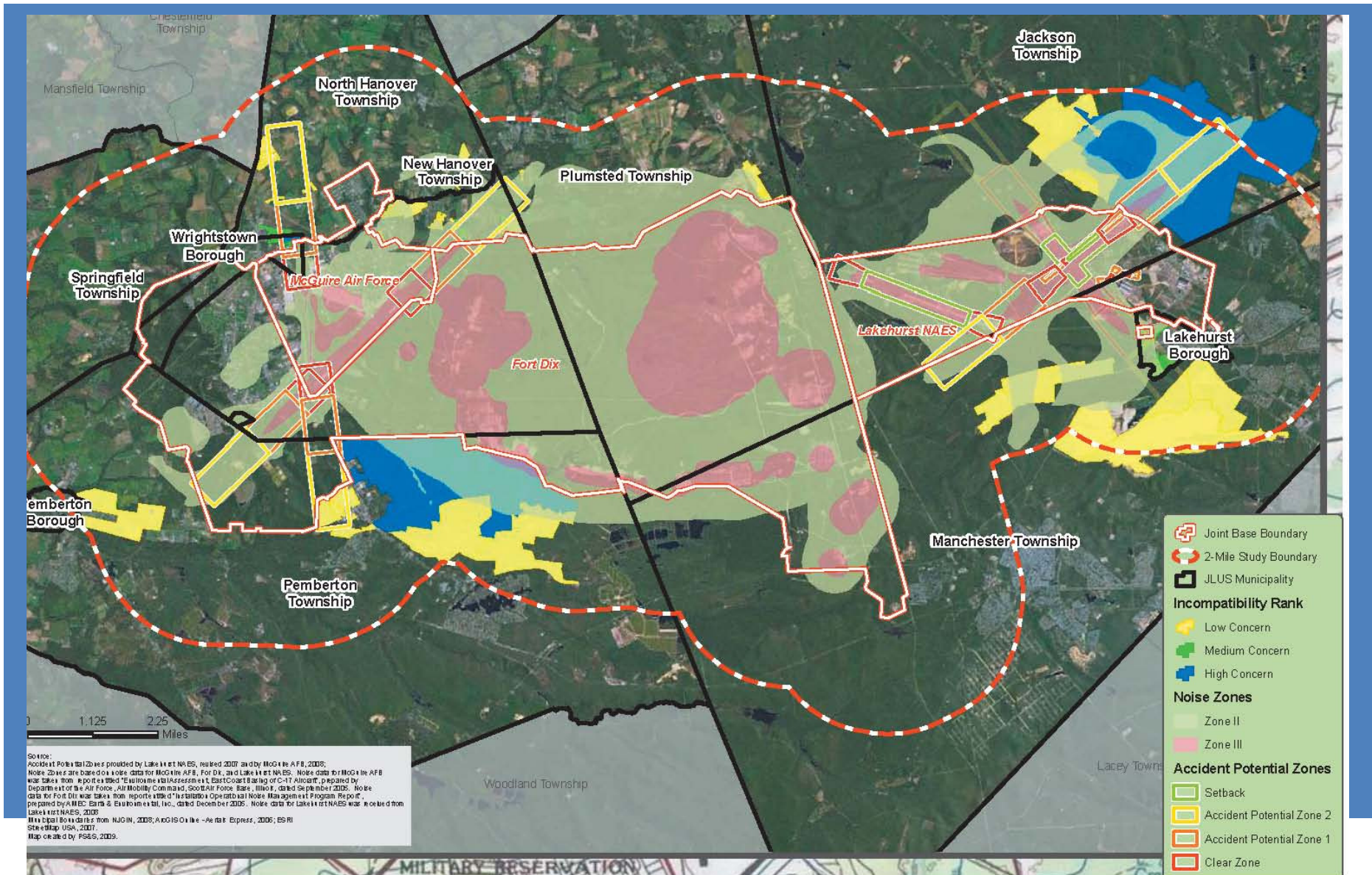
C-7 Use Zoning Ordinances to impose height restrictions in key Joint Base runway areas

Building Orientation, Alternative Siting/Alignment can reduce noise

- *Locate buildings on parcel of land farthest from sound source*
- *Parallel building with the Base can sometimes help noise reduction*

Determine Height Restrictions based on collaboration with Joint Base Planner

Residential Areas of Incompatible Zoning



Noise and Safety

- D-1 Determine Comprehensive Joint Base Impacts by performing an updated AICUZ and ICUZ
- D-2 Make available either by website or by pamphlet voluntary noise attenuation options for home builders and existing homeowners

*****Noise effects for the Joint Base entities have never been performed at the same time*****

The Federal Aviation Administration and the Navy have jointly published the “Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations” (Wyle Research Report WR 89-7) (Available in Appendix)

- Sensitive rooms such as bedrooms and family rooms should be located on bottom floors of residence*
- Noise exposure is reduced in recessed areas like patios or entryways. Architectural elements such as decorative walls, protrusions or facades, may also absorb and scatter sound energy*

Noise and Safety

- D-3 Update and Maintain Regional HUD Noise Map
- D-4 Establish Joint Base Priority Locations for Possible Acquisition. Consider Residential Lands within APZ 1 and Residential Lands within Noise Zones II & III
- D-5 Prepare forms of Fee Simple and Life Estate Acquisition in consultation with Stakeholders

Housing and Urban Development (HUD) and the Veterans Administration (VA) include the refusal of support for new homes constructed in Noise Zone III areas

Fee simple acquisition is an outright purchase of a property

Life Estate is a type of fee simple property acquisition mechanism that allows the preservation of a Life Estate in the Grantor

Community Development

- E-1 Real Estate Transfer of Ownership Disclosure (by Ordinance or other mechanism)
- E-2 Develop JLUS Housing and Community Development Subcommittee to address incoming military issues

Real Estate Disclosure prior to transfer of ownership for properties within noise zones or APZ

Subcommittee could address local schools impact and aid as well as determination of needs for municipal facilities and services

Community Development

- E-3 Incorporate JLUS Municipal Transfer of Development Rights (TDR) Program
- E-4 Municipalities seeking to preserve land in buffer area through TDR require sewer service in receiving areas
- E-5 Real Estate Joint Base Code supporting the neighboring military base adopted by municipalities

For areas outside of Pinelands regulation, TDR could be implemented

- *Applicable for Manchester, Plumsted, New Hanover, North Hanover, Pemberton Boro, Pemberton Twp, Springfield, Wrightstown*

Wastewater Management Plan and OSG plan endorsement key components to TDR

Joint Base Code promotes awareness of the “Base Next Door”

Affordable Housing Development

- F-1 Reduce JLUS municipalities low-moderate income COAH obligations by removing lands that are within APZ and noise zones
- F-2 Develop JLUS Housing and Community Development Subcommittee to address issues like availability of affordable housing and off-base military transience

Heightened noise environment therefore presents a constraint for the construction of new affordable housing in noise and APZ zones

