

August 10, 2007 Pinelands Commission Meeting Packet Items
Not Included on the Commission's Electronic Packet

1. Attachments to the July 13, 2007 Pinelands Commission meeting minutes which consist of:

Resolution #PC4-07-56
Resolution #PC4-07-57
Resolution #PC4-07-58
Resolution #PC4-07-59
Resolution #PC4-07-60
Resolution #PC4-07-61
Power Point Presentation on the Barnegat Bay Watershed
2. Exhibit #1 to Executive Director's July 27, 2007 Report on Stafford Township Ordinance #2007-34
3. Public Comment on Proposed CMP Amendments
4. Proposed Amendments (available on the Pinelands Commission web site under "CMP Amendments Recently Proposed")

MEMORANDUM

DATE: August 3, 2007

TO: Members of the Commission

FROM: John C. Stokes, Executive Director

SUBJECT: Summary of the August 10, 2007 Meeting Packet

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The August 10, 2007 Pinelands Commission meeting will be a two part meeting. The first part of the meeting will be to consider an adoption notice for proposed CMP amendments. The second part of the meeting is for the Commission's regular monthly business.

Part I

Enclosed for the Commission's consideration is an adoption notice for the proposed CMP amendments relating to escrows, nonconforming uses, accessory recycling centers and the pilot program for alternate design wastewater treatment systems. Copies of the written comments which were received on the proposed amendments are also included, as is a summary of the oral testimony presented at the June 26, 2007 public hearing and a copy of the May 21, 2007 rule proposal. The CMP Policy and Implementation Committee reviewed the public comments and adoption notice at its July 27th meeting and recommended adoption of the amendments by the Commission without change.

Part II

Minutes

The Commission meeting minutes of July 13, 2007 are included in your packet.

Public Development Applications

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

1. **The Richard Stockton College of New Jersey**, Galloway Township, Regional Growth Area and Rural Development Area, construction of two dormitories and associated development in the Regional Growth Area
2. **Federal Aviation Administration**, Egg Harbor Township, Military and Federal Installation Area, construction of a 4,920 square foot addition to an existing laboratory building
3. **Department of Transportation**, Folsom Borough, Pinelands Village of Folsom, placement of a 1,410 square foot office trailer
4. **Stafford Township**, Regional Growth Area, construction of a 100 foot high wind test tower

Waivers of Strict Compliance

There is one application for a waiver of strict compliance. The application is proposing the development of one single family dwelling and is being recommended for approval.

Letters of Interpretation

There is one PDC Letter of Interpretation issued this month. It allocated 1.0 PDC to a total of 26.83 acres.

Recreation Permit

There were no recreation permits issued this month.

Certificate of Appropriateness

There were no Certificates of Appropriateness issued this month.

Certificates of Completeness or Superfund Cleanups

There were no Certificates of Completeness or Superfund Cleanups issued/approved during the past month.

Resolutions Relating to Municipal Ordinances

With respect to local conformance activities, we have included two reports on municipal master plan amendments and ordinances. The first report is on Winslow Township's April 2007 Stormwater Management Plan and Ordinances 0-01-07. The second report is on Stafford Township Ordinance 2007-34 which establishes impervious surface coverage limitations for residential development in the Regional Growth Area. We are recommending full certification of these amendments.

Other Resolutions

No other resolutions are scheduled to be considered this month.

Ordinances Not Requiring Commission Action

We have also included a memorandum on ten ordinances which we reviewed and found to raise no substantial issues with respect to CMP standards. These ordinances were submitted by Egg Harbor, Evesham and Galloway Townships.

Other Agenda Items

Mr. David Kutner, Director of Special Programs, will brief the Commission on the Egg Harbor Township Livable Community Plan. A copy of the Summary Plan is included in your packets.

Closed Session

We may need to update the Commission on a litigation matter.

Other Materials

The August and September 2007 Pinelands Commission calendars are included in your packet.

As always, the management report is enclosed.

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
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August 2007

Pinelands Commission Calendar of Events

			1		2	3	4
					9:30 a.m. - P&B Committee Mtg. - RJS Center, Library		
5	6	7	8	9		10	11
						9:30 a.m. - Pinelands Commission Mtg. - RJS Center	
12	13	14	15	16	17		18
				2:00 p.m. - Special Event- History & Folklore of the Jersey Devil - RJS Center			
19	20	21	22	23	24		25
26	27	28	29	30	31		
	6:00 p.m. - P&G Committee Mtg. - RJS Center				9:30 a.m. - P&I Committee Mtg. - RJS Center		

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4	5	6 9:30 a.m. - P&B Committee Mtg. - RJS Center, Library	7	8
9	10	11	12	13	14 9:30 a.m. - Pinelands Commission Mtg. - RJS Center.	15
16	17	18	19	20	21	22
23	24	25	26 7:30 p.m. - Pinelands Municipal Council Mtg. - Shamong Township	27	28 9:30 a.m. - P&I Committee Mtg. - RJS Center 1:00 p.m. - PLP Committee Mtg. - RJS Center	29
30						



NEW JERSEY PINELANDS COMMISSION

**August 10, 2007
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.

PART I

1. Call to Order
 - Open Public Meetings Act Statement
 - Roll Call
 - Pledge Allegiance to the Flag
2. Public Comment
3. Resolution To Adopt Proposed Amendments to the Pinelands Comprehensive Management Plan (Escrows; Nonconforming Uses; Recycling Centers; Pilot Program for Alternate Design Wastewater Treatment Systems)
4. Adjournment

PART II

1. Adoption of Minutes
 - July 13, 2007
2. Committee Chairs' and Executive Director's Reports

3. Office of Administrative Law

- None

4. Review of Local Approval

- None

5. Public Comment on Agenda Items

6. Development Review Matters

- Review of Public Development Projects
- Review of Waivers of Strict Compliance
- Other Development Review Matters

7. Resolutions Relating to Municipal Ordinances

- Issuing an Order to Certify Ordinance 2007-34, Amending Chapter 211 (Zoning) of the Code of Stafford Township
- Issuing an Order to Certify the April 2007 Stormwater Management Plan of Winslow Township, and Ordinance 0-01-07, Adopting Article 297 of the Code of Winslow Township

8. Other Resolutions of the Commission

- None

9. Ordinances Not Requiring Commission Action

- Egg Harbor Township Ordinance 37-2007
- Evesham Township Ordinance 12-6-2007
- Galloway Township Ordinances 1701-2007, 1703-2007, 1705-2007, 1708-2007, 1711-2007, 1712-2007, 1714-2007, 1717-2007

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

11. Other Agenda Items

- Presentation by David Kutner on Egg Harbor Township Livable Community Plan

12. Closed Session - Personnel, Litigation, & Acquisition Matters - The Commission reserves the right to reconvene into public session to take action on closed session items.

13. Adjournment

For more information, e-mail the [Public Programs Office](#) or call (609) 894-7300.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-07-_____

TITLE: To Adopt Proposed Amendments to the Pinelands Comprehensive Management Plan (Escrows; Nonconforming Uses; Recycling Centers; Pilot Program for Alternate Design Wastewater Treatment Systems)

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

WHEREAS, the Pinelands Commission authorized the publication of proposed amendments to the Pinelands Comprehensive Management Plan relating to escrows, nonconforming uses, recycling centers and the Pilot Program for Alternate Design Wastewater Treatment Systems through adoption of Resolution #PC4-07-16 on March 9, 2007; and

WHEREAS, the proposed amendments were published in the New Jersey Register on May 21, 2007 at 39 N.J.R. 1970(a); and

WHEREAS, the Commission held a public hearing on June 26, 2007 to elicit public comment on the proposed amendments and also accepted written comments on the proposed amendments until July 20, 2007; and

WHEREAS, the Commission received both written and oral comments on the proposed amendments; and

WHEREAS, the Commission’s CMP Policy and Implementation Committee has reviewed all comments received and, based upon those comments and further review of the proposed amendments, has recommended that the proposed amendments be adopted without change; and

WHEREAS, the Commission has reviewed the attached notice of adoption, dated July 27, 2007; and

WHEREAS, the Commission desires to adopt the proposed amendments without change; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission in adopting the comprehensive management plan or amendments thereto shall have force or effect until thirty (30) 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 adopts the amendments to the Pinelands Comprehensive Management Plan as published in the May 21, 2007 New Jersey Register and in accordance with the July 27, 2007 notice of adoption.
- 2. The Executive Director shall forward the amendments and minutes of this action to the Governor of the State of New Jersey, and shall also forward these amendments to the United States Secretary of the Interior for review in accordance with Section 502 of the National Parks and Recreation Act of 1978.
- 3. The amendments shall take effect as provided in the Pinelands Protection Act and upon publication in the New Jersey Register.

Record of Commission Votes

AYE NAY NP ABS					AYE NAY NP ABS					AYE NAY NP ABS				
Ashmun					Haas					Slavin				
Brown					Hagaman					Witt				
Campbell					Lee					Tomasello				
Ficcaglia					Lloyd					Wilson				
Galletta					McIntosh									

Adopted at a meeting of the Pinelands Commission

Date: _____

John C. Stokes
Executive Director

Betty Wilson
Chair

July 27, 2007

PINELANDS COMMISSION

Pinelands Comprehensive Management Plan

Escrows; Nonconforming Uses; Recycling Centers; Pilot Program for Alternate Design Wastewater Treatment Systems

Adopted Amendments: N.J.A.C. 7:50-1.6, 1.7, 2.11, 4.2, 5.2, 5.22, 5.23, 6.65, 6.66, 10.21-10.23

Proposed: May 21, 2007 at 39 N.J.R. 1970(a)

Adopted: August 10, 2007 by the New Jersey Pinelands Commission,
John C. Stokes, Executive Director

Filed: October 11, 2007 **without change.**

Authorized by: New Jersey Pinelands Commission

Authority: N.J.S.A. 13:18A-6j.

Effective Date: November 5, 2007

Expiration Date: Exempt.

Summary of Public Comments and Agency Responses:

The New Jersey Pinelands Commission (Commission) is adopting amendments to subchapters 1, General Provisions, 2, Interpretations and Definitions, 4, Development Review, 5, Minimum Standards for Land Uses and Intensities, 6, Management Programs and Minimum Standards, and 10, Pilot Programs, of the Pinelands Comprehensive Management Plan (CMP). The amendments were proposed on May 21, 2007 at 39 N.J.R. 1970(a). The adopted amendments relate to escrows, the withdrawal of applications for

development, nonconforming uses, recycling centers and the Commission's pilot program for alternate design wastewater treatment systems.

In association with publication of the proposed amendments in the May 21, 2007 issue of the New Jersey Register, the Pinelands Commission transmitted the proposal to each Pinelands municipality and county, as well as to other interested parties, for review and comment. Additionally, the Pinelands Commission:

- Sent notice of the public hearing to all persons and organizations which subscribe to the Commission's public hearing registry;
- Placed advertisements of the public hearing in the five official newspapers of the Commission, as well as on the Commission's own web page;
- Submitted the proposed amendments and new rules to the Pinelands Municipal Council pursuant to N.J.S.A. 13:18A-7f;
- Distributed the proposed amendments to the news media maintaining a press office in the State House Complex;
- Published a copy of the proposed amendments on its web page at www.nj.gov/pinelands; and
- Distributed press releases concerning the proposed amendments and new rules to the news media

A formal public hearing was held before the Commission staff on June 26, 2007. Two people attended the hearing; oral testimony on the rule proposal was provided by one individual. The hearing officer's recommendations are in accordance with the public comment and agency responses below.

Oral comments were recorded on magnetic tape which is on file at the Commission's office at 15 Springfield Road, New Lisbon, New Jersey. The record of this rulemaking is available for inspection in accordance with applicable law by contacting:

Betsy Piner
Pinelands Commission
P.O. Box 7
New Lisbon, NJ 08064.

Summary of Public Comments and Agency Responses:

The Commission accepted oral comments on the May 21, 2007 proposal at the above-discussed June 26, 2007 public hearing and written comments by regular mail, facsimile or e-mail through July 20, 2007.

The following persons submitted comments (an asterisk indicates those persons who submitted only oral comments):

1. Anderson, Wallace
2. Chiarello, Charles; Mayor of Buena Vista Township*
3. Harkins, Joanne M.; Director of Land Use and Planning, New Jersey Builders Association
4. McGlinchey, Edward J.; Zoning Officer, Winslow Township

The Commission's response to the comments is set forth below.

1. **COMMENT:** One individual raised concerns with the escrow provisions being added at N.J.A.C. 7:50-1.7(a). Specifically, the commenter expressed a concern that the

proposed escrow provisions do not sufficiently guide the Executive Director in determining whether complex issues warranting an escrow account exist. The commenter also indicated a concern that the Executive Director's request for escrow deposits will "creep" into standard residential development applications. This latter concern was based on the experience of the commenter's members with other governmental review entities. The commenter suggested that the Commission amend the regulations to include specific guidance on the type of complex issues that would require the use of escrow deposits. (3)

RESPONSE: The proposed amendments authorize the Executive Director to assess an escrow for those matters pending before the Commission that involve complex issues which, because of the need for specialized expertise, necessitate the retention of consultants to assist in the Commission's review. Examples of those instances where such an escrow might be required were provided in the rule proposal and include comprehensive plans for local communications facilities and certain intergovernmental memoranda of agreement. The language of the rule does not support an interpretation that its use will become standard practice or that it will be applied to standard residential development applications. The ability to require escrow accounts for development applications, be they residential or nonresidential, was already provided by virtue of amendments to the CMP adopted in 2004 (see 36 N.J.R. 1804(a)) and remains unaffected by the proposed amendments.

It is worth noting that in the three years since the CMP was amended to allow the Executive Director to require escrows for certain development applications, the Executive Director has invoked the escrow provision only once. That escrow requirement involved an application for resource extraction, not residential development. The

Commission fully expects application of the new escrow provisions for other matters to be similarly limited. The experiences of the commenter's members with other regulating entities do not support an inference that a similar situation will arise regarding the Commission's treatment of such escrow payments. Moreover, the Commission's escrow provisions contain procedures regarding the posting of an escrow account and providing an accounting for such expenses. For example, the regulations require that escrow monies submitted in accordance with N.J.A.C. 7:50-1.7(a)2 be held in an escrow account and that, at the time the Commission renders its decision on the matter before it, a statement of the escrow account be provided and any remaining funds be returned to the entity which initiated the matter. The Commission believes that its escrow provisions are sufficiently clear and appropriate.

2. **COMMENT:** One individual stated that it is sometimes difficult to enforce or determine when and how to apply abandonment standards for nonconforming uses. He indicated that Buena Vista Township uses a tighter window for purposes of abandonment than the two years being proposed by the Commission at N.J.A.C. 7:50-2.11. (2)

RESPONSE: The Commission agrees that determining whether a nonconforming use has been abandoned is not always a simple and straightforward matter. The definition being adopted at N.J.A.C. 7:50-2.11 is intended to make the process somewhat easier by clarifying who bears the responsibility of demonstrating the intent to continue a nonconforming use, establishing a specific two-year time period and providing a list of examples of documents the Commission will rely on in evaluating the intent to continue a nonconforming use. Each such use will be carefully evaluated by the Commission on a case by case basis.

Pursuant to N.J.A.C. 7:50-3, Part IV, Pinelands municipalities will be required to amend their land use ordinances in response to these adopted CMP amendments, including those relating to nonconforming uses. As is the case with many other issues, however, these municipalities will have the option of adopting more restrictive standards than those set forth in the CMP. If a municipality feels a shorter time frame is more appropriate for purposes of determining whether a nonconforming use has been abandoned than the two years provided in the definition being adopted as part of these amendments, such a municipal ordinance may be certified by the Commission provided it does not conflict with other standards or objectives of the CMP.

3. **COMMENT:** Another individual also commented on the proposed definition of “Abandonment” being added at N.J.A.C. 7:50-2.11. This commenter suggested that the Commission should not involve itself in making determinations as to the abandonment of nonconforming uses as these decisions are best left to municipal Zoning Boards. The commenter stated that the abandonment issue has been dealt with in the past by the courts and it is those court decisions which should guide municipal Zoning Boards in their determinations with respect to nonconforming uses. (4)

RESPONSE: The Commission agrees that municipalities play an important role in determinations concerning nonconforming uses, one which the Commission has no intention of eliminating. However, the Commission also has a significant interest in ensuring that uses in the Pinelands which do not conform to the CMP are discontinued if they have been abandoned. Adoption of the proposed amendments will provide the Commission with clear standards by which to judge whether a nonconforming use has been abandoned or has a legitimate right to be continued or even expanded.

As is the case for all private development in the Pinelands Area which is not otherwise exempted from application requirements pursuant to N.J.A.C. 7:50-4.1 or subject to an alternative local permitting program in accordance with N.J.A.C. 7:50-3, Part VIII, a development application involving a nonconforming use must first be submitted to the Pinelands Commission. Upon the completion of that application, the Commission will issue a Certificate of Filing which enables the applicant to proceed to secure any necessary municipal approvals. The Certificate of Filing will note that the application is complete and provide an indication of any issues in terms of the consistency of the application with the standards of the CMP, including those related to the abandonment, continuation and expansion of nonconforming uses set forth at N.J.A.C. 7:50-2.11 and 5.2. The municipal Zoning Board will then have the opportunity to review any variance or other associated development applications and render its decision. Adoption of the proposed amendments in no way changes this process. The amendments merely set forth the minimum standards which the Commission feels are necessary with respect to the continuation and expansion of nonconforming uses in the Pinelands. As noted previously, Pinelands municipalities retain the option of adopting more restrictive or additional standards, provided they are consistent with the objectives of the CMP in this matter.

4. **COMMENT:** One individual expressed support for the amendments at N.J.A.C. 7:50-10.22 and 10.23 which would extend the Pilot Program for Alternate Design Wastewater Treatment Systems and authorize the use of such systems in all Pinelands municipalities. (3)

RESPONSE: The Commission appreciates the expression of support.

5. **COMMENT:** One individual stated his objections to any amendments which would further prevent, restrict or otherwise increase the costs of development for his property, the location of which was not provided. (1)

RESPONSE: Without knowing the location or condition of the property in question, it is impossible for the Commission to determine whether the adopted amendments would have any impacts on that particular property. Unless the property contains an existing nonconforming use or was eligible for the development of an accessory recycling center pursuant to N.J.A.C. 7:50-6.76(d), it is unlikely there would be any impacts at all.

6. **COMMENT:** One individual expressed concern with the lack of wireless communication services in certain areas and the impact this might have in emergency situations. This individual also posed questions concerning the construction of a water treatment plant and connection to sewer and water pipe lines. Finally, this individual suggested that the Commission look closely at the Chatsworth portion of Woodland Township as this municipality has the potential for more development. (1)

RESPONSE: While important issues in the Pinelands, wireless communication services, the construction of water treatment plants and the development potential of the Pinelands Village of Chatsworth are not the subject of the adopted amendments.

Federal Standards Statement

Section 502 of the National Parks and Recreation Act of 1978 (16 U.S.C. §471i) called upon the State of New Jersey to develop a comprehensive management plan for the

Pinelands National Reserve. The original plan adopted in 1980 was subject to the approval of the United States Secretary of the Interior, as are all amendments to the plan.

The Federal Pinelands legislation sets forth rigorous goals which the plan must meet, including the protection, preservation and enhancement of the land and water resources of the Pinelands. The adopted amendments were designed to meet those goals by facilitating the hiring of consultants to provide the Commission with necessary expertise in its various review processes, clarifying rules relative to nonconforming uses and their continuation in the Pinelands, restricting the potential for new recycling centers in the most environmentally sensitive portions of the Pinelands and allowing for the continued installation and monitoring of alternate design wastewater treatment systems for residential development.

There are no other Federal requirements which apply to the subject matter of these amendments.

PINELANDS COMMISSION MEETING

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

Minutes

July 13, 2007

Commissioners Present

William Brown, Guy Campbell, Leslie M. Ficcaglia, John A. Haas, Robert Hagaman, Stephen Lee, Edward Lloyd, Robert McIntosh, Patrick Slavin, Norman F. Tomasello, Francis A. Witt, and Chairperson Betty Wilson. Also present were Executive Director John C. Stokes and Deputy Attorney General Valerie Haynes.

Commissioners Absent

Candace Ashmun, Paul E. Galletta

Chairperson Wilson called the meeting to order at 9:35 a.m.

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

Mr. Stokes called the roll.

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

Election of Vice-Chair

Chairperson Wilson asked for nominations to select a Vice-Chair to the Commission.

Commissioner Lee nominated Commissioner Tomasello to serve as Vice-Chair to the Commission. Commissioner Witt seconded the motion.

Chairperson Wilson asked if there were any other nominations for Vice-Chair. There being none, Chairperson Wilson asked for a motion to close the nominations.

Commissioner Campbell moved to close the nominations. Commissioner Haas seconded the motion. The nominations were closed.

The Commission voted to elect Commissioner Tomasello as Vice-Chair of the Commission by a vote of 11 to 0. Commissioner McIntosh was not present for the vote.

Committee Appointments

Chairperson Wilson announced that some changes to Committee assignments have been made and distributed copies of the assignments to the Commission. She stated that she will consider more comprehensive changes when the vacancy on the Commission has been filled. She stated that until then, it is important to fill the assignments of former Commissioner Wuillermin. She announced that she has appointed Commissioners Galletta and Tomasello as the designated alternates for the Public and Governmental Programs Committee, Commissioner Galletta will become a regular member of the Permanent Land Protection Committee, Commissioner Lloyd will become a second alternate to the Science Committee, and Commissioner Hagaman will become the third alternate to the CMP Policy and Implementation Committee taking the place of Commissioner Slavin, who will now become the second alternate to that Committee.

Commissioner McIntosh arrived at the meeting at this time.

Minutes

Chairperson Wilson presented the June 8, 2007 Commission meeting open and closed session minutes. Commissioner Hagaman moved the adoption of the minutes. Commissioner Campbell seconded the motion.

The Commission adopted the minutes by a vote of 12 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 June 29, 2007 and adopted the minutes of the May 25, 2007 meeting.

The Committee discussed water quality issues related to the Richland Village Development Area in Buena Vista Township. The Township is proposing a temporary arrangement to allow the expansion/change of use of existing commercial structures within the 192 acre Redevelopment Area using some 68 acres of vacant, noncontiguous Township-owned land to meet dilution standards. The Township does not want to lose the momentum of current commercial interest in Richland Village. This arrangement would allow activity to continue until such time as the resources are available to build a community treatment system. The Committee generally supported the Township's proposal.

The Committee received a presentation by Mullica Township related to a rezoning proposal creating an overlay zone (the Planned Senior Citizen Village) along the White Horse Pike in the Pinelands Village of Elwood to include mixed housing types and some commercial development with a village theme. The 500' highway frontage and 20 acre minimum lot size requirements

would make the Waszen site (site of a controversial proposed trash transfer station), as well as other sites, eligible for such a project. The Committee also discussed the Township's interest in rezoning a 15 acre parcel containing the partially constructed Devonshire Inn from the Forest Area to Pinelands Village and, to balance it, rezoning a number of small, undeveloped lots within the western end of the Village to the Forest Area. The Committee offered suggestions and was generally supportive.

The Committee recommended Commission certification of the following:

Berkeley Township's October 2006 Stormwater Management Plan and Ordinances #06-10-OAB and #07-11-OAB

Buena Vista Township Ordinance 7-2007 (contribution in lieu of providing active recreational facilities associated with new residential development)

The Committee reviewed the progress thus far of the meetings with various interest groups regarding the PDC Reexamination Study. A detailed presentation will be made to the Committee at its August meeting.

Chairperson Wilson expressed her strong objection to the inflammatory language and innuendo of a news clip that she had seen on (television station) NJN in which Mr. Bizub, with the Pinelands Preservation Alliance (PPA), discussed PPA's recently released "State of the Pinelands Report."

Chairperson Wilson commented on the second "Speakers Series" program sponsored by the Pinelands Commission and its Public Programs staff. She noted a newspaper article that was printed by the Burlington County Times about yesterday's program entitled Snakes Alive. She stated that Commissioner Tomasello, former Commission member Mounier and she attended the program along with approximately 60 other people. Showing the article, she said that picture of the young boy is the son of Commission staff member Donna McBride. She said that yesterday's program was devoted to threatened and endangered species and there was a representative from Herpetological Associates who spoke about the Southern Gray Frog and the Pine Barrens Tree Frog, Pine snakes, Corn snakes and the Rattle Snake. She stated that it was a wonderful program and commended Mr. Stokes, Mr. Leakan and Mr. Mott for the fine work done on the program. She said that this kind of outreach is very important.

Personnel and Budget Committee Meeting

Commissioner Ficcaglia reported that the Committee met on July 5, 2007 and adopted the minutes from the May 31, 2007 meeting.

The Committee approved the FY 2008 salary increase recommendations. These recommendations include the amount budgeted for merit increases during FY 2008 and the policy governing how the increases will be distributed.

An Update on Reserve and Deferred Revenue Accounts was provided by staff. It was noted that some of the account balances will change during the year end closing process.

A resolution To Adopt the Pinelands Commission's Fiscal Year 2008 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund, the Pinelands Conservation Fund, the Pinelands Development Credit Purchase Program Fund and the CCMUA Land Acquisition Fund was reviewed by the Committee and unanimously recommended for Commission approval. The FY2008 Work Plan was also discussed. Mr. Stokes informed the Committee of several notable projects not included in the Work Plan and discussed some unfunded staff positions. He noted that the FY08 budget is less than the FY06 budget but higher than the FY 07 budget, especially in salary and wages, fringe benefits, and professional services. Ms. Connor noted that the FY2008 operating budget does not anticipate a draw from the fund balance and highlighted several items in each of the five budgets. She emphasized several other budget issues, including adding funds to certain reserve accounts as noted in the resolution, authorizing the Executive Director to exceed an expenditure account by no more than 10% provided the total budget is not exceeded and approving certain large expenditures as explained in the budget notes.

The Committee approved the deletion of fixed assets which were deemed to be obsolete.

An update on Pinelands Conservation Fund investments regarding recent increases in corporate bond rates and the opening of a custodial bank account was provided.

The Check Register and the EFT disbursements for June 2007 were discussed.

The Committee received a report on employee actions for June 2007 and was provided an update on the Fenwick Manor Renovations and Application Fees.

The Committee had a closed session and discussed two confidential personnel matters.

Public and Governmental Programs Committee Meeting

Commissioner Lee reported that the Public and Governmental Programs Committee met on July 2, 2007.

The Committee discussed Assembly Bill A3864, which would amend the "State Transfer of Development Rights Act." The bill would authorize municipalities outside of the Pinelands Area to accept Pinelands Development Credits (PDCs) and Highlands TDRs. The Commission staff reviewed their initial comments regarding the proposed Bill. While the concept of statewide TDR's is very interesting, some provisions in the Bill could be clarified. Questions were raised about the impact of impact fees in Pinelands Growth Areas. Commission staff will work with the Governor's office on revisions to the Bill and report on progress to the P&G Committee.

The Committee was briefed regarding proposed NJDEP Water Quality (Wastewater) Management Planning Rules. DEP is accepting comments on the reauthorization of the Rules which involve planning for sanitary sewer service. The proposed rule amendments include "a

new paradigm” of wastewater management planning by assigning responsibility to the County Boards of Freeholders. Commission staff provided the Committee with an overview of the proposed rules and discussed several elements that involved changes or were unclear, including a requirement that sewer service was not appropriate on contiguous areas that were 25 acres or larger containing threatened and endangered species habitat or wetlands. We will be submitting written comments to NJDEP by the August 20, 2007 deadline.

Commissioner Lee stated that although he had to leave the P&G meeting early that evening, he understands that there were updates on other pending legislation. He indicated that the Committee received copies of a June 27, 2007 memorandum from Pinelands Preservation Alliance (PPA) updating the Commission on the status of its efforts regarding three proposed Bills: A4107 which would prohibit the use of pesticides, other than low impact pesticides, in State parks and forests where people are likely to be present before the expiration of the reentry time; A4172 which would provide for mandatory registration of off-road vehicles and increase penalties for riders caught riding illegally on public lands; and A1979 which would provide qualified immunity from liability for those engaged in prescribed burning. Commission staff also provided the Committee with a copy of proposed A4212, which would amend the Municipal Land Use Law (MLUL) to allow a municipal planning board to include a green buildings and environmental sustainability element in a municipality’s master plan.

The meeting concluded with an update on pending MOA’s. Commission staff indicated that they continue to work on the Garden State Parkway Widening and the Winslow Township Inter-Basin Transfer of Wastewater MOAs. They are also attempting to schedule a meeting regarding the proposed Ancora MOA due to the additional changes which have been requested by Departments of Human Services and Environmental Protection.

Chairperson Wilson referred to the report done by the Pinelands Preservation Alliance (PPA) and stated that, after reading the report, she was as concerned as she was at the initial reports regarding this document. She said that the report itself is unbalanced and unfair to the Commission staff and to the Commission. She said that the Commission needs to move forward. She said that everyone has the same interest in mind and all want to preserve the Pinelands. She said that she met with Pinelands Preservation Alliance Executive Director Carleton Montgomery and she and Mr. Stokes will be meeting with a group of environmental leaders later this month to try and improve communication among the groups and move forward on the important work of the Commission.

DAG Valerie Haynes noted that she was personally offended at the article in the PPA newsletter describing the most recent Sanctuary case in which PPA asserted that the Attorney for the Commission, which is she, lied to the court and that is why the court ruled in favor of the Commission. She said what PPA claimed she said is inaccurate and secondly, everyone should understand that courts do not make decisions based on random comments at oral argument but rather, based on the record that is before them and the briefs that are filed. She said that what was said was misleading and objectionable.

Commissioner Lee stated that he would like to add a perspective that comes from 25 years of experience on the Commission. He said that the term non-profit sometimes is confusing and,

when non-profit organizations need to perpetuate themselves, they need to raise money. The only way one raises money is by looking for issues. He said that he is not saying this is what is happening in this case. He appreciates Chairperson Wilson's comment that the Commission needs to move forward but, in order to move forward, the Commission needs to understand what is really going on and that the volume of this type of material has been increasing. He said that this is not productive. He said that everyone shares an interest and everyone brings a different perspective. He said that he brings a perspective of economic activity in the Pinelands that is required by the statute to be represented on this Commission and he is not ashamed of that. He said that he admits that he tries to make a profit in what he does, but some people have to cover their budget by raising money and one way to do that is to look for problems and issues to convey to the public. The press plays into that because controversy is good and good news doesn't sell papers. He applauded the efforts of Chairperson Wilson to calm it down. He said that members of the Commission staff work very hard in trying to do the right thing and he thinks it is unfair for people to suggest somehow that everyone here has ulterior motives because that is just not the case.

