

# Management Report for July, August & September 2012



Updates are in *italics*

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# I. PLANNING

## A) CMP AMENDMENTS

No amendments pending.

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

- 1. Ordinances/plans received this quarter:** 19 (19 this FY; average FY=100)
- 2. Interpretations/consultations/assistance this quarter:** 35 (35 this FY; average FY=150)
- 3. Status of municipal clustering/ forestry responses:**
  - Adopted: 33 out of 47
  - PCF Reimbursement: \$14,952.94 to 2 municipalities (*Buena Vista and Tabernacle*)
  - Extensions Granted: 4 (*Estell Manor, Maurice River, Pemberton, Shamong*)
  - Meetings Attended: *Waterford and Shamong*

## C) SPECIAL PLANNING PROJECTS

**1. Pine Barrens Byway:** A meeting was held at the offices of the Ocean County Cultural and Heritage Commission on 6/20/12 to discuss measures to pursue incorporation and tax-exempt status for the Pine Barrens Byway Association. The meeting was held at the behest of the byway's Oversight Board and included a discussion of the proposed assumption of sponsorship of the byway association by the Tuckerton Seaport & Baymen's Museum. In attendance were Liz Moritz, former mayor of Tuckerton Borough and a member of the byway association; Tim Hart, director of the cultural and heritage commission, and Barry Brady of the Pinelands Commission staff. The meeting was mostly given over to discussing the mechanics for gaining incorporation and federal income tax exemption. *Mr. Hart and Ms. Moritz continue to work on filings for incorporation of the Pine Barrens Byway Association as a not-for-profit and for tax-exempt status. Mayor Gary Giberson of Port Republic is soliciting donations to defray costs of filings.*

**2. Alternative septic system pilot program:** In May 2011, staff issued invitations to 14 eligible technology vendors offering the opportunity to apply to participate in the Commission's expanded pilot program. Notice of the Commission's Resolution to authorize four new treatment technologies to participate in the pilot program was published in the December 5, 2011 issue of the New Jersey Register. Commission staff conducted a continuing education seminar entitled "Pinelands Onsite Water Protection Conference" on March 30, 2012 at The Richard Stockton College of New Jersey. The seminar introduced the four new technologies to local engineers, health department personnel, septic system service providers, municipal officials and other interested parties. In addition to presenting details on the Commission's pilot program, a representative of NJDEP briefed the attendees on the newly adopted (April 1, 2012) statewide septic system standards. Commission staff has approved "record documents" (plans, specifications, deed notices, O&M manuals, warranties, and sampling protocols) for each of the four new pilot program technologies. DEP is processing generic treatment works approvals, required for county health departments to approve individual applications. *No new action as of September 30, 2012.*

**3. Hammonton wastewater recharge project** In February 2010, USGS's final report attributed impeded infiltration at the site to complex subsurface geology, including aerielly extensive, low permeability layers in the underlying sediments. USGS recommended that Hammonton conduct site optimization studies to determine the maximum hydraulic loading capability of the site. TRS