Economic Development

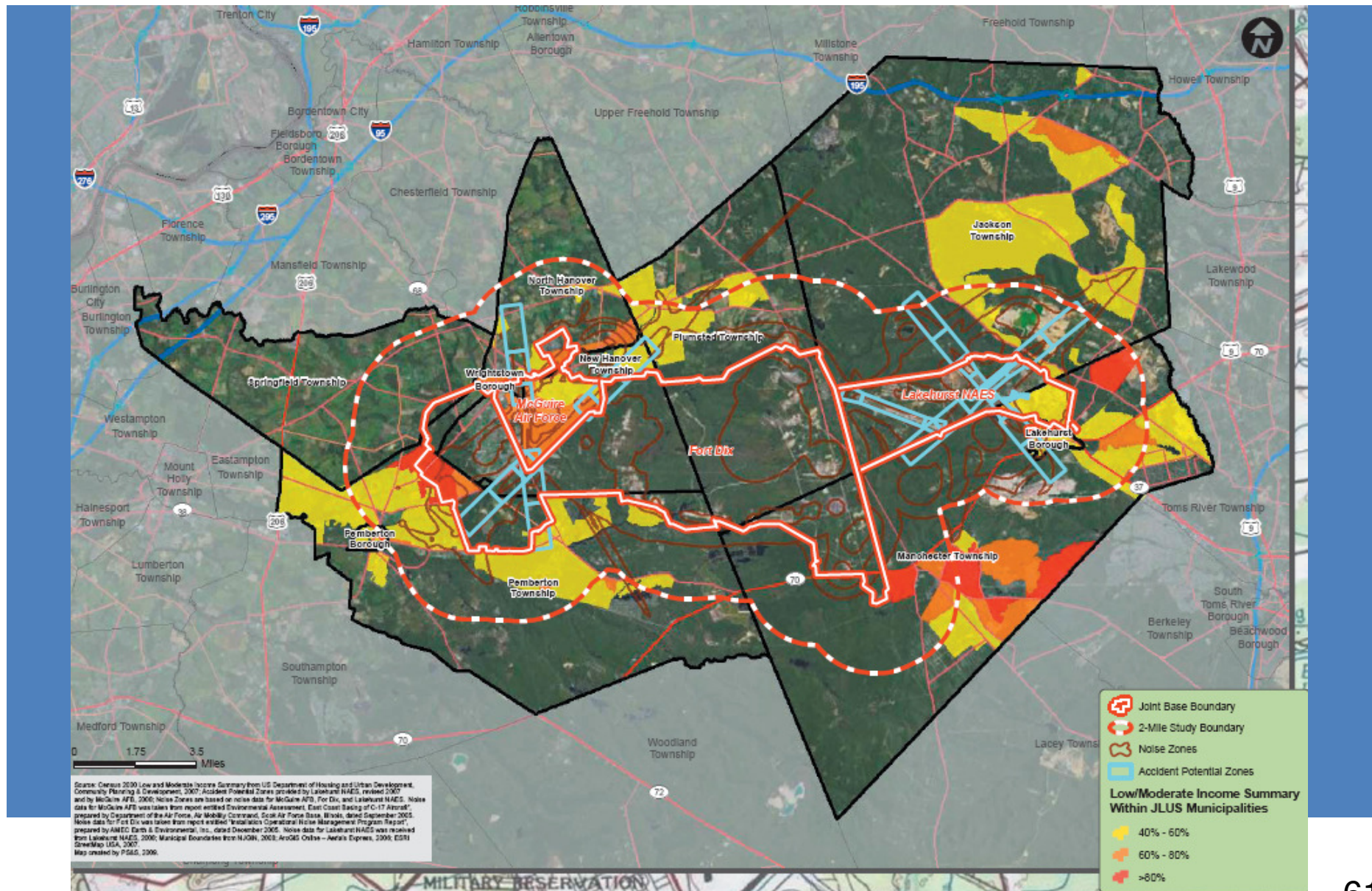
G-1 Develop JLUS Economic Development Subcommittee

Identify Future Compatible Growth Opportunities within JLUS Municipalities

Determine strategies to offset impact of On-Base Commercial Development

Low to Moderate Income Housing within JLUS study area

Low-Moderate Income Summary Map



Infrastructure

- H-1 Further analyze wastewater solutions for JLUS Municipalities
- H-2 Examine Alternative Routing Measures to offset County Road Closures and Military thru traffic within residential neighborhoods
- H-3 Develop Military traffic routing plan and evaluate weight tolerances due to weight loads of military vehicles on local roads and bridges
- H-4 Explore transit opportunities for military and civilians
- H-5 Improve Community Design for Base Entrances

Lack of sufficient wastewater capacity in many areas

Military Traffic Concerns

Lack of local transit options

Lack of aesthetic appeal at Base Entrances

Natural Environment

- I-1 Continue to Establish Joint Base Priority Locations for Farmland and Open Space Preservation
- I-2 Implement County and Municipal farmland and open space preservation plans; continue development rights acquisition mechanisms, (including TDR), mitigate property owner equity concerns
- I-3 County Health Departments should work with Joint Base NJDEP project managers to perform locally known contaminant testing of local wells as a precautionary step
- I-4 Continue environmental impact studies in communication with Joint Base as additional information on base missions becomes available and work with Steering Committee to address future issues for natural resources

Natural Environment

- I-5 Implement best management practices, including wildfire management, dust and bird control, to offset possible effects to Joint Base from agricultural lands
- I-6 Distribute BASH Educational Materials to local farmers to promote awareness on reducing the potential for bird and wildlife attractions that may impede safe air operations
- I-7 Develop trespass avoidance procedures with local governments and adjacent property owners

Preservation for Agriculture and Open Space

BASH – Bird Aircraft Strike Hazard program

Regional and State Planning Influences

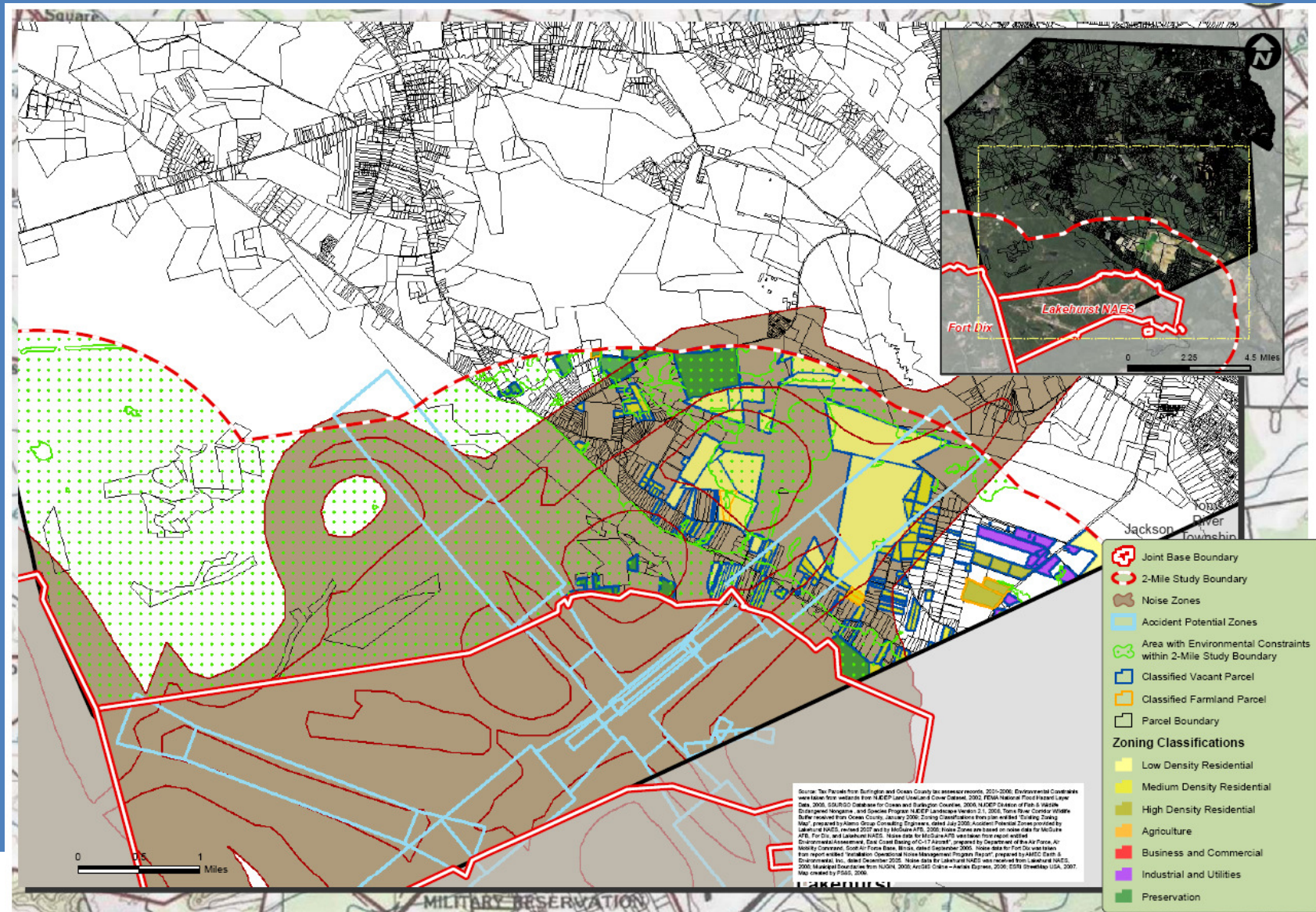
- J-1 Rezone Clayton Sand Site (Jackson Twp) from RD-9 (residential) to Light Industrial or similar nonresidential zone
- J-2 Utilize PDC program
- J-3 Re-evaluate obligations and zoning requirements for Pinelands Management Areas that may require housing obligations in areas determined to be incompatible
- J-4 Apply for State Plan Endorsement to Establish TDR program and COAH certification