Commissioner Ficcaglia indicated that she did not see the newsletter but stated that it is a shame if there was a misrepresentation. She is happy to hear that Chairperson Wilson and Mr. Stokes are attempting to build bridges with the environmental community.

Executive Director's Report

Mr. Stokes reported on the following items:

Four amendments to the Comprehensive Management Plan (CMP) are under consideration that deal with non conforming uses, accessory recycling facilities, the alternative septic system program and escrows. A hearing was held in the latter part of June and he stated that no testimony has been received to his knowledge. He asked Ms. Grogan if that is correct.

Ms. Grogan reported that a letter was received recently from the New Jersey Builders Association.

Mr. Stokes continued by stating that the hearing record remains open and, after it closes, staff will return to the CMP Policy and Implementation Committee (P&I) with its final recommendations.

The Casino Reinvestment Development Authority has launched a greater Atlantic City Transportation Planning Program. A copy of their letter and staff's response was sent to the Commission. This is an initiative that the Commission, under Governor Florio's leadership a few years back, had been advocating. It is gratifying that the Department of Transportation and CRDA have taken up that mantel and the Commission has been asked to participate in this program.

Chairperson Wilson stated that Mr. Stokes is the one who actually got this program going. He took this idea to some of the leaders in Atlantic County and they are acting upon it. She gives Mr. Stokes a lot of credit for that.

Mr. Stokes continued with his report by stating that the Federal Surface Transportation Board earlier this week issued a decision regarding a Waste Transloading Facility in New England and whether it constitutes a railroad activity which is free from any state or local regulatory control. The Federal Surface Transportation Board found that waste transloading is indeed a railroad related activity but did draw the line and said that processing of waste is not. In response to that, New Jersey's two state senators were very critical of the Surface Transportation Board and yesterday the Senate Appropriations Committee reported out the Department of Transportation Appropriations Bill which includes a provision that in essence provides that the Surface Transportation Board, when considering cases, shall not consider any matter involving waste outside of a sealed storage container to fall under its jurisdiction. The Senate Appropriations Committee felt strongly enough to take action which says that management of solid waste is not a railroad related activity and thus is not protected under the ICCTA.

Ms. Roth stated that Senators Lautenberg and Menendez had issued a press release lambasting the STB's decision and they are advancing their 2007 Clean Railroads Act bill which would amend the ICCTA to eliminate waste handling under the definition of transportation. She said what she finds disturbing about the STB decision is that the handling of solid waste, such as dumping it on a tipping floor and loading it into a rail car, is considered integral to transportation by rail. In terms of processing, the only thing that was excluded had to do with the crushing of construction and demolition debris down to smaller components. Other than this, most handling of waste was found to be integral to transportation by rail and, therefore, covered under the ICCTA preemption provision. They did recognize that if there are other Federal statutes that come into play, they would have to be harmonized to the extent possible with the ICCTA.

Commissioner Lloyd stated that he would like to see a copy of the STB decision and the legislation. He asked if Judge Hayden's decision was argued in the third circuit this week.

DAG Haynes replied that it was argued this week noting that this case involves the New York Susquehanna and Western Railroad waste transfer station along lines in the Meadowland district. Judge Hayden's decision was very unfavorable to the state's position and it has been appealed and was argued. Kevin Auerbacher, the Attorney who argued the case, indicated that he believes that there will probably be a remand.

Mr. Stokes continued his report stating that Commission staff is in the process of completing its employee performance reviews.

Staff member Mariana DuBrul, Research Scientist 2, is leaving the Commission. She and her husband are relocating to New England. This position will not be filled at this time. The position was created to work on the Ecological Integrity Assessment and the Right-of-Way Management Plan, both of which are scheduled to be completed within the next five months or so. Dr. Zampella and he have had some very preliminary conversations about what their plans might be in terms of completing these projects but, at this point, that position will not be filled.

Mr. Liggett reported on the following items:

Information on the consultant proposal and contract with Alion Science and Technology, which was recently hired to assist staff with its report of the T-Mobile Telecommunications Plan amendment, was distributed to the Commission this morning.

Manchester Township has adopted its final ordinances for the Regional Growth Area and they will be coming to the P&I Committee. This just about implements the zoning plan for the Toms River Corridor except for a little left to be done in Jackson Township.

The Buena Borough MUA has not yet signed the MOA. Staff is not sure at this point if the land has been released from Bankruptcy Court but, as soon as it is, the Buena Borough MUA will sign the MOA. Staff is continuing work on the historic settlement at the location and it needs to make sure that this is not going to interfere with the wastewater infiltration site.

Galloway Township and Stockton College have finished their work on the College's master plan. The College Board adopted the Stockton plan on Tuesday. This matter will be coming back to the P&I Committee for consideration very shortly.

The Agricultural Advisory Committee is nearly reformed. Staff hopes to have a meeting this summer so the Committee can review the PDC recommendations. Several vacancies remain to be filled in order to finalize the committee.

Mr. Horner reported on the following items:

Staff members met with representatives from the New Jersey Department of Environmental Protection yesterday to facilitate coordinated permitting responsibilities and to review how the NJDEP and the Commission's rules interrelate, not only in the Pinelands area, but also in the Pinelands National Reserve.

There was a pre-application conference on June 27 with an applicant in Hamilton Township. There is a large residential project generally in the vicinity of the Black Horse Pike and Cologne Avenue near the Oakhurst High School. This applicant will proceed under the general development plan approval which is permitted under the Municipal Land Use Law. This means that once the general development plan approval is granted by the municipality, the applicant returns for preliminary and final approvals by sections, which is different from the normal process.

On June 22 staff met with the Department of Environmental Protection Forestry representatives regarding addressing Commission threatened and endangered species standards on state forestry proposals. The meeting went well.

Commissioner Lee stated that he appreciates the comments and the attention to the Agricultural Advisory Committee. He said that he was surprised reading in the Executive Director's report about the PDC package coming out at the end of August when the Agricultural Advisory Committee hasn't been constituted or even held their first meeting yet. As a member of the Commission, he is looking forward to comments from the Committee on this matter and several other issues that are in the work plan. He said that he would like to speak to Chairperson Wilson

on filling out the remaining appointments to that Committee to make sure that this group can function, as it has done good work for the Commission in the past and can again.

Public Comment on Agenda Items

Mr. Lee Rosenson, from the Pinelands Preservation Alliance (PPA), referred to comments made on the legal proceedings mentioned in the PPA's newsletter and stated that Carleton Montgomery is an attorney and observed what happened in the Sanctuary matter; however, he will leave it up to Mr. Montgomery to defend his comments stated in the newsletter. He referred to Commissioner Lee's comments and stated that he has served on several non-profit environmental group boards. Commissioner Lee's statement that their positions are motivated by a need to raise money is false. He stated that he has, on a number of occasions, commended the staff for its hard work and dedication.

Mr. Harry Monessen, Pemberton Township, commented on the program held at the Commission yesterday stating that the Commission must focus on these types of things for the preservation of the Pinelands. He referred to PDCs and stated that they only create boom in overdeveloped areas.

Commissioner Hagaman referred to the Chairperson's comments that all Commission members could have benefited from the program and indicated that he would have been there but that it is very hard for him to get away for meetings and programs held during the day.

Chairperson Wilson stated that she is fully aware of this and appreciates his comment. She said that the best time to attract children, which is really the main audience for these programs, is during the day.

Development Review Matters

Review of Public Development Projects

Mr. Stokes stated that Application Numbers 1981-1833.051, The Richard Stockton College of New Jersey, 1981-1833.052, The Richard Stockton College of New Jersey, 1982-5126.004, Monroe Municipal Utilities Authority, 1985-0619.010, Evesham Township, 1995-1676.002, New Jersey Department of Transportation, and 2006-0164.002, Township of Medford, are applications for public development recommended for approval with conditions.

Commissioner Ficcaglia moved the adoption of the Resolution Approving with Conditions Applications for Public Development (Application Numbers 1981-1833.051, 1981-1833.052, 1982-5126.004, 1985-0619.010, 1995-1676.002, and 2006-0164.002). (See Resolution #PC4-07-56 attached). Commissioner Witt seconded the motion.

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

Mr. Stokes stated that Application Number 1989-0550.001, Jon Drialo, is an application for a waiver of strict compliance recommended for approval with conditions.

Commissioner Lee moved the adoption of the Resolution Approving with Conditions a Request for a Waiver of Strict Compliance (Application Number 1989-0550.001) (See Resolution #PC4-07-57 attached). Commissioner Campbell seconded the motion.

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

Mr. Stokes stated that Application Number 2006-0401.001, Karen Salvo, is an application for a waiver of strict compliance recommended for denial.

Commissioner Lloyd moved the adoption of the Resolution Denying an Application for a Waiver of Strict Compliance (Application Number 2006-0401). (See Resolution #PC4-07-58 attached). Commissioner Brown seconded the motion.

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

Other Development Review Matters

Chairperson Wilson stated that there were 2 PDC Letters of Interpretation issued this month. They allocated 4.75 PDCs to a total of 157.12 acres.

Resolutions Relating to Municipal Ordinances

Mr. Stokes presented the Resolution Issuing an Order to Certify Ordinance 7-2007, Amending Chapter 49 (Development Regulations) of the Code of the Township of Buena Vista. (See Resolution #PC4-07-59 attached).

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

Mr. Stokes presented the Resolution Issuing an Order to Certify the October 2006 Management Plan of Berkeley Township, and Ordinance #06-10-OAB and Ordinance #07-11-OAB, Amending Chapter 35 (Land Development) of the Code of Berkeley Township. (See Resolution #PC4-07-60 attached).

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

Mr. Stokes presented the Resolution To Adopt the Pinelands Commission's Fiscal Year 2008 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund, the Pinelands Conservation Fund, the Pinelands Development Credit Purchase Program Fund and the CCMUA Land Acquisition Fund. (See Resolution PC4-07-61 attached).

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

Mr. Stokes highlighted a number of newer initiatives in the Work Plan for FY2008 which he said drives the Commission's budget. He noted that there are 38 special projects that are reflected in

the Work Plan in addition to staff's ongoing responsibilities. He referred to the newer initiatives of the Work Plan (# 8. Clustering Rules, #17. Off-Site Clustering Pilot Program Review, #18. Fire Safety, #21. Landfill Cap Pilot Project, #35. CWA Contract, and #36 Ethics Code). He said that there are a few things not reflected in the Work Plan such as: organizing/conducting a Commission retreat which has been temporarily deferred by Chairperson Wilson; the CMP rules with regard to MOAs which the P&I requested be set aside temporarily; and water quality management practices due to the lack of resources. He noted that these projects can be revisited at any time during the year as the Commission sees fit.

Chairperson Wilson stated that this Work Plan will be done in spite of the reduced staffing level.

Mr. Stokes stated that the reduced staffing level is currently 3 and one-half positions (4 and one-half with the vacancy of Ms. DeBrul's position).

Commissioner Lloyd stated that this is a very ambitious Work Plan. He asked what the relationship is between the Committee agenda and the Work Plan. He further asked at what point should they as a Commission review this Work Plan in more detail than what it has today to help the staff decide what the priorities are. He said that he is concerned about projects it may not be able to get to.

Mr. Stokes stated that in the past the staff started a process with each operating Committee of the Commission on their priorities. Staff submitted preliminary ideas but received virtually no response, a process which seemed to be unproductive. Staff currently discusses the Work Plan with the Personnel and Budget Committee. He said that things do come up during the year that are unanticipated. He said that the vast majority of projects in the Work Plan are those that are already underway. He said that the staff will respond to any priority identified by the Commission during the year.

Chairperson Wilson suggested that each of the operating Committees review the Work Plan carefully at their next meeting and if they want to discuss, amplify, drop, add, these should be discussed and decided upon so this is not going on all year long. For Fiscal Year 2009, she said the process can go back to what has been tried previously.

Commissioner Lloyd stated that Chairperson's suggestion is a good one.

Mr. Stokes suggested that next year's process should be discussed with the Personnel and Budget Committee in an effort to develop a realistic approach.

Chairperson Wilson concurred.

Commissioner Lee stated that an old suggestion is to have a retreat if you want to establish priorities. He said that it is a good way to do this, to spend a little time to determine what is really important.

Mr. Stokes mentioned the several different budgets presented to the Commission each year, the most noteworthy of which is the operating budget. He stated that the operating budget is about

4.7% more than the budget the Commission adopted last year, but still less than the budget the Commission adopted in FY 2006. The changes are generally attributable to several things-- salary increases, benefit costs, professional services and building improvements. He referred to the Kirkwood/Cohansey budget and noted that it is about 25% less than last year's budget, principally because consulting expenses vary from year to year based on the work program. The only expenses in the Pinelands Development Credit Purchase budget are the administrative expenses which are then allocated to the Commission's operating budget. There is a million and half dollars remaining that could be used by the State Agriculture Development Committee to purchase additional farmland easements in the Pinelands and retire the PDCs. He said that staff has approached them twice in the last two years to see if they might have an interest in amending their agreement with the Commission and identifying additional farms that could or easements that could be purchased. We have not received a reply at this point. He referred to the budget for the Cape May County MUA Land Acquisition Fund and noted the pace of acquisition has increased in the last couple of years. The Permanent Land Protection Committee and staff have spent a lot of time encouraging The Nature Conservancy to move ahead and that's paying dividends. There is also an allocation for grants; two have been closed and reimbursed and two or three other grants are still outstanding. He referred to the budget for the Pinelands Conservation Fund, noting that there are three components of that budget--Land Acquisition, Conservation Planning and Research, and Community Planning and Design.

Mr. Stokes called the Commission's attention to three other matters and indicated that there are budget notes in the operating fund (numbers 35, 41, and 45) which authorize him to pay for expenses that exceed his independent authority of \$29,000, including the Building Authority for barn renovation, health insurance premiums, pension liability, the Attorney General's Office assessment and the continuation of the Stormwater Consulting Contract. He said that if the Commission adopts the budget, staff would ask that the Commission authorize him to make these payments. He referred to note number 44 in the operating budget which deals with the matter discussed by the Commission last month which is the extent to which the budgeted amount in an individual expense account or an appropriation account can be exceeded. He said that the Commission authorized staff to exceed that in the FY 2007 budget. A more uniform policy was discussed with the Personnel and Budget Committee that might apply in the future. He said that note number 44 reflects a measure that would allow an individual account to be exceeded by 10% provided that funds are available within other budget accounts to insure that the total operating fund budget is not exceeded.

Lastly, Mr. Stokes stated he will ask Ms. Connor to explain to the Commission more fully the reservation of funds and some of the reserve accounts that may be affected by a proposed transfer of funds.

Ms. Connor stated that staff discussed in more detail some of the reserve accounts with the Personnel and Budget Committee at its last meeting. In the Operating Fund Budget, the fund balance is broken down into two portions--reserve and unreserved. The reserve fund balance is broken down further into two sections--encumbrances or contracts that are outstanding and the Cape May County MUA Land Acquisition funds. Snake fencing for the Sanctuary is also reserved for a special purpose. The other reservations are called designated; things that the Commission can elect to set aside for funds. There are several of these reserves in the budget-

retirees health benefits reserve, building reserve, parcel data reserve and records management reserve. In the past two years, two more reserve accounts - hardware and software replacements and vehicle replacement were established. She said that staff is asking the Commission to reserve more money for three different reserves, \$111,000 for hardware and software replacements, \$25,000 for improvements and maintenance to the Commission's buildings, and \$113,000 for retiree health benefits. This approximately totals the Commission's FY 2007 surplus. The Commission's undesignated, unreserved fund balance will still be adequate to deal with any unforeseen expenditures.

Mr. Stokes asked about the reserve amount for retirees' health benefits.

Ms. Connor replied that the amount is approximately \$737,000.

Mr. Stokes stated that \$113,000 would be added to that reserve and this would cover the Commission's liability for this over an extended period of time.

Commissioner Brown asked how this money is invested.

Mr. Stokes replied through the State's cash management fund.

Commissioner Brown asked if the interest accrues to that particular account or does that money go into a general fund.

Ms. Connor replied that the interest goes into a general fund. She said that there are some separate cash accounts, such as the Katie fund, Kirkwood/Cohansey Fund, Pinelands Conservation Fund, Wetlands Permitting, where the interest does accrue.

Chairperson Wilson stated that the Commission has followed very closely the State's investment plan for these accounts where there is a large amount of money. She said that Ms. Connor has someone on staff that closely monitors these interest rates and is guided in decisionmaking by the State Division of Investments.

Commissioner Brown stated that he wonders why the interest doesn't accrue to the accounts.

Chairperson Wilson replied that it is not the case in all accounts. Some accounts keep the earned interest. She said that it is the undesignated fund balance that Ms. Connor is referring to, where the interest accrues to the general fund.

Commissioner Lee made a general observation that it is difficult to review the Work Plan and the budget without access to a balance sheet. He said that he used to bring a copy of the audit report, which would be helpful when discussing these things. He suggested that when the Commission reviews the budget it should receive a balance sheet from the audit that is updated with the current's year's "best guess" of what the assets and liabilities are at the end of the fiscal year.

Mr. Stokes stated that staff prepares financial statements which can be given to the Commission at the time it does the budget.

Commissioner Lee said that it needs a balance sheet noting dollar figures, the justification for that figure and what that is based on. He referred to pension and benefits and stated that he believes the Commission's only responsibility for benefits to retired employees is the health benefits and all of the other retiree benefits are paid for by the state.

Mr. Stokes replied that the Commission is in the Public Employees Retirement System and the Commission's employees make a contribution from their paychecks. The public employer itself also has an obligation and that obligation has been increasing over the last several years. The Commission makes that payment to the State. When employees retire, they may qualify for a pension. Since they and the Commission have contributed to the pension system, the Commission is not liable for that--funds are disbursed through the State Public Employees Retirement System.

In terms of the health benefits, the Commission is considered a local member of the PERS and, as such, is obligated to pay for those retiree health benefits if an employee retires with 25 years of service. The obligation changes when an employee qualifies for Medicare.

Ms. Connor noted that the Commission does not offer other paid benefits such as dental and vision.

Commissioner Lee asked if the only cost to the Commission for retired employees is for health benefits.

Mr. Stokes replied that is correct.

Commissioner Lee asked if staff estimates future costs or does the Commission fund the actual expense.

Ms. Connor replied that the projection is based upon every individual that could, in a fifteen year period, be able to retire from the Commission with 25 years in the pension system. The amount is based upon the current retiree health benefit rate and includes spouses and family, if appropriate.

Commissioner Lloyd asked whether the costs for other state workers and other state departments are covered by the state, but the Commission has an obligation to cover its obligations separately.

Mr. Stokes replied that is correct.

Commissioner Lloyd stated that he knows that staff has had discussions from time to time with the state about funding these liabilities.

Mr. Stokes stated that this is discussed with the state every year. He said that the state does underwrite \$254,000 of the Commission's total health benefit costs.

Ms. Connor stated that the Commission still pays \$795,000.

Mr. Stokes stated that the amount for the retiree reserve is in addition. He said that the Commission's liability on an annual basis is approaching a million dollars.

Chairperson Wilson stated that there is no drawdown from the Fund Balance for the third year. The Commission has been able to avoid that and build up its undesignated fund balance to a little more comfortable amount. She commended Mr. Stokes and Ms. Connor for the work they have done to bring the Commission to this point. She also thanked Sharon Price-Cates from the Governor's Authorities Unit and Mr. Stokes for all the "behind the scenes" work to get the approvals that it has to get in Trenton.

Chairperson Wilson asked Mr. Stokes to call the roll.

Brown	yes	Hagaman	yes	Witt	yes
Campbell	yes	Lee	yes	Tomasello	yes
Ficcaglia	yes	Lloyd	yes	Wilson	yes
Haas	yes	McIntosh	yes		
		Slavin	yes		

The Commission adopted the resolution with all 12 Commission members voting in the affirmative.

Ordinances Not Requiring Commission Action

Chairperson Wilson stated that Berlin Borough Ordinances 2006-18 and 2007-06, Egg Harbor Township Ordinance 28-2007, Galloway Township 2007 Housing Element and Fair Share Plan and Monroe Township Ordinances 0:12-2007 and 0:15-2007, 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 on the ordinance amendments, allowing them to take effect.

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

Mr. Richard Bizub from the Pinelands Preservation Alliance referred to the PPA report and stated that the idea of the report was to note topics of importance to the Pinelands as a tool for individuals with an interest. He commented on the Stafford Business Park and stated that PPA and the Commission will never come to a consensus on the issue and feels that the intensity of its message was appropriate and they will make no apology for what was said. He referred to the Commission's discussion today on its budget and Work Plan and stated that there was no mention about the White Paper and stated that he hopes the Commission will consider adding this to the list of staff projects. He said that PPA's report will be published each year and that maybe PPA will be a little more careful on the wording next year, but that PPA thinks the current report is a fair representation of some of the issues in the Pinelands.

Mr. Harry Monesson, Pemberton Township, referred to an article in the Community News stating that the Pinelands will be better protected and quoted from the Pinelands Preservation Alliance indicating that “today’s Pinelands Commission has been inconsistent and often unable to take a positive action due to the divisions among the Commissioners.” He commented on the article that says “the Pinelands Preservation Alliance makes accusation that farming is specifically the cause of poisoning the land and the water.....” He said that today’s Pinelands Commission is no more inconsistent than it was on the day it was signed into existence. He said however, it’s paying a great deal more attention to property rights and the quality of human habitat. He said of course there are divisions among Commission members, which is a natural condition on any committee or commission. The more division among Commissioners is to be welcomed by those communities starved for ratables, yet wishing to work with the Pinelands Commission to reach a common sense approach.

Mr. Daniel Basile commented on the Commission’s budget and stated that he too wonders what happens to the fees that are collected. He stated that he doesn’t understand the Pinelands and questions how it affects people in the Pinelands that are trying to make a living on the land. He commented on his property, purchased 25 years ago, and stated that he has been unsuccessful in obtaining the necessary permits for his sand and gravel operation. He said that PDCs are a good idea but they don’t apply to 90% of the people in rural areas. He questioned why something is not done for the landowners in the Pinelands to increase their land value. He said that the Commission is charged with orderly development in the Pinelands Area and stated that it would be appreciated if the Commission considered people’s points of view in these matters and how they can live in this area.

Other Agenda Items

Presentation by Nicholas Procopio - Barnegat Bay Watershed Report

Mr. Stokes stated that the Science Office has a scheduled evaluation of the natural resources of different parts of the Pinelands as part of the Commission’s ongoing long-term environmental monitoring program. Staff has issued several reports on the status of different watersheds. The schedule is to go back periodically and “take the temperature” of those watersheds. The most recent watershed is the Barnegat Bay Watershed. He stated that he has asked Nicholas Procopio to provide the Commission with an overview of that today. He said that Dr. Procopio is one of a number of outstanding Scientists that the Commission has on its staff, and holds a Ph.D. in Environmental Science.

Dr. Procopio stated that he will be providing the Commission with some of the results from the Science Office’s recent Barnegat Bay Watershed assessment.

Chairperson Wilson asked Dr. Procopio if this project was funded from federal funds.

Dr. Procopio replied that this project is funded from the National Park Service.

Dr. Procopio stated that the Commission received the Barnegat Bay Watershed Report in November of last year. He provided the Commission with a handout and a power point

presentation on the report. (See presentation attached). He stated that the Science Office began the study by breaking down exactly where to look in the watersheds. He commented on the distribution of land use throughout the Pinelands portion of the Barnegat Bay watershed noting on a map areas of developed land and upland agriculture. Dr. Procopio discussed five separate environmental metrics. He referred to water quality and noted that there were 64 monitoring sites throughout the watershed, 58 of those were used for describing the results. He said that stream vegetation was also assessed as well as stream and impoundment fish and impoundment frogs and toads. He commented on the native and non-native species throughout the watersheds. He explained multiple-indicator ecological integrity scores and compared results of all five watershed studies.

Commissioner Slavin asked if the staff has ever distinguished between non-Pinelands species and foreign invasive species or non-Pinelands species native to New Jersey.

Dr. Zampella replied that most of the non-native species are peripheral. In the case of the fishes, the large mouth bass and bluegill are not native to New Jersey but pumpkinseed is found in the periphery of the Pinelands. He said that plants are a different story. He said that Japanese Sword Grass is highly invasive and is found in heavily impacted streams. They saw barberry which is highly invasive to North Jersey which was found in one of the Mullica River sites. He referred to the graph showing the number of sites where 10% and 20% of species are non-Pinelands, and said that they have developed a list of plants called disturbance indicators.

Commissioner Haas stated that the report contained a lot of good information and he has distributed it widely to environmental groups in Ocean County. He said that it was an excellent report.

Dr. Zampella also said that the report is on the Commission's web site.

Chairperson Wilson asked Dr. Procopio about the policy implications of these conclusions.

Dr. Procopio replied that all of the data collected can be used by the planning office to help them make better decisions. It is a very comprehensive coverage of the Pinelands that the Commission has in terms of the water quality data and what species are there.

Chairperson Wilson asked if any areas were identified that are irretrievably lost.

Dr. Procopio replied that there are some places where altered land is pretty high but one can find some Pinelands species virtually anywhere.

Chairperson Wilson asked if Regional Growth Areas are the areas where there is the most disturbance.

Dr. Procopio replied that is correct.

Dr. Zampella stated that one thing the Science Office learned from this study is that one can't disturb a watershed in the Pinelands and expect no impact. One of their concerns is that there are

not many outstanding streams. Above 10% altered land (upland agricultural and developed land), water quality and aquatic communities start to change.

Commissioner Slavin referred to policy implications of these kinds of things and stated that the Commission's philosophy should be one of preserving ecosystems instead of the piecemeal approach at looking at one particular threatened or endangered specie. The thrust of the Commission's management should be to save as much of the entire ecosystem as possible. He said that the overall premise of the CMP is exactly what Commissioner Slavin is suggesting-- to preserve large intact landscapes that represent the Pinelands.

Commissioner Lloyd stated that the philosophy that Commissioner Slavin is expounding is consistent with the Commission's subwatershed planning approach. He asked if the Commission is using this work and other work that the Science Office is doing in targeting the Commission's Conservation Fund expenditures. He asked about the data and whether it is used in the management area planning work and the development application reviews.

Mr. Stokes provided Commissioner Lloyd with some examples dealing with broad policy and stated that the ecological integrity assessment that the Science office is doing is based on a lot of the work they have done as part as the Commission's long-term environmental monitoring program. He said what they are doing is taking a second look to see whether or not the Commission's land use policies reflect the best information it has now. He stated that the information is used in terms of the Commission's land use planning as well as in all of the subregional conservation plans. He said that staff is also making better use of the data today in terms of permitting.

Dr. Zampella stated that one of the Science Office's main objectives is to make sure everything that it does is made available, i.e., web site, to DEP, etc.

Commissioner Lee referred to one of the policy questions and stated that there is not universal agreement among the Commission as to what is meant by preservation. He said that this can be discussed through a Commission retreat. He said that these things need to be discussed by the Commission.

Commissioner Lloyd asked Mr. Stokes if he can comment on the Conservation Fund.

Mr. Stokes responded that a few years ago staff identified 20 potential target areas, 2 of which were incorporated into the subregional planning areas. Eighteen other areas were identified based on a variety of ecological criteria that staff felt warranted protection. In terms of staff moving ahead on the Pinelands Conservation Fund, \$6 million seems like a lot of money but he looked at a potential list yesterday and two projects could consume the \$6 million. He said that new ecological data needs to be factored in to the Commission's long term thinking. Relative to the Pinelands Conservation Fund, he thinks the areas were targeted based upon good information. The Commission needs to update those areas in the future based on the most current and comprehensive data it has. He referred to the 10% disturbance threshold and stated that this was factored into the Science Committee's review of areas that might change over time

and what areas might be most important. This was also information that staff incorporated into the Commission's evaluation of the clustering proposal.

Adjournment

Commissioner Lloyd moved to adjourn the meeting. Commissioner Brown seconded the motion. The Commission agreed to adjourn the meeting at 12:25 p.m.

Certified as true and correct:

Nadine B. Young,
Executive Assistant to the Commission

Date: _____

MEMORANDUM

TO: Members of the Commission

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

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

DATE: August 3, 2007

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.

C. Public Development, Subchapter 4, Part IV

All applications for public development are initially reviewed by the staff once a

completed application is filed. Following that review, a report on the proposed development is submitted to the Commission recommending that the proposed development be approved, approved with conditions or denied. A copy of this recommendation is sent to the applicant and other interested parties. Any interested person who is aggrieved by the Executive Director's recommendation may request a hearing. If a hearing is requested the application is referred to the Office of Administrative Law. If no request for a hearing is received, then the Commission must act on the application at its next meeting after the time period for requesting a hearing has expired. The Commission may either approve the recommendation of the Executive Director or refer the recommendation of the Executive Director to OAL for a hearing. If the Commission takes no action then the application is automatically referred to OAL unless the period of time for the Commission to act is extended pursuant to N.J.A.C. 7:50-4.4. The complete file for each application scheduled for your action is available for your inspection. You may either come to the Commission office to look at a file or request that I bring a file to the Commission meeting. If you want to look at a file at the Commission office, please call in advance so we can have the file ready for you.

The **Public Development** applications scheduled for the August 10, 2007 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.

An application for a **Waiver of Strict Compliance** scheduled for the August 10, 2007, Commission meeting is listed on the attached report.

E. Letters of Interpretation, Subchapter 4, Part VI

A list of **the one Letter of Interpretation** issued last month is attached.

Pursuant to N.J.A.C. 7:50-4.74, an analysis of all pending requests for Letters of Interpretation is to be submitted to the Commission at its regular meeting. Some of the Letters of Interpretation pending concern how various parts of Subchapter 6 impact on particular sites proposed for development. These requests for interpretation concern such issues as the location of fresh water wetlands present on a particular parcel. These Letters of Interpretation are not individually analyzed for the Commission.

The only other **Letters of Interpretation** pending concern the number of Pinelands Development Credits attributed to a particular parcel.

F. Recreation Permits

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

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

G. Certificate of Appropriateness

N.J.A.C. 7:50-6.156 requires 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.