Omni Environmental then recommended modified trench-loading procedures, evaluating the feasibility of wicks, injection wells, drip dispersal at the Boyer Avenue lagoons, drip dispersal at nearby recreation fields, and spray irrigation at Frog Rock golf course. The Town has made progress in minimizing stream discharge of effluent, including having attained complete stream discharge cessation during periods of normal rainfall and low I & I conditions, predominantly through modified trench loading and some drip irrigation. However, future growth is still in question, and policy alternatives need to be examined before a 2013 stream discharge termination deadline. Commission staff is reviewing a November 1, 2011 report by Omni Environmental entitled: "Updated Assessment of Trench Loading Pilot Study and Long Term Comprehensive Plan for the Town of Hammonton Boyer Avenue Land Application Facility". Staff expects to propose a long-term plan that recognizes the hydraulic limitations of the Town's wastewater application facility, emphasizes the need for the Town to better control inflow and infiltration to its sewerage system (which exacerbates wet weather flows to the treatment plant), and requires best available technology upgrades to the treatment plant if stream discharge is to continue. Staff continues to monitor the wastewater treatment plant stream discharge, has completed its review of Hammonton's long term plan submittal and is scheduling a meeting with municipal officials in July to finalize a long term solution that could be acceptable to the Commission. *At the July meeting, the Town's representatives advised staff that maintenance to one of its wastewater lagoons was responsible for the several consecutive months of wastewater discharge to Hammonton Creek, ending a period during which no stream discharge had occurred. The Town further advised of its intent to implement drip irrigation (dispersal) of wastewater onsite in an effort to eliminate stream discharges. The Town acknowledges however, that they are seeking authorization for stream discharges to accommodate future growth. Commission staff has identified a NJ public university professor qualified to provide water quality consultation to the Commission on the matter. Staff has prepared a letter requesting escrow funds from Hammonton for the Commission to retain the consultant.*

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

**a. Stockton:** At its September 10, 2010 meeting, the Commission approved Galloway's rezoning and the Stockton 2010 Master Plan. On December 1, 2011, staff and Stockton representatives discussed the College's concerns with the proposed MOA during a lengthy conference call. As a result of that call and several subsequent calls, staff redrafted portions of the proposed MOA. On March 28, 2012, it was resubmitted to Stockton for its consideration. *A draft of a proposed alternative permitting process MOA was presented to the P&I Committee at its September 28<sup>th</sup> Committee meeting. A public hearing was held on the proposed memo in the evening on October 2, 2012 at the Galloway Township Municipal Building. Written comment was received on the MOA until close of business on October 5<sup>th</sup>. The Commission is in the process of reviewing the comments that were submitted and intends to present the matter to the P&I Committee at its November 30, 2012 meeting.*

**5. Roadside Maintenance:** *The new and revised Standards and rule revision proposed by the State Soil Conservation Committee (SSCC) were published in the NJ Register on July 2, 2012 and August 6, 2012. The revised Standards include a subsection of the Standard for Permanent Vegetative Cover for Soil Stabilization which specifically addresses "Pinelands National Reserve Specifications". Although the SSCC was advised by the OAL that publication of the Standards in the NJ Register represents the final action necessary for the Standards to take effect, the SSCC is continuing to accept public comment on the published Standards through October 5, 2012 as they had indicated they would. Upon conclusion of the public comment period, the SSCC's Vegetative Committee will reconvene to make any final revisions to the Standards based upon public comment received. Commission staff will be submitting written comments to the SSCC.*

*Regarding the Roadside Management BMPs appended to the county streamlining MOA, county efforts to implement the BMPs are at varying stages and ongoing.*

## **6. Landfill Closure:**

### **a. Individual Closures**

(1) **Estell Manor Landfill:** Staff, with the assistance of USGS, has completed its review of the proposed Remedial Action Selection Report / Remedial Action Workplan. Comments on the plan were provided to the City's consultant on December 20, 2011 at a meeting attended by NJDEP staff. Most significantly, the consultant was requested to re-run data and transport modeling using model input values that are more consistent with USGS data for the K/C aquifer. Staff conducted a tour of the landfill and surrounding areas on February 10, 2012 and subsequently met with the City's consultant to offer assistance with the Remedial Action Workplan on March 2, 2012. Staff has again provided review comments to the Estell Manor's landfill consultant, and met with the consultant and USGS to provide assistance in resolving report deficiencies in the workplan report. The consultant is awaiting funding authorization from the municipality. *At the consultant's request, Staff and USGS held a second meeting with the City's landfill consultant in August 2012 to provide technical guidance toward resolving report deficiencies.*

