

# Management Report for April, May & June 2017



Updates are in italics

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# TABLE OF CONTENTS

- I. Executive (pages 3-10)**
  - A. Plan Review
  - B. Litigation
  - C. Legislation
  - D. Office of Administrative Law
  - E. Memorandum of Agreements (MOA) Under Review
  - F. Pinelands Municipal Council
  - G. Open Public Records Act
  
- II. Business Services (page 11)**
  - A. Facilities
  - B. Financial Management
  - C. Human Resources
  
- III. Land Use and Technology (pages 12-21)**
  - A. CMP Amendments
  - B. Conformance
  - C. Special Planning Projects
  - D. Economic Monitoring
  - E. Permanent Land Protection
  - F. Other Planning Items
  - G. Geographic Information System
  - H. Management Information System
  
- IV. Public Programs (page 22)**
  - A. Communication
  - B. Publications
  - C. Events and Outreach
  - D. Interpretive Program
  
- V. Regulatory Programs (pages 23-38)**
  - A. Application Activity
  - B. Notable Development Applications
  - C. Violations
  
- VI. Science (pages 39-40)**
  - A. Environmental Monitoring
  - B. Right-of-way Vegetation Monitoring
  - C. Pond Vulnerability Study
  - D. Created Wetland Study
  - E. Endocrine Disruption Study
  - F. Pinelands Research Series
  - G. Other Science Items

# I. Executive

## A. Plan Review

- **Black Run Watershed:** Staff delivered presentations on potential rule changes related to the Black Run watershed at the P&I Committee's March 27, 2015 and April 24, 2015 meetings. Among the options presented that would offer greater protection to the watershed were a management area change from Rural Development Area to Forest Area and an off-site clustering pilot program. The Committee voted to advance a management area change coupled with an off-site clustering pilot program. After several meetings with Evesham Township and representatives of the major landowner in the area, staff drafted CMP amendments and reviewed them with the P&I Committee at its June and July 2016 meetings. The proposed amendments were submitted to the Governor's office for review on August 15, 2016. Staff met with Evesham Township on September 6, 2016 to discuss several issues concerning the pilot program. Staff met with representatives of the Governor's office on September 28, 2016 to review the proposal. At the request of the Governor's office, the proposed amendments were resubmitted for review on March 21, 2017. *No new action as of June 30, 2017.*
- **PDC Enhancements:** After a series of outreach meetings in 2014, Commission staff drafted a comprehensive list of issues, suggestions and alternatives to the 2009 rule proposal. This list was discussed with stakeholders including builders, farmers, land conservation groups and municipalities at meetings held during 2015 and 2016. Staff briefed the P&I Committee on February 26, 2016. A meeting to discuss the proposal with the Governor's office was held on April 5, 2016. Representatives of the New Jersey Builders Association and the Builders League of South Jersey identified concerns with the PDC Enhancement proposal as part of their public comment at the June 24, 2016 Policy & Implementation Committee meeting. Staff subsequently met with representatives of both organizations on July 27, 2016 to discuss their concerns in further detail, clarify how the proposed PDC enhancements would apply to specific projects and review a series of new suggestions. Staff also met with the New Jersey Farm Bureau on July 26, 2016 to discuss the PDC enhancements and is awaiting the Farm Bureau's response. Staff briefed the P&I Committee on the concerns raised by NJBA, BLSJ and the Farm Bureau on October 25, 2016, provided detailed information on recent projects in Regional Growth Areas and Pinelands Towns and outlined suggested revisions to the PDC enhancement proposal. Additional comments were received from NJBA and BLSJ on November 22, 2016; staff responded via letter dated November 30, 2016. Staff also drafted amendments to the PDC Bank legislation designed to enhance the Bank's ability to buy and sell PDCs. Additional comments from NJBA and BLSJ on the proposed amendments were received on December 9, 2016. Comments and questions from NJBA on the amended PDC Bank

legislation were received on March 8, 2017. Staff responded via letter dated April 18, 2017. *No new action as of June 30, 2017.*

- **Signs:** Staff made a presentation at the P&I Committee’s March 24, 2016 meeting, outlining current CMP signs standards, a recent Supreme Court decision and recommendations related to on-site signs, off-site commercial advertising signs and digital/LED signs. Draft regulations were prepared and discussed with the Committee on June 24, 2016. The proposal includes substantial changes to regulation of on-site signs with minor changes to clarify regulation of off-site signs. A full rule proposal was drafted and reviewed with the Committee on July 29, 2016. The draft proposal was provided to the Governor’s office for review on August 3, 2016. Staff met with the Governor’s office on September 28, 2016 to review the proposal. There has been no response as of December 31, 2016. At the request of the Governor’s office, the proposed amendments were resubmitted for review on March 21, 2017. *The Governor’s office completed its review of the proposal on June 30, 2017, with no objections to the sign amendments.*

## **B. Litigation**

- **STATE COURT CASES**

### **Law Division**

- None.

### **Appellate Division**

**I/M/O the Petition of South Jersey Gas Company for a Determination Pursuant to the Provisions of N.J.S.A. 40:55D-19** – Docket No. A-001685-15 – New Jersey Appleseed, PILC, filed this appeal on behalf of the Pinelands Preservation Alliance. This appeal challenges the Board of Public Utilities’ (BPU’s) granting of the South Jersey Gas Company’s petition pursuant to N.J.S.A. 40:55D-19 for a proposed natural gas transmission line to repower the BL England power plant. PPA is challenging BPU’s approval on the grounds that it is arbitrary and capricious because: 1) the proposed pipeline project violates the Pinelands Comprehensive Management Plan; and 2) the record does not support that the project was “reasonably necessary for the service, convenience or welfare of the public” pursuant to N.J.S.A. 40:55D-19. The Pinelands Commission is not a party to this appeal. Two pre-argument conferences were held in this matter on February 3<sup>rd</sup> and March 3<sup>rd</sup> as part of the Appellate Division’s Civil Appeals Settlement Program. Following these conferences, when the parties were unable to settle the matter, Judge Paulette Sapp-Peterson issued an Order Accelerating Appeal. This Order established the following briefing schedule: 1) BPU shall serve and file the Statement of Items Comprising the Record on Appeal (SICRA) no later than March 18, 2016; 2) Appellant shall serve and file a brief and appendix no later than May 2, 2016; 3) Respondents shall serve and file answering briefs and appendices no later than June 2, 2016; 4) Appellant may serve

and file a reply brief no later than June 13, 2016. The Order further provided that the Clerk shall place the appeal on the first calendar sitting for September. BPU filed the SICRA in the case. Briefing in this matter has concluded. Oral argument occurred on October 11, 2016. On November 7, 2016, the Appellate Division issued a published decision in the three consolidated appeals in I/M/O the Petition of the South Jersey Gas Company and an unpublished decision in this matter. In these decisions, the Court essentially affirmed the BPU's Orders, but remanded the Commission staff's December 14, 2015 determination to the Commission for its review in conformity with the Court's decision. At its December 9, 2016 meeting, the Commission unanimously passed Pinelands Resolution PC4-16-42, setting forth the process by which it would review the South Jersey Gas Company's application. See below.

**I/M/O the Petition of the South Jersey Gas Company for a Consistency Determination for a Proposed Natural Gas Pipeline** – Docket No. A-

2706-15 – New Jersey Appleseed, PILC, filed an appeal on behalf of the Sierra Club and Environment New Jersey challenging the consistency determination within the Certificate of Filing issued for the proposed pipeline project as ultra vires and in violation of the Pinelands Protection Act. Additionally, this appeal raises the issue of whether a formal review of the project was required by the CMP. The Notice of Appeal and Civil Case Information Statement for this matter was originally filed on January 27, 2016 and also included an appeal of the Board of Public Utilities' (BPU's) decision concerning preemption of municipal review pursuant to N.J.S.A. 40:55D-19. On February 3, 2016, NJ Appleseed submitted an Amended Notice of Appeal and Amended Civil Case Information Statement bifurcating the appeal of the Commission's Certificate of Filing and the appeal of the BPU's N.J.S.A. 40:55D-19 decision into two separate appeals. These appeals were subsequently assigned Docket Nos. A-2706-15 and A-2705-1, respectively. NJ Appleseed subsequently filed a motion to consolidate these two matters with the appeal filed by the Pinelands Preservation Alliance referenced above. That motion was subsequently granted and the appellants were advised by the Court that they must adhere to the accelerated briefing schedule already ordered in the Pinelands Preservation Alliance appeal. All future updates of these consolidated matters will be discussed under the Pinelands Preservation Alliance appeal. See above.

**In the Matter of New Jersey Pinelands Commission Resolution PC4-16-42** – Docket No. A-002015-16 – The Pinelands Preservation Alliance

filed an appeal of Commission Resolution PC4-16-42 on January 17, 2017. The resolution being challenged sets forth the process by which the Commission would review the South Jersey Gas Company's application in response to the Remand Decision of the Appellate Division in I/M/O the Petition of the South Jersey Gas Company issued on November 7, 2016 (see above.) On that same date, Pinelands Preservation Alliance also filed a Notice of Motion to Stay Resolution PC4-16-42 Pending Appeal with the Pinelands Commission in accordance with R. 2:9-7. The Commission denied this Motion for Stay on January 23, 2017 through Resolution PC4-17-01. PPA, later that day, filed a Request for Emergent Relief with the

Appellate Division. That request was denied by the Appellate Division for failure to demonstrate irreparable harm. This appeal is pending. *On March 27, 2017, PPA filed a Motion to Consolidate this appeal with its appeal of Resolution PC4-17-03. All future updates of this matter will be discussed under the appeal of Pinelands Commission Resolution PC4-17-03 (See below.)*

**In the Matter of New Jersey Pinelands Commission Resolution PC4-17-03** – Docket No. A-3055-16 – On March 27, 2017, the Pinelands Preservation Alliance filed a Notice of Appeal of Pinelands Commission Resolution PC4-17-03 and a Motion to Consolidate this new appeal with pending Appeal A-002015-16 with the Appellate Division. On this same date, PPA filed a Notice of Motion to Stay Resolution PC4-17-03 Pending Appeal with the Pinelands Commission in accordance with R. 2:9-7. The resolution being challenged adopted the Commission’s Executive Director’s Recommendation Report and found that the South Jersey Gas Company’s proposed 22-mile natural gas transmission line was consistent with the CMP. *The Commission considered PPA’s Motion for Stay at its April 7, 2017 meeting and denied that request. On April 10, 2017, the Sierra Club filed an appeal of Resolution PC4-17-03. RC Cape May filed a Motion to Intervene or, in the alternative file an amicus brief, in this matter with the Appellate Division on April 11, 2017. On April 13, 2017, the South Jersey Gas Company made a motion to the Appellate Division to accelerate the appeals. PPA filed an Emergency Motion for Stay of the resolution with the Appellate Division on April 18, 2017 and a brief in opposition to PPA’s motion was filed on behalf of the Commission on April 21, 2017. PPA’s stay motion was subsequently denied by the court on April 24, 2017. By Orders dated May 4, 2017, the Appellate Division granted: 1) South Jersey Gas Company’s Motion to Accelerate; 2) PPA’s Motion to Consolidate its appeals; and 3) RC Cape May’s Motion to Intervene. A Scheduling Order setting forth the briefing schedule for this matter was issued by the court on May 24, 2017. Lastly, on June 13, 2017, the South Jersey Gas Company submitted a Request for Oral Argument.*

**In re New Jersey Natural Gas Company Proposed Natural Gas Transmission Pipeline Pinelands Application No. 2014-0045.001** – These matters involve appeals of the Executive Director’s March 10, 2016 correspondence to the Board of Public Utilities, indicating that the New Jersey Natural Gas Company’s proposed natural gas transmission line was consistent with the CMP. The first appeal was filed on behalf of the Sierra Club on April 22, 2016 (Docket No. A-3753-15.) PPA, subsequently filed its appeal on April 29, 2016 (A-3762-15). The Commission’s Civil Case Information Statements was filed for both appeals on June 30, 2016. On December 9, 2016, following the issuance of the Appellate Division’s decision in in I/M/O the Petition of the South Jersey Gas Company, the Commission adopted Resolution PC4-16-43, which authorized the Division of Law to file motions in both appeals to have the New Jersey Natural Gas Pipeline Project back to the Commission. The purpose of the remand as to permit the Commission to review the Executive Director’s recommendation and issue a final decision as to the consistency of the project with the requirements of the CMP. The Remand Motion was filed

with the Appellate Division on January 10, 2017. Sierra Club filed a brief in response to the Commission's remand motion on January 19, 2017. The Pinelands Preservation Alliance also filed its response motion on January 19, 2017 and included a cross motion for and order invalidating Resolution PC4-16-42. An Order granting the Commission's Remand Motion with regard to the Sierra Club appeal was issued by the Appellate Division on January 31, 2017 and with regard to the Pinelands Preservation Alliance's appeal on February 15, 2017. Additionally, PPA's cross motion was denied as part of the same order. *At its June 9, 2017 meeting, the Commission passed Resolution PC4-17-10 which sets forth the process by which the Commission will review the consistency determination of the Executive Director concerning a 12.1 mile 30-inch natural gas transmission pipeline proposed by New Jersey Natural Gas Company.*

**In re The Pinelands Commission's Consistency Determination Approving Tuckahoe Turf Farm Inc.'s Application No. 1984-0389.009**

**- Docket No. A-005025-14-** This is an appeal of the Commission's issuance of a letter of no further review which permits the amended site plan approval issued by the Town of Hammonton Planning Board to take effect. This amended approval was consistent with the terms of a settlement agreement entered into between Tuckahoe Turf Farm, Inc. MSSL and the Pinelands Commission concerning soccer activities occurring at the farm. PPA and NJCF allege that the Commission's action violates the Pinelands Protection Act and CMP regulations applicable to commercial uses in an Agricultural Production Area, because the use in question is not among the uses set forth in the CMP; that such action violates the terms of the deed restriction recorded for Tuckahoe Turf Farm's Hammonton properties and that the action was arbitrary and capricious, because it was taken without a hearing and findings of fact and law on the public record. A briefing schedule has not been established for this matter. The Statement of Items Comprising the Record (SICR) in this matter has been filed. An amended SICR was filed in this matter on March 28, 2016. This matter was subsequently consolidated with Docket No. A-0034-17. An Amended SICRA was filed in the consolidated matters. A briefing schedule has been set. The Appellants' brief is due November 25, 2016 and the Commission's response brief is due December 20, 2016. The Appellant's initial brief was rejected by the Court because it failed to contain the Decision on Appeal Table required by the revised New Jersey Court Rules. On or about January 23, 2017, Appellants refiled their brief with the Appellate Division. *At the end of April, a Motion to Dismiss the Consolidated Appeals as Moot was filed in this matter on behalf of the Pinelands Commission. The basis for the motion was that the Commission action being appealed (issuance of no call up letters for the Hammonton and Waterford Planning Boards' approvals) were no longer of effect, given amended municipal approvals had been issued that superseded the prior municipal approvals. On April 28, 2017, PPA and NJCF filed a third notice of appeal challenging the Commission's January 16, 2017 no call up letter. On May 3, 2017, Tuckahoe Turf Farm filed a letter brief in support of the Commission's Motion to Dismiss. PPA and NJCF, on that same date, filed a Motion to deem their April 28, 2017 Notice of Appeal Timely Filed and to consolidate that new appeal with their pending appeals. Tuckahoe Turf Farm filed a*

*brief in Opposition to PPA's and NJCF's Notice of Motion. By Order dated June 8, 2017, the Appellate Division denied the Commission's Motion and granted PPA's and NJCF's Motion.*

**In re The Pinelands Commission's Consistency Determination Approving Tuckahoe Turf Farm Inc.'s Application No. 1984-**

**00389.009 – Docket No A-003417-** This is an appeal of the Commission's issuance of a letter of no further review (no call up letter) that permits the amended site plan approval issued by the Waterford Township Planning Board to take effect and permits soccer activities to be conducted on the portions of Tuckahoe Turf Farm located in Waterford Township. This no call up letter was issued following the enactment of P.L.2015, c.285, which provided that certain field sports conducted or occurring in Agricultural Production Areas in the Pinelands Area constitute low intensity recreational uses under the Comprehensive Management Plan. PPA and NJCF allege that the Commission's action violates the Pinelands Protection Act, as supplemented by P.L.2015, c.285, the CMP regulations applicable to commercial uses in an Agricultural Production Areas and Sec. 502 of the National Parks and Recreation Act of 1978. Additionally, PPA and NJCF allege that the Commission's action violate the terms of the conservation deed restriction recorded on Tuckahoe Turf Farms' Waterford Properties and that the Commission acted arbitrarily and capriciously in taking its action without holding a hearing and/or making findings of fact justifying the action and by invalidly delegating to its Executive Director the decision as to whether the proposed development conformed with the minimum standards of the CMP without review by the Commission. Because this appeal and the Hammonton appeal involve the same parties and similar issues, PPA and NJCF moved to consolidate this matter with the Hammonton appeal (A-005025-14). The consolidation motion was granted and all further updates will appear under the Hammonton Appeal. This matter was subsequently consolidated with Docket No. A-0034-17. An Amended SICRA was filed in the consolidated matters. (*See above for updates*).