There were no staff reports on remediation of a superfund site by a public agency issued 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 is a listing of all 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 7/2/2007 and 7/27/2007

NOTE: Some callup letters are for previous callups that were rescheduled and/or modified.

County	Muni Name	App. Number	Applicant Name	Block	Lot	Development Type	Units	Issue Raised	Date Action
Atlantic	Buena Vista Township	19973200.003	DiLeonardo	5801	24.02	Commercial/Industrial	0	2ppm-standard system	7/16/2007
								Lanscaping	
								Stormwater-General	
Atlantic	Egg Harbor City	19890465.013	YANG INVESTMENT, INC	1003	15	Commercial/Industrial	0	Stormwater-Maintenace agreei	7/6/2007
Atlantic	Egg Harbor City	19890465.013	YANG INVESTMENT, INC	1003	15	Commercial/Industrial		Stormwater-Maintenace agreei	7/27/2007
Atlantic	Egg Harbor Township	19980560.002	Max Gurwicz Enterprises	5803	74	Residential	2	Minimum lot size-Regional Gro	7/27/2007
Atlantic	Galloway Township	19870690.001	Ole Hansen and Sons, Inc.	283	2	Commercial/Industrial a	613	Stormwater-Maintenace agreei	7/2/2007
Atlantic	Hammonton Town	19836272.002	Vegas	4703	7.01	Residential	1	2ppm-standard system	7/17/2007
Burlington	Pemberton Township	20060187.001	Colangelo, Jr.	525	24	Residential	1	T and E wildlife	7/18/2007
Camden	Winslow Township	20040408.001	SAMELSON	5806	3	Residential	14	Demonstrate Sewer	7/6/2007
								Other	
								Stormwater-Maintenace agreei	

New Jersey Pinelands Commission
Callup Letters Sent

Summary of Activity Between 7/2/2007 and 7/27/2007

Camden	Winslow Township	20050052.001	BATTAGLIA	8206	11	Residential	2	Permitted Use	7/18/2007
								Wetlands-Wetlands protection	
Camden	Winslow Township	20050222.001	STEVEN LENNY GROUP, LLC	7304	2	Residential	6	Stormwater-Maintenace agreei	7/2/2007
								Water quality-Water quality	
Cape May	Dennis Township	20030018.001	Aqua Control, Inc.	67	77.02	Residential	1	Minimum lot size-Overall densi	7/2/2007
Gloucester	Franklin Township	19980256.002	CORWONSKI,SR	5802	22	Residential	2	Environmental standards	7/11/2007
Ocean	Jackson Township	19870795.001	PHILLIPS	38	14	Residential	2	T and E wildlife	7/6/2007
Ocean	Jackson Township	19870795.003	SKORA	38	14	Residential	3	T and E wildlife	7/6/2007
Ocean	Jackson Township	19980022.001	DIAMOND DEVELOPERS	40	98.01	Residential	22	2ppm-standard system	7/19/2007
Ocean	Jackson Township	19980118.001	PROPERTY DEVELOPMENT SE	40.01	1	Residential	1	T and E wildlife	7/27/2007
Ocean	Jackson Township	20000173.001	PROPERTY DEVELOPMENT SE	9.01	170	Residential	16	Stormwater-General	7/2/2007
								Stormwater-Maintenace agreei	
Ocean	Manchester Township	19851430.005	MARK PROPERTIES LLC	95	1	Residential	3	2ppm-with existing developmei	7/6/2007

New Jersey Pinelands Commission
Public Development Report
Summary of Activity Between 7/2/2007 and 7/27/2007

County	Municipality	App. Number	Applicant Name	Date Received	Block	Lot	Development Type	Units	Action Description	Action Date
Atlantic	Egg Harbor Township	19871058.049	William J. Hughes Technical Center	11/17/2005	101	9	Infrastructure	0	Report on an Application for Public Development: Recommendation for Approval Sent	7/23/2007
Atlantic	Folsom Borough	19940552.002	NJ Dept of Transportation	6/5/2007	801	14	Institutional	0	Report on an Application for Public Development: Recommendation for Approval Sent	7/23/2007
Atlantic	Galloway Township	19811833.047	Stockton State College	12/28/2006	875.04	1.01	Institutional	0	Report on an Application for Public Development: Recommendation for Approval Sent	7/23/2007
Ocean	Stafford Township	19871159.039	Stafford Township	5/25/2007	25	40	Infrastructure	0	Report on an Application for Public Development: Recommendation for Approval Sent	7/19/2007

7/31/2007
10:43:26 AM

Waiver Approval Recommendations
Summary of Activity Between 7/2/2007 - 7/27/2007

Application Id	Lastname	Muni Name	Block	Lot	Description	Action Date
20010506.001	Siracusa Homes	Buena Vista Township	1808	5	Waiver Recommendation Letter: Approval Sent	7/23/2007

Report Name: Waiver Approvals.rep

07/31/2007

10:42:28 AM

New Jersey Pinelands Commission

Letters of Interpretation Report

Summary of Activity Between 7/2/2007 - 7/27/2007

County	Municipality	Application Id	Lastname	Loi Number	Block	Lot	Pdc Allocated	Description	Date Action
Camden	Winslow Township	19871291.002	Hennessey	528	6401	1	1.0000	Letter of Interpretation: PDC Sent	7/23/2007
			Count:	1		Sum:	1.00		

7/31/2007
10:41:22 AM

New Jersey Pinelands Commission
Consistent Memorandums of Agreement
Summary of Activity Between 7/2/2007 And 7/27/2007

County	Municipality	App. Number	Applicant Name	Block	Lot	Development Type	Action Description	Action Date
Burlington	Tabernacle Township	19850164.006	Lakes Sand & Gravel, LLC	202.02	10	N/A	MOA Consistent: HazMat Sent	7/10/2007
Ocean	Stafford Township	19871159.001	STAFFORD TOWNSHIP	13	37	Infrastructure	MOA Consistent: Town/County Sent	7/10/2007
Ocean	Stafford Township	19871159.001	STAFFORD TOWNSHIP	13	37	Infrastructure	MOA Consistent: Town/County Sent	7/17/2007

7/31/2007
10:41:41 AM

New Jersey Pinelands Commission
Inconsistent Memorandums of Agreement
Summary of Activity Between 7/2/2007 And 7/27/2007

County	Municipality	App. Number	Applicant Name	Block	Lot	Development Type	Action Description	Action Date
Atlantic	Galloway Township	19871058.053	Atlantic City Airport	99999	99999	Infrastructure	MOA Inconsistent: HazMat Sent	7/25/2007
Atlantic	Hammonton Town	19861292.002	SHELL OIL COMPANY	3502	2	Infrastructure	MOA Inconsistent: HazMat Sent	7/23/2007
Camden	Winslow Township	19810656.015	ANCORA STATE PSYCHIATIRC HOSPITAL	6801	1	Infrastructure	MOA Inconsistent: HazMat Sent	7/26/2007
Cumberland	Maurice River Township	19810606.002	WHIBCO INC	54	35	Infrastructure	MOA Inconsistent: HazMat Sent	7/26/2007



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-07-_____

TITLE: **Approving With Conditions Applications for Public Development (Application Numbers 1981-1833.047, 1987-1058.049, 1994-0552.002)**

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

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

- 1981-1833.047 THE RICHARD STOCKTON COLLEGE OF NEW JERSEY**, Galloway Township, Regional Growth Area and Rural Development Area, construction of two dormitories and associated development in the Regional Growth Area
- 1987-1058.049 FEDERAL AVIATION ADMINISTRATION**, Egg Harbor Township, Military and Federal Installation Area, construction of a 4,920 square foot addition to an existing laboratory building
- 1994-0552.002 DEPARTMENT OF TRANSPORTATION**, Folsom Borough, Pinelands Village of Folsom, placement of a 1,410 square foot office trailer

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 the 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.

- 1981-1833.047

THE RICHARD STOCKTON COLLEGE OF NEW JERSEY, Galloway Township, Regional Growth Area and Rural Development Area, construction of two dormitories and associated development in the Regional Growth Area
- 1987-1058.049

FEDERAL AVIATION ADMINISTRATION, Egg Harbor Township, Military and Federal Installation Area, construction of a 4,920 square foot addition to an existing laboratory building
- 1994-0552.002

DEPARTMENT OF TRANSPORTATION, Folsom Borough, Pinelands Village of Folsom, placement of a 1,410 square foot office trailer

Record of Commission Votes

	AYE	NAY	NP	ABS		AYE	NAY	NP	ABS		AYE	NAY	NP	ABS
Ashmun					Haas					Slavin				
Brown					Hagaman					Witt				
Campbell					Lee					Tomasello				
Ficcaglia					Lloyd					Wilson				
Galletta					McIntosh									

Adopted at a meeting of the Pinelands Commission

Date: _____

John C. Stokes
Executive Director

Betty Wilson
Chair

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT**

July 23, 2007

Charles Klein
Richard Stockton College of New Jersey
P.O. Box 195
Pomona, NJ 08240

Please Always Refer To
This Application Number

Re: Application #: 1981-1833.047
 Block 875.04, Lots 1.01 & 1.02
 Galloway Township

Dear Mr. Klein:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 10, 2007 meeting.

FINDINGS OF FACT

This application is for the construction of two dormitories and associated development at the Richard Stockton College located on the above referenced 1,602.4 acre parcel in Galloway Township. The parcel is located partially in a Pinelands Regional Growth Area (527 acres) and partially in a Pinelands Rural Development Area (1086.85 acres). The proposed development is located entirely in a Pinelands Regional Growth Area.

This application proposes the construction of two, three story dormitories. Each dormitory contains approximately 26,595 square feet of floor area. The proposed dormitories will accommodate a total of approximately 130 students. The proposed dormitories will be located adjacent to other existing student housing. The proposed dormitories will be located on and eliminate the use of three existing parking areas that contain a total of 335 parking spaces. This application proposes two new parking areas with a total of 283 parking spaces. This application also proposes associated site improvements, including 384 linear feet of sanitary

*** 19811833. 047 ***

sewer main and 670 linear feet of water main.

This application also proposes a geothermal well field. The geothermal well field will provide heating and cooling to the proposed dormitories. The proposed geothermal well field will be located within an 8,100 square foot area under a proposed parking area and will consist of fifty closed loop wells drilled to a depth of 400 feet. Each well is comprised of a closed loop of piping filled with liquid, which allows the geothermal system to operate without withdrawing water from the aquifer. The fluid circulates continuously inside the piping, absorbing heat from the aquifer during the winter for heating and transferring heat to the aquifer during the summer for cooling.

The location of the proposed dormitories is consistent with the Stockton State College Facilities Master Plan, dated June 29, 1990, and the Commission certified (approved) Galloway Township March 2001 Master Plan and land use ordinance which designates the location of the proposed dormitories as 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 Commission staff have been reviewed.

The proposed development is located primarily over existing paved areas and maintained grassed areas. A minimal amount of wooded area will be disturbed by the proposed development.

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.

The Pinelands Commission previously approved the development of four dormitories and associated development on Block 875.04, Lot 1.02 in Galloway Township (App. No. 1981-1833.043). The development approved in App. No. 1981-1833.043 and the development proposed in this application are located within the same drainage area. Application No. 1981-1833.043 resulted in a net decrease in impervious surfaces of approximately 1.63 acres within the drainage area. This application would result in a net increase in impervious surfaces of approximately 0.23 acres within the drainage area. There will be a net decrease in impervious surfaces of approximately 1.40 acres within the drainage area. Based upon the overall reduction of impervious surfaces within the drainage area, there will be no increase in the volume and rate of stormwater run-off from the lot after development than occurred prior to the proposed development. Although no stormwater facilities are required pursuant to the Pinelands Comprehensive Management Plan (CMP), the applicant is proposing to install two underground stormwater facilities.

Based upon the existing site conditions, the location of proposed development relative to existing and approved development and review of information available to the Commission staff, it was determined that a survey for the presence of threatened or endangered species of plants

and wildlife was not required.

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

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 dormitories and associated development are permitted uses 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.

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 activities with the following conditions:

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

Sheets 1-3 & 7 – March 22, 2007; revised July 16, 2007
Sheets 4-6 – March 22, 2007
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. Silt fencing, hay bales or other appropriate measures shall be installed prior to construction to preclude sediment from entering freshwater wetlands. The proposed sedimentation barrier shall be installed prior to the start of any work and shall be maintained in place until all development has been completed and the area has been stabilized.
5. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

APPEAL

Any interested person may appeal the Executive Director's determination on this

application to the Commission. The appeal must be made within 18 days of the date of this letter by giving notice, by Certified mail, of the appeal to the Pinelands Commission. Said notice shall include:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service, (a notarized statement), indicating that service of the notice has been made by certified mail, on:
 - a. the applicant (unless the applicant is requesting the appeal);
 - b. Secretary, Galloway Township Planning Board;
 - c. Galloway Township Construction Code Official;
 - d. Galloway Township Environmental Commission; and
 - e. 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, the Pinelands Commission will act on this application at its meeting on August 10, 2007. 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, Galloway Township Planning Board
Galloway Township Construction Code Official
Galloway Township Environmental Commission
Atlantic County Department of Regional Planning & Development
Richard Steiner
Ernest Deman

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT**

July 23, 2007

Raymond Dumas
Federal Aviation Administration
William J. Hughes Technical Center (AJP-7540)
Atlantic City International Airport, NJ 08405

Please Always Refer To
This Application Number

Re: Application #: 1987-1058.049
 William J. Hughes Technical Center
 Block 101, Lots 9 & 11
 Egg Harbor Township

Dear Mr. Dumas:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 10, 2007 meeting.

FINDINGS OF FACT

This application is for the construction of a 4,920 square foot addition to an existing laboratory building on the above referenced 3,228 acre parcel at the William J. Hughes Technical Center in Egg Harbor Township. This application also proposes the expansion of an existing parking area from 46 to 98 parking spaces. The project is located in a Military and Federal Installation Area. As required by the Pinelands Comprehensive Management Plan (CMP), the proposed project will not require any development, including public service infrastructure, in the Preservation Area District or in a Forest 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.

*** 19871058. 049***

The proposed development will be located primarily over existing paved areas and maintained grassed areas. A small portion of the area proposed for development, approximately 0.2 acres, is wooded.

There are wetlands located on the above referenced parcel. All development will be located at least 300 feet from wetlands.

The storm water drainage system is designed so that there will be no increase in the rate of runoff generated by the proposed development from a 2 year, 10 year and 100 year storm, each of a 24 hour duration, following the proposed development than occurred prior to the proposed development. The stormwater drainage system is also designed to retain and infiltrate the volume of stormwater runoff from the net increase in impervious surfaces generated by a 10 year, 24 hour duration storm. The applicant will be expanding two existing underground stormwater infiltration systems and constructing a new underground stormwater infiltration system.

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 proposed development will be serviced by public sanitary sewer.

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 not received any public comments concerning the application.

CONCLUSION

The proposed building and parking lot expansions 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 twenty-eight sheets, prepared by the STV, Inc. and dated as follows:

Sheets 1-27 – October 25, 2006
Sheet 28 – October 25, 2005

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. Silt fencing, hay bales or other appropriate measures shall be installed prior to construction to preclude sediment from entering freshwater wetlands. The proposed sedimentation barrier shall be installed prior to the start of any work and shall be maintained in place until all development has been completed and the area has been stabilized.
5. The stormwater management system shall be inspected each fall, spring and after each major storm event. The facilities shall be cleaned and maintained as necessary to ensure proper functioning.
6. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

APPEAL

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

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

Any appeal will be referred to the Office of Administrative Law for a hearing. If no appeal is received within 18 days of this letter, the Pinelands Commission will act on this application at its meeting on August 10, 2007. 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, Egg Harbor Township Planning Board
Egg Harbor Township Environmental Commission
Atlantic County Department of Regional Planning & Development
Larry Grybosky
Ernest Deman

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT**

July 23, 2007

New Jersey Department of Transportation
Bureau of Facilities Planning, Engineering & Construction
Attn: James Henry
P.O. Box 600
Trenton, NJ 08625-0600

Please Always Refer To
This Application Number

Re: Application #: 1994-0552.002
 Block 801, Lot 14
 Route 54
 Folsom Borough

Dear Mr. Henry:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 10, 2007 meeting.

FINDINGS OF FACT

This application is for the placement of a 1,410 square foot office trailer for a roadway maintenance crew on the above referenced 14.8 acre lot. The trailer will replace an existing building which is used as an office by the maintenance crew. The existing building is not proposed to be removed but will not be used. A New Jersey Department of Transportation maintenance yard is located on the lot. The project is located in the Pinelands Village of Folsom.

The development of a 10,300 square foot salt storage dome on this lot was previously approved by the Pinelands Commission (Application#1994-0552.001).

There are no wetlands located within 300 feet of the proposed development. The project will be located in an existing developed area.

*** 19940552. 002 ***

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

Existing buildings on the lot are served by an existing on site septic system. The proposed office trailer will be served by the existing on site septic system. Based upon information provided by the applicant, development on the lot will meet the Pinelands Comprehensive Management Plan (CMP) groundwater quality standard of 2 ppm nitrate nitrogen at the property line.

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

The Pinelands Commission has not received any comments concerning this application.

CONCLUSION

The placement of an office trailer on the lot is a permitted use in a Pinelands Village (N.J.A.C. 7:50-5.27(a)). If the following conditions are imposed, the proposed development will be consistent with the management standards contained in Subchapter 6 of the CMP.

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

1. Except as modified by the below conditions, the proposed development shall adhere to the plan prepared by Ronald A. Sebring Associates and dated June 29, 2007.
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. If any use of the existing maintenance crew office building is proposed, an application to the Pinelands Commission for any such use must be approved by the Commission.
5. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

APPEAL

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

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

Any appeal will be referred to the Office of Administrative Law for a hearing. If no appeal is received within 18 days of this letter, the Pinelands Commission will act on this application at its meeting on August 10, 2007. 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, Folsom Borough Planning Board
Folsom Borough Environmental Commission
Atlantic County Department of Regional Planning and Development
Rhonda Ward



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-07-_____

TITLE: Approving With Conditions an Application for Public Development (Application Number 1987-1159.039)

Commissioner _____ moves and Commissioner _____ seconds the motion that:

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

1987-1159.039 STAFFORD TOWNSHIP, Stafford Township, Regional Growth Area, construction of a 100 foot high wind test tower

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

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for the proposed development; 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 the Governor shall approve same, in which case the action shall become effective upon such approval; and

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

NOW, THEREFORE BE IT RESOLVED that the following application for public development is hereby Approved subject to the conditions recommended by the Executive Director.

1987-1159.039 STAFFORD TOWNSHIP, Stafford Township, Regional Growth Area, construction of a 100 foot high wind test tower

Record of Commission Votes

	AYE	NAY	NP	ABS		AYE	NAY	NP	ABS		AYE	NAY	NP	ABS
Ashmun					Haas					Slavin				
Brown					Hagaman					Witt				
Campbell					Lee					Tomasello				
Ficcaglia					Lloyd					Wilson				
Galletta					McIntosh									

Adopted at a meeting of the Pinelands Commission Date: _____

John C. Stokes
Executive Director

Betty Wilson
Chair

**REPORT ON AN APPLICATION FOR
PUBLIC DEVELOPMENT**

July 19, 2007

Paul Shives, Township Administrator
Stafford Township
260 East Bay Avenue
Manahawkin, NJ 08050

Please Always Refer To
This Application Number

Re: Application #: 1987-1159.039
 Block 25, Lot 40
 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 August 10, 2007 meeting.

FINDINGS OF FACT

This application is for the construction of a 100 foot high wind test tower on the above referenced 2.3 acre lot in Stafford Township. The lot is located within the Stafford Township Business Park. The lot is located in a Pinelands Regional Growth Area.

The proposed tower will be located in an existing cleared area adjacent to the licensed landfill on Block 25, Lot 39 that is currently being capped. Access to the tower from the adjacent landfill will be provided by a proposed 10 foot wide by 60 linear foot long driveway. The proposed tower will be six inches in diameter and will be anchored by four sets of guy wires. The applicant has indicated that the proposed wind test tower will be a temporary structure. The applicant has also indicated that the wind test tower is proposed to assess the feasibility of installing windmills at the Stafford Township Business Park to provide clean electrical power.

At its July 14, 2006 meeting, the Pinelands Commission approved a Memorandum of Agreement (MOA) between the Commission and Stafford Township for the redevelopment of the Stafford Township Business Park (App. No. 1987-1159.001). It was previously determined that the resubdivision of Block 13, Lots 22.01, 60 & 65-68; Block 25, Lots 27.01, 61 & 63-93; Block 25.01,

*** 19871159. 039 ***

Lots 1-8 & 59; Block 25.02, Lots 1-8, 9.01, 9.02, 9.03, 10 & 11 and Block 25.03, Lot 1 in Stafford Township was consistent with the terms of the MOA and the requirements of the Pinelands Comprehensive Management Plan (CMP) and that a formal application to the Commission was not required (App. No. 1987-1159.026). That subdivision created the lot subject of the current application. The subdivision plan approved in App. No. 1987-1159.026 indicated that the concerned lot would contain a water tower.

A threatened and endangered species survey was previously completed for the Stafford Township Business Park. That survey identified certain threatened and endangered species on the Business Park parcel. As part of the above noted MOA with the Commission, an open space easement was imposed on certain lands in the Business Park for conservation purposes. However, that easement does not apply to the specific lot subject of this application.

Based upon the information obtained by the wind test tower, the applicant may propose the installation of windmills at the Business Park. Any siting of windmills at the Business Park must demonstrate consistency with the provisions of the Stafford Township land use ordinance and the CMP, including the provisions for the protection of fish and wildlife, and not violate the terms of the MOA between the Commission and Stafford Township for the redevelopment of the Stafford Township Business Park.

There are no wetlands located within 300 feet of the lot.

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

No public comments regarding the application have been received by the Commission.

CONCLUSION

The proposed wind test tower 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 Stafford Township's certified master plan and land use ordinances.

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

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, prepared by Speitel and Speitel, Inc., dated May 24, 2007 and revised June 20, 2007.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. Any proposed stabilization shall adhere to the requirements of Attachment B, Environmental Conditions of the MOA between the Commission and Stafford Township for the redevelopment of the Stafford Township Business Park.

4. Prior to any development, the applicant shall obtain any other necessary permits and approvals.
5. This application is for one proposed wind test tower only. Any future development of wind towers at the Stafford Township Business Park will require a completed Pinelands application and shall be consistent with the provisions of the Stafford Township land use ordinance and the CMP, including the provisions for the protection of fish and wildlife, and not violate the terms of the MOA between the Commission and Stafford Township for the redevelopment of the Stafford Township Business Park.

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 August 10, 2007. 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
Ocean County Planning Board
Edmond Speitel
Ernest Deman



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-07-_____

TITLE: RESOLUTION Approving With Conditions a Request for a Waiver of Strict Compliance (Application Number 2001-0506.001)

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 Waiver of Strict Compliance be approved with conditions:

2001-0506.001 TARA PLATT, Buena Vista Township, 6.54 acres, single family dwelling, Rural Development Area

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

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for the requested Waiver of Strict Compliance; and

WHEREAS, pursuant to N.J.S.A. 13A-5h no action authorized by the Commission shall have force or effect until then (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; and

WHEREAS, the Pinelands Commission hereby determines that the requested Waiver conforms to the standards for approving an application for a Waiver of Strict Compliance based on extraordinary hardship as set forth in N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63 and N.J.A.C. 7:50-4.65 if the conditions recommended by the Executive Director are imposed.

NOW, THEREFORE BE IT RESOLVED that the following application for a Waiver of Strict Compliance is hereby approved subject to the conditions recommended by the Executive Director:

2001-0506.001 TARA PLATT, Buena Vista Township, 6.54 acres, single family dwelling, Rural Development Area

Record of Commission Votes

	AYE	NAY	NP	ABS		AYE	NAY	NP	ABS		AYE	NAY	NP	ABS
Ashmun					Haas					Slavin				
Brown					Hagaman					Witt				
Campbell					Lee					Tomasello				
Ficcaglia					Lloyd					Wilson				
Galletta					McIntosh									

Adopted at a meeting of the Pinelands Commission Date: _____

John C. Stokes
Executive Director

Betty Wilson
Chair

**REPORT ON AN APPLICATION FOR A
WAIVER OF STRICT COMPLIANCE**

July 23, 2007

Tara Platt
Siracusa Homes
6206 Black Horse Pike
Egg Harbor Township, NJ 08234

Please Always Refer To
This Application Number

Re: Application # 2001-0506.001
 Block 1808, Lot 5
 Jackson Road
 Buena Vista Township

Dear Ms. Platt:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 10, 2007 meeting.

FINDINGS OF FACT

This application is for the development of a single family dwelling serviced by an onsite septic system on the above referenced 6.54 acre lot in Buena Vista Township. The lot is located in Buena Vista Township's RDR1 zoning district and in a Pinelands Rural Development Area. To meet the overall residential density requirement in the Rural Development Area, Buena Vista Township's certified land use ordinance establishes a residential density requirement of one dwelling unit per 3.2 acres in this portion of the Rural Development Area.

The lot has been inspected by three members of the Commission's staff. In addition, the appropriate resource capability maps and data available to the staff have been reviewed.

*** 20010506. 001 ***

The Atlantic County Soils Survey indicates that there are Downer soils on this lot. These soils can have a seasonal high water table of less than five feet below the natural ground surface. A total of two test pits and two soil borings were performed by the applicant's consultant. Additionally, two soil borings were performed by members of the Commission's staff. The soil test pit and soil borings revealed a seasonal high water table of less than five feet below the natural ground surface. The applicant has submitted no information to demonstrate that the septic system could be located in an area where the seasonal high water table is at least five feet below the natural ground surface. Based on the results of the soil test pits and soil borings performed by the applicant's consultant and by the Commission staff, the septic system can be located in area where the seasonal high water table is at least two feet below the natural ground surface. Since the available information indicates the seasonal high water table on the entire lot is less than five feet below the natural ground surface, the applicant is requesting a Waiver of Strict Compliance (Waiver) from the seasonal high water table requirement contained in N.J.A.C. 7:50-6.84(a)4iv.

The lot includes all contiguous land in common ownership on or after January 14, 1981. The proposed single family dwelling will be the sole principal use of the entire contiguous parcel. The development of a single family dwelling on the lot will not require any lot area or residential density variances pursuant to Buena Vista Township's certified land use ordinances. A single family dwelling can be developed on the lot without violating any of the criteria contained in N.J.A.C. 7:50-4.65(b) if the conditions recommended below are imposed.

Only if the lot is developed in accordance with the conditions recommended below will the adverse impacts to water quality be minimized.

Information available to the Commission staff indicated the potential presence of a threatened animal species or endangered plant species on and in the vicinity of the lot. The applicant proposes to locate the proposed development a 40,004 square foot portion of the western corner of the lot adjacent to Jackson Road and Eleventh Avenue, as close to existing development as possible. The applicant also proposes to deed restrict the remainder of the lot to prevent any further development and disturbance, unless a threatened and endangered species survey is undertaken to demonstrate consistency with the threatened and endangered species protection standard of the Buena Vista Township land use ordinance and the CMP. With the conditions recommended below the applicant has demonstrated that the proposed development will be designed to avoid irreversible adverse impacts on habitat that is critical to the survival of any local population of threatened or endangered animal species in accordance with N.J.A.C. 7:50-6.33 and on the survival of any local population of threatened or endangered plant species in accordance with N.J.A.C. 7:50-6.27.

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

CONCLUSION

N.J.A.C. 7:50-4.62 sets forth the standards which must be met before a Waiver can be approved. N.J.A.C. 7:50-4.62(a) requires that for an application to be approved based on

extraordinary hardship the applicant must demonstrate that the conditions of either N.J.A.C. 7:50-4.63(a) or (b) have been met.

N.J.A.C. 7:50-4.63(a) sets forth five conditions which must be met for an applicant to qualify for an extraordinary hardship pursuant to that subsection.

The first condition is that the only relief sought is from one or more of the standards contained in N.J.A.C. 7:50-6 for certain specified development. One of the specified categories of development is as follows:

- vii. A single family dwelling on a parcel within a Rural Development Area that complies with the density and lot area standards set forth in N.J.A.C. 7:50-5.26(a) and (c);

This application is only for a Waiver from the seasonal high water table requirements of the CMP. The applicant is seeking to develop a single family dwelling on a lot within the Rural Development Area that complies with the residential density and lot area standards set forth in N.J.A.C. 7:50-5.26(a) and (c). The proposed single family dwelling on the 6.54 acre lot meets the residential density and lot area standards established in this portion of the Rural Development Area in Buena Vista Township's certified land use ordinances. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)1vii.

The second condition is that the lot includes all contiguous land in common ownership on or after January 14, 1981, including lands which are contiguous as a result of ownership of other contiguous lands. Since the lot includes all such contiguous land, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)2.

The third condition is that the proposed use will be the sole principal use on the entire contiguous parcel, except as expressly provided in N.J.A.C. 7:50-5.1(c). As the proposed single family dwelling will be the sole principal use on the lot, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)3.

The fourth condition is that all necessary municipal lot area and density variances have been obtained if the lot is located in a municipality whose master plan and land use ordinances have been certified by the Pinelands Commission. Buena Vista Township's master plan and land use ordinances have been certified by the Pinelands Commission. The certified ordinances do not require any municipal lot area or density variances. As a result, the applicant meets the criteria set forth in N.J.A.C. 7:50-4.63(a)4.

The fifth condition is that the development of the lot will not violate any of the criteria contained in N.J.A.C. 7:50-4.65(b). N.J.A.C. 7:50-4.65(a) precludes the granting of a Waiver which permits a parcel to be developed unless such development will be consistent with the purposes and provisions of the Pinelands Protection Act, the Federal Act and the CMP and will not result in a substantial impairment of the resources of the Pinelands Area. N.J.A.C. - 7:50-4.65(b) sets forth the circumstances which do not comply with N.J.A.C. 7:50-4.65(a). With

the conditions recommended below, the proposed development will not violate any of the circumstances contained in N.J.A.C. 7:50-4.65(b) as required by N.J.A.C. 7:50-4.63(a)5.

Since the applicant meets all the conditions set forth in N.J.A.C. 7:50-4.63(a), the applicant has demonstrated that an extraordinary hardship exists pursuant to N.J.A.C. 7:50-4.62(a).