(2) **Winslow Township Landfill:** Staff were informed that NJDEP may be reconsidering the choice of an impervious cap and may be exploring alternatives to landfill capping. Staff met with a landfill consultant to discuss the status of the landfill closure on July 19, 2011 and conducted a site visit to the Winslow Township landfill on September 8, 2011. Closure alternatives are being considered by NJDEP officials who will soon advise both the Commission and the Township of the next step. *See II.B.3. Estell Manor City's landfill consultant advised staff at a August 2012 meeting, that his firm has a continued interest in acquiring and remediating the Winslow Landfill in a manner that would not involve installation of an impermeable cap. Staff suggested that the consultant pursue the matter with Winslow and DEP.*

(3) **Hamilton Township Landfill:** The "Groundwater Remedial Investigation Workplan" was submitted for review on 12/08/11. *No new action as of September 30, 2012.*

**b. Comprehensive Study:** Staff reviewed NJDEP files for seven closed Pinelands Area landfills, developed spreadsheets which identify groundwater monitoring results over the most recent four monitoring periods, highlighted groundwater contaminant concentrations that exceed groundwater quality standards and prepared GIS mapping of landfill boundaries and ecological and human receptors in proximity to landfill boundaries. This work was shared with NJDEP and served as the basis for a rapid assessment tool to evaluate the ecological and public health risks related to uncapped Pinelands Area landfills. With the approval of solar placement on the Stafford landfill, approximately \$170,000 was to be made available for a Pinelands-wide comprehensive landfill study. The Commission has engaged USGS to perform a Rapid Assessment of Pinelands Area Landfills. Project coordination meetings have been held between NJDEP, USGS and Pinelands staff. USGS is about to begin reviewing NJDEP landfill data files and Commission staff is providing USGS with landfill GIS coverages. *Staff and USGS are currently engaged in the Rapid Assessment of Pinelands Area Landfills project.*

## D) ECONOMIC MONITORING

**1. Annual Report:** The 2010 Annual Report was completed in the summer of 2011. Due to the resignation of the person assigned to this project, work has been delayed. Completion of the 2011 and 2012 Reports are scheduled for late 2012.

## E) PERMANENT LAND PROTECTION

**1. Pinelands Development Credit Program (July-September 2012):** 14 original and amended Letters of Interpretation issued with potential of 193 rights and protection of 2,044 acres. One severance (1 right protecting 0.34 acres); 22 rights sold (median/mean sales price = \$9,500/rt.) 3 rights redeemed. *The PDC Bank Board meeting scheduled for August 16, 2012 was canceled due to lack of agenda items; the next meeting is scheduled for November 15, 2012.*

**2. Farmland Preservation program:** *SADC has notified Commission of potential farms entering the Farmland Preservation Program (~60 acres in Pemberton Twp. and another 139 ac. in Tabernacle Township). Burlington County Farmland Preservation Program retired 5.00 PDCs through acquisition of easement on 109 acre farm in Shamong to satisfy permit requirements related to lifting of deed restriction on lands along County Rt. 530 needed for a road widening project.*

**3. Pinelands Conservation Fund:** As of *September 30, 2012*, the Commission has approved the allocation of \$8.6 million to 30 projects in the Pinelands Area. Of these 30 projects, 27 have proceeded to closing, resulting in the permanent protection of 3,712 acres. *Four applications were received through September 30, 2012 for the 2012 Round of PCF funding. CRI will review the applications and present recommendations for allocation at the October 2012 P&I meeting.*

## F) OTHER PLANNING ITEMS

### 1. Water supply:

**a. K/C Planning:** A staff working group has been formed and will make recommendations on implementing the K/C study. The group has begun meeting monthly with USGS to understand the implications. *(See IV Science A.)I.* Buildout analysis continues. Mr. Liggett attended Steering Committee meetings and made a presentation on buildout to the P&I Committee.

**b. State Water Supply Advisory Committee:** The new plan is on hold to ensure consistency with the new State Strategic Plan.