PDC Program – Jackson, Manchester, Pemberton Twp, Plumsted

Obligations and zoning should be re-evaluated in incompatible areas

Apply for State Plan Endorsement to Establish TDR program

Jackson Township



Jackson Township – Noise Complaints



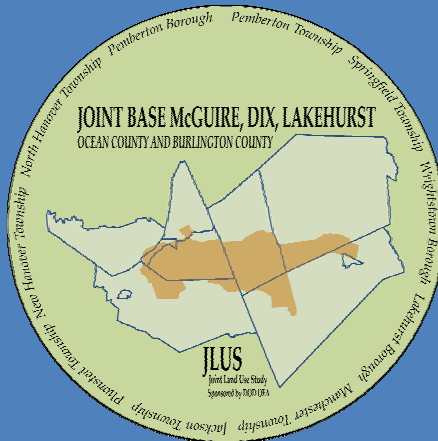
Full Effects of Anticipated Mission are unknown

AICUZ update is planned for 2010

Currently, NAES Lakehurst is at 12,000 annual operations

At a fully operational tempo operations are anticipated to reach 80,000 yearly operations

Questions and Answers





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-09-_____

TITLE: Determining the Eligibility of Parcels of Land for Acquisition by the Department of Environmental Protection Pursuant to the Limited Practical Use Program

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 parcel is eligible for acquisition under the forty-second round of the Limited Practical Use program:

2008-0283.001 Thomas Abernathy, Block 89, Lots 8 & 9 Maurice River Township, 0.69 ac.; Pinelands Village (PVC-5)); waiver application denied April 17, 2009.

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

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

WHEREAS, the Pinelands Commission hereby determines that the parcel conforms to the criteria set forth in N.J.A.C. 7:50-9.2 and 9.3 for eligibility for acquisition under the Limited Practical Use program; 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 approves the acquisition of the following parcel and authorizes the Executive Director to transmit the name of this property owner to the Department of Environmental Protection for acquisition, provided that the landowner freely agrees to sell his parcel:

2008-0283.001 Thomas Abernathy, Block 89, Lots 8 & 9 Maurice River Township, 0.69 ac.; Pinelands Village (PVC-5)); waiver application denied April 17, 2009.

Record of Commission Votes

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

Adopted at a meeting of the Pinelands Commission Date: _____

John C. Stokes
Executive Director

Norman Tomasello
Vice Chairman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-09-_____

TITLE: To Approve a Request by The Nature Conservancy to Purchase a Property Outside the Pre-Approved Acquisition Areas for the Cape May County MUA Land Acquisition Funds (Simon #2)

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

WHEREAS, the Cape May County Municipal Utilities Authority (CMCMUA) and the Pinelands Commission entered into an agreement whereby the CMCMUA will contribute \$2,250,000 to the Commission for the acquisition of conservation and recreation land; and

WHEREAS, regulations to implement this agreement went into effect on April 1, 1996; and

WHEREAS, the Pinelands Commission approved a series of program principles to govern the Cape May County Municipal Utility Authority Acquisition Fund on March 14, 1997 through Resolution PC4-97-28; and

WHEREAS, in June of 1999, the Pinelands Commission entered into an agreement with The Nature Conservancy to administer the Fund, assisting the Nature Conservancy in acquiring land in the Pinelands and financing a grant program to assist in the purchase of recreation and conservation lands by others; and

WHEREAS, through adoption of Resolution PC4-97-28, the Pinelands Commission also approved areas within the Pinelands in which the Nature Conservancy was to direct its acquisition efforts; and

WHEREAS, these potential acquisition areas were reflected on a map entitled "CMCMUA Acquisition Fund Program: Potential Acquisition Areas," dated September, 1997 and identified in Schedule C (Pre-Approved Acquisition Sites) of the Agreement; and

WHEREAS, through adoption of Resolutions PC4-05-12 and PC4-06-11, the Pinelands Commission approved the expansion of the pre-approved acquisition areas; and

WHEREAS, the Nature Conservancy is authorized to purchase property within any of the approved acquisition areas without further Pinelands Commission approval; and

WHEREAS, on April 17, 2009, through adoption of Resolution PC4-09-25, the Pinelands Commission approved a request from the Nature Conservancy to purchase a property located outside the pre-approved acquisition areas (Simon); and

WHEREAS, the Nature Conservancy has requested approval to purchase one additional lot located outside the pre-approved acquisition areas (Simon #2); and

WHEREAS, pursuant to the June 1999 agreement with the Nature Conservancy, such an acquisition requires approval by the Pinelands Commission; and

WHEREAS, the property in question (Block 23, Lot 18) totals approximately five acres in size and is located in the Pinelands Forest Area, within the City of Estell Manor and in the vicinity of the Peaslee Wildlife Management Area, as depicted on the attached map dated May 2009; and

WHEREAS, the property is located within the Tuckahoe River Basin but on the eastern side of Cape May Avenue, just outside the pre-approved acquisition area designated by the Commission and known as #P-15.1 Tuckahoe River Basin/Peaslee Addition; and

WHEREAS, the Commission’s Permanent Land Protection Committee has reviewed the Nature Conservancy’s request and determined that the property has sufficient merit to justify its purchase with Cape May County MUA Land Acquisition Funds, despite its location outside the pre-approved acquisition locations; and

WHEREAS, the Permanent Land Protection Committee has confirmed that there is approximately \$30,000 remaining in the Cape May County MUA Land Acquisition Fund which may be used for the acquisition of this property; and

WHEREAS, the Commission's agreement with the Nature Conservancy expires on June 21, 2009 and all purchases of land by the Nature Conservancy using Cape May County MUA Land Acquisition Funds must be completed by that date, unless an extension is granted by the Executive Director; and

WHEREAS, should the Commission authorize purchase of the property in question, a short extension of the agreement will be necessary to allow for reimbursement to occur after the June 21, 2009 expiration date; and

WHEREAS, the Executive Director has informed the Permanent Land Protection Committee of his intention to grant a 60-day extension of the agreement and the Committee has indicated its support for this extension; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Permanent Land Protection Committee; 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 Cape May County MUA Land Acquisition Funds may be used for the acquisition of the following property in Estell Manor City: Block 23, Lot 18 (Simon #2).

Record of Commission Votes

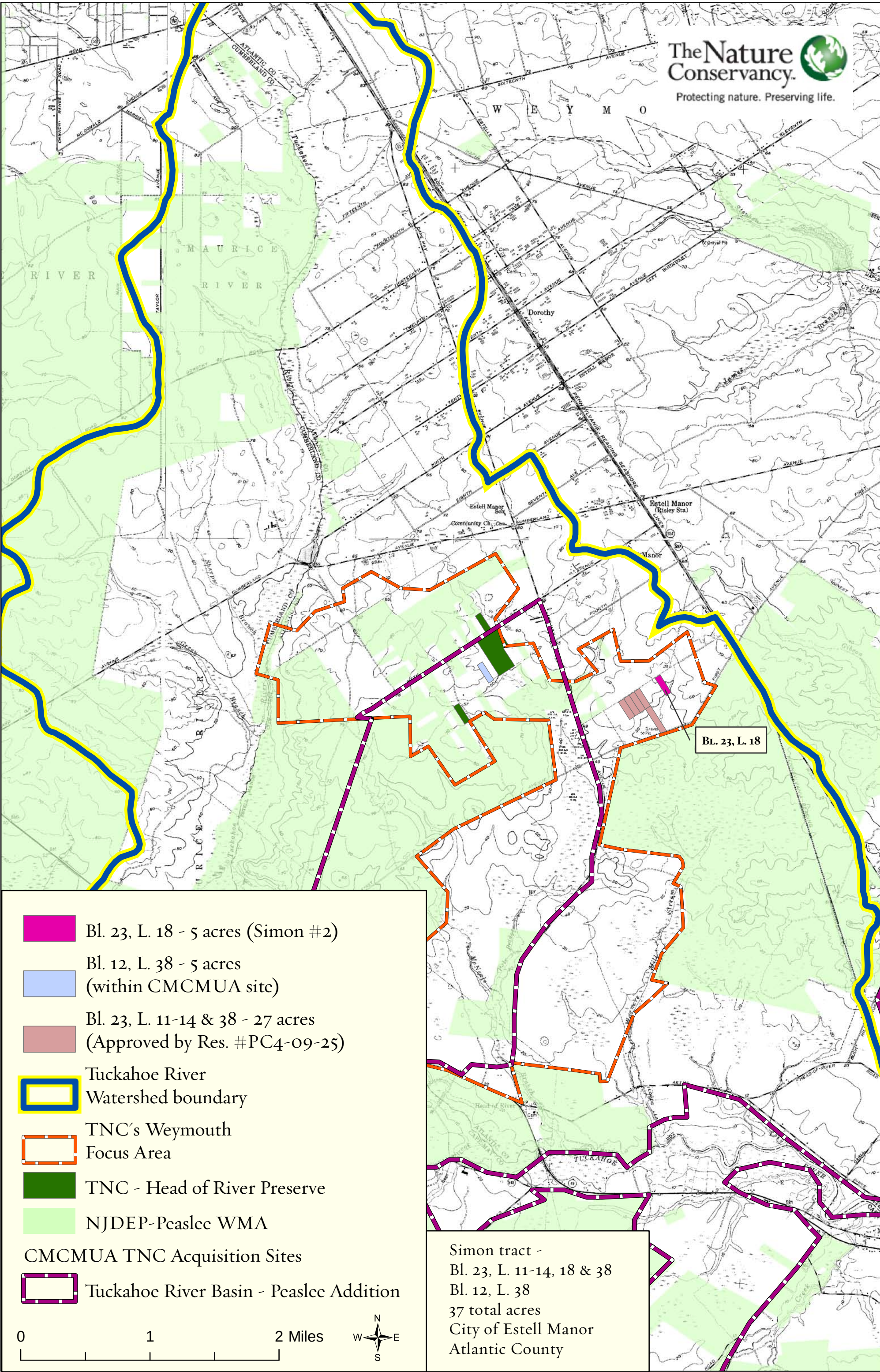
[illegible]