N.J.A.C. 7:50-4.62(d)1iii requires the acquisition and redemption of 0.25 Pinelands Development Credits whenever a Waiver provides relief from one or more of the standards of N.J.A.C. 7:50-6. As the applicant is obtaining a Waiver from the minimum depth to seasonal high water table of five feet when utilizing an on-site septic system requirement contained in N.J.A.C. 7:50-6.84, a condition is included to require the applicant to purchase the requisite 0.25 Pinelands Development Credits.

With the conditions recommended below, the applicant meets the requirements contained in N.J.A.C. 7:50-4.62(d).

To meet the requirements of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-6.27, N.J.A.C. 7:50-6.33, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65, the Pinelands Commission staff has determined that the lot must be developed in accordance with the following conditions:

1. Except as modified by the below conditions, the proposed development shall adhere to the plot plan prepared by Schaeffer Nassar Scheidegg Consulting Engineers, dated April 11, 2007 and revised March 12, 2007.
2. The proposed septic system shall be located in an area where the seasonal high water table is at least 2 feet below the natural ground surface.
3. All development, including clearing and land disturbance, shall maintain a 300 foot buffer to all freshwater wetlands as shown on the above referenced plan. No development, including clearing and land disturbance, is permitted in wetlands or wetlands buffers as delineated on the above referenced plan.
4. To maintain consistency with the threatened and endangered species protection standards, all development, including clearing and land disturbance, must be located within the limits of the development area depicted on the above referenced plan.
5. To maintain consistency with the threatened and endangered species protection standards, the applicant proposes to impose a deed restriction outside of the 40,004 square foot development area, as depicted on the above referenced plan. The deed restriction must prohibit any clearing and land disturbance outside of the designated development area unless a threatened and endangered species survey is undertaken demonstrating consistency with threatened and endangered species protection standards.

6. Except as provided in N.J.A.C. 7:50-5.1(c), the single family dwelling approved herein shall be the sole principal use of the lot.
7. Prior to Commission issuance of a letter advising that any municipal or county approval or permit may take effect, proof of acquisition and redemption of the requisite 0.25 PDCs must be submitted to the Pinelands Commission.
8. This Waiver shall expire August 10, 2012 unless all necessary construction permits have been issued by that date. The Waiver shall also expire if any construction permit is allowed to expire or lapse after August 10, 2012 or if any renewal or extension of any permit or approval or issuance of a new construction permit is necessary after that date.
9. Prior to Commission issuance of a letter advising that any submitted municipal or county permit or approval may take effect, a recorded copy of the proposed threatened and endangered species deed restriction to maintain consistency with the threatened and endangered species protection standard for the lot which includes a description of the area to be deed restricted must be submitted to the Pinelands Commission.
10. A copy of a recorded deed containing all of the above conditions shall be submitted to the Pinelands Commission prior to completing an application for development. The deed shall specify that the conditions are being imposed pursuant to a Waiver of Strict Compliance referring to the application number. The deed shall state that the conditions are enforceable by the Pinelands Commission, the Atlantic County Division of Public Health, Buena Vista Township and any other party of interest.

With the above conditions, the applicant qualifies for a "Waiver" from the requirements of N.J.A.C. 7:50-6.84(a)5vi.

Since the applicant meets the provisions of N.J.A.C. 7:50-4.62, N.J.A.C. 7:50-4.63(a) and N.J.A.C. 7:50-4.65 for the development of a single family dwelling on the lot, it is recommended that the Pinelands Commission **APPROVE** the requested Waiver of Strict Compliance subject to the above conditions.

APPEAL

Any interested person may appeal the Executive Director's determination on this application to the Commission. The request to appeal the decision 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, Buena Vista Township Planning Board; and
 - c. Buena Vista Township Environmental Commission.

Any appeal will be referred to the Office of Administrative Law for a hearing. If no appeal is received within 18 days of this letter, the Pinelands Commission will act on this application at its meeting on August 10, 2007. 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

MEI:ED:KY:CMH

C: Secretary, Buena Vista Township Planning Board
Buena Vista Township Environmental Commission
Atlantic County Division of Public Health
Exec. Director, Pinelands Development Credit Bank
Betsy Piner
Mary E. Irvine

AMENDED LETTER OF INTERPRETATION #528

July 23, 2007

Anthony K. & Donna A. Hennessey
138 Country Lane
Sicklerville NJ 08081

Please Always Refer To
This Application Number

Re: Application # 1987-1291.002
 Block 6401, Lot 1
 South Grove Street (Route 73)
 Winslow Township

FINDINGS OF FACT

The applicants own the above referenced 26.83 acre lot in Winslow Township. The acreage of the lot is based upon the recorded deed for the lot. The lot is located in a Pinelands Agricultural Production Area. Pursuant to N.J.A.C. 7:50-4.72(a)2, the applicants are requesting an Amended Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are allocated to the lot.

On April 24, 1990, the Commission issued LOI #528 allocating 2.50 PDCs to 54.28 acre Block 6401, Lot 1. Subsequently, Block 6401, Lot 1 was subdivided into two 26.83 acre lots (Block 6401, Lots 1 and 1.01). The applicants have requested an Amended LOI allocating PDCs for only 26.83 acre Block 6401, Lot 1. This Amended LOI #528 replaces the April 24, 1990 LOI #528.

The lot contains 22.63 acres of wooded uplands and uplands in active field agriculture. The remaining 4.2 acres are wetlands as defined by N.J.A.C. 7:50-6.5(a).

On or after January 14, 1981, Block 6401, Lot 1 was in common ownership with contiguous 26.83 acre Block 6401, Lot 1.01. Block 6401, Lot 1.01 contains 24.93 acres of wooded uplands and uplands in active field agriculture. The remaining 1.9 acres of Block 6401, Lot 1.01 acres are wetlands as defined by N.J.A.C. 7:50-6.5(a).

The applicants are reserving the right to construct one future dwelling on Block 6401, Lot 1. There are no easements limiting the use of the overall 53.66 contiguous parcel in common ownership on or after January 14, 1981 to non-residential uses. No resource extraction operation or other development has been approved for the overall 53.66 contiguous parcel in common ownership on or after January 14, 1981 pursuant to the provisions of the Comprehensive Management Plan (CMP).

19871291. 002

An application for a two lot subdivision of Block 6401, Lot 1 and the development of two single family dwellings was previously approved pursuant to the provisions of the CMP (Application #1987-1291.003). Those dwellings have not been developed.

CONCLUSION

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

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

For the 22.63 acres of uplands, the applicants would be entitled to 1.16 PDCs. For the 4.2 acres of wetlands, the applicants would be entitled to 0.02 PDCs. Not considering the overall parcel in common ownership on or after January 14, 1981 or the reserved right to develop a dwelling, 26.83 acre Block 6401, Lot 1 would be allocated 1.25 PDCs.

However, when allocating PDCs to portions of an overall contiguous parcel in common ownership, the sum of the PDCs allocated to the separate portions of the parcel must equal the number of PDCs allocated to the overall parcel in common ownership on or after January 14, 1981. The lot subject of the current application was in common ownership with 26.83 acre contiguous Block 6401, Lot 1.01 on or after January 14, 1981. The two lots formed a contiguous parcel of 53.66 acres.

The overall contiguous 53.66 acre parcel consists of 47.56 acres of uplands and 6.1 acres of wetlands. For the 47.56 acres of uplands, the overall contiguous parcel is entitled to 2.44 PDCs. For the 6.1 acres of wetlands, the overall contiguous parcel is entitled to 0.03 PDCs. Not considering the reserved right to construct a single family dwelling on Block 6401, Lot 1, there would be a total of 2.5 PDCs allocated to the overall 53.66 acre contiguous parcel.

However, N.J.A.C. 7:50-5.43(b)3iii requires that the PDC entitlement for the lot be reduced by 0.25 PDCs for each reserved right to construct a future dwelling on the lot. Based upon the reserved right to construct a single family dwelling on Block 6401, Lot 1, there would be 2.25 PDCs allocated to the overall 53.66 acre contiguous parcel in common ownership on or after January 14, 1981.

Therefore, there is 1.0 PDC allocated to 26.83 acre Block 6401, Lot 1.

APPEAL

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

1. the name and address of the person requesting the appeal;
2. the application number;

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

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

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

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

Sincerely,

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

AF/CH

c: Secretary, Winslow Township Planning Board
 Winslow Township Environmental Commission
 Secretary, Camden County Planning Board
 Betsy Piner
 Executive Director, PDC Bank
 Mary E. Irvine
 Charles A. Fiore, Esq.



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-07-_____

TITLE: Issuing an Order to Certify Ordinance 2007-34, Amending Chapter 211 (Zoning) of the Code of Stafford Township

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

- WHEREAS**, on October 7, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Stafford Township; and
- WHEREAS**, on October 2, 1987, the Pinelands Commission re-certified the codified Land Use Ordinances of Stafford Township; and
- WHEREAS**, on April 7, 1989, the Pinelands Commission re-certified Chapters 78 (Campgrounds), 130(Land Use and Development) and 211 (Zoning) of the Code of Stafford Township through its adoption of Resolution #PC4-89-37; and
- WHEREAS**, Resolution #PC4-89-37 of the Pinelands Commission specified that any amendment to the Township’s certified Master Plan and codified Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and
- WHEREAS**, Resolution #PC4-89-37 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and
- WHEREAS**, on March 20, 2007, Stafford Township adopted Ordinance 2007-34, amending Chapter 211 (Zoning) of the Township’s Code by establishing limitations on impervious surface coverage for residential development in various zoning districts, including those within the Pinelands Regional Growth Area; and
- WHEREAS**, the Pinelands Commission received a certified copy of Ordinance 2007-34 on March 23, 2007; and
- WHEREAS**, by letter dated April 30, 2007, the Executive Director notified the Township that Ordinance 2007-34 would require formal review and approval by the Pinelands Commission; and
- WHEREAS**, a public hearing to receive testimony on Ordinance 2007-34 was duly advertised, noticed and held on June 27, 2007 at the Pinelands Commission office, 15C Springfield Road , New Lisbon, New Jersey at 9:30 a.m.; and
- WHEREAS**, the Executive Director has found that Ordinance 2007-34 is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and
- WHEREAS**, the Executive Director has submitted a report to the Commission recommending the issuance of an order to certify that Ordinance 2007-34, amending Chapter 211 (Zoning) of the Code of Stafford Township, is in conformance with the Pinelands Comprehensive Management Plan; and
- WHEREAS**, the Commission’s CMP Policy and Implementation Committee has reviewed the Executive Director’s report and has recommended that Ordinance 2007-34 be certified; and

WHEREAS, the Pinelands Commission has duly considered all public testimony concerning Ordinance 2007-34 and has reviewed the Executive Director’s report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Executive Director; 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. An Order is hereby issued to certify that Ordinance 2007-34, amending Chapter 211 (Zoning) of the Code of Stafford Township, is in conformance with the Pinelands Comprehensive Management Plan.
- 2. Any additional amendments to the Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

AYE NAY NP ABS					AYE NAY NP ABS					AYE NAY NP ABS				
Ashmun					Haas					Slavin				
Brown					Hagaman					Witt				
Campbell					Lee					Tomasello				
Ficcaglia					Lloyd					Wilson				
Galletta					McIntosh									

Adopted at a meeting of the Pinelands Commission Date: _____

John C. Stokes
Executive Director

Betty Wilson
Chair

REPORT ON ORDINANCE 2007-34, AMENDING CHAPTER 211
(ZONING) OF THE CODE OF STAFFORD TOWNSHIP

July 27, 2007

Stafford Township
260 E. Bay Avenue
Manahawkin, NJ 08050

FINDINGS OF FACT

I. Background

The Township of Stafford is located in the southern portion of Ocean County, in the eastern section of the Pinelands Area. Pinelands municipalities that abut Stafford Township include the Townships of Barnegat, Eagleswood and Little Egg Harbor in Ocean County and the Townships of Woodland and Bass River in Burlington County.

On October 7, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Stafford Township. On October 2, 1987, the Pinelands Commission re-certified the codified Land Use Ordinances of Stafford Township. On April 7, 1989, the Pinelands Commission re-certified Chapters 78 (Campgrounds), 130 (Land Use and Development) and 211 (Zoning) of the Code of Stafford Township.

On March 20, 2007, Stafford Township adopted Ordinance 2007-34, amending Chapter 211 (Zoning) of the Township's Code by establishing limitations on impervious surface coverage for residential development in various zoning districts, including those within the Pinelands Regional Growth Area. The Pinelands Commission received a certified copy of Ordinance 2007-34 on March 23, 2007.

By letter dated April 30, 2007, the Executive Director notified the Township that Ordinance 2007-34 would require formal review and approval by the Pinelands Commission. The Executive Director also asked the Township to provide a brief analysis indicating how it selected the different impervious surface coverage limitations for the R-3, R-4 and R-90 (Regional Growth Area Residential) Zones and how these limitations relate to the permitted lot areas and densities which apply in these zones. This analysis was received on June 28, 2007 and is attached hereto as Exhibit #1.

II. Master Plans and Land Use Ordinances

The following ordinance has been submitted to the Pinelands Commission for certification:

- * Ordinance 2007-34, amending Chapter 211 (Zoning) of the Code of Stafford Township, introduced on March 6, 2007 and adopted on March 20, 2007.

This ordinance has been reviewed to determine whether it conforms with the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50 3.39 of the Pinelands Comprehensive Management Plan. The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50 3.39.

1. **Natural Resource Inventory**

Not applicable.

2. **Required Provisions of Land Use Ordinance Relating to Development Standards**

Ordinance 2007-34 amends Chapter 211 (Zoning) of the Township's Code by establishing limitations on impervious surface coverage for residential development in various zoning districts. Impervious surface coverage is defined in Stafford Township's Code as the percentage of total area of a lot or tract, after deduction for tidal and non-tidal bodies of water and wetlands, which is covered in such a manner so that stormwater runoff is not absorbed by the ground. It includes buildings, parking areas, driveways (both paved and gravel when underlain by impermeable materials), curbs, sidewalks, decks and patios. Detention and retention basins, drywalls and areas where non-compacted gravel is laid over a porous filtered fabric designed to allow water infiltration and prevent vegetative growth are specifically exempted from the definition of impervious surface coverage.

In the Pinelands Area, the affected zoning districts include the R-3, R-4 and R-90 Zones within the Pinelands Regional Growth Area. For each of these zones, Ordinance 2007-34 establishes impervious surface coverage percentages which vary depending on the type of residential development and permitted lot area requirements. The ordinance also provides the opportunity for increased impervious surface coverage in each zone upon the installation of dry wells for all roof runoff. The chart on the following page sets forth the limitations adopted by Ordinance 2007-34 for single family detached units:

Zone	Minimum Lot Size Requirement (square feet)	Impervious Surface Coverage	
		% Permitted	% Permitted with Dry Wells
R-3	15,000	45	50
R-3 w/PDCs	6,800	55	60
R-4	10,000	50	55
R-4 PRC ¹	5,500	60	65
R-90	9,000	55	60
R-90 w/PDCs	6,000	60	65

¹ Planned Retirement Community

As indicated in the preamble to Ordinance 2007-34, limitations on total impervious coverage in commercial zones have been in place in Stafford Township for some time now. Similar limitations for residential zones were lacking and the Township believed it needed to take steps to control the potential impacts of an excessive percentage of impervious coverage in such zones. A specific concern with the growth of “post development impervious surface coverage,” leading to an increase in stormwater runoff, also prompted the Township to establish residential limitations. Given the amount of residential growth occurring in this particular municipality, the Township’s concerns are valid.

The Comprehensive Management Plan does not contain impervious surface coverage standards for residential development. Therefore, at issue is only whether the specific impervious surface coverage percentages selected by the Township are reasonable insofar as they relate to the minimum lot size requirements in the Township’s various Regional Growth Area zones. This was an issue to which the Township devoted a great deal of attention when drafting Ordinance 2007-34, as is evidenced in the attached analysis (see Exhibit #1). Based on this detailed analysis, it appears that the selected impervious surface coverage limitations are indeed reasonable for single family detached units in the R-3, R-4 and R-90 Zones. In reaching this conclusion, Commission staff and the Township’s consultants made certain assumptions relative to lot configuration, the size of homes being built in the Township, desired yard areas and the like in an attempt to determine whether the adopted impervious surface coverage limitations could be met by a “typical” residential development. Clearly, there will be cases where topography, home design and other factors may necessitate an increase in impervious surface coverage beyond the limitations set forth in Ordinance 2007-34. It is the opinion of the Executive Director that this should be the exception, rather than the rule, for lots being developed for single family detached units in Stafford’s Regional Growth Area residential zones. In such cases, variances may be requested from the municipality or an applicant may elect to take advantage of the increased impervious surface coverage permitted if dry wells to handle roof runoff are installed.

Ordinance 2007-34 is consistent with the land use and development standards of the Comprehensive Management Plan. Therefore, this standard for certification is met.

3. Requirement for Certificate of Filing and Content of Development Applications

Not applicable.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Ordinance 2007-34 establishes maximum impervious coverage limitations for residential development in Stafford Township's Regional Growth Area zoning districts. The amount of impervious surface coverage permitted by Ordinance 2007-34 ranges from 45 to 65 percent, depending upon the municipal zoning district, type of residential development and use of dry wells for roof runoff. In establishing the permitted impervious surface coverage percentages, the Township was cognizant of the fact that residential zones throughout the municipality have different geographic and topographic features; thus, the percentage of permitted impervious surface coverage would need to be tailored to suit each particular zone. The Township also acknowledged that more impervious surface coverage would need to be allowed in cases where Pinelands Development Credit use is permitted to reduce minimum lot area requirements.

Section 2 of this report presented the Executive Director's conclusion that the impervious surface coverage limitations adopted by Ordinance 2007-34 would be able to be met under most circumstances by applicants seeking to develop single family detached units in Stafford's Regional Growth Area. This is the case for such development with or without the use of Pinelands Development Credits. Therefore, opportunities for the use of Pinelands Development Credits will continue to be provided in Stafford's Regional Growth Area residential zones.

This standard for certification is met.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Ordinance 2007-34, amending Chapter 211 (Zoning) of the Code of Stafford Township, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan.

This standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Ordinance 2007-34, amending Chapter 211 (Zoning) of the Code of Stafford Township, is consistent with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

Not applicable.

PUBLIC HEARING

A public hearing to receive testimony concerning Stafford Township's application for certification of Ordinance 2007-34 was duly advertised, noticed and held on June 27, 2007 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m. Ms. Grogan conducted the hearing, at which no testimony was received.

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that the Ordinance 2007-34 complies with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify Ordinance 2007-34 of Stafford Township.

SRG/CST
Attachment



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-07-_____

TITLE: Issuing an Order to Certify the April 2007 Stormwater Management Plan of Winslow Township, and Ordinance 0-01-07, Adopting Article 297 of the Code of Winslow Township

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

WHEREAS, on April 8, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Winslow Township; and

WHEREAS, Resolution #PC4-83-30 of the Pinelands Commission specified that any amendment to Winslow Township’s certified Master Plan and Land Use Ordinances be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 (Submission and Review of Amendments to Certified Master Plans and Land Use Ordinances) of the Comprehensive Management Plan to determine if said amendment raises a substantial issue with respect to conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, Resolution #PC4-83-30 further specified that any such amendment shall only become effective as provided in N.J.A.C. 7:50-3.45 of the Comprehensive Management Plan; and

WHEREAS, on February 10, 2006, the Pinelands Commission adopted a set of amendments to the Pinelands Comprehensive Management Plan which require stormwater runoff be managed in accordance with both New Jersey Department of Environmental Protection stormwater regulations as provided in N.J.A.C. 7:8 and Pinelands Comprehensive Management Plan regulations N.J.A.C. 7:50-6.84; and

WHEREAS, these amendments were adopted to address stormwater-related water quality, groundwater recharge and water quantity impacts of major developments, and to integrate the new Department of Environmental Protection requirements and current state-of-the-art in stormwater engineering practice into the Pinelands Comprehensive Management Plan, including further requirements for pre-treatment and recharge of stormwater from high pollutant load areas, specific site assessment protocols for major development, low impact site design, standards for permanent stormwater facility maintenance and management of onsite soil resources; and

WHEREAS, these Comprehensive Management Plan amendments became effective on May 1, 2006; and

WHEREAS, municipalities located within the Pinelands Area are required to adopt ordinance amendments necessary for conformance with any Comprehensive Management Plan amendments within one year of the effective date of any such amendments; and

WHEREAS, on March 28, 2006, Winslow Township adopted Ordinance 0-10-06, amending the Township’s Code by establishing a new Article 297 to regulate, control and manage stormwater within the Pinelands Area of Winslow Township; and

WHEREAS, the Pinelands Commission received a certified copy of Ordinance 0-10-06 on April 6, 2006; and

WHEREAS, the Pinelands Commission also received a copy of the Township’s July 2005 Municipal Stormwater Management Plan on May 5, 2006.

WHEREAS, by letter dated August 4, 2006, Commission staff provided a revised model stormwater control ordinance to the Township and detailed the revisions which would be necessary to both Ordinance 0-10-06 and the Township's July 2005 Stormwater Management Plan for purposes of consistency with the May 2006 CMP amendments; and

WHEREAS, on February 27, 2007, Winslow Township adopted Ordinance 0-01-07, repealing Ordinance 0-10-06 and adopting Article 297 of the Township's Code containing revised stormwater management standards and application requirements in response to the May 2006 Comprehensive Management Plan amendments; and

WHEREAS, the Pinelands Commission received an adopted copy of Ordinance 0-01-07 on April 5, 2007; and

WHEREAS, by letter dated May 11, 2007, Winslow Township requested an extension of the deadline for response to the May 2006 CMP amendments in order to provide the Township Planning Board with an opportunity to readopt the municipality's Stormwater Management Plan in accordance with appropriate notice requirements; and

WHEREAS, by letter dated May 11, 2007, the Executive Director notified the Township that an extension was granted until September 1, 2007; and

WHEREAS, on May 17, 2007, the Winslow Township Planning Board adopted a Stormwater Management Plan, dated April 2007, which contains all required elements as described in the stormwater management rules of N.J.A.C 7:8 et seq., including provisions addressing stormwater design and performance standards, build-out analysis and exemptions to design and performance standards through mitigation strategies; and

WHEREAS, the Pinelands Commission received an adopted copy of the April 2007 Stormwater Management Plan on June 20, 2007; and

WHEREAS, by letter dated July 11, 2007, the Executive Director notified the Township that the April 2007 Stormwater Management Plan and Ordinance 0-01-07 would require formal review and approval by the Pinelands Commission; and

WHEREAS, a public hearing to receive testimony on the April 2007 Stormwater Management Plan and Ordinance 0-01-07 was duly advertised, noticed and held on July 25, 2007 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.; and

WHEREAS, the Executive Director has found that the April 2007 Stormwater Management Plan and Ordinance 0-01-07 are consistent with the standards and provisions of the Pinelands Comprehensive Management Plan; and

WHEREAS, the Executive Director has submitted a report to the Commission recommending issuance of an order to certify that Winslow Township's April 2007 Stormwater Management Plan and Ordinance 0-01-07, adopting Article 297 of the Code of Winslow Township, are in conformance with the Pinelands Comprehensive Management Plan; and

WHEREAS, the Pinelands Commission has duly considered all public testimony concerning the April 2007 Stormwater Management Plan and Ordinance 0-01-07 and has reviewed the Executive Director's report; and

WHEREAS, the Pinelands Commission accepts the recommendation of the Executive Director; 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. An Order is hereby issued to certify that the April 2007 Stormwater Management Plan of Winslow Township and Ordinance 0-01-07, adopting Article 297 of the Code of Winslow Township, are in conformance with the Pinelands Comprehensive Management Plan.
- 2. Any additional amendments to the Township’s certified Master Plan and Land Use Ordinances shall be submitted to the Executive Director in accordance with N.J.A.C. 7:50-3.45 to determine if said amendments raise a substantial issue with respect to the Comprehensive Management Plan. Any such amendment shall become effective only as provided in N.J.A.C. 7:50-3.45.

Record of Commission Votes

AYE NAY NP ABS					AYE NAY NP ABS					AYE NAY NP ABS				
Ashmun					Haas					Slavin				
Brown					Hagaman					Witt				
Campbell					Lee					Tomasello				
Ficcaglia					Lloyd					Wilson				
Galletta					McIntosh									

Adopted at a meeting of the Pinelands Commission

Date: _____

John C. Stokes
Executive Director

Betty Wilson
Chair

**REPORT ON WINSLOW TOWNSHIP'S APRIL 2007
STORMWATER MANAGEMENT PLAN AND ORDINANCE 0-01-07,
ADOPTING ARTICLE 297 OF THE CODE OF WINSLOW TOWNSHIP**

July 27, 2007

Township of Winslow
125 S. Route 73
Winslow, NJ 08037-9422

FINDINGS OF FACT

I. Background

The Township of Winslow is located in eastern Camden County, in the western portion of the Pinelands Area. Pinelands municipalities adjacent to Winslow Township include the Boroughs of Berlin and Chesilhurst and the Township of Waterford in Camden County, the Township of Monroe in Gloucester County, and the Town of Hammonton and Borough of Folsom in Atlantic County.

On April 8, 1983, the Pinelands Commission fully certified the Master Plan and Land Use Ordinances of Winslow Township.

On February 10, 2006, the Pinelands Commission adopted a set of amendments to the Pinelands Comprehensive Management Plan which require stormwater runoff be managed in accordance with both New Jersey Department of Environmental Protection stormwater regulations as provided in N.J.A.C. 7:8 and Pinelands Comprehensive Management Plan regulations N.J.A.C. 7:50-6.84. These amendments were adopted to address stormwater-related water quality, groundwater recharge and water quantity impacts of major

developments, and to integrate the new NJ Department of Environmental Protection requirements and current stormwater engineering practice into the Pinelands Comprehensive Management Plan, including requirements for pre-treatment and recharge of stormwater from high in pollutant load areas, specific site assessment protocols for major development, low impact site design, standards for permanent stormwater facility maintenance and management of onsite soil resources, particularly in the post-construction period to test as-built field conditions against design assumptions. These Comprehensive Management Plan amendments became effective on May 1, 2006.

By law, municipalities located within the Pinelands Area are required to adopt ordinance amendments necessary for conformance with any Comprehensive Management Plan amendments within one year of the effective date of any such amendments.

On March 28, 2006, Winslow Township adopted Ordinance 0-10-06, amending the Township's Code by establishing a new Article 297 to regulate, control and manage stormwater within the Pinelands Area of Winslow Township. The Pinelands Commission received a certified copy of Ordinance 0-10-06 on April 6, 2006. The Pinelands Commission also received a copy of the Township's July 2005 Municipal Stormwater Management Plan on May 5, 2006.

By letter dated August 4, 2006, Commission staff provided a revised model stormwater control ordinance to the Township and detailed the revisions which would be necessary to both Ordinance 0-10-06 and the Township's July 2005 Stormwater Management Plan for purposes of consistency with the May 2006 CMP amendments.

On February 27, 2007, Winslow Township adopted Ordinance 0-01-07, repealing Ordinance 0-10-06 and amending Article 297 of the Township's Code to include a Section on Stormwater Control, which contains stormwater regulations and application requirements in response to the May 1, 2006 CMP amendments. Ordinance 0-01-07 closely follows the model ordinance provided by the Commission to all Pinelands municipalities. The Pinelands Commission received an adopted copy of Ordinance 0-01-07 on March 7, 2007.

By letter dated May 11, 2007, Winslow Township requested an extension of the deadline for response to the May 2006 CMP amendments in order to provide the Township Planning Board with an opportunity to readopt the municipality's Stormwater Management Plan in accordance with appropriate notice requirements. By letter dated May 11, 2007, the Executive Director notified the Township that an extension was granted until September 1, 2007.

On May 17, 2007, the Winslow Township Planning Board adopted a Stormwater Management Plan, dated July 2005 and revised April 2007, which contains all required elements as described in the stormwater management rules of N.J.A.C 7:8 et seq., including

provisions addressing stormwater design and performance standards, build-out analysis and exemptions to design and performance standards through mitigation strategies. The Township's Plan also identifies appropriate parcels or projects elsewhere in the Pinelands Area where any off-site mitigation would be permitted to occur. The Pinelands Commission received an adopted copy of the Township's April 2007 Stormwater Management Plan on June 20, 2007.

By letter dated July 11, 2007, the Executive Director notified the Township that the April 2007 Stormwater Plan and Ordinance 0-01-07 would require formal review and approval by the Pinelands Commission.

II. Master Plans and Land Use Ordinances

The following documents have been submitted to the Pinelands Commission for certification:

- * The April 2007 Stormwater Management Plan of Winslow Township, adopted by the Planning Board on May 17, 2007; and
- * Ordinance 0-01-07, adopting Article 297 of the Code of Winslow Township, introduced on January 23, 2007 and adopted by the Township Committee on February 27, 2007.

These documents have been reviewed to determine whether they conform to the standards for certification of municipal master plans and land use ordinances as set out in N.J.A.C. 7:50-3.39 of the Pinelands Comprehensive Management Plan. The findings from this review are presented below. The numbers used to designate the respective items correspond to the numbers used to identify the standards in N.J.A.C. 7:50-3.39.

1. Natural Resource Inventory

Not applicable.

2. Required Provisions of Land Use Ordinances Relating to Development Standards

As recommended in the adopted April 2007 Stormwater Management Plan, Ordinance 0-01-07 adopts Article 297 of the Code of Winslow Township in order to provide for stormwater control regulations and the incorporation of certain design

and performance standards. As a result, the Township outlines and adopts a strategy applicable to major development projects of one acre or greater in order to address stormwater related impacts, including those associated with groundwater recharge, stormwater quantity, and stormwater quality. Design and performance standards target operation and maintenance measures for existing and future stormwater facilities and encourage the use of low-impact development techniques. Such low impact measures include non-structural stormwater management measures and the application of best management practices, such as bioretention systems, constructed stormwater wetlands, infiltration basins, pervious paving systems, and vegetative filter strips.

Ordinance 0-01-07 also provides the opportunity for off-site mitigation as an exception from strict compliance from the groundwater recharge, stormwater runoff quantity and stormwater runoff quality requirements. Any such mitigation must occur in accordance with the mitigation measures outlined in the Township's April 2007 Stormwater Management Plan. This Plan outlines the Township's mitigation criteria, considerations, and off-site project locations.

Selection of an appropriate mitigation project for a waiver/exemption must first aim to locate within the Pinelands Area and within the same drainage area as the development site. If there are no appropriate sites within the same Pinelands drainage area, then the location of the mitigation project can be located anywhere within the municipality and must be selected to provide the most benefit relative to an existing stormwater problem in the same category (quality, quantity or recharge).