**c. New Water Supply Rules:** Mr. Wengrowski attended a DEP briefing on 11/22/10.

*No new action as of September 30, 2012.*

### 2. Cultural resources: 25 (165 this fiscal year) cultural resource activities undertaken:

**a.** 16 (109) applications reviewed

**b.** 0 (0) forestry inquiries

**c.** 3 (32) surveys reviewed

**d.** 0 (1) CAFRA reviews

**e.** 0 (0) Preliminary Investigation

**f.** 1 (14) site coordination with other agencies/meetings & phone conferences

**g.** 1 (6) coordinated reviews w/SHPO

**h.** 4 (14) Municipal/consultant inquiries (Woodbine Brotherhood Synagogue, Woodbine)

Advocacy of Archaeological Survey and Excavation within the Pinelands: A meeting was held on April 3, as well as follow-up discussions, with Erin Leswing, a graduate student at Monmouth University, regarding possible summer archaeological field school at the 18-20<sup>th</sup> century site of Washington in Washington Township - to be undertaken by Monmouth University, presumably in late July and August. Commission staff is coordinating with Monmouth University and Wharton State Forest to bring this research project to fruition. *Repeated conversations with Erin Leswing, a grad student at Monmouth University, regarding possible summer archaeological field school at the 18-20th century site of Washington in Washington Township - to be undertaken by Monmouth. Because of scheduling conflicts of professors, consideration of field school initiation postponed until next summer.*

*Cultural resource reviews have now been completed for a total of six areas identified by Pinelands municipalities as possible redevelopment areas. These include Waterford (Atco), Egg Harbor City (Antwerp Avenue and the former Rittenberg school site) and, in the quarter ending 9/30/12, two areas in Hamilton (Hamilton Mill complex and Old Harding Highway) and one in Galloway (White Horse Pike).*

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

■ **Background:** Staff met with DEP staff to review the Commission's concerns on the proposed rule amendments several years ago. However, the final rule did not specifically address Pinelands Commission concerns. The issues focused on where sewer service areas should go: sewerable Pineland Management Areas that have already been determined to meet environmental standards versus only those areas that have a new environmental suitability analysis completed and where there are specific plans/facilities to implement sewers. As a result of the difference in approaches, the new DEP rules resulted in, and continue to create, confusion amongst the counties as to which mapping regulations they should follow (DEP vs. CMP). Subsequently, county plans to implement the new rules have been deferred repeatedly. However, recently they have begun to move toward completion with deadlines mostly this summer. *Recently, Buena Vista and Mullica have passed resolutions in opposition to inclusion of one or more of their Villages in a Water Quality Management Plan.*

■ **Joint Approach:** Early in 2010, DEP agreed to consider a "Pinelands chapter" in the WQMP plans dealing with planned sewer service areas in RGA, Town and Village. Staff drafted the proposed chapter. However, DEP believed that a more formal approach was necessary to meet their rules. Consequently, a MOU to recognize our CMP sewer planning was drafted. At the 4/13/12 meeting, the Pinelands Commission endorsed the Executive Director's signing of the MOU which is now in operation.

■ **County Plans:** Staff has begun to work with NJDEP to review proposed sewer service areas in Manchester and Jackson Townships and will be attending WQMP meetings with DEP, county and local officials in these towns this winter. No new action.

### **4. Agricultural Advisory Committee:** *No new action as of September 30, 2012.*

**5. Interchange 44: (Garden State Parkway and Pomona Road)** is proposed for expansion (add southbound access to GSP and northbound exit from GSP). Staff has determined that it is highly probable there will be negative secondary impacts from the expansion on the surrounding Rural Development Area. Atlantic County, which will address the impacts for the GSP, has been offered three alternatives:

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

*Presentation to P&I Committee was made on 9/28/12 of a process that Atlantic County will be conducting to do some blend of a. and b. above.*

**6. Forest Advisory Committee:** A meeting of the Forest Advisory Committee was held on December 20, 2011. The meeting focused on Southern Pine Beetle infestation and forest management. There was general agreement that there needs to be a comprehensive statewide plan to address both the SPB infestation as well as other forestry issues. The need for funding to support such planning efforts was discussed but no specific solutions were identified. *No new action as of September 30, 2012.*