Adopted at a meeting of the Pinelands Commission

Date: _____

John C. Stokes
Executive Director

Norman Tomasello
Vice Chairman





RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-09-_____

TITLE: Implementing the 20% Affordable Housing Set-Aside for Developments Consisting of Newly-Constructed Residential Units Required by P.L. 2008, Chapter 46, Section 18(a)

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

WHEREAS, on July 17, 2008 The Fair Housing Act, N.J.S.A. 52:27D-301 *et seq.*, was amended by P.L. 2008, Chapter 46; and

WHEREAS, P.L. 2008, Chapter 46, Section 18 repeals by implication the provisions of P.L.1987, Chapter 267, Sections 1 and 2 prohibiting the Pinelands Commission from considering the number of low or moderate affordable housing units provided in a municipal master plan/local ordinance or an application for development, respectively, as part of its municipal master plan and local ordinance certification process and local approval review process; and

WHEREAS, Section 18(a) of P.L. 2008, Chapter 46, requires that developments consisting of newly-constructed residential units located, or to be located, within the area of jurisdiction of certain regional planning entities, including the Pinelands Commission, include a 20% set-aside for low and moderate income households to the extent that it is economically feasible; and

WHEREAS, the Pinelands Commission has commenced consideration of amendments to the Pinelands Comprehensive Management Plan to implement its obligations under P.L. 2008, Chapter 46, Section 18(a); and

WHEREAS, it is anticipated that it will take, at a minimum, eight (8) months from the Commission’s authorization of a rule proposal addressing its obligations under P.L. 2008, Chapter 46, Section 18(a) before said rules could be adopted and take effect; and

WHEREAS, the Pinelands Commission, through this resolution, hereby provides notice that it will implement the 20% set aside requirement of P.L. 2008, Chapter 46, Section 18(a) within the area of its jurisdiction as set forth in this Resolution pending adoption and effectuation of regulations; 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 directs the Executive Director to implement the 20% affordable housing set aside obligation of P.L. 2008, Chapter 46, Section 18(a) through implementation of the following until the Commission adopts regulations implementing its obligations pursuant to P.L.2008, Chapter 46, Chapter 18(a) and those regulations become effective:

1. Any minor subdivision/site plan approval or preliminary local approval issued on or after the effective date of P.L. 2008, Chapter 46 (July 17, 2008) for any development located, or to be located, within the Pinelands Area consisting of five (5) or more dwelling units or lots that does not appear to provide for a 20% set aside for low or moderate income households and for which a letter of no further review has not been issued by the Commission prior to the effective date of this resolution shall be reviewed by the Commission pursuant to N.J.A.C. 7:50-4.19, 4.22, 4.37 or 4.40 to determine whether it meets the affordable housing set aside obligations of P.L. 2008, Chapter 46, Section 18(a).
2. The Commission shall presume that compliance with the 20% affordable housing set aside obligation is economically feasible. If an applicant disputes that presumption, the applicant shall bear the burden of demonstrating that compliance with the 20% affordable housing set aside obligation of P.L. 2008, Chapter 46, Section 18(a) is not economically feasible. The Commission, in consultation with the Council on Affordable Housing, will consider any relevant information submitted by the applicant as part of its review of the local approval conducted pursuant to N.J.A.C. 7:50-4.19, 4.22, 4.37 or 4.40.

3.
- To the extent that any development reviewed pursuant to Paragraph 1 has a set aside obligation, the Executive Director shall ensure that any final local approval issued for such development implements a 20% set aside for low or moderate income households.
4.
- Any Public Development Approvals issued pursuant to N.J.A.C. 7:50-4.56 for any public development application consisting of five (5) or more dwelling units or lots shall contain a condition requiring a 20% set aside for low or moderate income households to the extent this is economically feasible. The Commission shall presume that compliance with the 20% affordable housing set aside obligation is economically feasible. If a public agency disputes that presumption, the public agency shall bear the burden of demonstrating that compliance with the 20% affordable housing set aside obligation of P.L. 2008, Chapter 46, Section 18(a) not economically feasible as part of the Commission’s review of its public development application. The Commission, in consultation with the Council on Affordable Housing, will consider any relevant information submitted by the public agency as part of its review of the public development application.

BE IT FURTHER RESOLVED that the Pinelands Commission directs the Executive Director to publish notice in the *New Jersey Register* and to send written notice to all municipalities within its area of jurisdiction of the above.

Record of Commission Votes

AYE				NAY				NP				ABS			
Ashmun															
Brown															
Campbell															
Ficcaglia															
Galletta															

Adopted at a meeting of the Pinelands Commission

Date: _____

John C. Stokes

Executive Director

Norman Tomasello

Vice Chairman

MANAGEMENT REPORT FOR MAY 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.*

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.*

3. Forestry: The Commission authorized the proposed amendments on April 17, 2009. They have been submitted for publication in the NJ Register on June 15, 2009. *A public hearing has been scheduled for July 22, 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. *A public hearing has been scheduled for July 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.*

6. Wetlands Restoration: The Commission authorized the proposed amendments on April 17, 2009. They have been submitted for publication in the NJ Register on June 15, 2009. *A public hearing has been scheduled for July 22, 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. The remainder of Staff’s recommended management area changes will be reviewed at a Special P&I Committee meeting scheduled for June 17.*

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 has been scheduled for July 22, 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.*

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

- 1. Ordinances/plans received this month:** 10 (125 this FY; average FY=100)
- 2. Interpretations/consultations/assistance last month:** 8 (117 this FY; average FY=150)
- 3. Issues:** *No major issues to report.*

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:** *No new action. (Note: Part of the recommendations may be implemented through the management area changes noted above in A.7)*
- 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 May 26, 2009; the next meeting is scheduled for June 3, 2009. Commission staff gave a presentation to the Little Egg Harbor Council on May 28, 2009. The consultants are scheduled to give a presentation to the Commission at its June 12, 2009 meeting.*
- 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.
- 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.*

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. Stockton College Master Plan: 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.*

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.*

10. Fire Safety Program: *On May 3, staff was invited to present an overview of the fire safety initiative at a state-wide conference on emergency preparedness in Atlantic City. The forest fire service is preparing a Pancoast road fuel break plan, one of the principal risk mitigation implementation strategies identified in the fire safety initiative program report. Several residential communities within both municipalities (including Horizons at Barnegat, Mirage, Fawn Lakes and Atlantic Hills) have expressed interest in participating in risk assessment and wildfire mitigation planning and have asked to participate in future implementation working group meetings. Building community awareness and participation was another important implementation strategy identified by the fire safety initiative working group.*

11. Atlantic City Regional Transportation Plan: *No new action.*

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: *Collection of data for the annual report continues. Fifteen of the 19 variables that will have new data for this year's report have now been collected. A summer intern (Kevin Connor) has now joined the staff temporarily and will be assisting in a reexamination of the way we collect some of the variables in the report. Kevin's focus will be on inquiries that we have received at recent Commission meetings from Commissioners Galletta*

and Kennedy concerning the feasibility of separating data in municipalities split by the Pinelands boundary.