The Township also allows for a developer to provide funding or partial funding to the municipality for an environmental enhancement project previously identified in the April 2007 Stormwater Management Plan. The funding agreement must be in an acceptable form to the municipality, and secure an equivalent amount to the cost to implement the project requirements as described in the Plan, including costs associated with design, permitting, land and/or easement acquisition, construction, and provisions for the long-term maintenance requirements. The April 2007 Plan also requires the Township to expend monies collected for mitigation projects within five years of receipt.

Ordinance 0-01-07 further specifies and requires a particular method of calculating stormwater runoff rate and volume, stormwater runoff quality, and groundwater recharge rates. Nonstructural stormwater management strategies are identified and as are prescriptions for stormwater runoff quantity and rate, groundwater recharge, erosion control, and runoff quality standards. Additional quality standards are applied to high pollutant loading areas.

Ordinance 0-01-07 specifies the requirements for general inspection, maintenance and repair of stormwater management measures, including both structural and nonstructural measures, as incorporated into the design of a major development. Ordinance 0-01-07 ensures an applicant identifies those persons responsible for maintenance and action in the event a project becomes a public health nuisance or danger to public safety or health. Additional requirements are outlined for the care of Best Management Practice measures, which rely on infiltration. Through Ordinance 0-01-07, Winslow Township also includes provisions requiring permanent financing of the inspection, maintenance and repair of stormwater measures in the form of a maintenance guarantee. For those stormwater measures for which the Township assumes responsibility, Ordinance 0-01-07 specifies a prepaid fee collection from an applicant in an amount determined by the Township to be necessary for the long-term inspection, maintenance and repair of all stormwater management measures. Such fee will be placed in a cash management account and expended for the sole purpose of inspection, maintenance and repair activities as required under the applicant's major development approval. The calculation of the fee will be based upon the Inspection, Maintenance and Repair Plan required by the Township as described in the April 2007 Stormwater Management Plan at the time of application. Ordinance 0-01-07 provides details on how the required fee is to be calculated, including estimates of present and future values, provision of hourly salary rates for relevant municipal employees and engineer's estimates of the cost for reconstructing or reconditioning various stormwater measures. These stormwater maintenance fees are not required for those stormwater measures which remain the responsibility of a private entity, such as by a homeowners association or condominium association. However, any such private ownership entity will be required to establish a fund for the inspection, maintenance and repair program and make an annual contribution to a contingency fund for long-term reconstruction or reconditioning of stormwater measures.

Winslow Township's April 2007 Stormwater Management Plan and Ordinance 0-01-07 sufficiently respond to the May 2006 Comprehensive Management Plan amendments relative to stormwater management. As the April 2007 Stormwater Management Plan and Ordinance 0-01-07 are otherwise consistent with the land use and development standards of the Comprehensive Management Plan, this standard for certification is met.

3. Requirement for Certificate of Filing and Content of Development Applications

Ordinance 0-01-07 specifies an applicant shall submit, in addition to information required under any provisions of the Township's land use ordinance or by the Pinelands Commission pursuant to N.J.A.C. 7:50-1.1, all required components of a

‘Checklist for Site Development of a Stormwater Plan’, when applying for a subdivision or site plan approval. Any application for approval of a major development is further referred to the Township and Pinelands Commission for review, requiring submission of all engineering plans, topographic maps, site analysis, project description and site plan, land use planning and source control plan, stormwater management facilities map, and a calculations, inspection, maintenance and repair plan.

These application requirements are consistent with those added to N.J.A.C. 7:50-4.2 by the May 2006 amendments to the Comprehensive Management Plan. Therefore, this standard for certification is met.

4. Requirement for Municipal Review and Action on All Development

Not applicable.

5. Review and Action on Forestry Applications

Not applicable.

6. Review of Local Permits

Not applicable.

7. Requirement for Capital Improvement Program

Not applicable.

8. Accommodation of Pinelands Development Credits

Not applicable.

9. Referral of Development Applications to Environmental Commission

Not applicable.

10. General Conformance Requirements

Winslow Township's April 2007 Stormwater Management Plan and Ordinance 0-01-07, adopting Article 297 of the Code of Winslow Township, comply with the standards and provisions of the Pinelands Comprehensive Management Plan. Therefore, this standard for certification is met.

11. Conformance with Energy Conservation

Not applicable.

12. Conformance with the Federal Act

Winslow's Township's April 2007 Stormwater Management Plan and Ordinance 0-01-07, adopting Article 297 of the Code of Winslow Township, comply with the standards and provisions of the Pinelands Comprehensive Management Plan. No special issues exist relative to the Federal Act.

This standard for certification is met.

13. Procedure to Resolve Intermunicipal Conflicts

Not applicable.

PUBLIC HEARING

A public hearing to receive testimony concerning Winslow Township's application for certification of its April 2007 Stormwater Plan and Ordinance 0-01-07 was duly advertised, noticed and held on July 25, 2007 at the Richard J. Sullivan Center, 15C Springfield Road, New Lisbon, New Jersey at 9:30 a.m.

(summary of testimony to be added upon receipt)

CONCLUSION

Based on the Findings of Fact cited above, the Executive Director has concluded that Winslow Township's April 2007 Stormwater Management Plan and Ordinance 0-01-07 sufficiently implement the May 2006 amendments to the Pinelands Comprehensive Management Plan relative to stormwater management and are otherwise consistent with Comprehensive Management Plan standards for the certification of municipal master plans and land use ordinances. Accordingly, the Executive Director recommends that the Commission issue an order to certify the April 2007 Stormwater Management Plan and Ordinance 0-01-07 of Winslow Township.

CG/SRG/CWI

MEMORANDUM

DATE: July 27, 2007

TO: Members of the Pinelands Commission

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

SUBJECT: No Substantial Issue Ordinances

◇ ◇ ◇ ◇ ◇

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

Egg Harbor Township Ordinance 37-2007 - amends Chapter 225 (Zoning) of the Township's Code by defining changeable message signs and permitting such signs as a kind of freestanding sign within the Township's business and industrial districts. Ordinance 37-2007 also prohibits the use of flashing colors on such signs.

Evesham Township Ordinance 12-6-2007 - amends Chapter 120 (Sales and Displays, Outdoor) of the Township's Code to waive permits for outdoor displays and sales for such activities as Township-endorsed festivals; carnivals, festivals and similar events endorsed or conducted as fundraisers for school, religious or non-profit entities; businesses for which planning and zoning board approvals have been obtained for the outdoor display of merchandise, farms and farm stands accessory to a farm, and displays utilizing no more than sixteen square feet of the business operation's leasehold sidewalk area, providing that the conditions for the issuing of permits are otherwise met.

Galloway Township Ordinance 1701-2007 - amends Chapter 233 (Land Management) of the Township's Code by adopting reduced setback and lot coverage requirements for existing residentially developed lots in a specific area within the R5 District. These lots are less than acre in size and thus cannot conform with the setback and lot coverage requirements which otherwise apply in the R5 District where the minimum lot size requirement is five acres. The R5 District is located in the Pinelands Rural Development Area.

Galloway Township Ordinance 1703-2007 - amends Chapter 233 by adding self-service storage facilities and limited warehousing for contractors as conditional uses permitted in the HC-1 and HC-2 (Highway Commercial) Districts. Ordinance 1703-2007 also reduces the minimum lot size requirements for development in these two zoning districts (from 50,000 to 35,000 square feet in the HC-1 District and from two to one acre in the HC-2 District) and adjusts setback and lot coverage requirements accordingly. Finally, Ordinance 1703-2007 requires that development in the HC-1 and HC-2 Districts maintain a landscape strip of at least 25 feet in width along Route 30 in order to shield headlight glare and improve the streetscape. The HC-1 District is located in the Pinelands Regional Growth Area. The HC-2 District is also located in the Regional Growth Area, as well as within the Pinelands Town and Village portions of the municipality.

Galloway Township Ordinance 1705-2007 - amends Chapter 233 by revising and adding building coverage, buffer, parking, sign and design standards for professional offices where permitted as conditional uses. In the Pinelands Area, professional offices are permitted as a conditional use in both the Rural Development and Regional Growth Areas.

Galloway Township Ordinance 1708-2007 - amends Chapter 233 by creating and establishing standards for a new zoning district, the TI-2 (Town Industrial) District. Permitted uses in this new zone include light industrial uses, warehousing, contractor's shops and office facilities. A one acre minimum lot area requirement applies, as does a requirement for the provision of a landscape buffer/screen within the rear and side yards to screen development in the TI-2 District from adjoining properties. This buffer requirement is also made applicable to the existing TI District.

Galloway Township Ordinance 1712-2007 - amends Chapter 233 by adopting a revised zoning map, dated May 2007, which reflects a number of rezonings outside the Pinelands Area and the location of the new TI-2 District within a Pinelands Town area.

Galloway Township Ordinance 1711-2007 - amends Chapter 233 by creating a new Section 233-56.1 which provides performance standards for industrial land uses. These standards, which apply to industrial land uses in any zoning district, include items related to electricity, glare, heat, airborne emissions, noise emissions and storage and waste disposal.

Galloway Township Ordinance 1714-2007 - amends Chapter 233 by adopting definitions for "Site Plan, Minor", "Site Plan, Major" and "Site Plan". Ordinance 1714-2007 also adopts a new Section 233-36.1 which provides for a Development Review Committee charged with reviewing all applications for site plan waivers and making recommendations to the Planning Board as to whether site plan approval should be required. Criteria for site plan waivers are added as a new Section 233-36.2 by Ordinance 1714-2007 and procedures for Administrative Approvals by the Planning or Zoning Board professionals are added as new Section 233-36.3. Site plan waivers and administrative approvals are available for certain nonresidential development involving changes of use, additions to existing principal or accessory structures or construction of new accessory structures. For such nonresidential development in the Pinelands Area, a Certificate of Filing from the Pinelands Commission remains necessary unless the proposed development does

not require the submission of an application to the Commission pursuant to Section 233-85A(2) and N.J.A.C. 7:50-4.1.

Galloway Township Ordinance 1717-2007 - amends Chapter 233 by adding churches and places of worship as a conditional use permitted in the R5 District. The R5 District is located in the Pinelands Rural Development Area.

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



State of New Jersey

THE PINELANDS COMMISSION

PO Box 7

NEW LISBON NJ 08064

(609) 894-7300

JON S. CORZINE
Governor

JOHN C. STOKES
Executive Director

MEMORANDUM

To: Members of the Commission

From: David Kutner, Director of Special Programs

Subject: Egg Harbor Township
Livable Community Plan - Presentation

Date: July 27, 2007

At the end of June we distributed copies of the final Egg Harbor Township Livable Community Plan to the members of the Commission. The Plan represents the culmination of a year of effort on the part of the members of the Township's Visioning Team, an undertaking that was guided by a team of planning consultants. In March the Township's Committee referred the Plan to the members of the municipality's Planning Board and we are awaiting their determination of priorities as they relate to the 37 different implementation strategies described in the Plan. Once the Planning Board sets its priorities we hope to work with the Township to assist in the implementation of these strategies.

I've been invited to provide you with an overview of Egg Harbor Township's Plan at your August 10th meeting. In anticipation of that presentation, I've attached an Executive Summary that provides a general overview of the major components of the Plan. Please feel free to contact me if you have any questions or require additional information. I look forward to seeing you on the 10th.



<http://www.nj.gov/pinelands/>

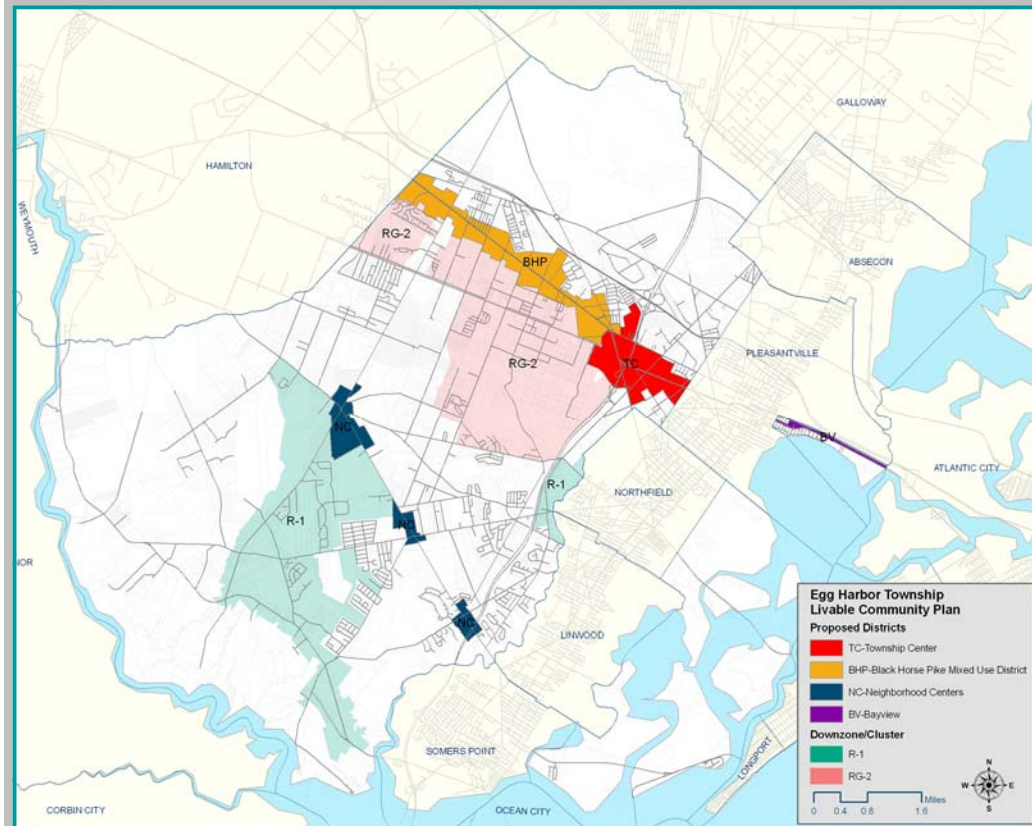
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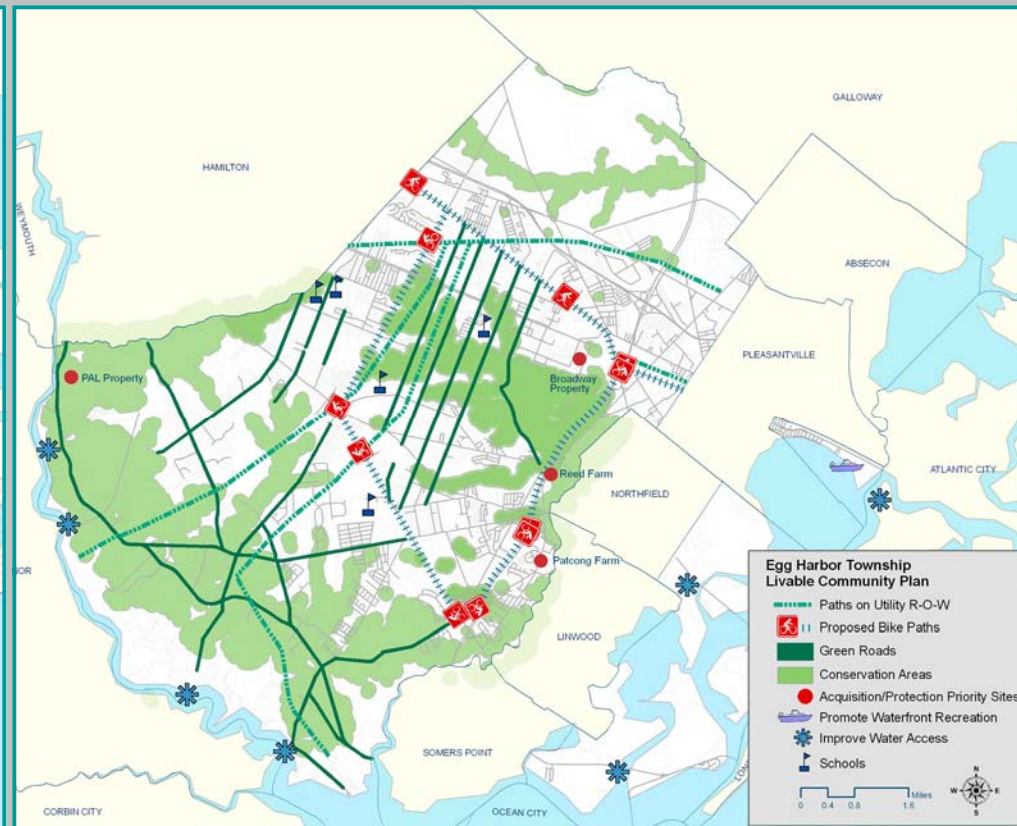
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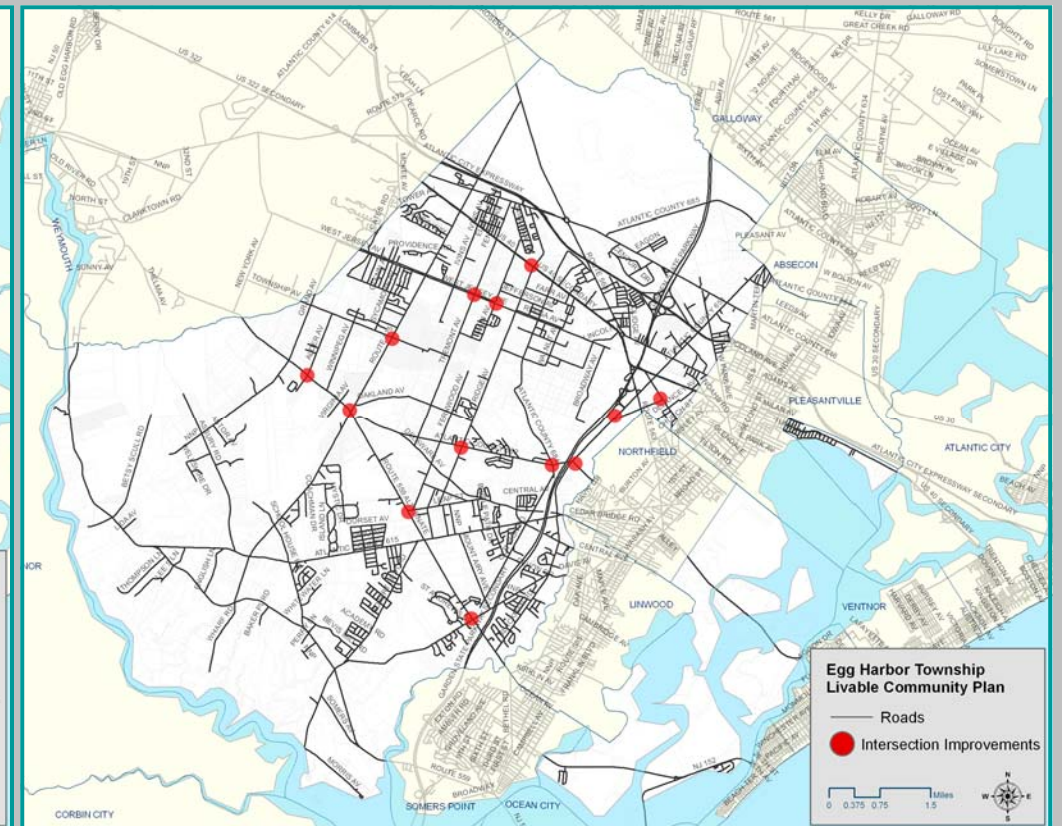
FOCUS GROWTH TO REINFORCE TRADITIONAL VILLAGE PATTERNS
AND ENHANCE COMMUNITY IDENTITY



CONSERVE AND ENHANCE ENVIRONMENTAL RESOURCES,
EXPAND OPEN SPACE AND RECREATION



IMPROVE CIRCULATION,
PROMOTE ALTERNATIVES TO AUTOMOBILE USE



- Create 4 mixed-use Community Centers:
 - Egg Harbor Township Center District
 - Black Horse Pike Mixed-use District
 - English Creek Neighborhood Centers Districts
 - Bayview Economic Development District

- Promote a range of housing types

- Expand non-residential development opportunities

- Downzone/cluster in R-1 and RG-2 Districts to offset increased development intensities in Community Centers

- Link open space/recreation facilities to neighborhoods, schools, public gathering and shopping areas

- Expand/create passive recreation opportunities (waterfront park, promenade, windsurfing center, nature-trails and small-boat launches)

- Establish and maintain natural buffers along scenic corridors

- Purchase and/or protect properties with cultural or historic importance

- Construct multi-purpose trails (bike, pedestrian, equestrian) along utility rights-of-way

- Require that subdivision streets interconnect

- Enhance 14 key intersections

- Require sidewalk connections between residential and shopping areas, schools and recreation facilities

- Construct a pedestrian/bike bridge over the Black Horse Pike

- Build an interconnected network of on-road bike paths

- Develop a multi-purpose recreational path along the Garden State Parkway

- Improve transit, connect residential areas and the employment centers

- Construct half interchange-Garden State Parkway at Ocean Heights Ave.

The Plan’s Major Conclusions

Egg Harbor Township’s Livable Community Plan analyzes the community’s strengths and weaknesses, as identified by the project Visioning Team. The major conclusions that evolved through the year-long planning process, described in detail in the Plan, are summarized below:

1. Community Form

- Egg Harbor Township’s community form can be better managed by establishing centers and conserving the areas that still retain woodland character. Centers should be considered as the principle method to create a commercial core for the Township and to create a community identity that can be carried forward as the Township continues to grow.
- Centers should include a mix of uses, pedestrian orientation, and continuity with existing communities, and active civic spaces.
- Mixing and concentrating residential uses with commercial uses will absorb growth pressure faced by the Township while leaving environmentally sensitive areas unspoiled.
- Concentrating growth in mixed use centers will also potentially reduce service demands, provide for alternative housing options, create community focal points, reduce congestion, and create opportunity for alternative transportation modes.
- There are 4 areas within the Township that are particularly suited to a mixed-use, center development form: the under-used commercial areas along the Black Horse Pike near the intersection with Garden State Parkway; the Black Horse Pike corridor; the Ocean Heights Avenue corridor; and the commercial corridor that runs through West Atlantic City. Increased development intensity within these areas should be off-set by reducing growth pressures elsewhere through down-zoning and clustering development.

2. Environment

- The community’s environmental character should be protected by conserving areas within or adjacent to freshwater wetlands, limiting maximum site coverage, promoting clustering techniques and conserving existing trees and vegetation during the development process.
- Wooded areas should be protected through more vigorous enforcement of the existing Township tree conservation ordinance
- To enhance the natural character of Egg Harbor Township, the visual quality of woodlands and the natural buffer areas along the Township’s scenic corridors should be protected.
- Parcels of particular cultural and historical importance to the Township that are vulnerable to development and of high environmental quality should be acquired.

3. Recreation

- Links, such as pedestrian, equestrian and biking trails, should be established from the waterfront (along Lakes Bay in West Atlantic City) open spaces and recreation facilities to residential areas, schools, public gathering areas and shopping areas.
- Passive recreation opportunities and active recreational facilities, particularly for adults, should be expanded

4. Schools and Community Facilities

- A more deliberate effort should be made to site schools so that they contribute to nearby neighborhoods and help to create a ‘community’ where students that live in the immediate area can walk to school.
- Egg Harbor Township needs to increase tax-ratables to match more closely the growth rate of the population and especially the cost of educating school children. To support a stable tax-base rooted in commercial ratables, the Township needs to concentrate land uses in mixed-use centers with non-family-oriented residential units.

5. Transportation

- Better north-south connections to the Garden State Parkway are necessary to improve access to and from areas north of the Township and relieve demand along the Fire Road/Bargaintown Road and English Creek corridors.
- To improve traffic flow, vehicular and pedestrian safety and reduce traffic congestion throughout the Township, enhancements (such as designated turning lanes, intersection widening, clearly-delineated cross walks, and signal synchronization) are needed at an array of intersections.
- Alternatives to automobile use should be promoted by expanding pedestrian facilities throughout the Township to connect the existing disjointed sidewalk system and offer more recreation and safe pedestrian transportation opportunities. A system of on-road bike paths connecting interior residential areas to the arterial roadway bike paths could also reduce automobile demand.
- Transit service in the Township should be accessible from residential neighborhoods and connect to community and employment centers in both north-south and east-west directions. Covered bus shelters should be provided at each bus stop to accommodate riders during waiting time and inclement weather.

🔗 FOR MORE INFORMATION ABOUT THIS PLAN 🔗

Contact Egg Harbor Township at 609.926.4027
3515 Bargaintown Road, Egg Harbor Township 08234-8324

The full text Egg Harbor Township’s Livable Community Plan has been posted on the New Jersey Pinelands Commission Website
<http://www.nj.gov/pinelands>

Executive Summary

Introduction

In January, 2005, the New Jersey Pinelands Commission received a grant from the Geraldine R. Dodge Foundation to engage Egg Harbor Township in a community planning process in conjunction with the Commission’s “Pinelands Excellence Program”. This Program is a prototype effort designed to assist Pinelands communities that have experienced significant growth to effectively plan, particularly for infrastructure and community facilities.

Egg Harbor Township is one of the fastest growing communities in the Pinelands. The Township’s population currently exceeds Atlantic City’s and is growing at a much faster rate. Many factors have contributed to the community’s growth including regional and national economic trends, the Township’s proximity to Atlantic City, access to the Garden State Parkway and the Atlantic City Expressway, designation as a Pinelands “growth area,” and comparatively low land costs. The consequences of this growth are clear to residents: increased traffic, loss of woodlands that typified the Township, an expanding school-age population, pressure on community facilities and services, and a loss of the rural character. Measures to actively manage the Township’s development are overdue

The planning effort in Egg Harbor Township was explicitly intended to respond to these consequences of growth and to provide the municipality with the tools it needs to affirmatively shape its community form. The objective was to ask the Township to involve its residents in a collaborative and inclusive process to identify a vision for its future and, with assistance from a professional planning team, to define, formulate and “fit” a series of implementation strategies that specifically respond to the particular needs of the community.

The Planning Process

The process Egg Harbor Township followed to develop its Livable Community Plan was guided by a project Visioning Team comprised of fourteen volunteer residents of the Township representing a cross-section of community interests. Members of the Team included representatives of the Township’s planning and zoning boards, its environmental commission, utilities authority and school district. The Township’s Mayor, and administrator, a local realtor, representatives from local political clubs, a developer and two residents were also members of the Visioning Team.

Ten Visioning Team meetings were conducted throughout a year-

long planning process during which background information was reviewed and alternative planning approaches and techniques were considered. The Visioning Team also played an active role during public meetings that were held to solicit resident input and present plan concepts.

Ideas and concerns about the future of Egg Harbor Township were also gathered during 29 in-person interviews conducted at the beginning of the planning process. Interviewees represented business, civic, arts, historical, community and education groups, Atlantic County officials, and community residents. The purpose of the interviews was to collect information about the Township and gain a better understanding of the needs of the community from in-depth conversations with a targeted group of concerned citizens. A separate meeting was also conducted with a group of seniors from Egg Harbor Township High School.

Over 200 people attended a total of four public meetings and workshops that were held during the year-long planning period. These public sessions included:

1. A major topics workshop to listen to residents’ concerns about transportation, the environment, recreation, school and community facilities and community design;
2. A plan concept workshop to present a range of potential strategies designed to respond to concerns expressed during the topics workshop and gather public input on conceptual strategies;
3. A planning concept meeting to present the solutions developed for the plan;
4. A meeting to present the final plan elements.

Several consistent themes emerged during the course of the public planning process including the need to address:

- Traffic and congestion;
- The increasing population of school-aged children and the consequent need for more schools;
- The lack of a town center;
- The loss of wooded areas related to development; and
- The need for support from the Pinelands Commission and other state agencies to respond to issues relating to rapid growth due to the Township’s designation as a “Regional Growth Area.”

These themes shaped the community issues that were studied during the planning process and are directly related to the strategies that emanated from it.



The Project Visioning Team guided the planning process



Four public meetings were conducted during the planning process

MANAGEMENT REPORT FOR JULY 2007

Updates are in *italics*

I. PLANNING

A. CMP AMENDMENTS

1. Non-conforming uses: The Commission authorized proposed amendments to the CMP relating to non-conforming uses on March 9, 2007. The rule proposal was published in the New Jersey Register on 5/21/07. A public hearing was held on June 26, 2007. *Written comments were accepted through July 20. The P&I Committee reviewed the comments and draft adoption notice at its 7/27/07 meeting and recommended adoption of the amendments without change.*

2. Recycling: The Commission authorized the proposed amendments to the CMP relating to accessory recycling centers on March 9, 2007. The rule proposal was published in the New Jersey Register on 5/21/07. A public hearing was held on June 26, 2007. *Written comments were accepted through July 20. The P&I Committee reviewed the comments and draft adoption notice at its 7/27/07 meeting and recommended adoption of the amendments without change.*

3. Alternative septic system program: The Commission authorized the proposal of amendments to the CMP relating to the alternate design wastewater treatment system pilot program on March 9, 2007. The rule proposal was published in the New Jersey Register on 5/21/07. A public hearing was held on June 26, 2007. *Written comments were accepted through July 20. The P&I Committee reviewed the comments and draft adoption notice at its 7/27/07 meeting and recommended adoption of the amendments without change.*

4. Escrows: The Commission authorized the proposal of amendments to the CMP relating to escrows and the withdrawal of applications for development on March 9, 2007. The rule proposal was published in the New Jersey Register on 5/21/07. A public hearing was held on June 26, 2007. *Written comments were accepted through July 20. The P&I Committee reviewed the comments and draft adoption notice at its 7/27/07 meeting and recommended adoption of the amendments without change.*

5. 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 will now meet with interested parties and conduct more detailed analyses on those initiatives selected by the Committee. The full Commission was briefed on the PDC Study at its May 2007 meeting. Data is being collected and packaged on various aspects of PDC recommendations chosen by Commission members. This data will be used in road presentations to be given to various stakeholder groups in the coming months. 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. Staff is scheduled to present a package of recommendations at the P&I Committee August 31 meeting.*

6. 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 are being discussed with stakeholder groups (see 5 above).