### **G) PLAN REVIEW**

1. *The Plan Review Committee met five times between July 1 and September 30, 2012. Four of the meetings were specifically designated as public comment sessions to solicit input on the Plan Review process.*
2. *The Plan Review web page (<http://www.state.nj.us/pinelands/cmp/planreview/index.html>) was updated regularly with scanned copies of written public comment and summarized verbal comments from public comment meetings.*
3. *Meetings:*
  - *July 13, 2012: A press release designed to solicit public input during the upcoming public comment period was introduced. The Committee and staff discussed some potential topics for inclusion in Plan Review.*
  - *August 10, 2012: Public comment meeting*
  - *August 22, 2012: Public comment meeting*
  - *September 14, 2012: Public comment meeting*
  - *September 24, 2012: Public comment meeting*
4. *Individual meetings were held with the New Jersey Farm Bureau, New Jersey Builders Association, and Pinelands Preservation Alliance.*
5. *The public comment period for Plan Review closed on September 28, 2012.*

## II. DEVELOPMENT APPLICATIONS

### A) APPLICATION ACTIVITY

		April/May/June	July/Aug/Sept
<i>New applications received for the last two quarters with a comparison to last year:</i>	2012	109	91
	2011	137	100
<i>Total applications active for the last two quarters with a comparison to last year:</i>	2012	702	633
	2011	796	698
<i>“No Call-ups” issued for the last two quarters:</i>	By mail	57	63
	By fax	64	60
<i>Certificates of Filing issued for the last two quarters:</i>		52	51
<i>“Call-ups” issued for the last two quarters:</i>		21	14
<i>Streamlined permitting actions taken during the last two quarters:</i>	LRO	3	6
	MOA	24	6

### B) NOTABLE DEVELOPMENT APPLICATIONS

- 1. Winzinger Mining Application, Woodland Township** (App. No. 1980-0062.001): On February 13, 2007, the Commission received an application that proposes mining a site in the Township. A Certificate of Filing for the proposed mining operation was issued, noting that it has not been demonstrated that the proposed mining use was consistent with the applicable threatened and endangered species standards and that it appeared the proposed mining use constituted a new mine and was therefore not a permitted use in the Pinelands Preservation Area. On January 6, 2012, the Commission staff received notice that the applicant was proceeding to the Township Land Development Board for site plan approval. On March 23, 2012, the applicant submitted a complete notice of the municipal approval. By letter dated April 13, 2012, a Commission staff public hearing was scheduled to review the issues (threatened and endangered species and permitted land use (mining) raised by the municipal approval. On May 30, 2012, the applicant met with the Commission staff to discuss the issues raised by the municipal approval. By letter dated June 18, 2012, the Commission staff public hearing was rescheduled to September 20, 2012. *By letter dated September 11, 2012, the Commission staff public hearing was rescheduled to December 21, 2012.*
- 2. Hamilton Mall, Hamilton Township** (App. No. 1985-0708.001): On October 23, 2008, the staff received an application for a proposed 138,227 square foot addition to the mall (Application No. 1985-0708.007). A Certificate of Filing requiring the development and implementation of a stormwater basin rehabilitation plan for five existing basins was issued. On April 26, 2012, the Commission staff issued a letter indicating that the final site plan approval for Phase 1 issued by the Atlantic County for the proposed development could take effect. On June 8, 2012, the Commission staff received a stormwater basin remediation plan

approved by the Township Planning Board engineer. *On July 19, 2012, the Commission staff issued a letter indicating that the submitted remediation plan fulfilled the requirement of the municipal approval. The required stormwater basin remediation is ongoing.*