**Peg Leg Webb, LLC. V. New Jersey Pinelands Commission,** Docket No. A-4016-14T4 - This matter involves a preliminary major site plan approval granted by the Jackson Township Planning Board for the establishment of a new resource extraction (mining) operation and the construction of a 1,008 square foot building, containing an office and scale house, on the above-referenced 109.8 acre parcel and a mining permit. The Commission, at its March 11, 2016 meeting, issued its Final Decision in the administrative hearing conducted by the Office of Administrative Law, in which it adopted the Administrative Law Judge's Initial Decision finding that Jackson Township's preliminary approval of Peg Leg Webb's proposed resource extraction operation did not conform to the minimum standards of the Pinelands Comprehensive Management Plan. On appeal, the applicant is arguing that the Commission's Final Decision was arbitrary, capricious and unreasonable and that the Superior Court's invalidation of a Jackson Township's ordinance, in a matter in which the Commission was not a party, restored the status quo ante and governs the Commission's actions. All briefs have been filed and the appellant has



requested oral argument. To date, argument has not been scheduled. *No new action as of June 30, 2017.*

- **FEDERAL COURT**

*No new action as of June 30, 2017.*

- **OTHER LITIGATION MATTERS OF INTEREST**

*No new action as of June 30, 2017.*

### **C. Legislation**

- *None.*

### **D. Office of Administrative Law**

- *None.*

### **E. Memorandum of Agreements (MOA) Under Review**

- **County/Municipal Permit MOA:** At its July 9, 2010 meeting, the Commission approved a proposed MOA with the seven Pinelands Area counties. By letter dated August 5, 2010, the Commission staff sent the MOA to each of the seven Pinelands Area counties and requested that the counties sign and return the MOA to the Commission. The staff is currently evaluating the most effective means to both implement the MOA with Pinelands municipalities and integrate the roadside management practices included in the seven county MOAs into the municipal MOAs. To date the Commission has received signed MOAs from Atlantic, Camden, Burlington, Gloucester and Ocean counties. *No new action as of June 30, 2017.*
- **NJDOT:** The Commission has been working with NJDOT on a permit streamlining MOA since November 2008. Several meetings have been held. NJDOT was encouraged to prepare a draft MOA patterned after the existing County permitting MOA that the Commission approved. The most recent draft MOA was submitted on December 12, 2012. The Commission staff has completed its review of the submitted draft MOA and will be meeting with NJDOT representatives to discuss necessary revisions. *No new action as of June 30, 2017.*

### **F. Pinelands Municipal Council**

- *The Council met on May 23, 2017 in Weymouth Township.*

## **G. Open Public Records Act**

- *Open Public Records Act this quarter: A total of 16 requests for government records were received and processed under the Open Public Records Act this quarter.*

## **II. Business Services**

### **A. Facilities**

- *Repaired exterior faucet in Fenwick*
- *Replaced motion detectors in Fenwick*
- *Repaired leak in barn roof*
- *Repaired HVAC unit in barn*
- *Replaced faulty smoke detectors in the RJS Center*

### **B. Financial Management**

- *The Auditors are on-site to conduct the FY 2016 audit.*
- *Application Fees are at \$343,197.00 for the end of the 4<sup>th</sup> Qtr. This is 68.5% of the FY2017 anticipated application fee revenue of \$500,000.*
- *FY 2018 budget process has begun.*

### **C. Human Resources**

- *The Internship for the Eagleton Fellowship has ended.*
- *A Business Specialist and Environmental Specialist ended their employment at the end of April and early May.*
- *Several pension webinars were viewed.*
- *A Resource Planner was hired.*
- *Recruitment was underway for an Environmental Specialist.*
- *The annual performance evaluation process has begun.*

### **III. Land Use and Technology**

#### **A. CMP Amendments**

- CMP amendments were drafted to address multiple Plan Review matters, including signs, landfills and various efficiency measures. They were presented to the P&I Committee for discussion throughout 2015 and 2016. A full rule proposal was prepared, discussed with the P&I Committee and formally submitted to the Governor's office for review on August 3, 2016. Staff met with representatives of the Governor's office on September 28, 2016 to review the proposal. At the request of the Governor's office, the proposed amendments were resubmitted for review on March 21, 2017. *The Governor's office completed its review of the proposal on June 30, 2017. After incorporating the changes requested by the Governor's office, staff will forward the rule proposal to the Commission for consideration at its July 14, 2017 meeting.*
- Commission staff has worked to develop a new pilot program to address special events and activities on agricultural lands. Nine meetings were held with interested parties (state agencies, non-profit conservation organizations, county farmland preservation staff, etc.) during April-June 2015. A comprehensive list of issues and suggestions was prepared and shared with the Commission's newly formed Agriculture Committee on June 16, 2015. The Committee met on July 31, 2015. Susan Payne, Executive Director of the State Agriculture Development Committee (SADC), made a presentation on SADC's on-farm direct marketing regulations. The Committee met on April 22, 2016 to discuss the proposed PDC enhancements and recent legislation on rural microenterprises. The Committee asked staff to discontinue work on a pilot program and instead focus its efforts on specific CMP amendments to address exemptions and other agriculturally-related issues. The Agriculture Committee met on December 2, 2016 and asked the staff to draft amendments to the CMP in response to P.L.2015, c.285, which provides that certain field sports conducted or occurring in Agricultural Production constitute low-intensity recreational uses under the Comprehensive Management Plan. Currently the pilot program is on hold, pending litigation.
- *An inquiry for expanding solar use in Forest Area by a former mayor and Commissioner Galletta is being evaluated by staff and will be discussed in August or September.*

#### **B. Conformance**

- See Attachment #1 for summary of ongoing conformance items.
- 32 new ordinances and/or master plan amendments were received this quarter. (84 this fiscal year).
- 56 interpretations and municipal requests for technical assistance were completed this quarter (181 this fiscal year).

## C. Special Planning Projects

- **Pine Barrens Byway:** The Department of Transportation (DOT) has requested that all NJ Byways complete the “Annual Benefits Review Form.” The Pine Barrens Byway steering Committee did not meet in 2016. One member of the original Byway Steering Committee, Michael Hogan, delivered a well-received presentation on the Byway at the March 11, 2017 Pinelands Short Course. *No new action as of June 30, 2017.*
- **Hammonton Wastewater Recharge Project:** Commission staff has been working with Hammonton to eliminate wastewater discharge to Hammonton Creek since 1994. The construction of the Boyer Avenue Land Application Facility completed in 2001, failed to eliminate the discharge to Hammonton Creek. A Commission approved water allocation increase in 2011 required that Hammonton prepare and obtain a long-term comprehensive wastewater plan by December 10, 2013. NJDEP issued a Draft Discharge to Ground Water (DGW) Draft Permit on June 24, 2013. The draft permit includes provisions for a wastewater drip irrigation system to maximize land application of wastewater and ultimately eliminate routine wastewater discharges to Hammonton Creek. The Commission adopted Resolution No. PC4-14-10 at its March 14, 2014 meeting to approve, with conditions, Hammonton’s Long Term Comprehensive Wastewater Plan to eliminate the discharge of treated wastewater to Hammonton Creek. The plan relies upon the construction of overland/ surface and underground/subsurface wastewater drip irrigation systems at the Boyer Ave. wastewater dispersal facility, rehabilitation of sections of the Town’s wastewater conveyance system that currently allows inflow and infiltration of stormwater into the sanitary sewers, and ongoing maintenance of the rapid infiltration trenches. The entire 26.47 acres of overland drip irrigation tubing is installed and operational. The Phase I, 7.47 acre multi-depth subsurface drip irrigation system installed beneath four Town recreational soccer fields is complete and operational and progress continues to be made on the Town’s I&I Study. The Commission received Hammonton’s Annual Summary Report on wastewater disposal activities on February 19, 2016. The Annual Report covers the period of May 1, 2014 through April 30, 2015. Highlights of the report include:

The Town’s wastewater drip irrigation system came online in December 2014. It was taken off line in January, February and part of March 2015 for winterization.

Over an eight-day period in March 2015, Hammonton discharged slightly more than 8 million gallons of wastewater to Hammonton Creek, an “emergency” situation addressed in the LTCWMP.

10,000 LF (of a total 98,000 LF) of sanitary sewer line (subject to inflow and infiltration) has been or will be replaced through the end of May 2016. The investigation into the rest has been deferred as the recharge appears to be working. No new report as of March 31, 2017.

Status: Hammonton remains behind in providing the Commission with a report summarizing the results of a two year sewerage system inspection program, intended to identify and eliminate inflow and infiltration (unauthorized connections and leakage of stormwater and groundwater) into the Town’s sewage conveyance system. The Commission’s March 14, 2014 conditional approval of Hammonton’s Long Term Comprehensive Wastewater Plan (Resolution No. PC4-14-10) is

predicated on a number of conditions including the completion of the inspection program and submission of the summary report. At the Town's request, Commission staff met with Elected and appointed town officials in May 2016, at which time the officials expressed a desire to appear before the Commission to seek modifications/flexibility to the conditional approval. Staff requested and awaits documents prepared by the Town in which desired changes to the conditional approval are identified. The report required by Resolution No. PC4-14-10 was due in March 2016. *No new action as of June 30, 2017.*

- **Roadside Maintenance:** County efforts to implement the Best Management Practices (BMPs) are at varying stages and ongoing. Staff continues to field verify the rare species locations that were submitted anecdotally by area botanists in the preparation of the BMPs. The Commission-produced laminated field mowing guides were distributed for use by mowing crews. A webpage highlighting the roadside BMP program was created ([www.state.nj.us/pinelands/landuse/current/roadhab/](http://www.state.nj.us/pinelands/landuse/current/roadhab/)). *A new Commission-produced educational brochure on roadside habitats and the mowing and maintenance BMPs was printed and distributed to various outlets for display, including each municipality in counties implementing the BMPs. Staff delivered a presentation on Pinelands roadside habitat and the BMPs for an NJDOT pesticide applicator training program in May. Staff met with Gloucester County's and Camden County's Directors of Public Works to review the implementation of the BMPs, and had a follow up meeting with Atlantic County's Director of Public Works. Staff also followed up on a report of improper mowing in Burlington County and subsequently provided favorable feedback to Burlington and Camden counties based on native Pinelands species found in their roadsides during field visits. Staff received an inquiry regarding revision of the Atlantic City Expressway roadside management plan from the South Jersey Transportation Authority (SJTA) and provided information on including the Pinelands roadside BMPs.*
- **Landfill Closure:** With the approval of solar placement on the Stafford landfill, approximately \$170,000 was made available for a Pinelands-wide comprehensive landfill study. The Commission engaged USGS to perform a Rapid Assessment of Pinelands Area Landfills. The USGS presented the Pinelands Area Screening Level Assessment tool at a meeting with NJDEP and later at the February 28, 2014 Pinelands Policy and Implementation Committee meeting. Using existing monitoring well data and GIS analysis, the screening level assessment tool estimates the level of concern for leachate to impact human and ecological receptors. USGS has delivered the Screening Level Assessment of Pinelands Area Landfills and staff is using the assessment tool to evaluate and categorize existing landfills. At the request of individual municipalities, staff has met with municipal officials to give an overview of the landfill assessment tool and discuss the results of the analysis. Staff delivered a presentation to the Pinelands Municipal Council on the findings of the Pinelands Commission - USGS Rapid Landfill Assessment Project, sent letters to landfill owners advising them of the Assessment findings and offering to meet to discuss the specifics of individual landfills and has begun working with several municipalities to conduct in-depth evaluations of their closed but uncapped landfills. *Staff met with engineers from South Toms River Borough to discuss installing an impermeable cap on the Borough's closed landfill. The Borough preliminarily proposed to accept dredge spoils for placement on the landfill to generate tipping fees to finance the impermeable cap installation. The*

*Borough was advised that the dredge material would need to be demonstrated to be contaminant free through laboratory analysis before its use in the Pinelands Area could be considered.*

- **Borough of Woodbine Wastewater Planning:** Commission staff has coordinated with representatives of the (Cape May County Municipal Utilities Authority) CMCMUA and Woodbine Borough to review objectives and discuss regulatory issues associated with the possible construction of a sanitary sewer line connecting the Cape May County Landfill, portions of Woodbine Borough, and possibly the NJ Dept. of Human Services Woodbine Developmental Center to the Cape May County regional sewage treatment plant. The Commission is providing financial assistance to Woodbine Borough to aid in the Borough's feasibility study of providing centralized sewerage service to portions of Woodbine. Staff met with the project cooperators and provided the cooperators with comments on the 50% complete sewer line feasibility study. Staff has also been instrumental in coordinating a meeting with the NJDEP CAFRA program to address potential issues related to the proposed construction of the landfill leachate / public sanitary sewer line in the Pinelands National Reserve Forest Area. Staff facilitated and attended a July 28, 2014 meeting between NJDEP, CMCMUA and Woodbine Borough to ensure inter-agency coordination on the proposed wastewater conveyance line. Staff also provided CMCMUA and Woodbine Borough with review comments on the CMCMUA's 90% complete draft feasibility report and attended a meeting on September 8, 2014 to review all outstanding issues. CMCMUA's consultants have completed the sewer feasibility study. Commission staff has authorized the payment of \$20,000 to the CMCMUA. This payment constitutes the Commission's financial contribution to the study. CMCMUA has met with Woodbine to determine the next steps. They are awaiting a decision from both Woodbine and DCA by the end of the calendar year. Dennis Township has expressed concerns with the project and CMCMUA will be meeting with them. The project is on hold by CMCMUA. Woodbine et al still have interest. *No new action as of June 30, 2017.*
- **Alternate Design Wastewater Treatment Systems Pilot Program:** Staff has prepared CMP amendments to "graduate" the FAST technology from the pilot program and authorize it for residential use in the Pinelands Area on 1.4 acre lots. The advanced wastewater treatment systems authorized for use through the Pinelands Alternate Design Pilot Program must be covered under operation and maintenance (O&M) contracts as required by NJDEP's regulations at N.J.A.C 7:9A- 12.3. The Commission's septic system operation and maintenance (O&M) tracking database has been finalized and is being updated with O&M status information contained in the most current semi-annual reports provided by the alternate design system vendors. Status reports will be provided to the county health departments and NJDEP. Staff met with Atlantic, Burlington, Cape May, Ocean, Cumberland, Camden, and Gloucester Health Department personnel to review NJDEP's requirements related to the operation and maintenance (O&M) of alternate design wastewater treatment systems. Many of the counties have noted that they are processing a number of applications for advanced wastewater treatment systems in areas outside of the Pinelands Area (as these systems are now authorized for use by NJDEP as a means to reduce system size and depth to seasonal high water table requirements and that these non-Pinelands Area systems are also subject to long term O&M contract requirements. The majority of the

health departments report that they are gearing up to address these contract obligations. *Staff met with representatives of BioMicrobics to discuss measures the firm is implementing to improve the performance of the SeptiTech and BioBarrier technologies. Both technologies are currently restricted to use on minimum 1.7 acre parcels (reflecting an increase from the original minimum parcel size of 1.0 acre) based upon effluent nitrogen concentrations data. Ongoing monitoring has confirmed an improvement in the performance of the SeptiTech technology. Similar improvement in the BioBarrier technology has not yet been observed. Staff presented information on the Commission's Alternate Design Treatment Systems Pilot Program at the Rutgers-NJDEP Onsite Wastewater Treatment Systems continuing professional education program in June 2017.*