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 has been directed to spend the majority of his time on completing the build-out portion of the Kirkwood-Cohansey study.*

E. PERMANENT LAND PROTECTION

1. Pinelands Development Credits: PDC Activity: *January-May 2009: 7 LOIs issued for 26 rights (potential protection of 231 acres); 1 LOI amended for 1 right; 11 rights severed protecting 135 acres; 3 rights sold @\$17,000; 6 rights redeemed.*

2. Farmland Preservation program: *January-May 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. This recommendation will be on the Commission's June agenda for action. The Executive Director will be granting a brief extension of the contract with The Nature Conservancy to accommodate the expenditure of funds for this final project. The contract with TNC expires in June and all funds will have been successfully utilized.*

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.*

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.*

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.

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. A completeness determination is under review by staff. A public hearing is expected to be scheduled shortly.*

3. Cultural resources: *12 (141 this fiscal year) cultural resource activities undertaken:*

- a. *6 (98) applications reviewed*
- b. *0 (0) forestry inquiries*
- c. *6 (35) 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 (8) Municipal/consultant inquiries*
- i. *Data Acquisition Plan: no new action*

4. Stormwater Management: *All municipalities have adopted revised stormwater plans and ordinances in response to the CMP amendments. The final municipal plan and ordinance (Jackson Township) were certified by the Commission on May 8, 2009. 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.*

5. 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.

6. 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.

7. 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 May 31, 2009.*

8. 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.*

9. 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. *No response as of May 31, 2009.*

10. 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. *No new action as of May 31, 2009.*

11. Water Quality Management Plans: CCMUA submitted its plan for various areas within the Pinelands Areas. It is under review.

12. 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.*

13. 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.*

14. Roadside Plants: *A meeting with several area botanists was held on May 21 for the purpose of identifying rare plant hot spots along Pinelands roads. Science staff participated to discuss roadside plant management. A composite map was created during the meeting and each botanist will further refine the data over the next few weeks. On May 26 the Pinelands Preservation Alliance distributed draft recommended roadside maintenance practices. A follow-up meeting with the botanists will be conducted in late June. The next step in the process is to arrange a meeting with representatives from the Soil Conservation Service district offices to review the proposed roadside management practices.*

15. Other Rules: No new action.

16. Miscellaneous:

a. *None.*

II. DEVELOPMENT APPLICATIONS

A. APPLICATION ACTIVITY

		Mar	Apr	May
<i>New applications received for the last three months with a comparison to last year:</i>	this year	54	43	42
	last year	43	48	85
<i>Total applications active per month for the last three months with a comparison to last year:</i>	this year	591	436	608
	last year	579	627	719

<i>“No Call-ups” issued for each of the last three months:</i> By mail	59	25	57
	25	25	50
By fax			
<i>Certificates of Filing issued for each of the last three months:</i>	38	14	24
<i>“Call-ups” issued for each of the last three months:</i>	13	9	13
<i>Streamlined permitting actions taken during each of the last three months:</i> LRO	4	2	5
	16	12	16
MOA			

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.

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. By letter dated October 15, 2007, the applicant requested that the matter not be transferred to the OAL until November 9, 2007 to allow the applicant the opportunity to resolve the issues raised by the municipal approval. By letter dated November 9, 2007, the applicant requested that the application not be transferred to the OAL until November 16, 2007. On November 16, 2007, the staff conducted a telephone discussion with the applicant agreeing in principle to resolution of the substantive issues. By letter received on November 19, 2007, the

applicant requested that the matter not be transferred to the OAL until December 7, 2007. By letter received on December 7, 2007, the applicant requested that the application not be transferred to the OAL until January 11, 2008. By letter received on January 14, 2008, the applicant requested that the application not be transferred to the OAL until February 29, 2008. The applicant has submitted another letter asking that the matter not be transferred to the NJ OAL until March 31, 2008. The applicant has submitted another letter asking that the matter not be transferred to the NJ OAL until April, 30 2008. To enable the applicant to resolve the issues necessitating the hearing, the applicant has submitted another letter asking that the matter not be transferred to the NJ OAL until July 7, 2008. The applicant has submitted another letter asking that the matter not be transferred to NJ OAL until August 4, 2008. The applicant has submitted another letter asking that the application not be transferred to the NJ OAL until September 8, 2008. By letter of September 15, 2008, Commission staff granted an extension of time until October 14, 2008 for the Commission to transmit the case to NJ OAL. On October 14, 2008, the applicant requested an extension of time until November 17, 2008 for the Commission to transmit the case to NJ OAL. By letter of October 15, 2008, Commission staff granted an extension of time until November 17, 2008 to transmit the case to NJ OAL. On November 19, 2008, the applicant requested an extension of time until January 5, 2009 to transmit the case to NJ OAL. By letter of November 24, 2008, Commission staff granted an extension of time until January 5, 2009 to transmit the case to NJ OAL. On January 5, 2009, the applicant requested an extension of time until February 23, 2009 to transmit the case to NJ OAL. By letter of January 7, 2009, Commission staff granted an extension until February 23, 2009 to transmit the case to NJ OAL. On February 23, 2009, the applicant requested an extension of time until April 13, 2009 to transmit the case to NJ OAL. By letter of February 24, 2009, Commission staff granted an extension until April 13, 2009 to transmit the case to NJ OAL. On April 9, 2009, the applicant requested an extension of time to transmit the case to NJ OAL. By letter of April 13, 2009, staff granted an extension until June 1, 2009 to transmit the case to NJ OAL. *On June 1, 2009, the applicant requested an extension of time to transmit the case to NJ OAL. That information is under review.*

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 May 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'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 May 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.

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. *No new action as of May 31, 2009.*

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 for this application is scheduled for June 23, 2009.*

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. That information is currently under review.*

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 May 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 May 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.*

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. Staff is currently reviewing the Commission's records.*

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. *No new action as of May 31, 2009.*

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).*

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. *No new action as of May 31, 2009.*

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 May 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. Staff has reviewed all the comments and is developing a determination regarding the snake survey.*

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 May 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.*

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. That information is currently under review.*

22. Artificial surface athletic field, Evesham Township (App. No. 1985-0619.011): An application and supplemental information proposing the installation of a synthetic turf field at the location of an existing grassed soccer field at Memorial Park was received on September 17, 2008. Staff issued a letter requesting additional information on October 29, 2008. Staff met with the applicant's engineer on November 6, November 10, and December 1, 2008 to witness soil borings and test pits. Staff met with the applicant on February 25, and held a telephone conference call on March 5, 2009 to provide guidance on stormwater issues. Staff met with the applicant's engineer at the site on March 16, 2009 to witness soil borings and discuss potential improvements to the existing stormwater management facilities on the site to demonstrate consistency with the CMP stormwater management standards. Additional information was received on March 19 and 24, 2009 and the staff issued a letter requesting additional information to complete the application on April 17, 2009. Staff met with the applicant on April 20, 2009 to discuss the outstanding stormwater management issues. Staff met with the applicant to further discuss the application and received additional stormwater information from the applicant on April 27, 2009. The staff issued a letter requesting additional information to complete the application on April 30, 2009. *Additional information was received on May 1, May 7 and May 8, 2009. Staff issued a Public Development Report on May 13, 2009 recommending approval at the June 12, 2009 Commission meeting.*

23. 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.

24. 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. That information is currently under review.*

25. 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. That information is currently under review.*

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 identifying the law that applies to the municipal planning boards May 6, 2004 approval and to discuss whether that approval refers back to Petitioner's April 10, 2002 application for an extension of its original approvals pursuant to N.J.S.A. 40:55D-52(b). The briefs are due on June 1 and a deadline of June 15 was set for the submission of short reply briefs. The Commission's briefing addressing the Judge's legal inquiry was filed on June 1, 2009.*

D. VIOLATIONS

1. Monthly activity: 6 reports received; 17 violation letters sent; 5 cases 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 May 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 May 31, 2009.*

c. Recharge basins, Hammonton. *See section I.C.8.*

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. That information is currently under review.*

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 May 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.*

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 30 day 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.*

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. That information is currently under review.*

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 May 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.*

k. Camp Ground, 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 May 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. *No new action as of May 31, 2009.*

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. *No new action as of May 31, 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. That information is under review.*

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.*

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.

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.

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. *No new action as of May 31, 2009.*

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.*

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. That information is currently under review.*

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 May 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).*

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 details of the MOU's language are being reviewed by in-house counsel.*

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 revise 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.*

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.

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.