7. Forestry: Staff has indicated that a draft of the rules will be prepared early August.

8. Beneficial reuse of wastewater: Staff completed development of a fact sheet which details the proposed details of the Pinelands Beneficial Reuse Pilot Program and distributed the fact sheet to each of the five golf course facilities during recent meetings. Each of the five golf courses expressed interest in participating in the Commission's beneficial reuse pilot program, subject to cost feasibility determinations. Subsequent to meeting with each golf course, planning staff met with three USGS scientists who have expressed an interest in participating in the pilot program. USGS provided a draft outline of a pilot program that would use USGS staff, expertise and equipment in the installation of groundwater monitoring wells and the testing of groundwater for evidence of wastewater contaminant mobility. USGS indicated that they would be able to contribute at least \$100,000 during the first year of such a pilot program. Commission staff requested USGS to develop cost estimates for the entire 6 year pilot program. We are awaiting cost estimate information from USGS. A rule proposal is being finalized for submission to the P&I Committee.

9. Clustering: Mr. Stokes is reviewing mean and median values for land sales in an effort to determine what effect lot size has on lot values.

10. Intergovernmental memoranda of agreement: *Chairperson Wilson intends to have the P&I Committee re-visit Mr. Stokes' January 16, 2007 recommendations.*

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

1. Ordinances/plans received this month: 20

2. Interpretations/consultations/assistance last month: 15

3. Major issues: None

C. SPECIAL PLANNING PROJECTS

1. Egg Harbor Township community plan: No new action.

2. Southern Medford/Evesham plan: *Staff initiated discussions with the New Jersey Audubon Society to develop a back yard habitat protection and education outreach program.*

3. Pinelands Infrastructure Trust: Staff has initiated site visits and held meetings with representatives from Pinelands municipalities that may be likely candidates for assistance.

4. Scenic byway: The Commission accepted the Federal grant on April 13, 2007. Letters were sent to the 16 subject municipalities and 5 counties inviting them to appoint a member to the Organizing Committee that will develop the Corridor Management Plan. *Responses received from 8 municipalities and 3 counties.* Second round of phone calls/letters sent. An RFP is being prepared for a consultant to work with this Committee. *The first meeting of the Organizing Committee is scheduled for late September.*

5. Water quality "best management practices:" PPA white paper is under review and draft recommendations and response has been drafted and is under review by management.

6. Alternative septic system pilot program: *Staff completed the August 2007 annual report on the alternate design septic system pilot program. System performance data is generally similar*

to that reported in 2006 with Amphidrome and Bioclere meeting treatment targets and Cromaglass failing to meet those targets. The annual report will be sent to the Commission.

7. Long term septic management plan: Stone Environmental, the Commission's septic system management consultant, provided the Commission with a presentation on the status of the long term septic management program at the Commission's June 8 meeting. Along with Stone Environmental, staff met with three technical advisory groups to assess local perceptions related to onsite septic systems and the likely acceptance of septic system management programs. Stone Environmental and Stone's legal consultant, Elizabeth Dietzmen, presented at the NEHA conference on the development of a septic system best management practice manual for the Pinelands long term septic system management project. *Stone Environmental is working to complete the legal assessment task of the management contract and a draft copy is anticipated in August 2007.*

8. Hammonton wastewater recharge project: No new action.

9. DEP Off Road Vehicle project: No new action.

10. Stockton College Master Plan: Joint discussions with Galloway Township and Stockton College are ongoing. Adoption of amendments to both the Stockton College Master Plan and the Township Master Plan may occur in July.

11. Military compatible land use plan: No new action.

12. Fire Safety Program: *Staff met with representatives from the New Jersey Forest Fire Service to discuss a project scope for forest fire management planning in high hazard areas*

D. ECONOMIC MONITORING

1. Annual Report: *Analysis of data continues. The focus in July was on creating the graphs, charts, and maps that appear throughout the report. Once this is complete, the economist writes the narrative explaining any significant changes in the trend data.*

2. Land value project: Economist has scoped out the work necessary to update the database for this project. *Keith Kiska, the intern who volunteered last summer, has expressed interest in returning this summer and he will be responsible for updating this data.*

3. Municipal fiscal health project: *The principal components analysis approach is being rerun in SAS to include a number of scenarios. This will allow a sensitivity analysis of the various components of the model. A decision can then be made as to which variables will remain in the final model.*

4. Other economic items: *Work continues on analysis of various aspects of the PDC Study.*

E. PERMANENT LAND PROTECTION

1. Pinelands Development Credits: PDC Activity: Jan-July 2007: 18 LOIs issued for 61 rights and potential protection of 576 acres; 83 rights sold @ mean sales price of \$26,593/right; median sales price of \$28,250/rt.; 34 rights severed protecting 535 acres. *The Executive Director of the PDC Bank has been asked to brief the PLP Committee on the Bank's outreach plans at the Committee's September meeting.*

2. Farmland Preservation program: No new action.

- 3. Cape May Acquisition Fund:** *Commission staff has received and reviewed a new reimbursement request from TNC for property located in Middle Township, Cape May County. A recommendation to the Executive Director will be finalized in early August.*
- 4. Pinelands Conservation Fund:** *Staff has discussed a schedule with CRI to present a list of potential projects at the next PLP meeting (late September). Staff continues to work with CRI to ensure all potential projects are eligible and meet funding criteria.*
- 5. Limited Practical Use program:** (Round 37): *1 application rec'd. (closing date 8/31/07); updated sales list received from Green Acres and information entered into PCIS system.*
- 6. Other land protection items:**
 - a.** *None*

F. OTHER PLANNING ITEMS

- 1. Water supply:** *Staff has attended the Water Supply Advisory Council meeting and is developing a summary of Pinelands water supply regulations for the Council.*
- 2. Wireless communication plans:** *T-Mobile/Sprint Plan - The final contract with Alion has been signed. A telephone meeting was held with Ross Scorci, the new consultant. Staff compiled an information package and sent it to him for his review. Staff drafted a chart to assist providers in visual impact assessment, and have been communicating with them regarding specific site concerns at this stage. From our meeting together, the providers are reviewing possible tower / site shifts and utilization of other existing towers to minimize impacts. Staff have begun site visits to proposed tower locations and conducted site visits with Mr. Scorci.*
- 3. Cultural resources:** *62 (62 this fiscal year) cultural resource activities undertaken:*
 - a.** *21 (21) applications reviewed*
 - b.** *0 (0) forestry inquiries*
 - c.** *8 (8) surveys reviewed*
 - d.** *0 (0) CAFRA reviews*
 - e.** *1 Preliminary Investigation*
 - f.** *4 (4) site coordination with other agencies/meetings & phone conferences*
 - g.** *1 (1) coordinated reviews w/SHPO*
 - h.** *23 (23) Municipal/consultant inquiries*
 - i.** *Prepared and distributed equipment lists for field work; contacted universities for volunteers and equipment loans; secured volunteer to conduct remote sensing; conducted extensive primary document research on Buena Borough MUA/Hebron site, including traveling to and researching archival holdings, deed analysis, plotting of site, research in corporate records, and research plans for Hebron site.*
 - j.** *Reviewed and commented on two extensive recordation reports for the Lakehurst Shops and a public report as recordation of the site.*
 - k.** *Completed consultation on field work at Singer site.*
- 4. Stormwater Management:**
 - a.** *Staff continues to meet with the DEP Stormwater Advisory Committee on pending revisions to the DEP Stormwater BMP manual.*
- 5. Affordable housing:** *No new action.*

6. State Plan: *Staff attended a pre-petition meeting held by the Office of Smart Growth with Buena Borough representatives on July 24, 2007.*

7. Highlands: Staff met with representatives of the New Jersey Highlands Council, representatives of Byram Township and Califon Borough, NJDEP and Rutgers University at the Bloustein School of Planning and Public Policy to present information on the Commission's alternate design wastewater treatment systems pilot program. The Highlands Council is interested in using advanced onsite treatment technologies in the repair of existing, malfunctioning septic systems in the Highlands region.

8. State-wide threatened and endangered species rules: Senior level DEP and Pinelands staff are continuing to work to ensure that any state wide rules and the Pinelands program are consistent.

9. Wild and Scenic River Designation: A phone conference was held with interested parties to review next steps, including preparation of an informational sheet to distribute to the agricultural community.

10. Proposed DEP wastewater planning rules: *Staff will be preparing written comments for DEP during the public comment period which closes at the end of August. Staff has received and has begun review of wastewater management plan amendments for Stafford Township and Medford Township.*

11. Miscellaneous:

a. *Staff attended the NJDOT Access Management Advisory Group Meeting.*

b. *Staff met with representatives of Buena Vista, Richland Village, to discuss the possibilities of installation of a decentralized waste water management system to service the Village.*

c. *Staff met with the mayor and administrator of Mullica Township to evaluate the proposed Senior Center Village overlay district provisions as they relate to the development of a specific project within Elwood Village Center.*

II. DEVELOPMENT APPLICATIONS

A. APPLICATION ACTIVITY

		May	June	July
<i>New applications received for the last three months with a comparison to last year:</i>	this year	85	75	61
	last year	83	82	71
<i>Total applications active per month for the last three months with a comparison to last year:</i>	this year	703	765	662
	last year	784	777	698
<i>"No Call-ups" issued for each of the last three months:</i> By mail		52	74	44
	By fax	44	63	49
<i>Certificates of Filing issued for each of the last three months:</i>		33	33	27

<i>"Call-ups" issued for each of the last three months:</i>	8	12	4
<i>Streamlined permitting actions taken during each of the last three months:</i> LRO MOA	5	3	7
	12	7	7

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. See Section V relative to litigation.

2. Medford Pine Lakes: On July 18, 2006, the staff met with representatives of Medford Township, Senator Bark and an applicant proposing residential development in the Medford Pines section of the Township. The discussions centered on the discovery of an endangered species on a parcel proposed for development. The Township and the applicant are interested in development of the parcel because it would result in the preservation of another parcel in the Township, commonly referred to as "cow point." The Commission staff met on August 24, 2006 with the applicant and representatives of the Township to discuss the PDC obligation for the proposed residential development and threatened and endangered species. On September 3, 2006, the staff met with representatives of NJDEP to further discuss the threatened and endangered species issue. It appears that the developer has at least temporarily ceased further threatened and endangered species work. On February 21, 2007, the staff met with Senator Bark to discuss the threatened and endangered species issue raised by the application.

3. Burger King, Southampton: On November 14, 2005, the staff met with representatives of the developer to discuss an issue regarding the acreage necessary for a proposed restaurant, served by an on site septic system, to meet the Commission's groundwater quality (septic

dilution) standard. The staff sent a letter to the applicant on May 3, 2006 indicating that the sanitary sewage flow rate regulations of the CMP must be utilized by the proposed restaurant.

4. Mobile homes, Southampton: On February 27, 2006, the staff met with an applicant that is proposing to serve 70 existing mobile homes, currently served by individual on site septic systems, with an onsite waste water treatment plant. On October 11, 2006, the staff met with the applicant in the field to discuss a wetlands issue. On February 15, 2007, the staff met with the applicant to provide guidance in completing the application. The staff is reviewing revised information submitted on February 15, 2007 and March 1, 2007. On April 13, 2007, the staff issued a letter to the applicant indicating the information necessary to complete the application.

5. Country Lakes, Pemberton Twp.: 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.*

6. Village of Chatsworth, Woodland: 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.

7. Buena Regional Middle School: See Section III.A.1 for status of MOA. The staff issued a letter on November 14, 2006 specifying the information necessary to complete an application for a waiver of strict compliance to permit development of the school filed with the Commission on October 20, 2006. The staff is awaiting a response to that application.

8. Greater Egg Harbor High School: On January 4, 2005, the staff issued a letter regarding the need to address threatened and endangered species standards on the selected parcel in the "Town" area of Egg Harbor City. On May 3, 2005, the staff met with School District officials to discuss the discovery of Barred owl, a threatened and endangered species on the parcel. On December 30, 2005, the Commission staff issued a letter indicating that, upon review of the submitted fall threatened and endangered species survey, the staff was in agreement that the parcel appeared consistent with threatened and endangered species protection standards for the target species. On October 19, 2006, the Commission issued a Letter of Interpretation for wetlands delineation. *On July 26, 2007, staff received additional application information, including plans, for the new high school which is located near the intersection of Moss Mill Road and Philadelphia Ave. (County Rt. 563).*

9. Pulte, Egg Harbor Twp: A pre-application conference was held on this 800+/- unit residential project. The application now proposes 695 dwellings on a 274 acre parcel. The staff is currently reviewing the application. The staff issued a Certificate of Filing for the proposed development on June 14, 2006. On September 22, 2006, the staff met with representatives of the applicant and the Township's environmental consultant to discuss threatened and endangered species concerns raised by the Township's consultant. A follow up meeting was held with the Township's environmental consultants on October 10, 2006. The applicant is currently undertaking additional threatened and endangered species survey work required by the Township.

10. Blue Heron, Galloway: 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 sfd's). That approval is currently under review.*

11. Sand/Gravel Mine, Upper Township: The Commission staff is currently reviewing an application proposing to mine to a depth of 100 feet. The CMP currently limits mining to a depth of 65 feet unless it is demonstrated that mining to a depth of greater than 65 feet will not result in a "significant adverse impact relative to the proposed final use or on off site areas." The staff met with the applicant on August 23, 2006 to discuss the application. To facilitate the review of complex hydrogeologic issues raised by the application, the applicant posted an application escrow to allow the Commission to retain a consultant. For this application, the Commission retained the New Jersey Geological Survey. The applicant will be undertaking an analysis of certain hydrogeologic conditions on the parcel. On March 15, 2007, the staff sent a letter to the applicant clarifying the information that must be provided in that analysis.

12. Stafford Landfill/Business Park: 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. Landfill remediation work has now commenced. 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. The staff is currently reviewing an application proposing the relocation of various County facilities including the recycling center and the County public works garage. The staff is also reviewing an application proposing retrofitting of existing stormwater facilities at Mill Creek along Rt. 72 that are required by the MOA. The staff is also reviewing proposed improvements to the Route 72/Recovery Road/Garden State Parkway interchange associated with the redevelopment project. To address a revised stormwater issue, on May 24, 2007, the Commission issued a revised approval letter for the Andwin facility and

also the approval for the county facilities project. 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 May 25, 2007, an application was received by the Commission for the installation of a 200 foot high test “wind tower” on the parcel. The purpose of the test tower is to determine whether there is sufficient wind to generate power for a series of wind towers on the parcel. *A public development report has been issued recommending approval of the test. It is scheduled for Commission action in August.* The staff is currently reviewing an application for Route 72 stormwater retrofits, Parkway interchange improvements and a “box” retail store and a separate application received on May 16, 2007 for a second “box” retail store. *Staff consulted with the New Jersey Geological Survey regarding groundwater mounding questions relative to stormwater basins. On July 27, 2007, the staff issued a letter approving the Route 72 stormwater retrofits, Parkway interchange improvements and a “box” retail store (Target).*

13. Kenilworth Dam, Medford Township: On February 28, 2007, the staff met with all concerned parties in Judge Bookbinder’s office’s in Burlington County Superior Court to discuss the status of the matter. An application was filed with the Commission for reconstruction of the dam in November 2006. On March 7, 2007, the staff met with representatives of the applicant and the NJDEP, Office of Dam Safety to discuss the project. On April 11, 2007, the applicant submitted additional information regarding the proposed dam reconstruction. On April 30, 2007, the staff completed review of that information and issued a letter to the applicant indicating the information that remained necessary to complete the application.

14. CVS Drugstore, Tabernacle: On February 28, 2007, the staff met with representatives of a drugstore to discuss a proposed alternate design onsite wastewater disposal system. *On July 27, 2007, the applicant submitted additional information regarding the proposed onsite wastewater treatment system. A meeting with the applicant is scheduled for August 9, 2007 to discuss the submitted information.*

15. Baker Residential, Hamilton: On 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 issued 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.

16. Hamilton Greene, Hamilton: On April 19, 2007, the staff met with an applicant for a residential development proposing approximately 225 dwelling units. The application was approved by the municipality as a “Planned Residential development.” The issued raised by the application is whether the project still qualifies as a “Planned Residential Development.” By letter dated April 24, 2007 and May 3, 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. The staff has completed a review of the information and will be scheduling a Commission staff public hearing to further review the matter.

17. Baker Residential, Pemberton: On March 29, 2007, the staff met with the Mayor, Chairman of the Planning Board and another representative of the Township to discuss a cultural

resource issue raised by this application for 44 dwelling units. A meeting is scheduled for April 12, 2007 with the applicant to further discuss the issue. The staff met with the applicant on April 12, 2007 to discuss potential treatments of the cultural resources on the parcel. Subsequent to that meeting, the applicant was advised that, for the cultural resources located on proposed residential lots, either recordation of the resource or preservation in open space appeared to be the appropriate treatment. On May 21, 2007, the staff met with Twp. Representatives including the Mayor and representatives of the applicant to further discuss the cultural resource issue. The guidance provided to the applicant was that, for the cultural resources located on proposed residential lots, recordation of the resource was required. Alternatively, preservation in place in open space also appeared to be an appropriate treatment. By letter dated June 28, 2007, the Commission staff indicated that the applicant's proposal for recordation of cultural resources on residential lots and preservation in place of cultural resources located in community open space the parcel appeared to meet the cultural resource standards of the CMP.

18. Tuckahoe Turf Farm, Hammonton: The staff is currently reviewing an application for the continued use of a sludge derived product on this turf farm. On May 23, 2007, the staff met with representatives of the applicant to discuss the remaining information necessary to complete an application.

19. Atlantic City Expressway Interchange: On April 4, 2007, the Commission received an application proposing the improvement of a partial interchange at the intersection of State Route 50 at the A.C. Expressway to a full interchange. On May 7, 2007, the staff issued a letter specifying the information necessary to complete an application.

20. Atlantic City Expressway Widening: 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.

21. 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.*

22. Winzinger Mining Application, Woodland Township: 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.

23. Martino Application, Medford Township: The Executive Director conducted a call-up hearing on April 5, 2007. The principal issue relates to the need for PDCs in a resubdivision.

The recommendation of the Executive Director, in his role as the Hearing Officer, was approved at the June 8, 2007 Commission meeting.

24. Robert Miller Airpark, Berkeley and Lacey Townships: On January 17, 2007, the Commission received an application for the demolition of the existing terminal building and construction of a new terminal building. By letter dated February 28, 2007, the staff requested certain information to complete the application. On May 17, 2007 and May 22, 2007, the County submitted information that is currently under review. *By letter dated July 19, 2007, the staff advised the applicant of the information necessary to complete the application.*

25. Cape May Country Landfill Expansion: *On July 25, 2007, we received an application proposing a 74 acre expansion of the landfill.*

C. OFFICE OF ADMINISTRATIVE LAW MATTERS

1. Monthly activity: 0

2. Pending OAL matters:

a. Haas (Tabernacle): Preliminary subdivision approval granted by the Tabernacle Township Planning Board for a 59 lot subdivision, the development of 57 single family dwellings, the demolition of two structures (one single family dwelling and a garage) 50 years old or older and the reconstruction of the demolished single family dwelling on a 96.16 acre parcel. 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. Applicant's attorney has submitted a letter indicating that he will withdraw his administrative hearing request upon receipt of a letter of no further review from the Commission. *The letter of no further review has been sent to the applicant's counsel and we are awaiting confirmation from the AG's office that the OAL matter has been withdrawn.*

b. Quail Pond Lands, Inc. (Tabernacle): Applicant has requested an administrative hearing of a Letter of Interpretation allocating Pinelands Development Credits on a parcel located in the Preservation Area District in Tabernacle Township. *An in person mandatory settlement conference has been scheduled by the Office of Administrative Law for September 7, 2007.*

D. VIOLATIONS

1. Monthly activity: 9 reports received; 25 violation letters sent; 41 cases resolved.

2. Notable violations:

a. Mt. Misery dam, Pemberton: 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.

b. Gun club, Winslow: Site meeting with Township officials and responsible persons to resolve wetlands clearing, filling and establishment of shooting range by rifle and gun club without application. The meeting scheduled with the applicant for January 22, 2007 to further discuss resolution of the violation was postponed by the applicant.

c. Ancora, Winslow. *See section III.A.2.*

d. Frog Rock, Hammonton: 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.

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

f. Abandoned mine, Hammonton: Staff is working with Hammonton officials to resolve an outstanding restoration violation at an abandoned mine and to stop fill material from being illegally placed on the parcel. Municipal Zoning Officer/Construction Code Official issued a summons requiring a municipal court appearance. To resolve the violation, the applicant is required to remove a stockpile of the soil that was not previously spread on the parcel and to excavate and remove from the site a roadbed that was created from the soil that was brought to the site. Since the parcel was also subject of mining violation in the past, the applicant is also required to restore and re-vegetate the approximately 20 acre parcel. On November 14, 2006, the staff attended a municipal court hearing. The applicant agreed to begin removal of the contaminated soil and was asked to clarify information provided on the proposed restoration/revegetation plan for the site. A municipal court hearing is scheduled for April 10, 2007. The municipal court hearing was continued until May 8, 2007. On April 25, the staff met with the property owner and representatives of Hammonton on the parcel to discuss the status of the removal of fill placed on the lot. *On July 2, 2007, an application was submitted for the development of two dwellings on the parcel. The applicant proposes to address the violation as part of that application. On July 25, 2007, the staff issued a letter indicating the information necessary to complete the application.*

g. Commercial clearing, Chesilhurst: The staff is providing assistance to Chesilhurst regarding a clearing violation on the White Horse Pike.

h. Sewer plant discharge, Buena Borough. *See section III.A.1.*

i. Motocross track, Lacey: 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. The Commission staff received a copy of a March 22, 2006 violation letter issued by the Township. On April 17, 2006 the staff received an application submission. The staff responded to that submission by letter dated June 30, 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. A tentative course of action has been agreed upon. After coordination with municipal officials, by letter dated November 27, 2006, the staff detailed the course

of action in a letter to the applicant. In response to information submitted by the applicant April 27, 2007 through May 9, 2007, the staff responded by letter dated June 22, 2007 specifying the information required to resolve several violations on the parcel. *A meeting has been scheduled for August 3, 2007 with the applicant to further discuss the issues.*

j. Wetlands filling, Medford Township: 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.*

k. 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.*

E. MISCELLANEOUS DEVELOPMENT REVIEW ITEMS

a. *July 12, 2007 a training session was held with NJDEP Land Use Regulation staff to review Pinelands regulations.*

b. *On August 1, 2007, staff attended the quarterly Department of Defense work group coordination meeting.*

III. INTERGOVERNMENTAL MEMORANDA OF AGREEMENT

A. MOAs UNDER REVIEW

1. Buena Borough MUA: The Pinelands Commission approved the MOA at its April 13, 2007 meeting. At the conclusion of the Governor's veto period, signed copies of the MOA were sent to Buena Vista Township and Buena Borough MUA for their signatures. Buena Borough MUA has not yet secured the land and is concerned about the possible Hebron settlement on site. Staff has begun researching the location of the Hebron site in relation to the proposed I/P facility *and has begun developing a plan to conduct a cultural resource investigation of the property. The BBMUA signed the MOA on July 20.*

2. Ancora: Staff continues to work with DHS, DEP, and CCMUA to finalize the MOA and has advised Ancora that the MOA will not be presented to the P&G Committee for endorsement until all parties indicate their agency's intended final approval of the agreement. Latest draft and status discussed at the May 29 P&G Committee meeting. Additional changes from Ancora and NJDEP have necessitated a full mark-up meeting to be scheduled in an attempt to obtain closure.

3. Garden State Parkway: The Commission staff met on May 17, 2006 with all State and Federal agencies involved with the widening of the Parkway to coordinate permitting for the project. On July 26, 2006, the staff met with the applicant and some of the permitting agencies to discuss the status of the project. During August 2006, the applicant made several submissions

of extensive information regarding stormwater and threatened and endangered species. The staff will be reviewing this information for a meeting in early October 2006. On August 22, 2006, staff met with Parkway representatives regarding secondary impacts. A coordination meeting was convened on October 12 with representatives of the Parkway and NJDEP in part to confirm agreement regarding a scope for the analysis of secondary impacts that would be sufficient for both the Commission and NJDEP. Additional data was received at the end of August. Staff met with representatives of the Department of Environmental Protection, Land Use Regulation Program and State Historic Preservation Office, on October 12, 2006 in order to coordinate each agency's review of the regulatory issues raised by this project. Two meetings were subsequently held with representatives of the New Jersey Turnpike Authority on October 18, 2006 to discuss the elements of the secondary impacts analysis report and threatened and endangered species information submitted to date. The Commission staff hosted an interagency meeting with representatives from the ACOE, EPA, NOAA, the Coast Guard, DEP and the Turnpike Authority on October 26, 2006. The Turnpike Authority submitted its first version of a Secondary Impacts Analysis for the project on October 31, 2006. Commission staff reviewed the analysis and requested additional information by letter dated November 27, 2006. PC staff continues to coordinate its review of the regulatory issues associated with this project and participated in a regulatory coordination meeting with the Department on November 30, 2006. There are a number of regulatory issues that remain to be resolved including threatened and endangered plants and animal species, stormwater and secondary impacts. Staff continues to work with the DEP regarding these issues. On January 30, DEP conducted a public hearing on the proposal. At the end of November 2006, staff provided representatives of the Turnpike Authority with review comments and questions relative to their Secondary Impacts Report. A response to these comments was submitted to the staff on January 8, 2007. Staff, after reviewing the responses, sent a letter to the Turnpike Authority advising it that the Commission had asked the DVRPC to assist it with analyzing the secondary impacts data provided to date in order for the Commission to render conclusions regarding the potential for secondary impacts. DVRPC is in the process of undertaking this analysis and the Commission staff anticipates being in a position to render conclusions regarding the secondary impacts associated with the project in March. A wetlands subgroup meeting was conducted at the Commission's offices on February 7, 2007. The Turnpike Authority has retained the firm Evergreen to provide it with a turnkey mitigation package to satisfy all of the mitigation obligations associated with the project. Representatives from Evergreen and the Turnpike Authority met with Commission staff on February 27, 2006 to discuss potential wetlands mitigation activities that they envision conducting within the Pinelands Area and a field inspection of candidate site was conducted with representatives of the ACOE, EPA, DEP and the Commission on February 28, 2007. The Commission staff and Turnpike Authority representatives continue to work on resolving outstanding regulatory issues involving secondary impacts, stormwater management and the appropriate measures to provide, at a minimum, an equivalent level of protection for the resources of the Pinelands that will be impacted as a result of the project. Staff participated in a meeting on March 29, 2007 with the DEP and DOT regarding DOT's recommendations to the DEP concerning the traffic information provided by the Turnpike Authority to date. A subsequent meeting was conducted on April 2 to permit the DOT to explain to the Turnpike Authority the information that it requires. On April 10, 2007, DEP and Commission staff met with the Turnpike Authority's technical consultant to review additional stormwater structures

that are being proposed to satisfy the requirements of the Pinelands CMP. In addition, Commission staff reviewed and commented on a proposed methodology for a habitat assessment of a parcel that the Turnpike Authority is considering preserving as a measure to afford, at a minimum, an equivalent level of protection of the resources of the Pinelands. On April 20, 2007, Commission staff and a representative of the DVRPC, met with staff from the DOT and DEP and consultants for the Turnpike Authority to review the materials that the Turnpike Authority had prepared to satisfy DOT's prior information request. At that meeting, DOT advised the Turnpike Authority of the need for additional information in order to satisfy the DOT's prior request. The Turnpike Authority submitted additional traffic and stormwater information. It also submitted a conceptual mitigation plan report. DOT has reviewed the traffic information and has requested additional information. The Commission staff has reviewed the stormwater submittal and has requested additional data regarding the depth of the proposed stormwater structures to seasonal high water and is still in the process of reviewing the conceptual mitigation plan. An interagency coordination meeting has been scheduled for August 1, 2007 at 10:00 a.m. at the offices of the Department of Environmental Protection.

4. Beneficial reuse of wastewater. *See section I.A.8.*

5. 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. NJDEP has rejected any discussion of these items until a complete comprehensive plan for all of Camden County is updated and presented. 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. Staff met with technical staff from Winslow Township and CCMUA to discuss outstanding issues regarding Winslow's proposal to mitigate impacts.*

B. OTHER MOA REQUESTS

1. Stockton State College: *See section I.C.10.*

2. NJDEP, Parks and Forestry: Streamlined permitting. Meeting held with NJDEP on June 23, 2003. No new action taken.

3. NJDEP, Fish and Wildlife: Streamlined permitting. No new action.

4. NJDEP, Parks and Forestry: DEP to draft amendment to southern pine beetle MOA to include private lands. No action taken by DEP in recent months.

5. U.S. Fish and Wildlife Service and USDA, Natural Resource Conservation Service: MOA to allow certain wetland restoration projects. USF&WS submitted a draft agreement in January 2004. Follow-up correspondence from USF&WS expressed concern about delays. Staff has offered to meet again with USF&WS to explain what the MOA should address.

6. Woodbine Port Authority: *Staff will be meeting on August 1 to delineate wetlands boundaries which should complete all materials for the Township's submission of the runway extension application.*

7. 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.