#### **D. Economic Monitoring**

- *Commission staff is currently undertaking a reexamination of the Long-Term Economic Monitoring Program. As part of this process, a meeting has been scheduled for August 9, 2017 to receive input from representatives of municipal, county, regional and state agencies involved with community and economic development in the Pinelands. Staff anticipates having an expert panel meeting in the fall of 2017. Additionally, staff is exploring options for Rutgers faculty to provide consultation in this reexamination process.*
- *Data collection for the 2016-2017 Annual Report has been initiated. A need to evaluate possible data collection efficiencies and report format changes has been identified.*

#### **E. Permanent Land Protection**

- **Pinelands Development Credit (PDC) Program:** *Three Letters of Interpretation (LOIs) were issued this quarter, allocating five rights to 94 acres in Pemberton Township. Eight rights were sold at a mean sales price of \$8,125.00 per right; Nine rights were redeemed on four projects (one project each in Barnegat and Berlin townships and two projects in Egg Harbor Township).*
- **Farmland Preservation Program:** *We received notice that Gloucester County had preserved a 66-acre farm in the Rural Development Area of Franklin and Monroe townships during FY2016.*
- **Pinelands Conservation Fund (PCF):** *As of June 30, 2017, the Commission has approved the contribution of \$8.95 million to 36 successful land preservation projects in the Pinelands Area that have proceeded to closing, resulting in the permanent protection of 8,190 acres. Staff provided notice of a new funding round on April 4, 2017 and received eight applications by the May 31, 2017 submission deadline. Staff reviewed the submitted materials and conducted site visits, and made recommendations to the P&I Committee at its June 30, 2017 meeting. At that meeting, three projects were granted PCF allocations and one project was recommended to the full Commission for allocation of a grant. As of June 30, 2017, the Commission has allocated the contribution of \$433,333 to three land*



preservation projects, totaling 601 acres in the Pinelands Area, that are currently in progress.

- **Limited Practical Use (LPU) Program:** *No new action as of June 30, 2017.*

## F. Other Planning Items

- **Water Supply:**

Use of the K/C Study - CMP Implementation: After presenting the concepts of a possible CMP rule for water allocations to the New Jersey Builders Association (NJBA), NJDEP, and the State Water Supply Advisory Board, in September 2013 Commission staff met with USGS to further provide details on how such a rule on regional and local impacts due to well pumping could be practically implemented. USGS submitted a scope of work and a cost estimate to prepare additional necessary tools for implementation of the study's results. A discussion on technical issues was held with experts from NJDEP, USGS, PPA, NJBA, and local water purveyors on April 13, 2016. Staff is processing the information gleaned from the discussions to inform what would be included in a Pinelands water supply rule. *Staff met with the State Geologist to review the Draft Statewide Water Supply Plan. Staff will be attending meetings during the week of July 10, 2017.*

Buildout & water use estimates for WQMP and purveyors planning: Staff has completed scenarios one and two of the of the build-out estimates (high and medium). The drafts of the medium scenario have been shared with counties and municipalities working on WQMPs and with COAH staff. Next, staff will work with purveyors/municipalities on conceptual water supply plans to address buildout in terms of current watershed stress and the availability of the surface K/C aquifer for future needs. *No new action as of June 30, 2017.*

Data collection: The yearly Mullica Basin flows report by USGS to assess impact on stream flow from withdrawals for development looked at collected data to determine overall trends in streamflow. The four study sites in Camden County are Hays Mill Creek near Chesilhurst (station number: 0140940200), Clark Branch at railroad bridge near Atsion (0140940480), Pump Branch near Waterford Works (01409408), and Blue Anchor Branch at Elm (0140940950). USGS reports that the “correlations between the [four] study sites and [six] index sites were fair to good”. A Mann-Kendall test on regression residuals show statistically decreasing streamflow trends for Hays Mill Creek near Chesilhurst and Clark Branch at railroad bridge near Atsion. Tests on Pump Branch near Waterford Works and Blue Anchor Branch at Elm show increases in streamflow trends – possibly in response to decreased water withdrawals. USGS recommends further monitoring and that a more comprehensive analysis is needed to validate the results of their testing. *No new action as of June 30, 2017.*

- Winslow Water Purchase Agreement (non K/C water for all new development) Winslow has not begun implementing the agreement and is seeking to renegotiate the terms. The Township has yet to provide staff with data on water use as well as information on projects covered by Safe Water Drinking Act permits. Staff met with Winslow in late March and, with additional information from Winslow, is crafting an amendment to the agreement for consideration by the Pinelands Commission. *An initial draft amendment of the agreement is being circulated within staff.*
- *A discussion by representatives of the web site Yale 360 was held with Pinelands staff working with Kirkwood Cohansey management issues and has resulted in an article.*
- **Barnegat Bay Partnership:**  
*Planning staff continues to participate in the Barnegat Bay Partnership's Advisory Committee.*
- **Cultural resources:** 30(140 this fiscal year) cultural resource activities were undertaken as follows:
  - 15 (74) applications reviewed
  - 0 (1) forestry inquiries
  - 3 (20) surveys reviewed
  - 0 (0) CAFRA reviews
  - 1 (1) Preliminary Investigation
  - 4 (9) site coordination with other agencies/meetings & phone conferences
  - 3 (10) coordinated reviews w/ NJDEP/SHPO
  - 0 (10) Municipal/consultant inquiries
  - 2 (7) on-site consultant research facilitation
  - 2 (6) formal meeting with consultants/project stakeholders on behalf of Pinelands Commission
- **Archaeology and Anthropology Symposium-** Staff is organizing an Archaeological Symposium to be held at the Pinelands Commission office in October of 2017. The symposium will be held in conjunction with the Archaeological Society of New Jersey (ASNJ). A formal Call for Papers has been distributed. *Five papers have been vetted for inclusion in the Symposium and a draft program schedule has been generated. In addition, a Symposium T-shirt is being designed.*
- **Affordable housing:** On March 10, 2015, the New Jersey Supreme Court issued its decision in In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015). This decision shifted the landscape regarding municipal compliance with its affordable housing obligations by creating a new process by which municipalities would seek a declaration of compliance with affordable housing obligations through the judiciary.

As a result of the Supreme Court's decision, a number of Pinelands municipalities filed declaratory judgment actions with the Superior Court in

order to obtain a judicial declaration that their housing plans and implementing ordinances are constitutionally compliant. Low and moderate income citizens and those acting on their behalf, as well as developer, have been permitted to participate in these actions as parties. Both the Fair Share Housing Center (FSHC) and the New Jersey State League of Municipalities are parties in all of the pending declaratory judgment lawsuits

As part of the judicial process, municipalities obtained immunity from exclusionary zoning actions (builders remedy suits). Additionally, many Pinelands municipalities have negotiated settlements with the FHSC resolving their fair share of the regional and prospective affordable housing needs.

The Commission has received a copy of declaratory judgment papers from many Pinelands municipalities and revised housing plans and revised implementing ordinances from several. It has also received copies of proposed settlements with FHSC from some. The Commission staff intends to provide an update as to the status of the declaratory judgment actions and outcomes for Pinelands municipalities as part of the next quarterly management report.

- **Enhanced GIS data for Local Communications Facilities Plans:** In an effort to provide up-to-date, accurate and usable GIS data related to local communications facilities (e.g., cellular towers), the Planning staff is reexamining the previously adopted comprehensive plans for such facilities and compiling a detailed GIS dataset of the various proposed and existing sites for such facilities. The data in the plans will be supplemented further by data regarding particular applications for these facilities documented in PCIS. Utilizing these two datasets together will provide a means for tracking the build-out of these comprehensive plans and provide a decision support tool for both Development Review and Planning staff. Planning staff is continuing to compile and process the data.

*Between March and May of 2017, Commission staff, Ocean County, the New Jersey Office of Information Technology (OIT) Office of Emergency Telecommunications Services, and the other six Pinelands Area counties worked to develop a revised siting policy for the Public Safety Tower Plan. On May 18, 2017, Ocean County submitted the proposed amendment to the Plan. Ocean County's Amendment seeks to revise the siting policy of the Public Safety Tower Plan in two ways: 1) to expand the size of the search area for the final siting of a proposed facility from a 1-mile radius to a 3-mile radius; and 2) to provide greater flexibility when siting a facility on developed, publically-owned land. It is important to note that the amendment does not include any additional proposed facilities and would apply only to facilities proposed in the Public Safety Tower Plan. The P&I Committee discussed and endorsed the staff's recommendation for certification on June 30, 2017.*

Staff met with representatives of Verizon Wireless and Tilson on February 8, 2017. The meeting was in regards to Verizon Wireless's efforts to deploy Small Network Nodes in the Pinelands Area. At the conclusion of the meeting, staff requested additional information in order to more accurately determine consistency with the CMP and approved LCF plans. *On May 22, 2017, staff received written correspondence from Verizon Wireless regarding the requested information. Verizon Wireless requested a meeting with Commission staff, which was held on June 27, 2017. The meeting included further discussion on the permissibility and application requirements for Small Network Nodes.*

Staff met with representatives of Mobilitie on March 8, 2017. The meeting was in regards to Mobilitie's efforts to deploy wireless telecommunication infrastructure in the Pinelands Area. At the conclusion of the meeting, staff requested additional information in order to more accurately determine consistency with the CMP and approved LCF plans. Coordinates of proposed locations were received on March 9, 2017. *Mobilitie requested a meeting with Commission staff, which was held on June 29, 2017. The meeting included further discussion on the permissibility and application requirements for Small Network Nodes.*

## **G. Geographic Information System**

- *Processed two PDC LOI requests, including aerial photo interpretation*
- *Prepared shapefile of deed restricted parcels for Dept. of Agriculture.*
- *Contributed to Commission projects, including Cultural Resources, Permanent Land Protection, and Wharton State Forest.*
- *Downloaded and updated MODIV, NJDEP Landscape project*
- *Data updates and corrections for data layers in Zoning/PMA and Waterford, Barnegat, Egg Harbor City, and Toms River townships.*

## **H. Management Information System**

### **PCIS:**

- *Added a new Administrator Tool to allow incorrect App Numbers to be changed.*
- *Added a new Reviewer groups Administrator Tool to allow Reviewer group assignments to be changed without touching the tables directly.*
- *Added a new Block Lot tool that allows multiple block lots to be added even if they are not in sequence.*
- *Added a new Administrator function to allow any document to be able to be deleted at pending without having to go through MIS.*
- *Added a new Report to the menu that generates the list of Public Development and Waiver of Strict Compliance applications accepting final Public comments.*
- *Added a new Administrator function to allow Items Received not via email, documents and emails to be moved to another application number.*
- *Added the ability for Administrators to change the Approval Type of an agency approval.*
- *Completed rollout of Visual Studio 2015 PCIS version*

- *PCIS QA/QC*

#### **Permanent Land Protection:**

- *Processed two PCIS abstracts of new deed restricted parcels.*
- *Integrated PLP LEAN project feedback regarding tracking of changed records.*
- *Edited and performed QA/QC to prepare draft of 2017 PLP map for review by Planning.*

#### **Network Infrastructure:**

- *Full shutdown of old hardware anticipated in Quarter 2, 2017.*
- *Continued Outlook365 email migration project. Weekly meetings were held to coordinate efforts with NJ OIT and Microsoft as network devices are configured to support the deployment. NJ OIT Firewall configured to support migration. Project completion delayed to third Quarter 2017 due to firewall and Groupwise issues. Digital archives were created of email files to prepare for migration.*
- *Barracuda Web Security Gateway network device live on Pinelands network.*
- *Upgrade of Groupwise Server to 7.0.4 to support Outlook365 migration along with configuration changes and SOAP activation.*
- *Gathered requirements for server necessary for hosting new accounting software.*

## **IV. Public Programs**

### **A. Communication**

- *A total of 32 media inquiries and approximately 253 general inquiries were handled this quarter. Of the general inquiries, approximately 130 inquiries came via e-mail, approximately 117 came via telephone and six came by mail. Most of the inquiries pertained to the South Jersey Gas and New Jersey Natural gas pipeline projects, the Pinelands Short Course, off-road vehicles and general Pinelands information.*

### **B. Publications**

- *The Pinelands Commission's 2016 Annual Report is being drafted.*

### **C. Events and Outreach**

- *Staff from the Pinelands Commission and Stockton finalized plans to hold the first-ever Pinelands Summer Short Course. The event is set for July 27, 2017 at Kramer Hall in Hammonton, Atlantic County.*
- *Also during the quarter, staff sent out invitations for the annual Pinelands Orientation for Newly Elected Officials. The event will be held in the Richard J. Sullivan Center on July 25, 2017.*
- *Joel Mott participated in two Pinelands education programs during the quarter, educating a total of approximately 300 people.*

### **D. Interpretive Program**

- *Staff continued to track the distribution of the Pinelands National Reserve (PNR) brochure.*
- *During the quarter, staff continued to obtain artifacts that will be used in the new Pinelands Visitor Center. Staff also continued to work with the Commission's architect to obtain the permits that will be needed before construction can begin.*

## V. Regulatory Programs

### A. Application Activity

		1st Quarter 2017	2nd Quarter 2017
New applications received for the last two quarters with a comparison to last year:	This year	114	119
	Last year	212	96
Total applications active for the last two quarters with a comparison to last year:	This year	699	732
	Last year	697	742
“No Call-ups” issued for the last two quarters:	By mail	30	77
	By fax	43	69
Certificates of Filing issued for the last two quarters:		49	45
“Call-ups” issued for the last two quarters:		15	38
Streamlined permitting actions taken during the last two quarters:	LRO	7	3
	MOA	3	23