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. Possible groundbreaking in September.*

B. OTHER MOA REQUESTS

1. Stockton State College: *See section I.C.8*

- 2. Woodbine Port Authority:** *In May, the Port Authority consultants began pine snake drift fence surveys and submitted protocols for determining the presence or absence of threatened and endangered birds on the subject site.*
- 3. Lacey Cemetery:** See Lacey conformance activity (Attachment #1)
- 4. Richland Village Community Wastewater Treatment System:** On April 7 Ed Wengrowski and David Kutner participated in a conference call with representatives from DEP, Atlantic County, Atlantic County Utilities Authority, and Buena Vista's consulting engineer to discuss NJPDES permit requirements for the community waste water system. The next step in the process is for the Township's engineer to complete a "Readiness Checklist" to enable DEP to identify any significant permitting issues and conduct a pre-application conference that all parties will attend.
- 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.
- 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.
- 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 has been set for Wednesday, June 3.*
- 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. The College has not yet responded but it may lead to Commission approval of the master plan and a possible MOA.

IV. SCIENCE

A. KIRKWOOD-COHANSEY STUDY

- 1. Science staff produced final drafts of the forested-wetland and anuran reports and distributed them to the K-C Project cooperators.*
- 2. Science staff analyzed plant physiological-response data and distributed the results to Rutgers cooperators.*
- 3. Science staff provided comments to USGS cooperators regarding the analysis of stream macroinvertebrate data and development of models.*
- 4. Science staff continue to monitor USGS delays in producing water-demand scenarios and the implications for the overall project schedule. Currently, the initial date of completion has been delayed by four months.*

5. **Buildout:** *The Planning office will give a draft of the final document to the Science department for their review in mid-June.*

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 May round of intermittent-pond water-level measurements and forest-plot water-level measurements.*

4. **Long-term anuran surveys:** *Science staff completed the May round of vocalization surveys at the 20 ponds monitored annually.*

5. **Pinelands-wide water quality monitoring:** *Science staff completed the May round of Pinelands-wide water-quality sampling.*

6. **Rancocas Creek Watershed Surveys:** *Science staff completed the May round of Rancocas Creek Basin water-quality sampling and anuran-vocalization surveys.*

7. **Miscellaneous monitoring:** *None*

C. OTHER SCIENCE PROJECTS

1. **Ecological Plan for Electric Transmission Line Maintenance:** *No new action.*

2. **Franklin Parker Preserve:** *Science staff inspected disturbances associated with wetland-restoration activities at the bog-succession study site. Due to changes in site topography and potential changes to hydrology in the vicinity of our monitoring plots, the project was discontinued.*

3. **Wetland Buffer Research Proposal:** *Science staff sent out thank you letters to all land owners that granted access to ponds on their property, completed the May round of anuran-vocalization surveys at the study ponds, and completed a round of water-quality sampling at the study ponds. Science staff also identified a pool of approximately 150 candidate sites for use in the forest-wetland portion of the study.*

4. **Forest Characterization Project:** *Science staff met with regional forester Bill Zipse to discuss a forest-modeling program and survey methodology for characterizing forest stands at long-term study plots.*

5. **Science Advisory Committee:** *No new action.*

6. **Commission's Science Committee:** *No new action.*

7. **Miscellaneous notes:**

a. *Science staff responded to reviewer comments on a paper describing results of the EPA Littoral project. The revised manuscript, "Aquatic Degradation in Shallow Coastal Plain Lakes: Gradients or Thresholds?," was submitted for publication to Ecological Indicators.*

b. *Science staff led a nighttime frog field trip for a Rutgers University Pinelands Ecology class.*

c. *Science staff met with a Rutgers University graduate student to discuss site selection for research on Pinelands-fish parasites.*

V. LITIGATION

A. STATE COURT – SUPERIOR COURT

None

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.*

C. FEDERAL COURT

None

D. OTHER LITIGATION MATTERS OF INTEREST

None

VI. LEGISLATION

A. NOTABLE BILLS:

A3950/S2822 - *Permits members of the Pinelands Commission to approve revisions to the comprehensive management plan. This clarifies the relationship of the Pinelands Protection Act to the Conflicts of Interest Law concerning the ability of members of the Pinelands Commission to approve revisions to the comprehensive management plan for the pinelands area.*

A3874 – *“Water Supply Open Space, Farmland and Historic Preservation Trust Fund Act.” This bill would establish a Water Supply Open Space, Farmland and Historic Preservation Trust Fund Account. Moneys would be derived from a water consumption user fee on public community water systems and a water diversion fee on diversion permits. The moneys would be used to provide funding for the acquisition and development of lands for recreation and conservation purposed, for the preservation of farmland for agricultural or horticultural use and production and for historic preservation purposes pursuant to the provisions of the “Garden State Preservation Trust Act.”*

A3892/S2713 – Appropriates \$49.65 million from “2007” Farmland Preservation Fund for farmland preservation purposes. The projects and allocations in this bill have been approved by the State Agriculture Development Committee and the Garden State Preservation Trust and several projects are within Pinelands municipalities.

A3896/S2767 – 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 for recreation and conservation purposes, including Blue Acres projects. The projects listed in this bill have been approved by the DEP and the Garden State Preservation Trust. \$3,000,000 is allocated to Pinelands municipalities.

A3897/S2768 – Appropriates \$120,123,420 from various Green Acres funds for local government open space acquisition and park development projects. This bill appropriates or reappropriates moneys from the Garden State Green Acres Preservation Trust Fund and various Green Acres bond funds to the DEP to provide grants or low-interest loans to assist local government units in the State to acquire or develop lands for recreation and conservation purposes. The projects listed have been approved by the DEP and the Garden State Preservation Trust. Several projects are located within Pinelands municipalities.

A3898/S2771 – 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. The projects in this bill have been approved by the DEP and the Garden State Preservation Trust. This bill would allow the DEP to re-distribute moneys which have been returned to the department due to project withdrawals, cancellations or cost savings, for the purpose of providing additional funding, for recreation and conservation purposes, to previously approved and funded projects of nonprofit entities. Several projects listed are located in Pinelands municipalities.

A3899/S2770 – 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. The projects in this bill have been approved by the New Jersey Historic Trust and the Garden State Preservation Trust. There are several projects located within Pinelands municipalities.

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 May 1-25 monitoring period. The page recorded 8,758 hits or views during this period. Other pages are the Home Page (4,760 hits), the Pinelands National Reserve page (1,069 hits), the Pinelands Comprehensive Management Plan page (712 hits), the Information Center page (597 hits), the Applicant Services page (583 hits), the Visiting & Recreation page (570 hits), the Land Use and Planning page (551 hits), the Pinelands Image Library page (472 hits), the About the Commission page

(398 hits), the Educational Resources page (397 hits), the Pinelands Municipal Council page (303 hits) and the Science page (291 hits). Other items or pages with high numbers include the online version of the Pinelands Protection Act (845 hits) and the Take Ten Hikes and Bikes page (744 hits).

2. Press releases this month: On May 7, a press release was issued to announce that two properties in Atlantic County have been permanently preserved with funds administered by the Pinelands Commission. On May 22, a press release was issued to announce the line-up for this year's Pinelands Speaker Series.

3. Inquiries this month: A total of 18 media inquiries and 155 general inquiries were handled in May. Of the general inquiries, 109 inquiries came via e-mail, 44 came by telephone, and two came by mail. Most of the inquiries pertained to various Commission projects, followed by general information about the Pinelands, CMP amendments, recreation and development.

4. Open Public Records Act: Three requests for government records were submitted and processed under the Open Public Records Act in May.

B. PUBLICATIONS

1. Pinelander: Work on creating an expanded e-mail mailing list for the Pinelander continued in May.

2. Annual Report: Information gathering for the 2008 Annual Report continued in May.

3. New Pinelands Column: A new column will be drafted and submitted to newspapers in June.

C. EVENTS AND OUTREACH

1. Pinelands Short Course: No new action.

2. Local Officials Seminar: The annual Pinelands Orientation for Newly Elected or Appointed Municipal Officials was held on May 28 in the Richard J. Sullivan Center. Science staff gave a presentation on the special character of the Pinelands. Public Programs, Project Review and Planning staff followed with information about the CMP, including possible rule changes. A total of 47 municipal officials attended the event, which is co-sponsored by the Commission and the Pinelands Municipal Council. The Commission has received a great deal of positive feedback from attendees.

3. Meetings:

a. On May 15, Joel Mott guided a tour of the northern section of the Southern Pinelands Natural Heritage Trail (Scenic Byway) as part of an education program entitled "Teach at the Beach."