IV. SCIENCE

A. KIRKWOOD-COHANSEY STUDY

1. *Science staff prepared herbarium vouchers of plant specimens collected at forest plots.*
2. *Science staff had additional discussions with the NJ Division of Parks and Forestry and Bureau of Natural Lands Management regarding the aquifer tests and rare species issues and assisted USGS with a formal appeal of NJDEP's decision to not issue a permit for the aquifer test at McDonalds Branch.*
3. *Science staff completed the review of USGS project deliverables, including the draft stream and well monitoring methods report and the revised hydrologic framework report.*
4. *Science staff reviewed the status of the USGS portion of the KC Project budget and authorized payment of the March invoice submitted by USGS.*
5. *Science staff completed a detailed outline of the field and analytical methods used in the palustrine wetland component of the study.*

B. ENVIRONMENTAL MONITORING

1. **CAMCO monitoring:** *No new action.*
2. **Monroe monitoring:** *No new action.*
3. **EPA Impoundment Study:** *No new action.*
4. **Forest-Plot and Intermittent-Pond Monitoring:** *Science staff completed the July round of forest-plot and intermittent-pond water-level measurements.*
5. **Long-term anuran surveys:** *No new action.*
6. **Pinelands-wide water quality monitoring:** *Science staff completed the July round of Pinelands-wide water-quality sampling.*
7. **Mullica River Basin Surveys:** *Science staff completed the July round of water-quality monitoring, completed all anuran surveys, and conducted vegetation and fish surveys at a number of Mullica River Basin sites.*

C. OTHER SCIENCE PROJECTS

1. **Ecological Plan for Electric Transmission Line Maintenance:** *Commission staff scheduled a field trip with PSE&G to evaluate vegetation-management techniques used outside the Pinelands.*
2. **Ecological Integrity Assessment:** *Continued preparing background document and analysis.*
3. **Franklin Parker Preserve:** *Science staff completed the July round of water-level measurements and vegetation presence/absence surveys at the 30 study plots. Soil moisture measurements were completed with a TDR probe. Plot locations were registered with a GPS and a GIS coverage of the plots was prepared. Voucher collections of select plant species were also completed.*
4. **Wetland Buffer Research Proposal:** *No new action.*
5. **Science Advisory Committee:** *No new action.*
6. **Commission's Science Committee:** *No new action.*
7. **Miscellaneous notes:**
 - a. *Science staff provided graphs of native and nonnative plant, fish, and anuran species and GIS files of Pinelands-wide monitoring-site locations to the NJDEP staff to use for their 2008 Integrated Water Quality Monitoring and Assessment Document.*
 - b. *Science staff participated in the review of potential impacts of water-table mounding on wetlands and swamp pink associated with the proposed Stafford Business Park stormwater basin.*
 - c. *Science staff attended the Pinelands Speakers Series presentation on Pinelands threatened and endangered frogs and snakes.*
 - d. *Science staff presented the results of the Barnegat Bay Watershed assessment to the full Commission during its July 13 meeting.*
 - e. *Science staff provided suggestions to Herpetological Associates regarding the methodology used to measure vegetation for the pine snake study associated with the Stafford Business Park.*

V. LITIGATION

A. STATE COURT – SUPERIOR COURT

1. **Builders League of South Jersey v. Monroe MUA v. NJDEP and the Pinelands**

Commission: The Commission has been served with a Third-Party Complaint in this matter filed in Superior Court, Gloucester County by the Builders League of South Jersey. In this action in lieu of prerogative writs, the Builders, among other things, are seeking a Court Order requiring the MUA to provide water to all property owners requesting such service and to take all necessary steps to meet the present demand for water service. A motion to dismiss the complaint for failure to state a claim was filed on behalf of the Commission in December. Oral argument is scheduled for January 27, 2006. Third-Party Plaintiff's response was filed on January 13 and seeks to have the underlying complaint dismissed and the matter remanded to the state agencies. A reply was filed on behalf of the Commission on January 19. Plaintiffs in the underlying action have requested additional time to submit a response to the Defendant/Third-Party Plaintiff's cross motion to dismiss. Consequently, oral argument has been scheduled to

February 10, 2006. The February 10, 2006 oral argument was also adjourned. A status conference was conducted on March 3, 2006. The purpose of the conference was to discuss scheduling issues regarding Monroe's motion for summary judgment against the Builders League of South Jersey. Oral argument on all motions, including the Commission's motion to dismiss, was conducted on March 31, 2006. The Judge denied the State parties' motion to dismiss. A status conference was conducted by the Court on February 1, 2007. Written discovery was propounded on the Commission by the Monroe MUA and answers to such discovery have been provided. A status conference was conducted on May 11. During that conference the trial of this matter was adjourned. A subsequent status conference has been scheduled for July 5. It is anticipated that a stipulation of dismissal will be executed by all of the parties at that time.

2. Dolqueist v. Atlantic County Division of Public Health: Property owners have instituted litigation against the Commission and other parties in order to obtain a court order permitting them to complete construction of their single family dwelling utilizing a pressure dosing septic system. The parties are engaged in settlement discussions.

3. Pappas: SFD, wetland buffer violation, Galloway. In August 2003, Judge Seltzer granted the Commission's motion for summary judgment and ordered the applicant to resolve the violation. Judge Seltzer, subsequently, stayed the restoration portion of the Order to allow the applicant to demonstrate compliance with wetlands standards of the Pinelands CMP. The applicant submitted information to demonstrate compliance with the wetland protection standard. The staff and DAG prepared a response to that submission and submitted same to the Court. The Attorney General's Office filed a motion seeking to lift the stay of the Court's restoration order. Oral argument on the motion was conducted on October 13, 2006. The oral argument focused on Mr. Pappas' due process rights and whether he would have an opportunity to have the decision reviewed by the Appellate Division. Given that the initial process required by Judge Seltzer was outside of the requirements of the CMP, there was no process by which Mr. Pappas could appeal the decision regarding his attempted demonstration of compliance with the wetlands standards of the CMP. On October 16, 2006, Judge Todd issued an Order denying the State's motion to lift the stay and to enforce the terms of the September 9, 2003 Order and granting the defendant the right to a review of the May 6, 2006 staff determination regarding his attempted demonstration of compliance by the full Commission with a subsequent right to appeal to the Appellate Division. The Attorney General's Office submitted a motion for reconsideration to Judge Todd. Judge Todd denied the Commission's motion on December 5, 2006 and issued a memorandum directing the Commission to issue a determination regarding the Pappas matter on the record. Ms. Roth briefed the Commission relative to this matter at its January meeting. At its March meeting, the Commission considered and granted the request from Mr. Pappas to defer action on this matter until its May meeting. DAG Haynes, at the Commission's request, sent a letter to Mr. Pappas advising him of the new date when the matter would be considered and the nature of the issue to be considered by the Commission at that meeting. The Commission considered this matter at its May 11, 2007 meeting and voted to deny the request for relief from the wetland and wetland buffer requirements of the Pinelands CMP. *Mr. Pappas has retained new counsel, who has filed an appeal of the Commission's May 11, 2007 action. In addition, counsel sent a letter to the Commission and Galloway Township demanding that Galloway Township issue a Certificate of Occupancy for Mr. Pappas' dwelling and indicating that if the Commission and*

Galloway did not commit to issuance of the Certificate of Occupancy, he will seek relief in Federal Court, including attorneys fees pursuant to 42 U.S.C. §1983.

B. STATE COURT – APPELLATE DIVISION

1. In the Matter of NJ Pinelands Commission Resolution No. PC4-07-03: This is an appeal of the Commission’s certification of Lacey Township Ordinance 06-42, which rezoned the Appellant, Structural Management’s property from village residential to preservation. *We are awaiting a briefing schedule from the Court.*

C. FEDERAL COURT

1. Miles v. Township of Barnegat, et al.: This litigation involves a property dispute concerning lands located in Barnegat Township. The plaintiffs have alleged that various entities, including the Pinelands Commission, have conspired to diminish the size of their property.

D. OTHER LITIGATION MATTERS OF INTEREST

None

VI. LEGISLATION

A. NOTABLE BILLS:

1. *The Legislature is currently on Summer recess.*

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 frequently viewed/downloaded document on the Commission’s Web site in July. The document was viewed a total of 11,001 times during the July 1-July 27 monitoring period. The Home Page of the Commission’s Web site recorded 4,832 hits or views in July. Other pages are the Pinelands National Reserve page (1,243 hits), the Pinelands Comprehensive Management Plan page (871 hits), the Information Center page (864 hits), the Land Use and Planning page (835 hits), the Applicant Services page (796 hits), the Pinelands Pastimes page (567 hits), the About the Commission page (519 hits), the **new** Pinelands Image Library page (483 hits), the Educational Resources page (445 hits), the Science page (429 hits), and the Pinelands Municipal Council page (367 hits). The online version of the Pinelands Protection Act was viewed 1,004 times in July. The new Pinelands Image Library page was launched in July. The page features photos of Pinelands landscapes, wetlands, uplands, plants, animals, historic sites, agriculture, forest fire regeneration, Commission meetings and other scenes. The page will continue to be*

uploaded with dozens of additional photos, all of which were taken by Commission staff. It will be used to heighten awareness of Pinelands resources.

2. Press releases this month: *One press advisory was issued in July (on the July 12 Pinelands Speaker Series).*

3. Inquiries this month: *A total of 17 media inquiries and 93 general inquiries were handled in July. Of the general inquiries, 44 inquiries came via e-mail, 45 came by telephone, and 4 came by mail. Most of the inquiries pertained to questions about general Pinelands information, followed by information about gypsy moths, the Pinelands Speaker Series, the Pinelands National Reserve brochure and recreation in the Pinelands.*

4. Open Public Records Act: *Two requests were processed by the Communications Office in July, with a third and fourth request pending.*

B. PUBLICATIONS

1. Pinelander: *The Summer Pinelander was written, designed, edited and sent to the printer in July. It was posted on the Commission's Web site on July 25. Hard copies should be available in early August. The mailing lists for the Pinelander and for the Pinelands Short Course have been combined, which will increase the circulation of the Pinelander from 2,300 to approximately 6,000.*

2. Annual Report: *The 2006 Annual Report is nearly complete and should be ready for print in August.*

C. EVENTS AND OUTREACH

1. Pinelands Short Course: *Planning is underway for the 2008 course.*

2. Local Officials Seminar: *Planning for the 2008 seminar will begin in December 2007.*

3. Meetings: *No new action.*

4. Miscellaneous:

a. *In July, the Communications Office spoke with the producer of "The Mighty Humble Blueberry," a new documentary on Elizabeth White, to arrange for a screening of the film for Commissioners and staff. The producer indicated that she hopes to hold the screening in September. It would be held in the Richard J. Sullivan Center.*

b. *The Communications Office also contacted the New Jersey Division of Travel & Tourism to follow up on requests for more information about the Southern Pinelands Natural Heritage Trail and to discuss plans to take the agency's Executive Director, Nancy Byrne, on a tour of the Pinelands. The agency has expressed an interest in exploring opportunities to promote tourism in the Pinelands.*

D. INTERPRETIVE PROGRAM

1. PNR brochure: *In July, the Communications Office sent the National Park Service what should be the final photographs needed for use in the new Pinelands National Reserve brochure. The Commission learned in July that staff changes at the National Park Service's Harpers Ferry Center will delay completion of the brochure. The brochure was set to be completed by November 1, 2007 but is now set for completion by March 30, 2008.*

2. Regional road signs: *In July, the Communications Office filled out and submitted an application form for access to a county right-of-way for a proposed new Pinelands National Reserve road sign in Burlington County. The New Jersey Department of Transportation and Ocean County continue to review information that the Commission submitted for additional Pinelands road signs.*

3. Pinelands Summer Speaker Series: *The second presentation in the Pinelands Speaker Series was delivered by Matthew McCort on July 12. The presentation featured several species of live snakes and drew approximately 65 people. It also generated positive media coverage. The third and final presentation of this season's program will explore the history and folklore of the Jersey Devil. It is set for August 16. The presentations are open to the public at no charge and are held in the Terrence D. Moore Conference Room in the RJS Center.*

VIII. INFORMATION MANAGEMENT

A. GEOGRAPHIC INFORMATION SYSTEM

- 1. System planning and development:** *No new action.*
- 2. Programming:** *95% of programming complete for residential model.*
- 3. Maps/analyses this month:** *Cell Tower mapping completed for consultant.*
- 4. Data:** *Digitizing complete for parcel data. QA/QC process has begun.*
- 5. LOI for PDC:** *3 PDCs, 3 Lots.*

B. MANAGEMENT INFORMATION SYSTEM

1. System planning and development:

a. PCIS: *Fountains Spatial conducted 1.5 days of on-site technical sessions with MIS staff to review the PCIS source code architecture and class code design in detail. The technical sessions were designed to advance the MIS department's ability to independently implement future enhancements to the system. The draft list of system enhancements for implementation in FY08 was also reviewed in detail with Fountains Spatial technical staff to finalize technical issues.*

b. PDC tracking system:

1) *A new executable was delivered that included new functionality to allow certificate data to be edited from within the "Manage Certificate Holders" screen, without the need to manually launch the "Edit Certificate" screen from the main menu. Minor modifications were made to the two new reports developed last month, "PDCs Available for Sale" and "Other Unused PDCs". Those reports allowed the PDC Bank to identify discrepancies with the "Sellers List", a manually maintained word processing document. Once those discrepancies are corrected, the manual list will be abandoned and the new reports will be used in its place.*

2) *The Pinelands Development Credit Bank staff continued the QA/QC (quality assurance/quality control) work on the non-critical data (e.g. duplicate entries for owner information, missing "parent" certificate numbers, missing severance event numbers, etc.) and will be delivering a spreadsheet the MIS staff early next month with over 1000*

data corrections. The critical data sets continue to be scanned for errors, which are corrected as they are found.

c. Document Imaging – Pilot Conformance Documents Project: *Department of Treasury Technology staff corrected the minor anomalies that were identified last month with the templates and pilot scanning has begun in earnest, beginning with Monroe Township. Upon completion of that township, MIS and Planning staff will review the project to determine if additional modifications are needed and/or if additional towns should be added to the pilot scanning.*

2. Other:

a. *None.*

IX. OPERATIONS

A. FACILITIES

1. Barn renovation project: *A revised schedule has been prepared by the architect that calls for design drawings and specifications to be done by August 21, 2007.*

2. Maintenance:

a. *Grounds: Spread 15 tons of stone on driveways / parking lots.*

b. *RJS Center: Installed adjustable vent covers to help correct some of the HVAC issues and installed additional lighting in the file storage room.*

B. FINANCIAL MANAGEMENT

1. Application fees: *Received 46 checks totaling \$91,274.53, processed 5 refunds totaling \$775.15; FY 2008 budgeted amount \$550,000, received through July \$90,499.38.*

2. General ledger: *18 additional general journal entries for June (FY close), 39 general journal entries for July; 2 special revenue reimbursements were processed.*

3. Accounts payable/receivable: *100 invoices paid, 72 checks written, 59 cash receipts issued.*

4. Budget: *The five FY 2008 budgets (Operating, Kirkwood-Cohansey, Pinelands Conservation Fund, CCMUA Land Acquisition, and PDC Purchase Program) were approved on July 13, 2007.*

5. Audit: *The auditors stated that the FY 2006 report is nearing completion and would like to set up a meeting with the Audit Committee in August.*

6. Miscellaneous:

a. *Farmers and Mechanics Bank servicing the two Commission checking accounts has recently merged and was renamed Beneficial Bank effective 7/30/07.*

b. *PCF Investments: Custodial Bank accounts for the PCF Funds designated for investment in corporate bonds (the Conservation Planning and Research fund and the Community Planning and Design Fund) have been opened at Commerce Bank. These custodial accounts will be used for investments in corporate bonds. Owing to improvement in corporate bond yields and the availability of investment grade issues, it is advantageous to move these funds from the NJ Cash Management Fund to a mix of corporate bonds. This trade is expected early in August.*

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

- 1. Communication Workers of America:** *Tentative meeting scheduled with CWA on September 10, 2007 in order to begin the contract negotiation process.*
- 2. Benefits:** *Notified by the Division of Pensions and Benefits that the employee contribution increased from 5 % to 5.5% beginning 7/1/07.*
- 3. Performance Evaluations:** *Supervisors have completed employee performance evaluations and met with staff to discuss them. Merit increases in accordance with the approved FY 2008 Salary Increases Recommendations will be discussed with the Personnel and Budget Committee on August 2.*

D. PROCUREMENT

- 1. RFQs this month:** *4 issued; 16 solicited; 11 responses*
- 2. RFPs this month:** *0 issued; 0 solicited; 0 responses*
- 3. Purchase orders this month:** *52*
- 4. Contract amendments this month:** *0*

E. OTHER OPERATIONAL ITEMS

- 1. Staff ID Cards:** *Final details have been worked out with Burlington County College to begin producing the Commission's Staff Identification Cards in August.*
- 2. Inspector General Report:** *Staff reviewed and edited the Inspector General's 2007 report on independent authorities.*

X. PINELANDS MUNICIPAL COUNCIL

A. MEETINGS

- 1. Last meeting:** The Council met on July 31, 2007 in Estell Manor. Mr. O'Donnell briefed Council members in the annual economic report.
- 2. Upcoming meeting:** The next meeting is scheduled for September 26, 2007 at the Shamong Township municipal building.

B. OTHER COUNCIL BUSINESS

None

XI. MISCELLANEOUS

- 1.** Mr. Stokes met with Ocean County, Berkeley Township and Manchester Township officials regarding the County's interest in making some improvements to this "emergency use" road. Since some of the parties to the settlement agreement were not present, Mr. Stokes suggested that they be consulted.

2. As requested by Chairperson Wilson, staff is investigating erosion control procedures in the Pinelands. The Science Office is investigating the availability and suitability of Pinelands native grass seed mixtures and whether alternative stabilization approaches are possible at large sites, such as sand and gravel mines. *On July 31, 2007, Chris Miller from the Natural Resource Conservation Service's Plant Materials Center briefed Commission staff on native grasses that are suitable for different uses in the Pinelands.*
3. Arrangements are nearing completion for Commission access to DEP threatened and endangered animal data. Rare plant data has been provided by DEP for a specific science project and efforts continue to institutionalize the arrangement for the entire Pinelands.
- 4 The Casino Reinvestment Development Authority has launched a transportation planning initiative for the Greater Atlantic City Region. *Mr. Stokes will be interviewed by the consultant in August.*
5. *Mr. Stokes spoke at the Pinelands Preservation Alliance teachers' institute on July 12.*
6. *The Pinelands Agricultural Advisory Committee has been re-assembled. It includes representatives from the State Board of Agriculture, County Boards of Agriculture, Pinelands Commission and at-large members. Arrangements are being made for a meeting to discuss the Pinelands Development Credit program review.*
7. *Chairperson Wilson and Mr. Stokes met with representatives of several environmental organizations on July 25. A variety of Pinelands initiatives were discussed.*

ATTACHMENT #1

ONGOING CONFORMANCE ACTIVITY

July 31, 2007

MUNICIPALITY	TOPIC
Barnegat	<p>1. Proposal to rezone lands from RL/AC (residential) to commercial zone within RGA: letter and maps received from Township 6/4/04; meeting with Township held 7/15/04; follow-up information sent to Township 7/16/04; met with Township 3/9/05 and discussed need for t&e information, revised boundaries of proposed commercial zone and means to address lost PDC opportunities. Met with new master plan subcommittee on 3/3/06. Attended pre-application meeting on 9/14/06 with applicant proposing primarily residential development in the area with a minor commercial component. Suggested use variance be pursued.</p> <p>3. Letter received from mayor requesting consideration of additional zoning changes (expansion of RGA; sewer service for existing mobile home parks); meeting held 3/9/05. Met with new master plan subcommittee on 3/3/06.</p> <p>4. Increased in lieu recreation facilities fees, off-tract drainage assessments, in lieu fees for sidewalks and curbing; adopted ordinances and Open Space and Recreation Plan received and under review. Additional ordinance exempting 17-acre lots in the Forest Area from sidewalk/curbing requirements scheduled for adoption in November of 2005. Comments sent to Township.</p> <p>5. Ocean Acres zoning clarification: request for interpretation of zoning line and possible expansion of RC (Residential Conservation) Zone received 11/27/06. Comments provided February 21, 2007.</p>
Berlin Borough	1. Draft Housing Element and Fair Share Plan received 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	<p>1. Rezoning of lands within Pinelands Town on Route 54 to allow mixed use development. Notified Borough that staff would work with the municipality on the rezoning once the MOA with the MUA has been executed. <i>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.</i></p>

MUNICIPALITY	TOPIC
Buena Vista	<p>1. Alpine Village Mobile Home Park Expansion; proposal received 8/21/03 for Pinelands Village designation or ability to use package treatment plant in Forest Area; met with property owner and Township 10/30/03 to discuss alternatives. Revised proposal received 3/10/06. After review, staff sent a letter to the property owner explaining how his latest proposal was not consistent with the 1992 Consent Agreement. Alternatives to his proposal were included in the letter.</p> <p>2. Comar Redevelopment Area: met with Township redevelopment planner on 4/25/07 to discuss concept plans for new redevelopment area incorporating the Wilmad and Comar facilities (approximately 170 acres in the Rural Development Area).</p> <p>3. Richland Village Redevelopment Area: agreed to work with Mayor on the possible use of noncontiguous lands to meet water quality standards for existing nonresidential uses. Proposal presented to P&I Committee on 6/29/07. <i>Staff provided a response to the questions and concerns raised at the 6/29/07 P&I Committee meeting by way of a letter to Township, dated 7/19/07. Township is expected to adopt an implementing ordinance shortly.</i></p>
Burlington County	<p>1. NBC (Northern Burlington County) Futures Plan: participated in first of several visioning meetings held by the County (Southampton on 7/17/06; Pemberton on 8/10/06).</p>
Camden County	<p>1. Atco Transit Station: Camden County Improvement Authority coordinating efforts for transportation improvements (bus service, bikeways, etc.) at Atco Transit Station, as well as redevelopment opportunities. Meeting held 8/23/06 with CCIA, DOT, NJ Transit, Waterford, Winslow, Chesilhurst, Berlin Township and Berlin Borough.</p>
Chesilhurst Borough	<p>1. Agreed to assist in redevelopment plan as time permits 7/04/04. Met with mayor and economic development consultants on 5/2. Mailed letter on 5/18/06 to state Office of Smart Growth supporting Borough's grant application for redevelopment planning funds. Met with Borough planner on 11/21/06 to discuss mixed use development proposal in redevelopment area, water supply, PDC requirements and other zoning issues. Met again with larger group of Borough representatives on 3/27/07 and discussed redevelopment plan, PDC use and water/wastewater constraints. Borough representatives made a presentation to the P&I Committee on 5/25/07.</p> <p>2. 2005 Master Plan Update: adopted 5/4/05, received 5/27/05; letter and comments sent to Borough 6/29. Met with Borough planner on 12/8/05 to discuss rezonings, PDC use, redevelopment plans and water supply issues. Letter and draft ordinance received from Borough planner in late March; vacant land calculations and density implications of proposed rezonings under review. Adopted implementing ordinance received 7/31/06; adopted zoning map subsequently received and under review. Finding letter sent on 9/20/06 requesting meeting with Borough to discuss changes to bring Ordinances into conformance with CMP.</p>
Eagleswood	<p>1. Centers designation petition in Pinelands National Reserve.</p>

MUNICIPALITY	TOPIC
Egg Harbor City	<p>1. Residential development in Forest Area: request for higher densities, clustering, etc., at Brother Francis site. Met with City representatives on 6/3/05 to discuss establishment of receiving area under density transfer program; analysis of Forest Area ongoing. City provided information on Forest Area development potential in September, 2006; indicates potential for 83 units. Information is under review by staff.</p> <p>2. Joint review of possible sites for river launching facility to serve EH Yachts discussed at P&I on 9/30/05 and 11/30/05. Owner has indicated probable move out of state. Staff seeking funding for study of alternatives. As of 7/31/06, inquiries have been met with little interest. Further information was requested from one agency, and this request will be forwarded to EHC. City presented to P&I Committee on Oct. 27 request for an answer on whether the potential review sites can be narrowed to those along the south side of the Mullica River. Committee indicated that this would not be acceptable without the studies previously called for.</p> <p>3. Review of potential site for new recreational facility along Philadelphia Ave. Site visit conducted and staff analysis nearing completion. Reviewed rec site rezoning in concert with St. Francis site rezoning. Internal meeting generated need for more analysis. Meeting with EHC on 7/21/06 to discuss. Met with EHC officials on 7/21/06. EHC will submit review of Master Plan placing all rezoning requests (currently, at least 4 additional have been suggested) throughout the City in the context of their goals. Staff has asked EHC to consider a preliminary T&E study designed with the Commission before moving forward with an application.</p> <p>4. Review of use of interior wetland sites for possible development as residential or other use. Staff analysis nearing completion. EHC will approach Milza for sale of land.</p> <p>5. Review of water treatment facility proposed site; assessing feasibility of proposed site and alternatives. Final analysis completed on reduced buffer impact; awaiting Executive Director's final decision on site use. Letter sent on 7/22/06 with final decision of 75' buffer and recommendation for proceeding with the application.</p> <p>6. Draft ordinance of Design Standards: received September 13, 2006 and under review. Review completed and response prepared. Revised draft ordinance received 6/14/07 and under review. <i>Comments and questions forwarded to the City on 7/18/07.</i></p> <p>7. 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.</p>

MUNICIPALITY	TOPIC
Egg Harbor Township	<p>1. Working committee to monitor implementation of new zoning plan; of the 26 new apps submitted since January, 22 involve only a single unit and only 1 involves a major subdivision and remains incomplete; traffic circulation plan adopted - meeting held 7/24.</p> <p>2. Septic ordinance; discussed concerns with administrator and county health department; minor subdivision application called up due to lack of municipal implementing ordinance; reminder letter sent 9/24/03.</p> <p>3. 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).</p> <p>4. Draft Ordinance 49-2006 related to design standards and 51-2006 related to Zoning were received 09/22/06 and are under review. Staff have discussed concerns with the Township and they are providing staff with copies of their internal analysis for further review. Internal analysis received and under review. Finding letter; public hearing held 1/24/07. At Township's request, an extension of the Commission's review period has been granted through 3/28/07 to provide an opportunity to discuss potential density/PDC impacts of the ordinance. Staff analysis of perimeter buffer impacts on density and PDC use continues; subdivision plans being reviewed.</p>
Estell Manor	<p>1. Request from City for analysis of redevelopment opportunities for landfill; response sent 7/28/05.</p>
Folsom	<p>1. Request from Borough to expand boundaries of FC (Forest Commercial) Zone, as well as types of nonresidential uses permitted in the FC Zone, received 8/17/04; staff attended 9/8 Planning Board meeting; draft ordinance and proposal received 3/28/05. Met with Borough representatives on 11/4/05 to discuss FC Zone expansion. Draft zoning map and ordinance received 4/3/06 and under review. Response (letter, ordinance language, revised map) sent 1/31/07. Discussed Borough's intent to proceed with adoption with Planning Board Solicitor 5/14/07 and 5/23/07. Sent letter to Planning Board solicitor on 6/15/07 to provide written explanation of and justification for zoning changes.</p>
Franklin	<p>1. Master plan reexamination: met with Township 7/23/03 to discuss APA/RDA rezonings and transfer of density from RDA and APA to land outside Pinelands; draft of Master Plan and Housing Element received 4/16/04; preliminary comments provided to Township 6/2 with offer to meet on the numerous proposed management area changes; adopted 7/12; discussed with community development director 7/14 and reiterated offer to meet and discuss rezonings; letter sent to Planning Board 8/23 indicating master plan would require formal review and approval by the Commission; met with community development director 9/29. Meeting with mayor and other Township representatives on management area changes held 12/1/05. Township will refine its requested boundary changes based on wetlands, creation of nonconforming lots, etc. Additional information provided by Township 3/28/06 is under review. A GIS analysis was conducted to offer alternatives to the proposed plan that would meet the CMP. Letter from Township received 4/26/07 indicating Planning Board would be amending 2004 Master Plan to remove all recommendations for land use changes in the Pinelands Area. Sent letter 5/2/07 confirming no further review of master plan would occur, pending receipt of master plan amendments. <i>Received copy of adopted master plan amendment on 7/18/07 repealing zoning and land use recommendations for Pinelands Area in 2004 Master Plan.</i></p>

MUNICIPALITY	TOPIC
Galloway	<p>1. School/recreation complex in Rural Development Area; met with School Bd., Stockton and Township 10/15/03 to discuss necessary purchase of offsite lands. Township, County, and Commission (through CMCMUA/TNC Program) purchased land in heron rookery area in Nov. 2005, allowing school construction to take place.</p> <p>2. Use of two sites in Agricultural Production Area for active recreational facilities: conference call with Township representatives held 11/3/06. Offered to assist municipality in identifying other potential sites or developing a rezoning proposal.</p> <p>3. Draft ordinance regarding corner lots and staggered setbacks for RGA residential zones reviewed and discussed with Galloway Planner. <i>Adopted ordinance received 6/18/07. Finding letter sent; hearing scheduled for 8/29/07.</i></p> <p>4. 2007 Master Plan Reexamination Report: excerpts from draft report received 2/15/07. Preliminary comments provided 2/16/07. Master Plan Report adopted 3/22/07; majority of recommended land use changes involve only non-Pinelands Area. Copy received 4/26/07 and under review. 13 implementing ordinances received 6/18/07 and under review. Two additional ordinances received 6/29/07, including revised zoning map. New Pinelands Town industrial zone proposed. <i>Findings letter sent determining new Pinelands Town zone presents no substantial issue along with other ordinances.</i></p> <p>5. Housing Element and Fair Share Plan received and reviewed. Finding Letter issued determining that Housing Element and Fair Share Plan presents no substantial issue.</p> <p>6. 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.</p>

MUNICIPALITY	TOPIC
Hamilton	<p>1. Density transfer program: consider a requirement that lots to be developed contain a certain % of the minimum lot area required for the zone in which they are located. Response provided 6/15/05. Adopted Master Plan amendment received 11/16/06, requiring increased acreage be acquired for those participating in the density transfer program.</p> <p>2. Rezoning proposal: RDA to RGA for commercial development adjacent to FAATC; met with Township and developer 2/9/04.</p> <p>3. RD/RGD District (Municipal Reserve): Proposal to retain the RD/RGD zone in the Rural Development Area received on 10/06/06. Adopted ordinance received and certified by Commission on 2/9/07. Proposal to rezone small portion of RD/RGD to RGA/commercial received 1/19/07. Proposal later withdrawn. Township was advised it had until 5/1/07 to revise the development standards for its RD/RGD District to be consistent with the amended municipal reserve standards in the CMP. Township indicated an interest on 3/29/07 in eliminating the reserve area and rezoning all lands to the RD-5 Zone in the RDA. Staff advised small portions of reserve area should be rezoned to the RGA and appropriately zoned. Meeting held with Township representatives on 4/23/07 to discuss new zoning boundaries. Township requested and was granted an extension of the May 1, 2007 deadline until September 1, 2007. Adopted master plan amendment received; ordinance amendments to be drafted upon receipt of Commission staff comments. <i>Staff has completed a review of the amendment and is preparing a response letter to Hamilton Township.</i></p> <p>4. Wheaton Mill: draft Redevelopment Plan received 7/24/07 and under review. Redevelopment Plan proposes to allow high density (40 du/acre) residential development in a portion of the RGA now included in an industrial zone. PDCs would be required at rate of one right per 6 market rate units. Cultural resource planner reviewing adaptive reuse issues.</p>
Hammonton	<p>1. Airport expansion (Agricultural Production Area to Pinelands Town). Inquiry received on possible expansion of industrial zone.</p> <p>2. Tower ordinance: draft received 6/16/04; comments provided to solicitor 7/14/04.</p> <p>4. In lieu recreation fees: ordinance adopted in August 2006 but not submitted to Commission until 1/22/07. \$5,000 per lot fee under review; awaiting supporting analysis from Town. Town has since indicated it will be making additional revisions to the ordinance. Provided Town with sample ordinances of other municipalities to use in developing a new ordinance 3/23/07. Asked Town to submit an extension request 3/1 and 3/23 but nothing received. Request for extension received 5/22/07 and granted through 9/22/07.</p>
Jackson	<p>1. Toms River Corridor implementation: met with Township 8/10/05 and discussed remaining matters related to RGA zoning changes and reduced density. Met again with Township representatives on 2/22/06 to discuss RGA issues and benefits of implementing remaining Toms River Corridor recommendations. Data on RGA zoning capacity (for purposes of determining whether Jackson is eligible for a reduction to 2.5 du/developable acre) received from Township on 4/11/06 and under review. Township has adopted an ordinance to implement the PED zoning component of the Toms River Corridor Plan. Awaiting revised zoning map. Received 5/10/07 letter from Clerk indicating Township does not have a copy of the amended zoning map and will need to recreate it. <i>Additional requests for map made in June and July; nothing received to date.</i></p>