### B. Notable Development Applications

- Hanson Mining, Woodland Township (App. No. 1983-4185.001)** This is a pre-1981 mining operation on a 122 acre parcel in the Pinelands Preservation Area District. Mining has been occurring on a 40 acre portion of the parcel that was actively mined as of adoption of the CMP in 1981. An applicant now proposes to expand mining into forested areas on the parcel. On December 16, 2015, the Commission staff met with the applicant to discuss the proposal. There are known threatened and endangered (T&E) species on or in the immediate vicinity of the parcel. The applicant previously conducted T&E species surveys on the parcel. The staff advised the applicant of the need to conduct T&E species surveys as part of the current proposal. As an alternative to conducting additional T&E species surveys, the applicant discussed provisions of a habitat conservation plan for the overall 122 acre parcel. On January 19, 2016, the applicant submitted a habitat conservation plan. The staff advised the applicant that the submitted habitat conservation plan did not demonstrate consistency with the T&E species protection standards. On May 25, 2016, the staff met with the applicant to further discuss the habitat conservation plan. A site inspection between the representatives of the applicant and the Commission staff was conducted on June 14, 2016. Subsequently, the Commission staff advised the applicant that if all mining was confined to approximately 23 acres that was subject to the pre-1981 mining activities and the remaining 59 forested acres of the parcel was deed restricted for conservation purposes, it was the Commission staff’s opinion that the

proposed mining would be consistent with the applicable T&E species protection standards. On September 15, 2016, the applicant submitted a revised habitat conservation plan. By letter dated October 18, 2016, the staff advised that the submitted information did not limit proposed mining to the approximately 23 acres and that the proposal remains inconsistent with the applicable T&E protection standards. In November of 2016, the applicant submitted a further revised habitat conservation plan. Upon receipt of the required application fee on December 27, 2016, the Commission staff issued a letter on February 28, 2017 advising that the revised plan did not limit proposed mining to the approximately 23 acres and that the proposal remained inconsistent with the applicable T&E protection standards. *On April 12, 2017, the applicant submitted additional information, including an aerial photograph of the proposed 23 acre mining area. By letter dated April 17, 2017, the Commission staff responded indicating that the approximately 23 acres proposed for mining was consistent with the T&E protection standards. On June 14, 2017, additional application information was received by the Commission staff. That information is currently under review.*

- **Lower Bank Bridge, Washington Township & Egg Harbor City (App. No. 1988-0141.001)** In 1991, the Commission approved Burlington County's application for the reconstruction of the Lower Bank bridge connecting Washington Township to Egg Harbor City. That approval was conditioned upon the County providing public access for fishing. The County addressed that condition by offsetting the traffic travel lanes on the bridge to provide for a 5 foot shoulder area on one side of the bridge. Subsequently, the County and the Township prohibited fishing from the bridge for public safety due to the conflict between public access for fishing and vehicle traffic utilizing the bridge. By letter dated April 6, 2016, the Commission staff responded to an inquiry from members of the public regarding public access for fishing from the bridge. That letter summarized the history of the project and indicated the Commission staff would discuss the matter with the Township and the County. In June of 2016, the Commission staff met with a Township representative to discuss the matter. The staff also discussed the matter with County officials. By letter dated July 11, 2016, the Commission staff wrote to the Township indicating that the Commission staff deferred to the determinations of the County and the Township regarding the prohibition of fishing from the bridge for public safety reasons. The letter also asked the assistance of the County in evaluating possible alternatives to provide public access for fishing from the bridge. *No new action as of June 30, 2017.*
- **Taunton Lakes Road, Evesham Township (App. No. 1987-0914.004)** Burlington County is proposing to widen Taunton Lakes Road to increase the width of the existing road shoulders to address public safety. The presence of extensive wetlands limits the applicant's alternatives for managing stormwater. On September 15, 2015, the Commission staff met with the applicant to discuss approaches to address the stormwater management issue. At that meeting, a feasible approach was agreed upon. The applicant submitted information on April 11, 2016 to address the stormwater management issue. By letters dated June 17, 2016, July 22,



2016 and August 24, 2016, the Commission staff has responded to submissions by the County indicating that the submitted stormwater management information was not consistent with the agreement reached at the September 15, 2015 meeting. The Commission staff letters have also offered to meet to further discuss the stormwater issue. On February 7, 2017, the County submitted additional information regarding the application. The submitted information indicated that the County could not meet the stormwater approach proposed by the County at the September 15, 2015 meeting. The County requested that the full Commission vote on the application. By letter dated February 23, 2017, the Commission staff advised of the need to complete newspaper public notice to complete the application. That letter also indicated that the County's application was inconsistent with the Commission's stormwater management standards, but upon receipt of the information to complete the application, the staff would advance the application to the Commission for a vote on the application. *By letter dated April 18, 2017, the County asked that the Commission staff not advance the application to the full Commission for a vote. On April 29, 2017, a conference call was held between County staff and Commission staff. Alternative approaches to addressing the stormwater management issue raised by the application were discussed. On May 25, 2017, a plan of conceptual locations for stormwater management facilities was submitted to the Commission. The Commission staff discussed the conceptual locations with both the County staff and staff of Evesham Township. The Commission staff is awaiting the submission of additional information by the County.*

- **Great Bay Mitigation Site, Washington Township (App. No. 1990-0285.007)** On August 4, 2014, the Commission staff issued a Certificate of Filing for the proposed herbiciding of Phragmites on a 50 acre parcel and the subsequent replanting of the 50 acres with native Pinelands vegetation. The applicant has now filed an amended application with the Commission proposing to breach an existing berm surrounding the 50 acres to allow for tidal inundation of the concerned acreage, grading of the 50 acres and offsite soil removal. The applicant has not yet filed a formal application with the Commission for the amended project. After discussion with NJDEP regarding "Wetland Banking" requirements, the applicant is currently completing certain threatened and endangered (T&E) plant survey requirements. On September 23, 2016, the applicant submitted a T&E plant survey for the proposed project. A pre-application meeting with the Commission staff was held on January 4, 2017. By letter dated January 10, 2017, the Commission staff advised the applicant regarding the status of certain threatened and endangered plant issues and of the need to address cultural resources upon submission of the remaining application requirements. *On June 7, 2017, the Commission staff received a letter from the Corps of Engineers addressing certain "Wetlands Banking" administrative requirements the applicant must address.*
- **Huettle, Buena Vista Township (App. No. 2003-0191.001)** On August 13, 2004, the Commission staff issued a Certificate of Filing for a proposed four lot subdivision of a 14 acre parcel and the development of four single family dwellings. On October 2, 2009, the Commission staff issued a letter

advising that a preliminary and final subdivision approval granted in 2005 and certain extensions of that approval could take effect. Based upon those approvals and the New Jersey Municipal Land Use Law (MLUL), the period of protection from zoning changes for this application expired on August 18, 2010. On April 6, 2009, amendments to the Pinelands Comprehensive Management Plan (CMP) became effective requiring clustering of residential development on parcels located within a Pinelands Rural Development Area when two or more dwelling units are proposed. The parcel subject of this application is located in a Pinelands Rural Development Area. On March 29, 2016, the Commission staff received notice from the Atlantic County Department of Public Health of issuance of a septic permit for one of the four lot created by this application. Absent protection from zoning changes offered by the MLUL, the residential clustering zoning requirements are applicable to this development. By letter dated May 5, 2016, the Commission staff advised the applicant that the septic permit raised a substantial issue with the clustering requirements of the Township land use ordinance and CMP and scheduled a Commission staff public hearing to review the issue. After several adjournments, the public hearing was opened on September 23, 2016. The public hearing was then continued to a future date to allow the opportunity for the applicant to address the substantial issue with the clustering requirement. By letter dated December 29, 2016, the public hearing was rescheduled to February 15, 2017 to allow the applicant sufficient time to resolve the substantial issue raised by the septic permit. The applicant was addressing the cluster requirement by recording a cluster deed restriction preserving a portion of each of the four existing lots created by the 2005 municipal subdivision approval. By letter dated February 22, 2017, the Commission staff advised the applicant that the clustering issue had been addressed and that certain permits and the approval could take effect. *No new action as of June 30, 2017.*

- **New Jersey Natural Gas, Jackson, Manchester and Plumsted Townships (App. No. 2014-0045.001)** Pre-application conferences were held with the applicant on May 6, 2014 and October 14, 2014. On April 10, 2015, an application for the proposed gas main was filed with the Commission. During the period from June through November 2015 additional information was requested and submitted by the applicant. The Commission staff issued a Certificate of Filing for the proposed development on December 9, 2015. By letter dated March 10, 2016, the Commission staff advised the New Jersey Board of Public Utilities (BPU) that it had reviewed the documentation submitted to the BPU during the course of certain NJ BPU hearings for this application. The purpose of the BPU hearings was for BPU to make a determination under the Municipal Land Use Law (MLUL) as to whether any regulation made under the authority of the MLUL shall not apply to this application to install gas service in multiple municipalities. The Commission staff's March 10, 2016 letter concluded that after reviewing documentation submitted to the BPU, the staff's prior finding of the project's consistency with the regulations contained in the Pinelands Comprehensive Management Plan, as reflected in the Commission's Certificate of Filing for the proposed project, remained unchanged. *On June 27, 2017, the Commission announced that a special meeting of the Commission would be held on July 26, 2017 to accept oral comment on the application. In addition, the*

*Commission announced that written public comment on the application would be accepted through August 2, 2107.*

- **Campground, Borough of Woodbine (App. No. 1981-0210.004 & App. No. 1981-0210.007)** On July 6, 7, and 31, 2015 the Commission staff received information regarding a proposal to develop 72 campsites on a parcel and to connect those campsites to an onsite wastewater treatment plant located on an adjacent parcel. There is an existing campground served by onsite septic systems on the parcel. The issue raised by the proposed development is whether the existing and proposed campsites meet the definition of a campground. In addition, an issue is raised by the proposal to develop additional campsites served by a wastewater treatment system located on another parcel when the existing campsites, served by onsite septic systems, already exceed the groundwater quality (septic dilution) standard. On October 27, 2015, the Commission staff issued a letter identifying the issues raised by the proposed development. On September 29, 2016, the Commission staff met with the applicant to discuss the issues raised by the proposed development. The applicant will be submitting additional information in an attempt to address the groundwater quality (septic dilution) standard. On October 18, 2016, the applicant submitted additional information. By letter dated December 7, 2016, the Commission staff indicated that the proposed development continued to raise an issue with the groundwater quality (septic dilution) standard and the whether the proposed campsites constituted dwelling units based upon a proposed occupancy of more than 180 days per year. *No new action as of June 30, 2017.*
- **Redevelopment Project/Borough of South Toms River (App. No. 2005-0232.005)** An application was initiated for the development of 314 dwelling units on an approximately 42 acre parcel owned by the Borough of South Toms River. Certain municipal recreational and public works facilities are located on the parcel. In addition, the Borough's closed, but uncapped, former landfill is also located on the parcel. On April 8, 2016, the applicant initiated an application and submitted threatened and endangered species protocols for Commission staff review. On May 3, 2016, the Commission staff provided written comments to the applicant regarding the submitted threatened and endangered species protocols. The applicant is currently surveying for certain threatened and endangered animal and plant species on the parcel. On December 7, 2016, the applicant submitted a T&E species survey for the proposed development. By letter dated December 17, 2016, the Commission staff requested certain additional information from the applicant regarding the T&E survey. On December 14, 2016, the applicant submitted the additional T&E survey information. By letter dated December 23, 2016, the Commission staff advised that it accepted the negative results of the completed T&E species surveys. *No new action as of June 30, 2017.*
- **Ocean County Garden State Parkway Park and Ride/ Little Egg Harbor Township (App. No. 1997-0257.012)** On March 23, 2016, Ocean County requested a pre-application meeting with Commission staff to discuss an approximately 50 stall parking area. That pre-application

meeting has been scheduled for April 19, 2016. The pre-application meeting was held on April 19, 2016. At that meeting the staff advised of the probable need to complete a threatened and endangered species survey. Although an application has not been filed with the Commission, it is the Commission staff understanding that a threatened and endangered animal species survey is currently underway on the parcel. On July 5, 2016, the Commission staff sent a letter to the applicant advising of a potential issue raised by the time period in which the Spring T&E snake survey may be conducted. On January 31, 2017 and in February 2017, the applicant submitted an application for the proposed development. By letter dated March 27, 2017, the Commission staff advised the applicant of the information necessary to complete the application. *On May 10, 2017, information addressing the cultural resource standard of the CMP was submitted to the Commission. By letter dated May 24, 2017, the Commission staff accepted the results of the submitted cultural resource survey and reminded the applicant of the remaining information that must be submitted to complete the application. On June 30, 2017, T&E species survey information was received by the Commission. That information is under review.*

- **Atlantic City Electric Company/Reconstruction of 9.4 miles (in Pinelands) of an existing electric transmission line, Atlantic County (App. No. 1981-0479.011)** This application was initiated on February 18, 2016. The application proposes to remove and replace 105 existing electric transmission towers. The applicant has completed wetlands mapping and certain threatened and endangered species surveys for the proposed development. On May 4, 2016, the Commission staff issued a letter to the applicant providing comments on the submitted wetlands delineation and threatened and endangered species information. The applicant submitted additional information in June, July, August and September of 2016. The Commission staff issued a letter on September 9, 2016 specifying the remaining information necessary to complete the application. The applicant submitted additional information in September 2016. On October 11, 2016, the Commission staff sent a letter requesting certain additional information to complete the application. In October and November, the applicant submitted additional information. On November 22, 2016, the Commission staff issued a Certificate of Filing for the proposed development. *No new action as of June 30, 2017.*
- **Country Club Acres, Evesham Township (App. No. 1983-9307.004)** An application for the development of 33 dwelling units was initiated with the Commission in April of 2013. By letter dated July 31, 2013, the Commission staff specified the information necessary to complete the application. The applicant was required to complete a threatened and endangered species survey. While the T&E species survey was progressing, the applicant submitted additional information and requested that the Commission staff issue a Certificate of Filing. By letter dated June 11, 2014, the Commission staff advised of the information necessary to complete the application. On July 8, 2014, the applicant submitted additional information. On September 15, 2014, the staff advised of the remaining information necessary to complete the application. On July 27,

2015 and April 25, 2016, the applicant met with the staff to discuss the required buffers to wetlands. The staff indicated that the required buffers to wetlands would be highly dependent on the results of the required T&E species surveys. On June 3, 2016, the applicant submitted the results of the T&E species surveys. By letter dated July 28, 2016, the Commission staff provided its comments regarding the submitted T&E surveys, the resulting required buffers to wetlands and the remaining information necessary to complete the application. On October 21, 2016, the applicant submitted a plan depicting a revised layout of the proposed development. That plan is currently under review by the Commission staff. Upon review of that plan, on March 13, 2017, the Commission staff provided the applicant with its comments on the layout of the proposed development. *No new action as of June 30, 2017.*