4. Miscellaneous:

a. None

D. INTERPRETIVE PROGRAM

1. PNR brochure: Staff continued to track and distribute the brochure in May.

2. Pinelands Summer Speaker Series: The lineup for this year's Speaker Series was confirmed and announced to the public and Commissioners on May 22.

3. Wayside displays: Staff has completed work to chart the locations and conditions of nine different Pinelands wayside panels that were installed at various interpretive sites such as parks

and forests in the Pinelands. These signs were produced and installed with funds from a federal transportation enhancement grant. A report is being compiled, with assistance from the National Park Service, and recommendations will be made regarding the possible replacement of some signs.

4. Exhibits in the Pinelands Technical Center: *Commission staff have provided comment on the draft report, and will provide an update to the Commission's Public and Governmental Programs Committee in June.*

E. EDUCATION

1. Pinelands Curriculum Guides: *In May, the Director of Rowan University's Math, Computers and Science Instructional Improvement Program provided updates on the University's efforts to seek grants to update, enhance and expand the Commission's existing, online curriculum guides. The University is awaiting a response from these foundations. Commission staff will meet with Rowan officials in June to further discuss our funding strategy.*

VIII. INFORMATION MANAGEMENT

A. GEOGRAPHIC INFORMATION SYSTEM

1. System planning and development: *Back up is still failing for aerial photography. Staff is working on new procedure to handle the failure.*

2. Programming: *A new problem on rolling out the in-house GIS system has been identified that may be related to network speed and/or server resources. GIS is still investigating.*

3. Maps/analyses this month: *this month (this fiscal year): 5 (126) large maps for Commission meeting, 4 conformance board updates.*

4. Data 0 (157): *All milestones for the cultural resources project are complete. Permanent Land Protection is approximately 100% complete and has been presented to the PLP committee.*

5. LOI for PDC this month (this fiscal year): *2 (39) Applications, 3 (130) Parcels.*

B. MANAGEMENT INFORMATION SYSTEM

1. System planning and development:

a. PCIS: *Due to a server crash at Fountains Spatial, they were not able to complete the enhancement regarding the recording of multiple deed restrictions of the same type on the same lot. MIS staff exported the data for PCIS, Zoning, and PDC Tracking and uploaded it to the Fountains Spatial ftp server so they could rebuild their Oracle databases and resume coding.*

b. PDC tracking system: *Quality assurance work regarding the PDC allocations and deed restrictions data associated with the PCIS block/lot master table has been completed. In total, over 1,500 applications and nearly 24,000 individual Block/Lot Master records have been updated. The acreage associated with the deed restrictions has been entered on the Deed Restrictions table on a lot by lot basis.*

c. Document Imaging: Regulatory Programs: *Completed programming modifications in order to "work around" the inconsistent behaviors of selected FileNet objects. Also completed minor programming changes to the code that produces the control file in order to accommodate a change in the network path specified by the Office of Treasury*

Technology. Successfully selected file images from FileNet under program control and copied images to disk in preparation sending a test DVD to DARM (Department of Archives and Records Management) for writing to microfilm. Municipal Conformance Files: Implementation remains suspended until labor hours become available.

d. Interpretations Database: *Completed programming and began beta testing. Based on feedback from primary user, an archiving capability will be added to the functionality. This will allow interpretations that no longer apply (due to rules changes, zoning changes, etc.) to be removed from the “active” list, but retained for reference purposes.*

2. Other:

a. Mailing List System: *No new action this month.*

b. Assignment Tracking System: *Completed development of user requirements document, including “use case” descriptions.*

IX. OPERATIONS

A. FACILITIES

1. Barn renovation project: *Still awaiting final approval from Lammey & Giorgio and the Building Authority on the HVAC system.*

2. Maintenance:

a. Grounds: *A volunteer from the Master Gardeners identified and tagged our historical shrubs and trees. Work on the parking lot included re-grading, filling pot holes and repairing a light fixture.*

b. Buildings: *The insurance company reimbursed the Pineland for desks tops that were damaged from the pipe break they are being scheduled to be installed. Maintenance equipment stored in the garage area has been secured.*

B. FINANCIAL MANAGEMENT

1. Application fees: *Received 31 checks totaling \$66,623.21; processed 3 refunds totaling \$699.12; FY 2009 revised budget amount \$450,000, received through May \$501,596.82 reduced by \$100 due to a reissued (original check lost) refund during April.*

2. General ledger: *74 general journal entries for May; 2 special revenue reimbursements were processed.*

3. Accounts payable/receivable: *75 invoices paid, 51 checks written 44 cash receipts issued.*

4. Budget: FY 2010: *OMB notified us of a \$240,000 cut to the FY10 appropriation. This cut brings the total reduction of funding to \$454,000. The preliminary budget estimates have been further reduced and cuts have been discussed with the managers. The Governor has requested a wage freeze for non-union workers. Three meetings have occurred with the CWA regarding the possibility of renegotiating the union contracts to include a wage freeze. These meetings have not resulted in an agreement to a wage freeze.*

5. Audit: *The FY2008 fieldwork is finished. Report completion is expected mid-late June.*

6. Miscellaneous: *No new action.*

C. HUMAN RESOURCES: *See Attachment 3 for employee notes*

1. Benefits: *No new action.*

2. Miscellaneous:

- a. A policy regarding seniority and one for essential employees have been finalized.*
- b. An unpaid intern to assist with the long term economic monitoring program started May 28.*
- c. The performance evaluation process has begun.*

D. PROCUREMENT

- 1. RFQs this month:** *0 issued; 0 solicited; 0 responses*
- 2. RFPs this month:** *0 issued; 0 solicited; 0 responses*
- 3. Purchase orders this month:** *21*
- 4. Contract amendments this month:** *0*

E. OTHER OPERATIONAL ITEMS

- 1. Records Management:** *Destroyed various Business Services files that were recently identified and approved by the Department of Archives and Records Management.*
- 2. Miscellaneous:** *No new action.*

X. PINELANDS MUNICIPAL COUNCIL

A. MEETINGS

- 1. Last meeting:** *The Council met on May 27, 2009 in Weymouth Township. Discussion focused on the proposed septic management rules and possible rules regarding affordable housing. More information on these two topics is included in Sections IA1 and IA9.*
- 2. Upcoming meeting:** *The next meeting is scheduled for July 29, 2009 in Little Egg Harbor Township.*

B. OTHER COUNCIL BUSINESS

None

XI. MISCELLANEOUS

- 1.** *None*

ATTACHMENT #1

ONGOING CONFORMANCE ACTIVITY

May 31, 2009

MUNICIPALITY	TOPIC
Barneгат	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. 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. 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. 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.
Berlin Borough	1. Draft Housing Element and Fair Share Plan received and under review. 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.
Berlin Township	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.
Buena Borough	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 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

MUNICIPALITY	TOPIC
	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 5/31/09.
Buena Vista	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. 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. 3. Staff met with Township representatives on 12/11/08 to discuss EIA management area changes.
Burlington County	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.
Camden County	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.
Chesilhurst Borough	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. 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.

MUNICIPALITY	TOPIC
Eagleswood	- Centers designation petition in Pinelands National Reserve. 2008 Housing Element and Fair Share Plan: adopted plan received 12/19/08 and under review.
Egg Harbor City	- 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. - 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. - 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. - 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. - 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. - 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.
Egg Harbor Township	- 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. - 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; called for status of RG-1 sewer plan 6/7/04 (not yet complete). - 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

MUNICIPALITY	TOPIC
	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. 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. 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. 6. 2008 Housing Element and Fair Share Plan: adopted Plan received 12/24/08 and under review.
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	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 CCMUA/TNC Program) purchased land in heron rookery area in Nov. 2005, allowing school construction to take place. 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. 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 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	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. 2. Rezoning proposal: RDA to RGA for commercial development adjacent to FAATC; met with Township and developer 2/9/04.
Hammonton	1. Airport expansion (Agricultural Production Area to Pinelands Town). Inquiry received on possible expansion of industrial zone. 2. Tower ordinance: draft received 6/16/04; comments provided to solicitor 7/14/04. 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

MUNICIPALITY	TOPIC
	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. 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.
Jackson	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. <i>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. Staff is currently reviewing the master plan and will be providing comments to the Township.</i>
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

MUNICIPALITY	TOPIC
	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.
Medford	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. 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

MUNICIPALITY	TOPIC
	12/31/08, no progress appears to have been made. No response to request for status on 4/24/09.
Monroe	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. 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. 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.
Mullica	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 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. 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.
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.