- 3. Winslow Township Landfill (App. No. 1984-1404.004):** On January 13, 2009, Commission staff met with a representative of NJDEP and a consultant hired by NJDEP to discuss the capping of the Winslow Township landfill which is located adjacent to the State's Winslow Township Wildlife Management Area. An impermeable cap is proposed. On September 11, 2009, the staff issued a letter to the applicant requesting threatened and endangered species surveys and advised of the current CMP stormwater management requirements that pertain to this application. Between May 14, 2010 and February 23, 2011, the applicant submitted the completed threatened and endangered species survey. The staff is in agreement with the negative results of the T&E species surveys. It is the Commission staff's understanding that NJDEP is finalizing the plan for an impermeable cap. Staff was again contacted by a landfill consultant who has expressed an interest in pursuing an alternative closure plan (in lieu of impermeable capping) for the Winslow Township landfill. DEP has authorized looking at alternatives if the Commission concurs. We're awaiting submission of a report that would identify proposed alternative closure strategies. *No new action as of September 30, 2012.*
- 4. Atlantic County: Fire/Mill Road Intersection Improvement (App. No. 2002-0399.002):** This application proposes improvements to the intersection of Mill Road and Fire Road in Egg Harbor Township. Commission staff met with representatives of the County on May 18, 2011 at the site of the proposed improvements. On August 8, 2011, the Commission staff sent a letter summarizing the results of the May 18, 2011 site meeting which evaluated alternate areas for stormwater management, suggested that the County submit a proposal for addressing stormwater management and identified the information that must be submitted to complete an application. On March 7, 2012, the staff met with representatives of Atlantic County, NJDEP and a representative of the Lieutenant Governor's Red Tape Committee to discuss the application. It was agreed that the Commission staff would meet with Atlantic County staff on March 19, 2012 to further discuss the matter. At that meeting, a resolution of the stormwater management issue was agreed upon. The Commission staff is preparing a letter to outline that agreement, the remaining information necessary to complete the application and a response to the County's request to complete an application for a Commission Waiver of Strict Compliance. By letter dated April 26, 2012, the Commission staff advised of the information necessary to complete the application. By another letter dated April 26, 2012, the Commission staff advised of the information necessary to complete an application for a Waiver of Strict Compliance. On June 4, 2012, the County submitted additional information regarding the application. *On July 10, 2012, the Commission staff issued a letter requesting additional information. On July 27, 2012, the County submitted additional information. On August 27, 2012, the Commission staff issued a Report on an Application for Major Public Development recommending approval of the application at the Commission's September 14, 2012 meeting. On September 14, 2012, the Commission voted to approve the application.*
- 5. Garden State Parkway Interchanges 41 (Jimmie Leeds Road, App. No. 1997-0257.003) and 44 (Pomona Road, App. No. 1997-0257.006):** On March 8, 2012, we received an application to improve interchange 41. On May 14, 2012, we issued a Certificate of Filing for Interchange 41. This Certificate of Filing allows other State agencies to determine that the application is complete for review purposes. By letter dated May 31, 2012, we issued a letter to the applicant (Turnpike Authority) requesting certain information to complete the application. *On July 18, 2012, the Turnpike Authority submitted additional application information. On August 27, 2012, the staff issued a Report on an Application for Major Public*

*Development recommending approval of the application at the Commission's September 14, 2012 meeting. On September 14, 2012, the Commission voted to approve the application.*

On March 8, 2012, we also received an application to improve interchange 44. By letter dated June 5, 2012, we advised the applicant, of the information necessary to complete an application for Interchange 44. As required by the CMP, that letter also raises the question of potential secondary land use impacts and the need to address those potential impacts. *On July 10, 2012, the staff met with representatives of the Turnpike Authority and the County to discuss the issue of secondary land use impacts. On August 15, 2012, the Turnpike Authority submitted additional information. By letter dated September 17, 2012, we requested additional information to complete the application. On September 28, 2012, Atlantic County appeared before the Commission's Policy and implementation Committee to discuss an approach to addressing secondary impacts. On that date, the County also submitted certain application information regarding the County's agreement with the Turnpike Authority to address secondary impacts.*