- **Mining Sites, Lacey Township (App. No. 1980-0012.001 & App. No. 1981-0145.001)** On April 5, 2016, the Commission staff met with the owner of the two concerned mining sites. The owner expressed an interest in selling the mines, totaling approximately 139 acres, to the New Jersey Department of Environmental Protection as additions to Double Trouble State Park. The purpose of the meeting was to discuss the mine revegetation/restoration requirements required by the Township land use ordinance and the CMP. On May 2, 2016, the Commission received a letter from Lacey Township indicating that the two mine sites have been restored to the Township's satisfaction and no further action was required by the property owner. On May 20, 2016, the Commission staff site inspected the two mine sites. By letter dated October 20, 2016, the Commission staff advised the owner that certain public safety mine restoration requirements must be completed. On January 19, 2017, the applicant's engineer submitted information addressing the status of the required mine restoration. The Commission staff continues to discuss the mining restoration requirements with all concerned parties. *Additional discussions between the Commission staff and NJDEP have occurred to facilitate a joint inspection of the mining sites by the owner's engineer and representatives of the NJDEP.*
- **Builders First Source manufacturing facility, Winslow Township (App. No. 1989-0361.003)** On October 7, 2016, the Commission staff conducted a pre-application conference with a potential applicant and a representative of Winslow Township. The purpose of the pre-application conference was to discuss the prospects for re-developing an existing 11 acre parcel. There is an existing manufacturing facility served by an onsite septic system(s) on the parcel. The potential applicant proposes to consolidate multiple existing manufacturing buildings on the parcel into one building. Discussion at the meeting focused on stormwater management requirements and consistency of the existing/proposed facility with the groundwater quality (septic dilution) standard. The potential applicant will be submitting additional information as part of a continuing pre-application conference. Additional information was submitted on January 19, 2017. The Commission staff reviewed that additional information and on February 27, 2017 advised the applicant's attorney of our comments regarding stormwater management

and groundwater quality (septic dilution). *No new action as of June 30, 2017.*

- **New Jersey Department of Environmental Protection, Forest Fire Service (App. No. 1996-1396.005)** A pre-application conference was held on December 21, 2016 with staff from the New Jersey Forest Fire Service. The Forest Fire Service is proposing tree clearing to improve visibility from the Bass River and Brendan Byrne forest fire lookout towers. *No new action as of June 30, 2017.*
- **Sweetwater Casino Restaurant, Mullica Township (App. No. 1983-4234.006)** On May 6, 2016, an application was initiated with the Commission for certain development activities on the site of the former Sweetwater Casino Restaurant. The former restaurant was destroyed by fire. By letter dated June 20, 2016, the Commission staff advised of the information necessary to complete an application for the development proposed in the submitted application and for certain additional development that has occurred on the parcel without application to the Commission. By letter dated September 13, 2016, the Commission staff sent a letter to the applicant indicating that by November 1, 2016, the commercial activities existing on the parcel must cease unless an application for the concerned development is completed with the Commission. The applicant has submitted additional information. *On April 5, 2017, the applicant submitted additional information to the Commission. After review of that information, the Commission staff sent a letter on June 6, 2017 advising the applicant of the remaining information required to complete the application. Upon receipt of that letter, the applicant requested a meeting with Commission staff. On June 21, 2017, a meeting was held with the applicant, municipal staff, including the Mayor, and Commission staff to discuss the information necessary to resolve the existing violation on the parcel.*
- **Singer House Historic House Preservation/Restoration, Medford Township (App. No. 1987-0055.005)** On August 23, 2016, the Commission staff sent a letter to the private owner of the Singer House inquiring as to the status of the required preservation of the Singer House building. On October 5, 2016, the current owner of the Singer House, representatives of Medford Township and the Commission staff met to discuss the required preservation. At that meeting the current owner indicated that they did not have sufficient funds to accomplish the required preservation. By letter dated November 4, 2016, the Township indicated that they will undertake a structural integrity survey of the Singer House and advise the Commission staff of the results of that survey. By letter dated February 22, 2017, the Commission staff inquired as to the status of the structural integrity survey. *By letter dated April 26, 2017, the private organization that owns the Singer House requested the Commission's assistance in requiring the Township to reimburse their organization for certain costs incurred with the project. By letter dated June 13, 2017, the Commission staff responded that it would not be appropriate for the Commission staff to advocate for one of the several parties involved in this*

*matter. The letter further indicated that the Commission staff remained available to discuss any permitting issues.*

- **Ocean County Communication Tower, Jackson Township (App. No. 1989-1126.007)** On July 27, 2016, the Commission staff responded to a general inquiry from Ocean County regarding the feasibility of siting a County emergency communication tower at an existing County road maintenance facility in Jackson Township. The Commission staff letter indicated that the County maintenance facility parcel was not identified as an approved site for the placement of a communication tower in the Commission approved “Comprehensive Public Safety Tower Plan for Pinelands” The letter also indicated that there was an approved site for the placement of a communications tower at nearby Patriots Park in Jackson Township. The County submitted certain application information. By letter dated February 7, 2017, the Commission staff again advised that the County maintenance facility parcel was not identified as an approved site for the placement of a communication tower in the Commission approved “Comprehensive Public Safety Tower Plan for Pinelands” and of the need for Commission review and approval of an amendment to that Plan. *On July 14, 2017, the Commission approved an amendment to the “Comprehensive Public Safety Tower Plan for Pinelands.” That amendment should allow for the County’s proposed development of a communications tower at the existing County road maintenance facility in Jackson Township.)*
- **Kings Grant Elementary School solar facility, Evesham Township (App. No.1981-0556.051)** On September 21, 2016, the Commission staff received the necessary application information to review the proposed solar facility. On October 31, 2016, the staff sent a letter to the applicant indicating the information necessary to complete an application including a cultural resource survey. On November 4, 2016, the applicant submitted certain information questioning the need for a cultural resource survey. By letter dated November 28, 2016, the staff responded that they had reviewed the submitted information and determined that such a survey was still required to complete an application. *By letter dated April 26, 2017, the applicant advised the Commission that the Evesham Board of Education was no longer pursuing the project.*
- **Ecology Landfill, Winslow Township, (App. No. 1986-1167.007)** On June 17, 2016, an application was initiated with the Commission for the closure of a vegetative waste landfill on an 18.5 acre parcel. On July 19, 2016, the Commission sent a letter advising the applicant of the information necessary to complete an application. On October 4, 2016, the applicant submitted information regarding the proposed capping. By letter dated December 7, 2016, the Commission staff indicated that, based upon a review of the submitted information, a permeable landfill cap was permitted by the Commission’s regulations and itemized the remaining information necessary to complete an application. *No new action as of June 30, 2017.*

- **Residential Development Project proposing 700 dwelling units, Pemberton Township (App. No. 1981-0640.001)** In 2005, an application was completed with the Commission for the development of 700 dwelling units on a 678 acre parcel in Pemberton Township. In 2007, the Township granted General Development Plan approval to the project. On August 13, 2007, that approval was called up for review by the Commission staff. The approval raised issues with multiple CMP standards, including threatened and endangered species protection and stormwater management. Thereafter, no significant progress was made on the application until the Commission staff was contacted on December 20, 2016 by a new developer of the project. On March 23, 2017, the Commission staff met with the representatives of the new developer to discuss revisions to the proposed development. By letter dated April 19, 2017, the staff advised the applicant of the status of the various outstanding issues with the application. On April 24, 2017, the applicant submitted a plan proposing alternative secondary access roads to the proposed development. By letter dated June 26, 2017, the Commission staff provided initial guidance to the applicant regarding the feasibility of the proposed alternative access roads. On June 28, 2017, the staff met with representatives of the Township and the developer to discuss the feasibility of alternative secondary access roads to the proposed development.
- **Recreation Area/Soccer Fields, Pemberton Township (App. No. 1982-3514.004)** On October 28, 2015, a pre-application meeting was held between the applicant and the Commission staff to discuss the development of a proposed recreation area on a 46 acre parcel. On November 7, 2016, the Township formally initiated an application with the Commission for the recreation area. The parcel is primarily a fallow agricultural field. By letter dated January 10, 2017, the staff indicated that based upon a site inspection, approximately 50% of the parcel was wetlands. On January 23, 2017, the applicant held a meeting with the Commission staff to discuss the wetlands issue. It was agreed that the Commission staff would meet with the applicant in the field to conduct additional soil borings to further review the Commission staff's determination as to the extent of wetlands on the parcel. On February 6, 2017, that site meeting occurred. The site meeting confirmed the Commission staff's determination regarding the extent of wetlands on the parcel. By letter dated April 25, 2017, the staff provided the applicant with further guidance on the application and identified the information necessary to complete an application with the Commission. On May 5, 2017, the staff met with Township officials to further discuss the wetlands issue. The Township may bifurcate the application to move forward on certain portions of the application that will meet wetlands protection standards and further consider their options for proceeding with the portions of the application proposing soccer fields in wetlands.
- **Police Firing Range Little Egg Harbor Township (App. No. 2008-0122.001)** On March 10, 2017, the Commission Staff received a letter from Little Egg Harbor Township proposing a municipal police firing range at the site of the Township's former landfill. The landfill is located in the Pinelands Preservation Area. The Township indicated that the former



*landfill had historically been used by the municipal police as a firing range. The proposed firing range would have very limited site improvements. On May 4, 2017, the Commission staff conducted a pre-application conference to discuss the proposal. On June 27, 2017, the applicant submitted the required information to allow the Commission staff to initiate its review of the proposed development.*

### **C. Violation**

- **Barnegat Township, Commercial Use (App. No. 1988-1177.002):** By letter dated February 1, 2012, we advised a property owner of an approximately 5 acre wetlands buffer clearing violation. Materials were being stockpiled in the wetlands buffer. By letter dated April 26, 2012, we summarized the agreements reached and asked the property owner to contact our office when wetlands were delineated. By letter dated June 15, 2012, we confirmed the wetlands mapping and suggested a course of action to resolve the violation. On January 22, 2013, the Commission staff received information from the property owner's consultant indicating that one material stockpile and a portion of another had been removed from the site and that a revised restoration plan would be submitted shortly. During the period from March through February 2014 restoration plan revisions were submitted. On February 6, 2014, the Commission staff received information from the property owner indicating that two of the four stockpiles have been removed and the concerned areas have been restored. By letter dated September 4, 2014, the applicant was advised by NJDEP that the development that occurred without application to the Township and the Commission also raised issues with NJDEP's stormwater and water quality regulations. The Commission staff continues to monitor the pace of the restoration. By letter dated June 15, 2015, the staff indicated agreement with the proposed restoration plan and requesting that a filed copy of the deed for the parcel, noting the restoration requirements, be submitted to the Commission. By letter dated August 6, 2015, the staff reminded the applicant of the requirement to submit the requested information. On December 22, 2016, the applicant submitted a requested extension of the time to complete the individual components of the restoration, but not the completion of the overall restoration. By letter dated January 11, 2017, the Commission staff granted an extension of time until June 30, 2017 to complete all restoration requirements. *No new action as of June 30, 2017.*
- **Barnegat Township (App. 2000-2700.002):** This violation pertains to the clearing and grading of vegetation on approximately 8 acres of wetlands/wetlands buffers on a 9.49 acre lot located in Pinelands Preservation Area District. The concerned clearing occurred primarily in September 2009. The property owner indicated an intention of establishing a permitted agricultural use (blueberries) on the lot. Since September 2009, the Commission staff has written to the applicant multiple times attempting to obtain a time schedule for the establishment of the proposed blueberry agricultural use. On April 25, 2013, the Township issued a Municipal Court summons to the property owner regarding this matter. The Commission staff attended a municipal court hearing on June 25, 2013. The matter was

continued because the property owner raised an issue regarding the “Right to Farm.” Multiple municipal court hearings were held in 2013. At the December 17, 2013 municipal court hearing, the court was advised that the Ocean County Agricultural Development Board had rendered its determination that the concerned activities were not protected by “Right to Farm,” however, a resolution from the Ocean County Agricultural Development Board memorializing that determination had not yet been issued. The municipal court hearing was continued to January 8, 2014. At the January 8, 2014 municipal court hearing, the property owner pleaded guilty to two of the municipal court summonses. The remaining municipal summonses were continued to February 12, 2014. The property owner agreed to submit a farm plan to the Commission by January 17, 2014 and to meet with the Commission staff on January 23, 2014 to discuss the farm plan. On January 13, 2014, the Commission staff received the farm plan. On January 30, 2014, the Commission staff met with the property owner and his attorney. During the meeting, the property owner agreed to submit a copy of the revised farm plan to the Commission. On January 31, 2014, the Commission staff received the revised farm plan. On February 11, 2014, the Commission staff issued a letter to the property owner’s attorney indicating that some of the agricultural activities proposed on the revised farm plan were not consistent with the standards of the Township land use ordinance and the CMP. On February 12, 2014, the Commission staff attended the municipal court hearing. The property owner pled guilty to one of the remaining municipal summons and was fined. The remaining summonses were dismissed. However, the property owner was given six months to institute permitted agricultural uses on the parcel or face additional municipal summonses. Based upon reports to our office and a Commission staff site inspection, a retail commercial farm market use may have been established on the parcel without application to the Township or the Commission. On November 6, 2014, the Commission staff sent a letter to the property owner inquiring as to whether a commercial farm market had been established on the lot. The property owner’s attorney responded by letter dated December 5, 2014 indicating that the involved structure would be removed from the lot by December 31, 2014. By letter dated January 29, 2015, the Commission staff advised the applicant that a site inspection confirmed the commercial farm market had been removed. By letter dated June 25, 2015, the Commission staff issued a letter to the property owner regarding re-establishment of a commercial farm market on the parcel without application to the Commission. On August 6, 2015, the staff issued a letter reminding the property owner of the need to respond to the staff’s June 25, 2015 letter. The applicant did not respond to the staff’s letter. On September 17, 2015, the Commission staff issued a letter to the municipal Zoning Officer asking assistance in issuing any appropriate violation notices and municipal court summons. The Commission staff received notice of an application to the Township for certain approvals and permits to construct two agricultural buildings on the concerned lot. By letter dated February 3, 2016, the Commission staff indicated that the concerned permits should not be issued based upon the ongoing land use violations on the parcel. The Township issued violation/stop work notices to the property owner for the development of a wood frame building (one of the two agricultural buildings) on the parcel.