MUNICIPALITY	TOPIC
Lacey	1. RDA/FA rezonings: met with Mayor, Administrator and Solicitor 6/24/05 to discuss proposed Oyster Creek downzoning as well as zoning changes to permit new cemetery south of Lacey Road in the Forest Area. Met again with Township representatives on 3/15/06 to discuss rezoning proposal for cemetery and need for survey to address t&e issues. Initial survey work has been completed. Results are under review 5/07. <i>Township has adopted an ordinance (2007-19) rezoning all of its RDA to FA as required by the amendments to the CMP. Public hearing is scheduled for 8/29/07.</i>
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).
Manchester	<p>1. 30% RGA density reduction: met with Twp. 7/31, 8/7 and 1/28/04; draft ordinance to implement RGA rezonings and affordable housing settlements received 3/9; comments provided 3/9; met with Township Planner 6/2 to discuss draft ordinance, PDC component, RGA densities, etc.; received copy of settlement agreement; drafted revised ordinance for Township's consideration 7/29/04; meeting held with Township representatives on 5/24/05 to discuss PDC issues and zoning capacity. Letters sent suggesting need for vacant land information and additional meeting with mayor in August. Meeting held 8/31. Letter sent to Mayor 9/15/05 detailing issues and recommended solution. Revised draft ordinance received from Township 12/16 and under review. P&I Committee was updated at its 1/9/06 P&I meeting. Township adopted master plan amendments on 2/6/06. Letter sent on PDC issues 3/13/06, with follow up phone conversation and email to Township and other interested parties 3/20/06. Revised draft implementing ordinance received 3/5/07. Comments on PDC component provided 3/6/07. Additional comments and suggested revisions provided 3/29/07. <i>Implementing ordinance (07-018) adopted on 5/29/07 and received 7/5/07. Awaiting receipt of Jackson's adopted zoning map so that both Manchester and Jackson ordinances implementing the PED zoning recommended in the TRC Plan may be certified simultaneously.</i></p> <p>2. 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.</p> <p>3. Expansion of Whiting (Pinelands Town): draft ordinance rezoning six lots from Forest to Town received 10/1; potential t&e issues identified and under review; adopted ordinances received 2/7 and 3/8. Discussed t&e concerns and possible alternatives to rezoning with Mayor 8/31. Letter sent 10/3/05. Staff has researched and drafted comments regarding the Township's proposal to implement cluster development or a density transfer plan to facilitate limited amount of development in the area. Maps and receiving area recommendations (including elimination of one or more existing receiving areas, expansion of others) have been prepared and provided to the Township in May, 2006. Discussed with new Township Administrator and resent maps and recommendations mid-November. Draft master plan amendment received 11/21/06. Adopted master plan received 1/29/07.</p> <p>4. 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.</p> <p>5. 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.</p>

MUNICIPALITY	TOPIC
Maurice River	<p>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.</p>
Medford	<p>1. Possible rezoning for RGD-1 Zone to increase density and provide for open space elsewhere in RGA: met with Township and developer 12/9. Met with Township 7/20/05 and asked for details so analysis could be completed. Received copy of settlement agreement between Township and developer. Met with Township and developer on 7/7/06 and discussed zoning and PDC issues. Met again on 8/24/06. Met with Township 9/15/06 to review ways in which zoning plan could be revised; presented alternatives. Met with Senator Bark on 2/21/07.</p> <p>2. COAH/zoning changes: met with Township representatives, COAH staff and developer on 8/22/06 to discuss PDC obligations and zoning changes. Met with Township 9/15/06 to review ways in which zoning plan could be revised; presented alternatives. Adopted Housing Element and Fair Share Plan received 12/4/06. Letter sent 1/23/07 indicating implementing ordinances needed before Commission can certify.</p> <p>3. Revisions to Route 70 Smart Growth Redevelopment Plan: Ordinance 2007-16 received 6/28/07. <i>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.</i></p>

MUNICIPALITY	TOPIC
Monroe	<p>1. Cedar Creek rezoning: proposal to redesignate ±150 acres from RDA to RGA to facilitate additional affordable housing project. Met with Township on 11/4/05 and noted need to accommodate PDC opportunities. Met with Township on 10/23/06 to discuss this and other rezonings. Met again on 12/1/06 to discuss offsetting zoning changes. Township subsequently indicated it wishes to focus on other minor RDA-RGA zoning changes. Proposal received 12/12/06; comments sent 2/1/07. Draft master plan amendment received 3/16/07, proposing rezoning of Cedar Creek area from RDA to RGA with no offsetting management area changes. Adopted master plan amendment and numerous implementing ordinances subsequently received. Discussed concerns with Township planner. Additional master plan amendments, recommending offsetting management area changes, received and scheduled for adoption on 5/24/07. Meeting to be scheduled with township representatives.</p> <p>2. Ordinance 13-2007 establishing a required contribution in-lieu of providing open space for certain residential developments, amending the contribution required in-lieu of providing recreational facilities and providing regulations for recreational facilities received and reviewed. Finding Letter issued determining that ordinance presented a substantial issue and requesting analyses supporting the fees in question. Township requested extension of Commission review period to prepare requested analyses. <i>An extension of the Commission's review period has been granted through 10/22/07 to provide an opportunity for Township to prepare requested analyses.</i></p> <p>3. Ordinance 14-2007 permitting accessory dwelling units as a permitted accessory use to all single-family residential dwelling units received and reviewed. Finding Letter issued determining that ordinance presented a substantial issue and requesting certain amendments thereto. Township requested extension of Commission review period to consider appropriate amendments. <i>An extension of the Commission's review period has been granted through 10/22/07 to provide an opportunity for Township to consider appropriate ordinance amendments.</i></p> <p>4. Planning Board Resolution PB-38-07 adopting 2007 Master Plan Reexamination Report and Ordinances 11-2007, 22-2007 and 27-2007 amending and establishing certain definitions, amending zoning map, amending zoning districts and altering boundaries of Pinelands Management Areas received and reviewed. Finding Letter issued determining that the aforementioned ordinances and Planning Board Resolution PB-38-07 presented a substantial issue and recommended meeting with township representatives. <i>At Township's request, an extension of the Commission's review period has been granted through 11/10/07 to provide an opportunity to consider appropriate amendments and discuss proposed Management Area changes.</i></p>
Mullica	<p>1. Elwood Village: meeting held with Township on 2/2/06 to discuss potential for higher density, multi-family housing on 20 acre site within Elwood. Second meeting held 5/1/06. Data received from township on vacant land and zoning capacity within Elwood. Follow up meeting with Township and potential developer held 5/7/07. The Township presented its proposal to the P&I Committee on 6/29/07. <i>Commission staff met with Township representatives and toured Elwood on 7/25/07. An additional meeting to discuss design standards has been scheduled for 8/9/07.</i></p>
Pemberton	<p>1. Agricultural commercial zone for existing packing plant or ordinance to permit commercial uses in Agricultural Production Area w/in 300 ft of existing</p>

MUNICIPALITY	TOPIC
Port Republic	1. Septic ordinance; introduced but tabled; Borough Council questions answered; copy of Waterford ordinance addressing repair and replacement issues provided to solicitor 7/12; attended City Council meeting on 8/10; provided information to solicitor on potential for use of systems within the City on 8/24 and 9/21.
Southampton	1. Septic ordinance; attended governing body workshop mtg. 5/6/03; reminder letter sent 9/15/03; received response from Township that they will not be adopting ordinance. Attended Environmental Commission meeting on 12/12/06. 2. Scenic Corridor Vision Statement and Plan (Route 206): received and under review.
Tabernacle	1. Request for commercial use on alternate design septic; response sent to Mayor 10/13 outlining options.
Upper	1. Need to provide comments to DEP on consistency with CMP discussed at 2/24/06 P&I meeting. Comments on Township's centers and plan endorsement petition submitted to OSG on 12/4/06. Adopted master plan amendments and draft implementing ordinances received and under review. Ordinances would allow one acre clustering in the RDA and FA zones, as well as transfers of density from the Forest Area to a designated center in the non-Pinelands Area portion of the Township. Comments provided 6/22/07.
Washington	1. Revised zoning maps (to reflect 1992 Village rezonings) received; letter sent to solicitor 9/7 noting errors and questions. Received memo from Township requesting status of revised zoning maps. Sent memo 12/27/06.
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.
Weymouth	1. Tower ordinance: provided model and suggested amendments to Township 10/25.
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.
Woodbine	1. Housing Element and Fair Share Plan received and reviewed. Letter sent indicating implementing ordinances needed before Commission can certify.

ATTACHMENT #2

PINELANDS-RELATED LEGISLATION

July 30, 2007

Bill No.(s)	Prime Sponsor(s)	Synopsis	Current Status
A129	Merkt/DeCroce	Requires DOT to abide by Municipal Zoning and Signage Regulations when Placing Motorist Service and Tourist-Related Directional Signs on State Property	Assembly Transportation and Public Works Committee
A350	Chatzidakis/Bodine	Requires Governor's Appointees to the Pinelands Commission to Reside in the Pinelands Area	Assembly Environment and Solid Waste Committee
A732	Blee	Designates Atlantic City and Pleasantville, Atlantic County as Areas Eligible for Redemption of Pinelands Development Credits	Assembly Agriculture and Natural Resources Committee
S125	Gormley	Identical to A732	Senate Environment Committee
A1107	Rooney	The "Public Surface Water Supply Protection " Act	Assembly Environment and Solid Waste Committee
A1494	O'Toole/Russo	Establishes certain ethical standards and financial control requirements for State authorities.	Assembly State Government Committee
A1874	McKeon/Manzo	"New Jersey Clean Water, Drought Mitigation and Water Resource Trust Fund Act"	Assembly Environment and Solid Waste Committee
S969	Smith/Martin	Identical to A1874	Senate Budget and Appropriations Committee
A1878	McKeon	Concerns expediting certain State permits in smart growth areas	Assembly Environment and Solid Waste Committee
A2110	Rooney	Water Supply Preservation and Protection Act	Assembly Environment and Solid Waste Committee
A2590	Dancer/Malone	Requires Pinelands Commission to update master plan every seven years; requires critical habitat study prior to construction	Withdrawn
S1450	Singer	Identical to A2590	Introduced, Referred Senate Environment Committee
A2711	Van Drew/Albano	Appropriates \$1 million for Pinelands Property Tax Stabilization aid.	Assembly Environment and Solid Waste Committee

Bill No.(s)	Prime Sponsor(s)	Synopsis	Current Status
A2762	Chivukula	Revises law concerning meetings of public bodies and access to government records; makes appropriation	Introduced, Assembly State Government Committee
S1219	Martin/Karcher	Identical to A2762	Senate State Government Committee
A2915	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
A3715	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	Assembly State Government Committee
A3864	Greenstein	Authorizes municipalities to establish receiving zones for transfer of development rights from Highlands Region or pinelands area; provides for impact fees and other incentives	Reported from Assembly Comm. as a Substitute, 2nd Reading
A3936	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
S481	Sweeney	Identical to A3936	Senate Environment Committee
A3000	Kenny/Greenwald/ Payne/Watson Coleman	Appropriates \$33,480,957,000 in State funds and \$10,197,242,726 in federal funds for the State budget for Fiscal Year 2007-2008	Approved With Line Item Veto P.L.2007, c.111
S5000	Greenwald/Payne/ Watson Coleman	Identical to A3000	Substituted by A3000
A4333	Greenstein	Requires policy on use of alternative dispute resolution for State agencies; expands duties of Dispute Settlement Office of Department of Public Advocate	Received in the Senate, Referred to Senate Judiciary Committee
S2816	Vitale/Lesniak	Identical to A4333	Introduced in the Senate, Referred to Senate Judiciary Committee
ACR126	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.	Assembly Environment and Solid Waste Committee
S354	Bark	Prohibits the State from Exporting Water from the Pinelands	Senate Environment Committee
S481	Sweeney	Revises scope of P.L.2004, c.89, expediting certain State permits in smart growth areas	Senate Environment Committee

<u>Bill No.(s)</u>	<u>Prime Sponsor(s)</u>	<u>Synopsis</u>	<u>Current Status</u>
S711	Lance/Turner	Repeals law expediting certain State permits	Senate Environment Committee
S841	Bark	Prohibits the Pinelands Commission from Imposing Fees for Development Paid for with State Funds or by Non-Profit Organization	Senate Environment Committee
S1592	Asselta	Clarifies that activities conducted and uses of land by farm wineries are agricultural	Introduced, Referred to Senate Economic Growth Committee
S2277	Ciesla	Prohibits Pinelands Commission from requiring pinelands development credits for the construction of development project that includes affordable housing.	Senate Environment Committee
SR14	Sacco/Gormley	Memorializes Congress to enact Solid Waste Environmental Regulation Clarification Affecting Railroads Act of 2005	Filed with the Secretary of State

SELECTED PINELANDS RELATED LEGISLATION

<u>Bill No.(s)</u>	<u>Prime Sponsor(s)</u>	<u>Synopsis</u>	<u>Current Status</u>
A392	Bodine/ Chatzidakis	Requires State to provide fire services in certain State facilities	Assembly Housing and Local Government Committee
A518	Bateman/Greenwald	Revises membership of Executive Commission on Ethical Standards; renames commission; requires ethics training for State employees; increases penalties for ethics violations	Assembly State Government Committee
A632	Rumpf/Connors	Directs Commissioner of Transportation to use monies from Transportation Trust Fund for certain projects	Assembly Transportation and Public Works Committee
A661	Connors/Rumpf	Appropriates \$26,140,000 for dredging projects and dredged material disposal projects related to navigational waterways	Assembly Environment and Solid Waste Committee
A665	Connors/Rumpf	Establishes a New Jersey Coordinating Council on the Decommissioning of Nuclear Power Generating Facilities	Assembly Telecommunications and Utilities Committee
S142	Connors	Identical to A665	Senate Economic Growth Committee
A695	Baroni	Requires All Elected Officials and Candidates and Certain Other Public Officials to File Financial Disclosure Statement	Assembly State Government Committee

Bill No.(s)	Prime Sponsor(s)	Synopsis	Current Status
A895	Gusciora/Panter	Authorizes Assessment of Development Impact Fees by Municipalities	Assembly Housing and Local Government Committee
S972	Lance	Identical to A895	Senate Community and Urban Affairs Committee
A896	Gusciora/Van Drew/Greenstein/Manzo	Historic Property Reinvestment Act	Reported as an Assembly Committee Substitute and Referred to Assembly Appropriations Committee
S2030	Buono/McNamara	Identical to A896	Referred to Senate Budget and Appropriations Committee
A912	Gusciora/Watson Coleman	Authorizes adoption of timed-growth ordinances by municipalities	Assembly Housing and Local Government Committee
A1026	Van Drew	Grants Abbott District Status to the School Districts of Buena Regional, Commercial Township, Fairfield Township, Salem City and Woodbine	Assembly Education Committee
A1041	Van Drew	Supplemental Appropriation of \$1.2 Million to Maurice River Township for the Siting of a State Correctional Facility	Assembly Law and Public Safety Committee
S1603	Asselta	Identical to A1041	Senate Law and Public Safety and Veteran's Affairs Committee
A1049	Van Drew	Establishes Additional Factors to be used when Calculating Value of Land to be Acquired for Farmland Preservation Purposes; and Excludes, from Taxation, Income from Sales of Land for Farmland Preservation Purposes	Assembly Agriculture and Natural Resources Committee
A1122	Rooney	Revises "Solid Waste Management Act" to Eliminate Those Parts of the Statutory Law that have been Rendered Obsolete, Unconstitutional or Unenforceable by the Carbone, Atlantic Coast and Waste Management v. Shinn Decisions	Assembly Environment and Solid Waste Committee
A1125	Rooney	Authorizes municipalities to assume primary responsibility for the collection and disposal of municipal solid waste	Assembly Environment and Solid Waste Committee

Bill No.(s)	Prime Sponsor(s)	Synopsis	Current Status
A1139	Dancer/Doherty	Extends for Five Additional Years Use of Special Appraisal Method when Acquiring Certain Lands for Open Space or Farmland Preservation Purposes	Assembly Agriculture and Natural Resources Committee
A1166	Corodemus	Establishes Cross-Acceptance of Local Master Plans; Intermunicipal Review of Certain Development Applications	Assembly Housing and Local Government Committee
S670	Kean	Identical to A116	Senate Community and Urban Affairs Committee
A1296	Biondi	Creates New Jersey Regulatory Improvement Advisory Council; Requires Risk Assessment and Cost-Benefit Analysis for Certain State Regulatory Actions	Assembly Regulated Professions and Independent Authorities Committee
A1351	Watson Coleman	Revises Funding Allocation Formulas Under the Garden State Preservation Trust Act	Assembly Appropriations Committee
A1420	Scalera/Van Drew/ Quigley	Authorizes Creation of Urban Enterprise Zones in Garfield, Keansburg, and Two joint Urban Enterprise Zones, One in Cliffside Park and Fairview, and One in Buena Vista Township and Buena Borough	Assembly Commerce and Economic Development Committee
A1481	O'Toole/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	Assembly State Government Committee
A1714	Fisher	Appropriates \$1,263,166 from "Garden State Historic Preservation Trust Fund" to provide historic site management grants for certain historic preservation projects	Second Reading
A1924	Burzichelli	Authorizes municipality to request DEP to require additional remediation of certain landfill sites	Assembly Environment and Solid Waste Committee
S1028	Sweeney	Identical to A1924	Senate Environment Committee
A1931	Burzichelli/Fisher	Appropriates \$30,000,000 to the DEP from the "Wastewater Treatment Bond Act of 1985" for grants to or on behalf of local government units for wastewater treatment system projects	Bill Withdrawn

Bill No.(s)	Prime Sponsor(s)	Synopsis	Current Status
A1987	Cryan	Concerns standards for the groundwater remediation of contaminated sites	Assembly Environment and Solid Waste Committee
A2038	Chatzidakis	Establishes the Pinelands Institute for Natural and Environmental Studies	Assembly Environment and Solid Waste Committee
A2039	Chatzidakis/Bateman/Biondi/Handlin/Stender	Requires certain State buildings to be designed and managed to meet high performance green building standards	Reported out of Assembly Committee, 2nd Reading
S843	Bark/Madden/Weinberg	Identical to A2039	Received in the Assembly without Reference, 2nd Reading
A2358	Van Drew/Albano/Moriarty	Creates "Task Force on the Extension of Route 55"	Assembly Transportation and Public Works Committee
A2569	Van Drew/Albano	Requires DOT and DEP to conduct study on options to alleviate congestion on Route 47	Second Reading
A2932	Van Drew	Creates historic preservation tax credit pilot program for corporation business and gross income tax	Assembly Environment and Solid Waste Committee
A3671	Greenstein/ Van Drew/ Dancer/ Burzichelli	Appropriates \$8,279,750 from "Garden State Green Acres Preservation Trust Fund" for grants to certain nonprofit entities to acquire or develop lands for recreation and conservation purposes	Approved P.L.2007, c.26
S2350	Rice/Bryant	Identical to A3671	Substituted by A3671
A3672	Fisher/Conaway/ Albano/Whelan/ Conners	Appropriates \$8,552,405 from "Garden State Green Acres Preservation Trust Fund" and various Green Acres bond funds for local government open space acquisition and park development projects in southern NJ	Approved P.L.2007, c.27
S2348	Madden/Asselta	Identical to A3672	Substituted by A3672
A3675	Truitt/ Stack/Cruz-Perez/Vas/Gordon/ Manzo/Payne	Appropriates \$39,430,430 from "Garden State Green Acres Preservation Trust Fund" and various Green Acres bond funds, and appropriates or reappropriates certain other moneys, for local government open space acquisition and park development projects in "urban aid," densely or highly populated, and other municipalities and counties	Approved P.L. 2007, c.47
S2346	Vitale/Kenny	Identical to A3675	Substituted by A3675
A3841	Bateman/Biondi/Handlin	Requires new State buildings to be designed and managed to meet Silver level certification under Leadership in Energy and Environmental Design (LEED) Green Building Rating System	Combined with A2039

Bill No.(s)	Prime Sponsor(s)	Synopsis	Current Status
S2146	Madden/Weinberg	Identical to A3841	Combined with S843
A4107	Payne	Limits use of pesticides, other than low impact pesticides, in State parks and forests	Reported and Referred to Assembly Appropriations Committee
A4169	Panter/Cruz-Perez	Makes a supplemental appropriation of \$14,375,000 to the Department of Education for additional State aid to certain school districts.	Introduced, Referred to Assembly Education Committee
S2661	Karcher	Identical to A4169	Introduced in the Senate, Referred to Senate Education Committee
A4172	Gusciora	Establishes new penalties for illegal operation of certain vehicles on public lands; revises law concerning registration, insurance and operation of all-terrain vehicles and snowmobiles.	Introduced, Referred to Assembly Transportation and Public Works Committee
A4212	Greenstein/Panter/Gordon	Authorizes municipal planning boards to adopt green buildings and environmental sustainability municipal master plan element.	Second Reading
S2150	Karcher/Singer	Identical to A4212	Introduced in the Senate, Referred to Senate Economic Growth Committee
A4257	Van Drew/Albano/Moriarty/McKeon/Panter	Appropriates \$40 million from "Garden State Green Acres Preservation Trust Fund" for State acquisition of lands for recreation and conservation purposes.	Second Reading in the Assembly
S2754	Smith/Asselta	Identical to A4257	Introduced in the Senate, Referred to Senate Environment Committee
A4258	Fisher/Carabello/McKeon/Connors/Hackett/Steele/Panter	Appropriates \$11 million from "Garden State Historic Preservation Trust Fund" to provide grants for certain historic preservation projects	Second Reading in Assembly
S2758	Karcher/Buono	Identical to A4258	Introduced in the Senate, Referred to Senate Wagering, Tourism & Historic Preservation Committee
A4260	Conaway/Mayer/Fisher/Panter	Appropriates \$45.15 million from "Garden State Farmland Preservation Trust Fund" for farmland preservation purposes	Second Reading in the Assembly
S2755	Sweeney/Maden	Identical to A4260	Introduced in the Senate, Referred to Senate Economic Growth Committee

Bill No.(s)	Prime Sponsor(s)	Synopsis	Current Status
A4261	Bodine/Panter	Appropriates \$15,375,000 from "Garden State Farmland Preservation Trust Fund" for planning incentive grants to counties and municipalities for farmland preservation purposes.	Second Reading in the Assembly
S2741	Karcher	Identical to A4261	Introduced in the Senate, Referred to Senate Economic Growth Committee
A4331	Connors/Rumpf	Authorizes State Treasurer to exchange certain parcels of real property in Stafford Township, Ocean County	Introduced, Referred to Assembly Environment and Solid Waste Committee
S2806	Connors	Identical to A4331	Withdrawn from Consideration
A4345	Greenstein/Conaway/Moriarty/Wisniewski	Appropriates funds to DEP for environmental infrastructure projects.	Passed Both Houses (36-0)
S2753	Buono/Allen	Identical to A4345	Substituted by A4345
A4346	McKeon/Van Drew/Albano/Wisniewski	Authorizes New Jersey Environmental Infrastructure Trust to expend certain sums to make loans for environmental infrastructure projects	Passed Both Houses (37-0)
S2763	Vitale/Buono	Identical to A4346	Substituted by A4346
AR268	Connors/Rumpf	Urges closure of Warren Grove Gunnery Range in Ocean and Burlington Counties	Introduced, Referred to Assembly Military and Veterans' Affairs Committee
SR109	Connors/Ciesla	Identical to AR268	Introduced, Referred to Senate Law and Public Safety and Veterans' Affairs Committee
ACR10	Fisher/McKeon/Albano/Quigley/Watson Coleman/Rooney/ Karrow	Amends Constitution to dedicate up to \$175 million annually from FY2009 and FY2038 from sales and use tax revenue for preservation of open space, including flood prone or affected areas, and for preservation of farmland and historic sites.	Introduced, Referred to Assembly Agriculture and Natural Resources Committee
SCR136	Sweeney	Identical to ACR10	Introduced, Referred to Senate Environment Committee
ACR227	Whelan/Van Drew	Urges Congress to advance construction of Aviation Research and Technology Park in Egg Harbor Township, N.J.	Introduced, Referred to Assembly Transportation and Public Works Committee
ACR229	McKeon/Fisher/Gusciora/Hackett/Manzo/Gordon	Amends Constitution to dedicate up to \$150 million annually for FY2009 to FY2038 from sale and use tax revenue for open space, farmland, and historic preservation.	For preliminary committee action – to be report preliminary to be reported to ACS
SCR131	Lance/Smith	Identical to ACR229	Introduced, Referred to Senate Environment Committee

Bill No.(s)	Prime Sponsor(s)	Synopsis	Current Status
AR165	Van Drew, Albano, Fisher, Burzichelli, Epps	Expresses the strong support of the General Assembly for the continued designation of the current list of Abbott school districts and the reform efforts underway in those districts	Assembly Education Committee
S290	Asselta	Identical to A2358	Senate Transportation Committee
S838	Bark	Identical to A2038	Senate Education Committee
S297	Asselta	Grants Abbott District Status to the School Districts of Buena Regional and Woodbine	Senate Education Committee
S303	Asselta	Authorizes Urban Enterprise Zones in Lower Township and in Woodbine Borough, Cape May County	Senate Economic Growth Committee
S306	Asselta	Establishes aid program for certain municipalities with State correctional facilities	Senate Budget and Appropriations Committee
S633	Girgenti	Concerns the authority of the Governor to suspend or modify certain statutes, or permit certain public officials to suspend enforcement of certain statutes, during an emergency declared by the Governor	Senate Law and Public Safety and Veterans' Affairs Committee
S700	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	Senate State Government Committee
S715	Inverso	Implements recommendations made by the State Commission of Investigation regarding ethical standards applicable to certain State officials and employees; appropriates \$300,000	Senate State Government Committee
S727	Inverso	Authorizes timed-growth ordinances under "Municipal Land Use Law"	Senate Community and Urban Affairs Committee
S738	Turner/Adler	Authorizes adoption of time-growth ordinances by municipalities	Senate Community and Urban Affairs Committee
S739	Turner	Authorizes municipal assessment of development impact fees following State guidelines and makes an appropriation	Senate Community and Urban Affairs Committee

Bill No.(s)	Prime Sponsor(s)	Synopsis	Current Status
S888	Bucco	Establishes the New Jersey Water Supply in the 21st Century Study Task Force	Senate Environment Committee
S1070	Sweeney/Kean	Appropriates \$1,263,166 from “Garden State Historic Preservation Trust Fund” to provide historic site management grants for certain historic preservation projects	Senate Budget and Appropriations Committee
S1132	Connors	Directs State acquisition of Heritage Minerals tract in Ocean county for new State Park	Senate Environment Committee
S1139	Connors	Appropriates \$6 million from “1996 Economic Development Site Fund” to DEP for Barnegat Bay Decoy and Baymen’s Museum/Tuckerton Seaport project	Senate Wagering, Tourism & Historic Preservation Committee
S1353	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.	Senate Economic Growth Committee
S1388	Connors	Directs DEP to take over ownership and maintenance of Pine Lake Dam, Manchester Township, Ocean County and investigate take over of similar dams; appropriates \$2,000,000	Senate Environment Committee
S1422	Asselta	Appropriates \$3,600,000 from the General Fund to rehabilitate Cape May Seashore Lines	Senate Transportation Committee
S1710	Adler	Appropriates moneys from the “Dam, Lake, Stream, Flood Control, Water Resources, and Wastewater Treatment Project Bond Act of 2003” for loans for lake dredging and restoration projects, or stream cleaning and desnagging projects	Introduced, Referred to Senate Environment Committee
S2780	Connors	Authorizes State Treasurer to accept an exchange of parcels of real property in the Township of Stafford, Ocean County	Introduced, Referred to Senate State Government Committee
S2820	Smith/Scutari	Requires Site Improvement Advisory Board to offer recommendations to encourage sustainable development	Introduced, Referred to Senate Community and Urban Affairs Committee

ATTACHMENT #3

EMPLOYEE ACTIONS July 2007

A. DEPARTING EMPLOYEE(S)

Name	Title	Office	Effective Date	Hire Date
Mariana DuBrul	Research Scientist 2	Science.	7/20/07	8/15/05

B. RECRUITMENT ACTION(S)

Title	Office	Status
Office Assistant – part time (focus on data entry)	Land Use & Tech. Prog.	Currently interviewing
Project Support Assistant	Regulatory Programs	Offered: John Repa, Jr. Start Date: Aug. 6, 2007
GIS Specialist* (Ecological Integrity Assessment)	Land Use & Tech. Prog.	Not Budgeted
Community Planner* (Comm. Design Tech. Assist. Project)	Executive	Not Budgeted
Planning Assistant (part time) (Long Term Economic Monitoring Program)	Land Use & Tech. Prog.	Not Budgeted
Environmental Specialist	Regulatory Programs	Not Budgeted

*Funded by the Pinelands Conservation Fund

C. OTHER NOTES

Name	Title	Office	Note
Allison Brown	Research Scientist 2	Science	Unpaid Intermittent Leave
Mary Irvine	Env. Specialist 2	Regulatory Programs	Returned from Unpaid Leave on 7/9/07
Christine Graziano	Resource Planner 2	Land Use & Tech. Prog.	Unpaid Leave starting 7/19/07