MUNICIPALITY	TOPIC
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, 2009 meeting. The Commission certified the 2007 Master Plan and implementing ordinances at its January 16, 2009 meeting. 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. 3. Housing Element and Fair Share Plan: adopted Plan received 12/22/08 and under review.
Upper	1. 2008 Housing Element and Fair Share Plan: draft of Plan received 12/8/08 and under review.
Vineland	1. 2008 Housing Element and Fair Share Plan: adopted Plan received 12/26/08 and under review.
Waterford	1. Adult community project in RGA nonresidential zone: letter from attorney received 4/20/04; met with Township and others 5/27/04. 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. 3. 2008 Housing Element and Fair Share Plan: portions of draft plan received 12/18/08 and under review.
Weymouth	1. Tower ordinance: provided model and suggested amendments to Township 10/25/06. 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. 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

MUNICIPALITY	TOPIC
	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.
Winslow	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. 2. FARs in commercial areas. 3. 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. 4. Winslow easement proposal for maintenance and inspection of Stormwater Management Systems received 12/03/07 and under review. 5. 2008 Housing Element and Fair Share Plan: adopted Plan received 12/22/08 and under review.
Woodbine	1. 2008 Housing Element and Fair Share Plan: adopted Plan received 12/31/08 and under review.
Woodland	1. Expansion of Duke's Bridge infill area: rezoning proposal received 4/8/08. Meeting with Township held 5/7/08. 2. Expansion of Rt. 72 infill area to incorporate municipally owned lands: rezoning proposal received 3/31/08. Meeting with Township held 5/7/08. Waiting for tax map and ownership information from municipality before proceeding to develop rezoning options. Tax map/ownership information received 10/23/08. 3. Staff met with Township representatives on 12/10/08 to discuss EIA management area changes.
Wrightstown	1. 2008 Housing Element and Fair Share Plan: draft plan received 11/26/08. Notice of adoption subsequently received; plan is under review.

ATTACHMENT #2

PINELANDS-RELATED LEGISLATION

May 31, 2009

<u>Bill No.(s)</u>	<u>Prime Sponsor(s)</u>	<u>Synopsis</u>	<u>Current Status</u>
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 budget	Approved with Line Item Veto

Bill No.(s)	Prime Sponsor(s)	Synopsis	Current Status
	Roberts	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	<i>Permits members of Pinelands Commission to approve revisions to comprehensive management plan</i>	<i>Introduced, Referred to Assembly Environment and Solid Waste Committee</i>
S2822	Van Drew	<i>Identical to A3950</i>	<i>Introduced</i>
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

May 31, 2009

Bill No.(s)	Prime Sponsor(s)	Synopsis	Current Status
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
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	Introduced, Referred to Assembly Environment and Solid Waste Committee

Bill No.(s)	Prime Sponsor(s)	Synopsis	Current Status
		and Waste Management v. Shinn Decisions	
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	<i>Reported out of Asm. Comm. With Amendments and Referred to Assembly Appropriations Committee</i>
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.	<i>(second) Assembly Floor Amendment Passed (Gusciora)</i>
S2055	Gordon/Stack	Identical to A823	<i>Reported from Senate Committee as a Substitute, 2nd Reading; Referred to Senate Budget and Appropriations Committee</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 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.	Introduced, Referred to 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

Bill No.(s)	Prime Sponsor(s)	Synopsis	Current Status
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/DeCroce/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 Decoy and Baymen's Museum from loan to grant	Introduced, Referred to 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	Reported as an Assembly Committee Substitute and referred to Assembly Appropriations

Bill No.(s)	Prime Sponsor(s)	Synopsis	Current Status
		commercial farms as protected activities under "Right to Farm Act"	Committee
S1538	Smith/Bateman	Identical to A2859	Senate Substitution (33-0) (Smith)
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	<i>Approved P.L.2009, c.60</i>
S1897	Smith/Sweeney/Lesniak/Oroho/VanDrew/Ciesla/Gordon/Bateman/Beach	Identical to A2962	Substituted by A2962(ACS)
A3062	McKeon/Chivukula/Coutinho	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	Assembly Floor Amendment Passed (Chivukula)
S1303	Smith/Baroni	Identical to A3062	Assembly Floor Amendment Passed (Chivukula)
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	<i>Reported out of Asm. Comm. With Amendments and Referred to Assembly Appropriations Committee</i>
S713	Smith/ Van Drew/ Adler/ Gordon/ Ciesla/ Bateman/ Singer	Establishes forest stewardship and forest certification programs in DEP; establishes Forest Stewardship Incentive Fund	<i>Reported out of Asm. Comm. With Amendments and Referred to Assembly Appropriations Committee</i>
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	<i>Reported from Senate Committee with Amendments, 2nd Reading; Referred to Senate Budget and Appropriations Committee</i>
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
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

Bill No.(s)	Prime Sponsor(s)	Synopsis	Current Status
S2485	Lesniak/Bateman	Identical to A3738	<i>Received in the Assembly, Referred to Assembly Housing and Local Government Committee</i>
A3874	McKeon	<i>“Water Supply Open Space, Farmland and Historic Preservation Trust Fund Act”</i>	<i>Introduced, Referred to Assembly Environmental and Solid Waste Committee</i>
A3892	Albano/DeAngelo/Burzichelli/Moriarty/Milam	<i>Appropriates \$49.65 million from “2007 Farmland Preservation Fund” for farmland preservation purposes</i>	<i>Introduced, Referred to Assembly Agriculture and Natural Resources Committee</i>
S2713	Beach/VanDrew	Identical to A3892	<i>Passed by the Senate; Received in the Assembly, Referred to Assembly Agriculture and Natural Resources Committee</i>
A3896	Greenstein/Milam/Moriarty/Gusciora	<i>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>	<i>Reported and Referred to Assembly Appropriations Committee</i>
S2767	Sweeney	Identical to A3896	<i>Passed by the Senate; Received in the Assembly, Referred to Assembly Appropriations Committee</i>
A3897	Scalera/DeAngelo/Wagner/Gusciora	<i>Appropriates \$120,123,420 from various Green Acres funds for local government open space acquisition and park development projects</i>	<i>Reported and Referred to Assembly Appropriations Committee</i>
S2768	Codey/Buono	Identical to A3897	<i>Passed by the Senate; Received in the Assembly, Referred to Assembly State Government Committee</i>
A3898	McKeon/Schaer/Albano/Gusciora	<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>	<i>Reported and Referred to Assembly Appropriations Committee</i>
S2771	Cunningham/Haines	Identical to A3898	<i>Passed by the Senate; Received in the Assembly, Referred to Assembly Appropriations Committee</i>
A3899	Riley/Burzichelli/Gusciora	<i>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>	<i>Reported and Referred to Assembly Appropriations Committee</i>
S2770	Girgenti/Baroni	Identical to A3899	<i>Passed by the Senate; Received in the Assembly, Referred to Assembly Appropriations Committee</i>
ACR111	Fisher/McKeon/Albano/Quigley/Watson Coleman/Gusciora/Karrow	<i>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.</i>	<i>Introduced, Referred to Assembly Agriculture and Natural Resources Committee</i>
ACR126	Chivukula	<i>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.</i>	<i>Introduced, Referred to Assembly Environment and Solid Waste Committee</i>
ACR216	Doherty/Carroll	<i>Clarifies housing rights of state residents under State Constitution and prohibits laws requiring municipalities to provide housing opportunities through zoning and land use regulations</i>	<i>Introduced, Referred to Assembly Housing and Local Government Committee</i>
SCR47	Lance/Smith	Identical to ACR126	<i>Introduced, Referred to Senate Environment Committee</i>
S76	Connors	<i>Establishes a New Jersey Coordinating Council on the Decommissioning of Nuclear Power Generating Facilities.</i>	<i>Introduced, Referred to Senate Economic Growth Committee</i>
S200	Cardinale	<i>Changes restrictions on certain county or municipal stream cleaning activities</i>	<i>Introduced, Referred to Senate Environment Committee</i>
S481	Turner	<i>Authorizes municipal assessment of development impact fees following State guidelines and makes</i>	<i>Introduced, Referred to Senate Community and Urban Affairs</i>

<u>Bill No.(s)</u>	<u>Prime Sponsor(s)</u>	<u>Synopsis</u>	<u>Current Status</u>
		an appropriation	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
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
S2299	Lesniak	Modifies "Revenue Allocation District Financing Act" and "Local Redevelopment and Housing Law" in increase availability of revenue allocation district financing; modifies "Redevelopment Area Bond Financing Law" and authorizes special assessments for environmental cleanup.	Referred to Senate Budget and Appropriations 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 May 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
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