By letter dated August 5, 2016, the Commission staff reiterated to the property owner the need to resolve all existing violations on the parcel. On February 17, 2017, the applicant submitted information addressing why the currently proposed non-berry agricultural crops were permitted in the Pinelands Preservation Area District. The CMP limits agriculture in the Pinelands Preservation Area District to berry agriculture, horticulture of native plants and other agricultural activities compatible with the existing soil and water conditions that support traditional Pinelands berry agriculture. The submitted information included a letter report from the Department Head of the Rutgers New Jersey Agricultural Experiment Station, Cooperative Extension of Atlantic County apparently as a consultant for the applicant, indicating that the production of most vegetables, herbs and ornamental crops would be consistent with the limitations on agricultural uses in the Pinelands Preservation Area. By letter dated March 28, 2017, the Commission staff again reiterated the need to resolve all existing violations on the parcel and expressed disagreement with the conclusions of the submitted letter report from the Department Head of the Rutgers New Jersey Agricultural Experiment Station, Cooperative Extension of Atlantic County. *No new action as of June 30, 2017.*

- **Galloway Township (App. No. 1990-1168.004):** This violation concerns the construction of an approximately 6,000 square foot building and the establishment of a commercial trucking business on a lot in the Preservation Area District. The lot was previously deed restricted due to the severance of PDCs. Commercial businesses are not permitted in the Preservation Area District or by the PDC deed restriction. After multiple letters to the property owner over five years, by letter dated June 20, 2013, we asked that the applicant either address the matter within 30 days or the Township should issue all appropriate municipal court summonses. On August 22, 2013, the Commission staff met with representatives of the New Jersey Attorney General's Office to discuss the matter. Commission staff inspected the site with the Galloway Township Construction Official on December 5, 2013. The site inspection found that the commercial trucking business had been discontinued. However, the approximately 6,000 square foot building was built in the required buffer to wetlands. Commission staff sent a violation letter to the property owner on January 6, 2014 requesting the property owner resolves the remaining issue of the 6,000 square foot building by contacting the Township for guidance on several issues. On March 30, 2015, the Commission staff sent a letter to follow up on a March 25, 2015 site inspection with the Township construction code official and the property owner. Based upon that site inspection, it is the staff's understanding that the owner proposes to remove the concerned 6,000 square foot building to resolve the violation. By letter dated March 16, 2017, the Township advised that a significant portion of the 6,000 square foot building has been removed. *No new action as of June 30, 2017.*
- **Waterford Township (Application No. 2013-0031.001):** This violation concerns the expansion of an auto salvage business on a parcel in the Preservation Area District on Chew Road. The auto salvage business

existed in 1981. The area occupied by the business has significantly expanded over time and now occupies approximately 26 acres, part of which is in wetlands and the required buffer to wetlands. The staff issued its initial letter on March 14, 2013 and received a written response from the property owner on April 3, 2013. Additional information was received on July 9, 2013 indicating that the property owner was coordinating with the Waterford Township zoning officer to bring the matter into compliance. Commission staff consulted with the Waterford Township zoning officer, who confirmed that some progress has been made. The Commission staff met with the property owner on October 28, 2013. The Commission staff issued a letter dated November 14, 2013, that identified a “staged” approach for restoration of the parcel and requested a restoration/revegetation plan which identifies each “stage” of the restoration and provides a time frame for removal be submitted to the Commission. On September 4, 2014, the staff discussed the matter with the municipal Zoning Officer. The Zoning Officer indicated that the required restoration of the parcel is ongoing. The Commission staff will continue to monitor the progress of the restoration. On November 10, 2014, the Commission staff held a site meeting with the property owner to review the progress of restoration. Approximately 6 acres of the auto salvage business has been removed. By letter dated December 4, 2014, the Commission staff requested an updated restoration proposal including timeframes. The owner has not responded to the Commission’s letter. The Commission staff has scheduled a site meeting with the Township Zoning Officer and a representative of NJDEP’s Wetlands Program to discuss the next steps to resolve the violation. On November 20, 2015, the Commission staff held a site meeting with the property owner, the Township Zoning Officer and representatives on NJDEP. At that meeting it was agreed the property owner would apply to the Commission by February 1, 2016 and then proceed to the Township by April 1, 2016 for a municipal determination regarding the pre-1981 limits of the salvage yard. On May 15, 2016, the Commission received an application for the expansion of the salvage yard. On August 19, 2016, the Commission staff issued a letter to the applicant indicating the information that must be submitted to complete an application and address the violation. By letter dated December 12, 2016, the Commission staff advised the property owner of the need to respond to our August 19, 2016 letter. *No new action as of June 30, 2017.*

- **Winslow Township (App. No.1984-0660.003):** The Commission staff has been attempting to resolve violations regarding the establishment of a shooting range in a Pinelands Agricultural Production Area for an extended period. On July 17, 2014, the Commission staff conducted a site inspection of the 217 acre parcel with the Township Zoning Officer. That site inspection confirmed that an approximately 3,000 linear foot road to access the shooting range had been developed on the parcel. The access road included the clearing and filling of approximately 1.2 acres of wetlands. On August 5, 2014, the Commission staff sent a letter to the owner regarding the long standing violations and the access road violation on the parcel. On November 14, 2014, the staff attended a site meeting attended by Township officials, NJDEP staff and the owner. A meeting is being scheduled at the

Commission office with the owner and their representatives to address the violations. On January 6, 2015, the staff sent a letter outlining the extent of violations on the parcel and a suggested approach to resolving the overall violation. On May 11, 2015, the Commission staff met with representatives of the property owner to discuss a possible resolution of the long-standing matter. In July 2015, the property owner submitted information to the Commission staff addressing alternative accesses to the parcel that may be available to avoid wetlands. The applicant is representing that there is no other feasible access to the parcel other than the access already developed in wetlands. On July 13, 2015, the NJDEP issued a Notice of Violation to the property owner for the development of an access road in wetlands. On November 2, 2015, the NJDEP issue a follow up Notice of Violation for the same development. On January 20, 2016, the Commission staff conducted a site inspection with the applicant to confirm the width of the access road. On October 25, 2016 an application was submitted to the Commission for the proposed development. That application is currently under review. By letter dated March 2, 2017, the Commission staff advised the applicant of the information necessary to complete the application, That letter also indicated that considering the extended length of time that this matter has been outstanding, if the applicant did not resolve the matter by June 1, 2017, the Commission staff would ask the assistance of the Township in issuing all appropriate municipal court summons. *No new action as of June 30, 2017.*

- **Commercial Use, Southampton Township (App. No. 1997-0010.002)** On February 13, 2017, the Commission staff sent a letter to the property owner advising that a landscaping business had been established in wetlands on a parcel. In addition, the letter indicated that the PDC's allocated to the parcel had been severed and that the imposed PDC deed restriction prohibited the establishment of a landscaping business on the parcel. *By letter dated May 1, 2017, the property owner's attorney advised that his client had no intention to removing the structures or the activity from the parcel. By letter dated May 19, 2017, the Commission staff summarized the violations on the parcel and asked the assistance of the NJDEP in resolving the wetlands violation, the PDC Bank to address the PDC deed restriction violation and the municipality to issue the appropriate municipal court summons for establishing a commercial use without application to the Township or the Commission. Thereafter, on June 6, 2017, the Commission staff attended a site meeting with the property owner, the property owner's attorney and a representative of NJDEP to confirm the extent of wetlands on the parcel.*
- **Land Clearing, Waterford Township (App. No. 1987-1183.007)** In June of 2015, approximately 24 acres were cleared adjacent to an existing commercial use. The property owner represented that the acreage was cleared to establish a blueberry agricultural use. The cleared lands were located in an otherwise required buffer to wetlands. However, in the Pinelands Area, blueberry agricultural is a permitted use in both wetlands and the required buffer to wetlands. By letter dated June 16, 2015, the Commission staff advised the property owner that the clearing of land for a blueberry agricultural use did not require application to the Commission.

By letter dated July 5, 2016, the staff advised the property owner that a blueberry agricultural use had not been established and that the concerned clearing constituted a violation of the wetlands protection and application requirements of the Township land use ordinance and the CMP. To address the violation, our letter requested either an application be filed with the Commission for the clearing or a revegetation plan be submitted to the Commission for the cleared area. By letter dated September 22, 2016, the staff advised the property owner that if we did not receive a response to our July 5, 2015 within 60 days, we would ask the assistance of the Township in issuing all appropriate violation notices and municipal court summons. The Commission received a letter from the property owner on October 26, 2016. By letter dated February 27, 2017, the Commission staff again advised the property owner of the necessity of addressing the clearing violation. *On May 9, 2017, the property owner met with the Commission staff regarding the land clearing violation and certain other development that occurred on the parcel without application to the Commission. By letter dated June 22, 2017, the Commission staff reminded the property owner of the necessity of providing certain information to the Commission by July 31, 2017.*

## VI. Science

### A. Environmental Monitoring

- *Forest-Plot and Intermittent-Pond Monitoring: Staff completed the April, May, and June rounds of forest-plot and pond water-level measurements and downloaded the data on the continuous water-level recorders installed in several ponds. Staff also measured pH and specific conductance during April and May at all 37 monitoring ponds.*
- *Long-term anuran surveys: Staff completed nighttime frog and toad vocalization surveys in April, May, and June.*
- *Pinelands-wide water-quality monitoring: Staff drafted results of the Pinelands-wide pH and specific conductance trend analysis and maintained the annual State Certified Environmental Laboratory status for pH and specific conductance.*

### B. Right-of-way Vegetation Monitoring

- *Staff completed additional analyses to compare woody vegetation of ROW plots with adjacent forested plots, finalized a short report describing the analyses and results, and provided the information to Regulatory Programs staff for incorporation into the semi-annual progress report to the Commission. Staff continued to identify plant voucher specimens collected from the monitoring plots during past vegetation surveys, initiated annual vegetation surveys in the monitoring plots for 2017, and began additional plant surveys along the access roads and towers of the rights-of-way where monitoring plots have already been established.*

### C. Pond-vulnerability Study

- *Data analysis has been initiated. An application for supplemental funding was submitted to EPA and the award documents have been drafted and are in the que for final approval. Science staff is coordinating with NJDEP and PPA staff to visit mapped ponds on state land to collect data on off-road vehicle damage. The ponds have been divided into three groups for site visits.*

### D. Created-wetland Study

- *Data analysis has been initiated. An application for supplemental funding was submitted to EPA and the award documents have been drafted and are in the que for final approval.*

## **E. Endocrine Disruption Study**

- *Science staff continued to obtain permission from property owners to access potential study sites and initiated amphibian sampling.*

## **F. Pinelands Research Series**

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

## **G. Other Science Items**

- *Science staff submitted a grant proposal, titled “Effects of land use on water quality and microorganisms in natural ponds, excavated ponds, and stormwater basins,” to the EPA for potential funding.*
- *Science staff gave a presentation on Pinelands Fish and led a fish sampling trip for a Drexel University Pinelands Ecology and led a separate fish sampling trip for a Rutgers University Pinelands ecology class.*
- *Science staff provided a letter of support to NJDEP Division of Science, Research, and Environmental Health staff for a grant proposal, attended a NJ Water Monitoring Council meeting, a Barnegat Bay Science and Technical Advisory Committee meeting, a Drexel University led field trip at Warren Grove, a DEP led field trip to see recent forestry activities in Double Trouble State Park, a Greenvest led field trip to see the Mullica River Wetland Mitigation Bank site in Evesham, and webinars on species distribution modeling and prescribed burning in the Albany Pine Bush Preserve.*
- *Science staff assisted Smithsonian Museum of Natural History postdoctoral fellow Jeremy Feinberg with finding sites for his research on leopard frog calling and traffic noise, Drexel University student Sophia Courtney with study sites and information on timing of metamorphosis for her leopard frog research, Rutgers University PhD student Gordon Osterman with a digital elevation map of water table depths for McDonalds Branch for his hydrogeological study, professor Ning Zhang with DEP contacts to obtain permits for her research on fungi, Rutgers University graduate student Laina Lockett with her research on amphibians and contaminants, Bruce Stutz with information on the Kirkwood-Cohansey aquifer study for an article in Yale Environmental 360 published by the Yale School of Forestry, and a Pennsylvania Church Farm School student with questions about college choice.*



# ATTACHMENT #1

## ONGOING CONFORMANCE ACTIVITY

April-June 2017

MUNICIPALITY	TOPIC
Barnegat	<p>Shoreline and Compass Point Redevelopment Areas: The Township provided a draft ordinance designed to create a redevelopment area within the RGA for approximately 140 acres. Staff met with Township representatives and the property owner/redeveloper on 3/12/14 to discuss the ordinance, proposed redevelopment and relevant CMP standards (PDCs, threatened and endangered species). Staff drafted suggested ordinance revisions and provided them to the Township on 4/9/14. Staff met with representatives of the Township and the redeveloper on 12/16/14 to discuss the redevelopment plan and PDC obligation. Staff responded to the Township's additional questions about PDC requirements in March 2016. The Commission received an adopted copy of the Redevelopment Plan and Ordinance 2016-23 on 9/23/16. Staff met with Township representatives on 10/13/16 to discuss the adopted ordinance and suggested revisions. As a result of the meeting, staff provided model ordinance language and consultation in the subsequent month. The Township adopted a revised redevelopment plan (Ordinance 2017-05) on 3/7/17 and submitted it to the Commission on 3/23/17. Commission staff notified the Township that formal review and approval was required on 3/29/17. <i>A public hearing was held on 4/12/17. The Commission certified Barnegat Ordinance 2017-05 on 5/12/17.</i></p> <p>2. Barnegat condominium development: The Township has introduced an ordinance (2017-12) to permit condominium development on certain properties in the RGA portion of the Neighborhood Commercial Zone. A density of 15 units per acre is permitted, with PDC use required for 25% of all units. <i>By letter dated 4/25/17, staff notified the Township that formal review and approval was required. A public hearing was held on 5/10/17. The P&amp;I Committee discussed and endorsed the staff's recommendation for certification on 6/30/17.</i></p> <p>3. <i>Fence Regulations and Development Fees: The Commission received Ordinances 2017-14, -15, -17. The first ordinance includes provisions for fencing standards on properties located on a body of water. The latter two ordinances include revised formulas for assessing non-residential and residential development fees. Upon review, Commission staff found that no substantial issues were raised with respect to CMP standards. A letter to that effect was sent to the Township on 6/27/17.</i></p>
Berlin Borough	<p>1. Redevelopment designation: The Borough contacted staff about an upcoming Area in Need of Redevelopment Study to seek out any initial concerns on 2/2/2016. Staff responded to initial inquiry 2/5/2016. Public notice that the study was proceeding was received 3/21/2016. The investigation will include multiple study sites in the Borough, including an area encompassing a large tract of lots in the Pinelands Regional Growth Area.</p> <p>2. <i>Housing Element and Fair Share Plan: The Commission received on 3/27/17 an adopted Housing Element and Fair Share Plan. The documents contained updated data and analysis pertaining to the Borough's current and projected demographic, housing stock, and employment characteristics as well as the Borough's Fair Share Compliance Plan, covering the cumulative period 1987-2025. Upon review of the Housing Element and Fair Share Plan, Commission staff found that no substantial issues were raised with respect to CMP standards. A letter to that effect was sent to the Borough on 4/25/17.</i></p>
Egg Harbor City	<p>1. Request for review of constraints in Easterly portion of Pinelands Town. Letter sent 5/7/07 on likely wetlands buffer requirements; suggested City file applications for development for specific parcels to confirm requirements. Pursuant to City's request, a proposal to establish wetlands buffers by ordinance is under review.</p>

MUNICIPALITY	TOPIC
	<p>2. Development of airfield in Forest Area: request received from City on 2/24/11 to examine feasibility of use of lake area “airfield” by state police, including development of buildings and parking areas. Options discussed by staff. Response provided to the City on 3/8/11 indicating that unless the City is able to document the existence and use of airport facilities on the parcel in question in 1981, the use is not permitted in a Pinelands Forest Area. Request for management area change (40 acres from Forest to Pinelands Town) received on 4/21/11. Response provided 6/14/11, indicating that the proposed management area change is inappropriate. Meeting held with City representatives on 11/2/11 to discuss several potential sites for a new or expanded airfield. Staff is awaiting more detailed information from the City, including the required acreage for the facility.</p> <p>3. Recreation complex: request for change in management area designations received 4/14/11. City is proposing to redesignate 30 acres from Forest to Pinelands Town along Philadelphia Avenue. Offsetting management area change also proposed. Response provided 6/14/11, indicating that staff would support the proposed redesignation, with exact boundaries of offset area still to be determined.</p> <p>4. “Tower Site” redevelopment area: staff met with City representatives on 1/20/16 to discuss permitted use and other potential issues with a future redevelopment plan for a site within the Pinelands Town. A draft Redevelopment Plan for the area was submitted for Commission comment on 6/28/16. Staff provided comments to the City on 7/7/16. A final draft of the Redevelopment Plan, addressing all of the staff’s comments, was received on 8/19/16. The City adopted the Redevelopment Plan on 2/9/17 and submitted an adopted copy of the plan and Ordinance 3-2017 to the Commission on 3/27/17. <i>Upon review, staff determined that no substantial issues were raised with respect to CMP standards. A letter to that effect was sent to the City on 4/24/17.</i></p>
Egg Harbor Township	<p>1. Affordable housing: draft ordinance implementing the 20% set side required in A-500 received 7/16/09. Meeting held with Township representatives on 9/24/09 to discuss implications for PDC program and density. Township will provide a list of affordable housing projects under consideration so that staff can prepare options (densities; required PDC %’s; ordinance amendments) for the Township’s review. This information from Township was received on 10/27/09. Court master requested meeting with staff and the Township be held by 4/1/11; no date scheduled as yet. New draft of affordable housing ordinance received 9/19/11; comments and suggested revisions provided 9/29/11. Copy of Ordinance 37-2011 received on 12/7/11, with notice of public hearing and second reading on 12/20/11. The ordinance requires a 20% affordable housing set aside for all residential development, as well as the use of PDCs for 25% of all market rate units. Email sent to the Township on 12/7 indicating concerns with the lack of revisions to existing density and PDC provisions in the municipal code. Copy of adopted ordinance (37-2011) received on 12/29/11. Finding letter sent 1/20/12. Public hearing held 2/22/12. The Commission conditionally certified the ordinance on 4/13/12. The Township’s response to the conditions, in the form of Ordinance 22-2012, was received on 7/9/12. No substantial issue finding letter sent 7/20/12. The Builders League of South Jersey has challenged the Township’s adoption of Ordinance 37-2011. The Township subsequently adopted Ordinance 4-2013, repealing Ordinances 37-2011 and 22-2012. A no substantial issue finding letter was sent on 3/11/13. As a result, the Township’s previously certified zoning plan has been reinstated. A meeting to discuss affordable housing and PDC issues with the Township, the Builders League of South Jersey and the court appointed master (Phil Caton) was held on 4/16/13. Data on vacant land was subsequently provided to the Township. A second meeting was scheduled for 6/25/13 but was later canceled by the Township. No action since April of 2013.</p> <p>2. Affordable housing overlay zone: The Township adopted Ordinance 3-2017, creating the Affordable Housing Overlay B Zone, on 3/15/17. The new overlay zone encompasses approximately 10 acres of land in the HB (Highway Business) Zone, in the RGA. Residential development is permitted in the overlay zone at a density of 10 units per acre, with no PDC use. The Commission received an adopted copy of the ordinance on 3/21/17, after which various issues (zoning</p>

MUNICIPALITY	TOPIC
	boundaries, PDCs) were discussed with the Township. The ordinance was then deemed incomplete for purposes of the Commission's review. <i>The Township was notified of this determination by letter dated 4/10/17. The Township is awaiting a determination on funding sources for an affordable housing project in the new overlay zone before deciding how best to move forward with the ordinance.</i>
Estell Manor	1. Clustering: Staff met with the Mayor and several City representatives in early May 2013 to discuss the clustering amendments. The City has drafted a master plan amendment and received a fourth extension through 9/30/13. Maps showing vacant lands in the Forest Area were provided to the City in response to several questions at the May meeting. The Planning Board adopted the master plan amendment in early October 2014. No further progress has been reported.
Evesham	1. Stormwater management: The Township introduced an ordinance in late 2013 to exempt certain municipally-owned properties from all CMP stormwater requirements. Adoption has been delayed while Commission staff works to identify potential mitigation sites and projects. Commission staff met with the Mayor and Community Development Director on 5/21/14.
Franklin	1. Signs: The Township adopted Ordinance O-6-14 on 7/22/14, allowing for digital signs in the Agricultural Production Area and Rural Development Area. The Commission received a copy of Ordinance O-6-14 on 1/2/15, held a public hearing on 2/25/15 and conditionally certified the ordinance on 4/10/15. The conditions for certification require the adoption of amendments to prohibit digital signs in the Pinelands Area portion of the municipality. The Township's response to the conditional certification order is due on 8/8/15. The Township requested and was granted two extensions through 1/4/16. Since that time, the Township has not responded to the staff's requests for information on the status of the required amendments.
Galloway	1. Industrial Zone: A draft ordinance revising the standards for planned residential development in the Industrial Zone was received on 3/28/13. No changes in density or PDC requirements are proposed. A second draft ordinance related to general development plans was also received. Comments were provided to the Township on 4/1/13.
Hamilton	1. Mays Landing Neighborhood Plan: The Planning Board approved the Neighborhood Plan as an amendment to the Township's Master Plan on 11/5/2015. The Neighborhood Plan incorporates new data, public input, analysis, and provides recommendations that address flood mitigation and resiliency as well as economic development initiatives, zoning changes, building character and land use changes, circulation and streetscape improvements, historic preservation, and the use of green infrastructure in study area. An adopted copy of the Plan was submitted to the Commission on 2/5/2016. Staff deemed the Neighborhood Plan incomplete for purposes of the Commission's review since there were not yet any implementing ordinances. A letter to that effect was sent to the Township on 2/9/16.
Hammonton	1. In lieu recreation fees: ordinance adopted in August 2006 but not submitted to Commission until 1/22/07. \$5,000 per lot fee under review; awaiting supporting analysis from Town. Town has since indicated it will be making additional revisions to the ordinance. Provided Town with sample ordinances of other municipalities to use in developing a new ordinance 3/23/07. Multiple extensions requested by the Town and granted, most recently through 10/29/08. Awaiting adoption of revised ordinance. 2. Expansions of Pinelands Town/sewer service area: met with Town representatives on 2/26/13 to begin discussions of the possible expansion of the Pinelands Town boundary to include the airport and residentially developed areas currently in the APA.
Jackson	1. Master Plan: Planning Board is beginning its reexamining the Township Master Plan. New consultant hired; meeting held with Commission staff on 7/31/08 to discuss project status and possible impacts of Navy Lakehurst on the Township's Regional Growth Area. As of 10/31/08, staff is still awaiting more detailed information from the Township on approved projects within the Regional Growth Area, as well as rezoning proposals for the RGA, RDA and Pinelands Village of

MUNICIPALITY	TOPIC
	<p>Legler. Draft Land Use Plan maps received 12/30/08. Meeting with Township representatives on master plan and EIA management area changes held on 12/31/08. Airplane noise incompatibilities in RGA noted. Discussion of noise impacts and possible zoning changes to be scheduled upon the Township's completion of its response to the May 2006 CMP amendments (stormwater). The Township made a presentation to the P&amp;I Committee on 4/24/09. The Committee asked for additional information and consideration of other options which staff will pursue. The Township's draft master plan was received on May 22, 2009. A revised draft master plan was received on 7/22/09. An adopted master plan was received on 8/31/09. Finding letter sent 9/29/09. A meeting with Township representatives was scheduled for November 4, 2009 but was postponed at the Township's request. After several attempts to reschedule that meeting failed, staff sent a letter to the Township in April 2010, which comprehensively addressed the Township's 2009 Master Plan. After learning that the Township's Planning Board may be in the process of reviewing ordinances intended to implement the 2009 Master Plan, staff requested the opportunity to review and comment upon the same prior to their adoption. The Township never responded to staff's request to be permitted to comment prior to adoption; instead, the Township adopted a series of implementing ordinances in November. Staff requested a copy of the Township's Zoning Map as revised by the implementing ordinances but never received one. A letter determining that, without a revised Zoning Map, the implementing ordinances were incomplete for purposes of the Commission's review was issued on December 1, 2010. Two meetings with Township representatives were held, the first on December 22, 2010 and the second on February 8, 2011. Subsequently, three Finding Letters were sent to the Township. One of which determined that nine of the Township's implementing ordinances presented no issues with respect to CMP standards; another determined that six of the Township's implementing ordinances presented no substantial issue with respect to CMP standards; and, the third determined that a single Township ordinance, which eliminated all conditional uses, including PDC use and higher density residential development, within the RG-2 and RG-3 Regional Growth Zones, presented a substantial issue with respect to CMP standards. Subsequently, the Township was granted several extensions of the Commission's review period for the final ordinance mentioned. The Township indicated it intended to adopt an ordinance that would designate all, or most of, the RG-2 and RG-3 Regional Growth Zones as commercial zoning districts, which would include a PDC-use obligation. Staff provided the Township with a model ordinance establishing a nonresidential PDC program for the lands formerly within the RG-2 and RG-3 Zones. The Township was granted a final extension through June 29, 2012 in order to allow it to adopt an ordinance substantially similar to the model ordinance provided by staff. A meeting with Township officials took place April 4<sup>th</sup> to discuss proposed changes the Township wished to make to the model ordinance the Commission sent to it in November 2011. The Township's proposed changes were determined by staff to be inconsistent with the CMP and incompatible with existing and expected conditions at the Joint Base. Another meeting with Township officials took place May 9, 2013. The Township's failure to adopt an ordinance (applicable to the RG-2 and Rg-3 Zones) that is consistent with the CMP standards was discussed at length. The Township submitted an ordinance for Commission review on May 30<sup>th</sup>. On June 11<sup>th</sup>, staff provided the Township with suggested changes to the Township's ordinance. A response from the Township was received on 8/1/13 and is under review. The Township adopted Ordinance 13-14, creating a new JB MDL RGC-3 (Joint Base McGuire-Fort Dix-Lakehurst Compatible Commercial Development) Zone on August 12, 2014. A substantial issue finding letter will be sent upon receipt of a second adopted ordinance establishing the boundaries of the new zone. Although scheduled for adoption on March 24, 2015, the rezoning ordinance (06-15) was not adopted due to concerns expressed by property owners with the loss of residential development opportunities. A meeting with Township representatives was held on 4/9/15 to discuss zoning issues, RGA regulations and options. A pre-application meeting with an affected property owner was held on 4/13/15. Commission staff met with the Township's planning consultant on 6/24/15 to</p>

MUNICIPALITY	TOPIC
	<p>review the existing and proposed RGA zoning plans. Commission staff met with Township representatives on 1/5/16 to discuss the RGA zoning issues. <i>On 5/15/17, the Commission received a copy of Ordinance 8-17, which restores sewered densities and the opportunity to use PDCs in the RG-2 and RG-3 Zones. Staff identified a number of issues with the ordinance and conducted a conference call with Township representatives on 5/18/17. Staff drafted and provided suggested ordinance revisions to the Township on 5/23/17. The Township proceeded with adoption of Ordinance 8-17, as originally drafted, on 5/23/17. On 6/26/17, staff received the Township's response, along with a revised draft ordinance.</i></p>
Manchester	<p>1. Township initiated discussion of expanding affordable housing opportunities in Beckerville Village. Met with Township and applicant 12/6/06 to discuss zoning and water quality issues. Draft ordinance received on 11/21/07 which would add age-restricted affordable apartments as a permitted use in Beckerville at a density of 5 units per acre. Response sent to Township 12/6/07 reiterating that water quality/wastewater treatment issues must be addressed first. Issue raised again by Township on 2/15/11; staff reiterated the need for a solution to the wastewater issue before proceeding with any zoning changes for Beckerville. Master plan amendment adopted on 12/5/11 recommends creation of new BVMF (Beckerville Village Multi-Family) Zone. No implementing ordinance has been adopted or provided for review. In response to an inquiry from the Township and the applicant (Homes for All), staff requested that the applicant provide details on any proposed wastewater solution. Received draft ordinance permitting density of 5 units per acre on Homes for All parcel on 9/28/12. Response to Township provided on 10/12/12, outlining issues with the lack of a wastewater solution and the number of new units that would be permitted in Beckerville. Met with Homes for All and Senator Singer on 11/19/13 to discuss wastewater options. Commission staff discussed the wastewater and zoning issues with the new attorney hired by Homes for All on 6/15/15.</p> <p>2. 2015 Master Plan Amendment: the Planning Board is considering adoption of an amendment to the Master Plan that recommends a change in zoning within the RGA (residential to industrial), as well as the adoption of a redevelopment plan for the Heritage Minerals site in the PNR. A number of hearings have been held on the amendment, with revisions subsequently incorporated to address concerns with other recommended zoning changes outside the Pinelands Area. The staff's attempts to schedule a meeting in December 2015 with Township representatives to discuss RGA zoning issues were unsuccessful, largely due to affordable housing deadlines. The Township did not respond to the staff's request for a meeting in March 2016. Staff received a draft Ordinance 16-036 on 11/15/16, which implements the 2015 Master Plan amendment, including the recommended RGA zoning change. On 11/15/16 staff conveyed concerns with the ordinance and requested a meeting with Township representatives to discuss implications of the zoning change. Ordinance 16-036 was adopted 12/12/16 and received by staff on 12/14/16. The meeting with Township representatives was held on 12/14/16. The Township is in the process of revising Ordinance 16-036 and staff is in the process of compiling comments on the adopted ordinance to assist with the revision process. Based on Commission staff recommendation, the Township split the revised ordinance into two ordinances, one for the Pinelands Area and one for the non-Pinelands Area. Pinelands Commission staff assisted in creating the two new ordinances. Ordinance 17-002, containing the non-Pinelands Area provisions, was adopted by the Township on 2/13/2017 and received by the Commission on 2/14/17. Upon review, Commission staff found that no substantial issues were raised with respect to CMP standards. A letter to that effect was sent to the Township on 2/17/17. The second ordinance has yet to be adopted by the Township. It has been tabled pending the outcome of the Township's on-going affordable-housing court case.</p> <p>3. Pinelands Affordable Housing Zone: On 5/23/17, the Commission received the Township's draft Ordinance 17-007. The ordinance creates a Pinelands Affordable Housing Zone within the Regional Growth Area of the Township in an effort to</p>

MUNICIPALITY	TOPIC
	<p>comply with the Township's 3<sup>rd</sup> round Mt. Laurel Obligation. Upon review, staff identified inconsistencies between the approved ordinance and the standards of the CMP. Staff contacted the Township on 6/21/17 to inform them of these inconsistencies and provided model language. On 6/27/17, the Commission received draft Ordinance 18-007, which incorporated Staff's recommended revisions to Ordinance 17-007. Staff is awaiting adoption of the ordinance by the Township.</p>
<p><i>Maurice River</i></p>	<p><i>1. Redevelopment Plan for RDA commercial site: The Township provided a draft plan for review on 5/12/17. Staff provided comments and suggested revisions on 5/18/17. A revised version of the Plan was received on 6/2/17.</i></p>
<p>Medford</p>	<p>1. Revisions to Route 70 Smart Growth Redevelopment Plan/Medford Crossings South: Ordinance 2007-16 received 6/28/07. Township proposed to eliminate PDC obligation at Medford Crossings South redevelopment project by exempting affordable units. Staff advised Township representatives on 7/24/07 that affordable units could be exempted from PDC obligation only if such an exemption were coupled with a mandatory minimum percentage of PDC use for the 292 market rate units in the project. Township requested and was granted several extensions of the Commission's review period (most recently through 11/1/08) to provide an opportunity for further discussion of PDC issues and resolution of various litigation issues. No response to staff's requests for status since that time. On 3/14/11, staff learned that the Township is now in discussions with a new redeveloper for the site and is again proposing the adoption of revisions to the Redevelopment Plan which would significantly reduce or entirely eliminate any obligation for PDC use. The Township was again advised that such an ordinance would be inconsistent with the CMP and could not be recommended for certification. Discussions held with Township Solicitor on 3/21/11 and 3/22/11 and information provided re: PDC sales prices on 3/22/11.</p> <p>2. Master Plan Reexamination Report (Route 70 corridor): On July 23, 2014, the Township Planning Board adopted a master plan reexamination report recommending changes to three commercial zones along Route 70 (HM, HC-1 and HC-2). On August 25, 2014, the Commission received the Township's Master Plan Reexamination Report. It is currently under review. On 10/6/14, staff sent a letter to the Township, dated 10/6/14, explaining that review of the master plan report could not be completed until implementing ordinances had been adopted by the Township and submitted to the Commission.</p>
<p>Monroe</p>	<p>1. Rezoning proposal: Township forwarded copies of a proposal it received involving redesignation of lands from APA to RGA on 5/10/12. Comments provided to the Township; unlikely they will pursue the management area changes. A meeting with the Township and a representative of the property owner was held on 2/5/13.</p> <p>2. Redevelopment Plan: In January 2013, the Commission received Township Ordinance O:31-2012, which amends Monroe's Acme Shopping Center Redevelopment Plan for a third time. Upon review, staff became concerned with the amendment's negative effects on the expected number of residential dwelling units and PDC use within the Redevelopment Area. In June 2013, staff met with the Township to discuss these concerns. Subsequently, the Township requested, and received, several extensions of the Commission's review period for Ordinance O:31-2012, most recently through 2/1/15. The Township then adopted another ordinance (O:02-2015) that eliminated the redevelopment plan for a portion of the Acme Redevelopment Area. That ordinance also has the effect of eliminating residential development potential from the Redevelopment Area. Staff then discussed with Township representatives the potential for shifting of residential units to another redevelopment area in the RGA. The Township requested and was granted an extension of the Commission's review period for Ordinances O:31-2012 and O:02-2015 through 9/30/15 to provide an opportunity for the Township to continue discussions and potential revisions to its redevelopment plans that would maintain residential development potential. Staff met with a Township representative on 10/14/15 to discuss new concept plans for the redevelopment area. An additional extension request was granted through 9/30/16. In March 2016, the Township provided a draft copy of the latest redevelopment plan</p>

MUNICIPALITY	TOPIC
	<p>amendment to the Commission for review. Staff provided comments and suggested revisions to the Township on 4/5/16. On 9/22/16, the Township advised staff that it would not be pursuing the revised Williamstown Square redevelopment plan due to disagreement on the residential component.</p> <p><i>3. Wireless Telecommunications Facility: On 4/21/17, the Commission received the Township's adopted Ordinance O:18-2017. The ordinance replaces in its entirety the Township's existing Wireless Telecommunication Facility regulations. Upon review, staff identified inconsistencies between the approved ordinance and the standards of the CMP. Staff contacted the Township on 5/17/17 to inform of these inconsistencies. A meeting with the Township Solicitor was held at the Township offices on 5/6/17. On 6/15/17 an extension of the Commission's review period was granted until 9/15/17. Commission Staff will provide recommended ordinance language to remedy the identified consistencies.</i></p>
Mullica	<p>1. Land Development Ordinance Amendments – On 9/2/16, the Township requested comment on a draft ordinance related to application fees, accessory structures, signs, height limitations and home occupations. Staff provided, on 9/6/16, comments along with model ordinance language to incorporate recent CMP amendments.</p>
Ocean	<p>1. Landfill Redevelopment Plan – adopted ordinance (2011-1) received on 2/28/11. Redevelopment Plan allows for solar energy facilities to be developed at the Southern Ocean Landfill site, within a Pinelands Forest Area. Extension requested by the Township until such time as the Commission adopts the recently proposed solar facility amendments to the CMP. Extension granted on 3/15/11. Requested status update from the Township; municipality indicated it would be requesting an additional extension. Extension of Commission's review period granted through 4/16/13.</p> <p><i>2. Affordable housing: Copies of the Township's 2017 Housing Element and Fair Share Plan and implementing ordinances were received on 6/28/17 and are under review.</i></p>
Pemberton	<p>1. Browns Mills Redevelopment/Revitalization Study: Township has received a grant and hired a consultant. Meeting with consultant held 2/1/08. Maps and other information on parcels, wetlands buffers and projects subsequently provided to consultant. Draft of conceptual site plan for Browns Mills redevelopment received 7/21/09. Draft of Browns Mills Strategic Revitalization and Redevelopment Study received 4/8/10. Draft of Ordinance 5-2010, adopting amendments to the 1995 Browns Mills Town Center Redevelopment Plan, received 4/19/10. Copy of 1995 Browns Mills Redevelopment Plan and adopting ordinance (8-1995) requested 4/19/10 and received 4/22/10. All documents under review. Staff met with the Township's planners on 5/19/10 to discuss the 1995 Redevelopment Plan, recent amendments and additional plans for the revitalization of Browns Mills. Meeting held with the Township, at Mayor's request, on 4/14/11. Received notice that Browns Mills Revitalization Plan was adopted by the Township earlier this year; awaiting receipt of adopted ordinance. Adopted ordinance (12-2011) received on 12/19/11 and under review. A meeting with Township representatives was held on 5/9/13 to discuss the analysis of residential development potential that would need to be completed. That analysis was completed by the Township and provided to the Commission in late 2013. A meeting was held with Township representatives on 2/24/14 to discuss zoning, PDC requirements and wetlands buffer issues relative to the redevelopment area. On 10/16/14, the Township forwarded a series of maps to illustrate how the PDC requirements applicable to the Browns Mills Redevelopment Area might be shifted to another portion of the municipality's RGA. A meeting with Township representatives to discuss the issue was held on 1/20/15. The Township requested in late February that staff draft revisions to the Redevelopment Plan that would accommodate PDC use. These draft amendments were provided to the Township on 3/11/15. The Township then hired a new attorney to work on the redevelopment issues and identified a second potential redevelopment area within the RGA. At the Township's request, Commission staff calculated wetlands and vacant acres within the two redevelopment areas and provided this information, along with detailed maps, on 5/26/15. Staff met with Township representatives on the two redevelopment areas and potential ways to</p>

MUNICIPALITY	TOPIC
	<p>address PDC requirements on 7/31/15. At the Township's request, staff also assisted with the preparation of Pemberton's application to ULI (Urban Land Institute) Philadelphia for technical assistance on the redevelopment plans. Comments and suggested attachments were provided on 8/27/15. Staff attended a meeting on 1/25/16 with the Township and representatives from DCA, Local Planning Services, to discuss possible assistance in planning for the Browns Mills and Range Road redevelopment areas. In November 2016, DCA, Local Planning Services, formed a Browns Mills Town Center Redevelopment Plan Steering Committee comprised of Township representatives and Ms. Grogan. The Committee held its first meeting on 11/29/16. A meeting with DCA, Local Planning Services, was held on 2/1/2017 to discuss residential development and PDC obligations in the Browns Mills Redevelopment Area. Another meeting with the Township was held on 3/21/17 to further clarify density, PDC and wetlands buffer requirements. <i>The Township subsequently notified the Commission that it would be proceeding with adoption of the redevelopment plan amendments provided by staff in 2015. Those amendments, in the form of Ordinance 15-2017, were adopted on 6/7/17. The Commission received an adopted copy of the Ordinance on 6/23/17. By letter dated 6/28/17, staff notified the Township that both Ordinances 12-2011 and 15-2017 would require formal review and approval by the Commission. A public hearing has been scheduled for 8/2/17.</i></p>
Port Republic	<p>1. Master Plan Reexamination Report: the Township Planning Board adopted the 2016 Master Plan Reexamination Report on 4/11/16, which included a recommendation to permit home occupations. The Commission received the adopted report on 5/12/16. Upon review, staff determined that a review could not be completed until implementing ordinances have been adopted by the City as well as ordinances implementing recent CMP amendments. A letter to that effect was sent to the City on 6/22/16. A model ordinance implementing the necessary CMP amendments was attached to the letter. No response from the City has been received as of 12/31/16. <i>A meeting with City representatives was held on 5/3/17 to discuss closure of the municipal landfill and adoption of the necessary ordinance amendments. Staff sent a follow-up email on 5/4/17 to confirm that although the master plan report raises no substantive issues, it cannot be approved until the City has adopted the required amendments. No response from the City has been received since that time.</i></p>
South Toms River	<p>1. Landfill redevelopment plan: Staff met with numerous Borough representatives on 11/16/15 to discuss a plan for redevelopment of municipally-owned properties in the RGA. The plan would include high-density residential development as well as closure of the Borough's old landfill. Further discussions with Borough representatives occurred in December 2015. On 9/9/16, staff obtained a copy of Ordinance 07-16, which proposes to adopt the Landfill Redevelopment Plan. The Borough subsequently agreed to delay adoption of the ordinance and redevelopment plan until such time as the staff had completed its review and provided comments. Those comments, in the form of suggested revisions to the redevelopment plan, were provided to the Borough on 9/27/16. The Borough provided a revised copy of Ordinance 07-16 and the redevelopment plan, incorporating all of the staff's recommended amendments, on 11/18/16. The Borough adopted the revised redevelopment plan on 12/12/16. <i>An adopted copy of the redevelopment plan was received on 5/31/17. Staff notified the Borough by letter dated 6/29/17 that Ordinance 07-16 would require formal Commission review and approval. A public hearing has been scheduled for 8/2/17.</i></p> <p>2. Municipal Public Access Plan: The Township submitted a draft Municipal Public Access Plan on 6/23/16 for Commission comment prior to its adoption into the Master Plan by the Township Planning Board. Staff provided suggested revisions to their planner on 7/5/16.</p> <p>3. <i>Dover Road Redevelopment Area: The Borough provided a draft copy of a new redevelopment plan for one property in the RGA on 4/26/17. A meeting with Borough representatives as held on 5/16/17 to discuss permitted uses, density, PDCs and other issues. Staff provided suggested revisions to the redevelopment plan on 5/19/17. An adopted copy of the plan, together with Ordinance 8-17, was received on 6/27/17. Staff notified the Borough by letter dated 6/29/17 that</i></p>



MUNICIPALITY	TOPIC
	<i>Ordinance 08-17 would require formal Commission review and approval. A public hearing has been scheduled for 8/2/17.</i>
Stafford Township	1. Affordable housing: Stafford Township adopted a new Housing Element and Fair Share Plan on 2/1/17. The Commission received adopted copies on 2/13/17. Staff identified potential concerns with the draft implementing ordinance included in the Fair Share Plan and discussed them with the Township on 2/16/17. Staff drafted suggested amendments for the Township's consideration and on 2/22/17 and received an email from the Township indicating the amendments were acceptable. <i>On 5/12/17, the Commission received a revised draft of the housing element and fair share plan that did not include a revised implementing ordinance, which was communicated to the Township on 5/17/17. On 6/7/17 an adopted Housing Element and Fair Share Plan was received. The Township is moving forward with adopting a revised implementing ordinance.</i> Review of the Housing Element and Fair Share Plan will be completed upon receipt of an amended, adopted version of the implementing ordinance.
Washington	1. Draft ordinance 2016-07: The Township submitted a draft ordinance for comment on 8/11/16 amending provisions related to fire hazard management and prohibited uses. Staff corresponded with the Township on 8/17/16 to convey concerns regarding conformance with the CMPs fire hazard management standards. Revised language was discussed via correspondence on 8/18/16, which staff found to be consistent with the CMP.
Waterford	1. Haines Mills Blvd. Redevelopment Area: Commission staff met with Township representatives on 11/17/14 to discuss the potential addition of residential development and/or mixed use development in the redevelopment area. Potential issues with density, PDCs and water use were reviewed. An additional discussion with Township representatives occurred on 5/18/15, at which time Commission staff suggested the preparation of a more detailed proposal. A new redevelopment plan, permitting a mixture of residential and commercial uses, was provided to the Commission for review on 5/5/16. Staff met with Township representatives on 6/7/16 and 8/8/16 to discuss issues related to density, PDCs, affordable housing and water/sewer capacity. A revised version of the redevelopment plan was provided by the Township on 9/19/16. Staff provided comments and suggested revisions to the Township on 9/27/16. The P&I Committee received a presentation from the Township and Commission staff at its 10/25/16 meeting. Waterford adopted the revised redevelopment plan on 12/14/16 and two additional implementing ordinances on 2/8/17. The ordinances were submitted to the Commission for review on 2/13/17. Staff held a public hearing on 4/14/17. The P&I Committee discussed and endorsed the staff's recommendation for certification on 3/24/17. <i>The Commission certified the revised redevelopment plan on 4/7/17.</i> 2. Affordable housing: The Township contacted the staff in October 2015 to discuss a proposed zoning change (commercial to residential) in the RGA to accommodate affordable housing. Staff met with Township representatives on 12/2/15 to discuss the zoning change, PDC requirements, residential densities and revisions to the Haines Mills Redevelopment Plan to accommodate residential development. Adopted copies of the Township's 2015 Housing Plan and rezoning ordinance (Ordinance 2015-17) were received on 12/21/15 and are under review. The Township subsequently requested and was granted extensions of the Commission's review period, most recently through 5/6/16. A revised draft ordinance was provided to the Commission on 3/23/16. Staff drafted suggested revisions and provided them to the Township on 4/7/16. The Township then shifted its focus to the provision of affordable housing in the Haines Mills Blvd Redevelopment Area (see above).
Weymouth	1. Ordinance 468-2008 establishing a contribution in-lieu of providing recreational facilities for certain residential developments and providing regulations for recreational facilities received and reviewed. Finding Letter issued determining that Ordinance 468-2008 presented a substantial issue and requesting supporting analysis for the fee in question. Extension of Commission's review period requested and granted through 7/11/08. Awaiting adoption and submission

MUNICIPALITY	TOPIC
	of revised ordinance.
Winslow	<p>1. RGA zoning changes: met with Township representatives on 8/13/12 to discuss possible revisions to zoning plan in the RGA along Route 73. Received map identifying areas under consideration 8/17/12. Under review to determine impacts on residential density and PDCs. Commission staff provided several alternatives for the Township's consideration in December 2012. A meeting was held with the Township on 1/23/13. In August 2014, Township representatives initiated a discussion of more comprehensive revisions to the municipality's RGA zoning plan. A meeting was held on August 26, 2014 to discuss proposed densities, zoning boundaries and PDC use. Commission staff subsequently provided the Township with data on vacant land in the RGA. On September 23, 2014, the Township forwarded its proposed zoning plan to the Commission. Comments and questions were provided to the Township on September 23 and 26, 2014. Another meeting with the Township took place on November 6, 2014. During preparations for the Township's presentation at the 1/30/15 P&amp;I meeting, issues with sewer and water supply and the Commission's MOU with Winslow and CCMUA were identified. The presentation on Winslow's RGA rezoning proposal has been deferred until these issues are fully resolved.</p>
Woodland	<p>1. Expansion of Duke's Bridge infill area: rezoning proposal received 4/8/08. Meeting with Township held 5/7/08.</p> <p>2. Expansion of Rt. 72 infill area to incorporate municipally owned lands: rezoning proposal received 3/31/08. Meeting with Township held 5/7/08. Waiting for tax map and ownership information from municipality before proceeding to develop rezoning options. Tax map/ownership information received 10/23/08. Meeting held with Township representatives on 2/15/11 to discuss plans for Master Plan Reexamination. Parcel data and other information subsequently provided to the Township. On December 14<sup>th</sup>, staff met with the Township's professionals to discuss its proposed 2011 Master Plan Reexamination Report and its 2011 Master Plan. Staff explained its concerns with the proposed zoning changes and is working with the Township's professionals on revisions. At the Mayor's request, an additional meeting was held in January 2012 for purposes of discussing commercial development opportunities on municipal property partially located in the HB (Infill) Zone.</p>