- 6. *South Jersey Industries (App. No. 2012-0056.001):*** Pre-application discussions have been held regarding provision of natural gas service to an existing coal fired power plant (BL England). The natural gas pipeline could originate in the Pinelands Area and exit into the Pinelands National Reserve. The concerned plant is located in the Pinelands National Reserve. The pre-application meeting was held on April 17, 2012. Three alternative routes were discussed for the pipeline. On June 26, 2012, a follow up pre-application meeting was held. At that meeting the applicant indicated that, within the Pinelands Area, they had selected a route for the gas main that would primarily follow existing roadways. The primary issue raised by the application is the location of the proposed gas main in a Pinelands Forest Area. Because of the proposed location, it must be demonstrated that the gas main is primarily intended to serve the needs of the Pinelands. *On July 24, 2012, we received an application for the proposed development. On July 26, 2012, a meeting was held with the applicant to further discuss the proposed development. On August 23, 2012, the staff sent a letter requesting certain information to complete the application.*
- 7. *Burlington County Route 530 (App. No. 1997-0585.002):*** An application for the proposed road improvement has been completed with the Commission. The application was subject to final public comment at the Commission's January 13, 2012 meeting. On February 22, 2012, the Commission staff issued a Report on an Application for Major Public Development recommending approval of the proposed development. Subsequently, the applicant asked the Commission not to act on the application pending discussions on certain road improvements, primarily stormwater drainage facilities, proposed on lands that are subject of a PDC deed restriction. On May 12, 2012, the Commission staff issued an Amended Report on an Application for Major Public Development. That Report recommended approval of the application with conditions. That application was approved by the Commission at its June 8, 2012 meeting. *Burlington County by letter dated September 18, 2012 submitted copies of the Deeds of Easements that it received demonstrating that it had preserved the equivalent of 5.25 PDCs worth of agricultural lands located in the Pinelands Area portion of Burlington County as required by Paragraph 5.i(a) of its Public Development Approval.*

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

**1. Monthly activity:** 0

**2. Pending OAL matters:** None

## D) VIOLATIONS

1. **Quarterly activity:** *13 reports received; 31 violation letters sent; 12 cases resolved.*

2. **Notable violations:**

**a. Commercial Development, Maurice River Township** (App. No. 1991-1011.001 & .002): This violation concerns vegetation clearing and construction of buildings without application to the Commission. A Certificate of Filing was issued for the proposed development on February 1, 2012. By letter dated May 21, 2012, we responded to multiple submissions by the applicant regarding the application. On June 4, 2012, the Commission staff participated in a conference call with the Planning Board Attorney and the applicant's representatives. On June 8, 2012, we received a letter from the applicant representatives requesting information regarding the application. *On September 20, 2012, the Commission staff received notice that the Township Land Use Board approved the proposed development. The Commission staff is awaiting receipt of the necessary information from the applicant to complete its review of the municipal approval.*

**b. Shooting Range, Lacey Township** (App. No. 1982-3059.002): This violation concerns expansion of an existing shooting range without application to the Commission. *No new action as of September 30, 2012.*

**c. Commercial Development, Hamilton Township** (Application No. 1987-0973.001, .002 & .004): This violation concerns establishment of a commercial use without application to the Commission. *No new action as of September 30, 2012.*

**d. Commercial Development, Waterford Township** (App. No. 1987-1138.002): This violation concerns establishment of a commercial use and clearing violation on this parcel. Staff issued a letter dated May 6, 2010 indicating that although the proposed revegetation plan is acceptable to the Commission staff, provided it is acceptable to the municipality. The parcel still contained debris, vehicles and equipment that must be removed. *No new action as of September 30, 2012.*

**e. Buena Vista Township:** By letter to Buena Vista Township dated January 8, 2010 (App. No. 2009-0089.001), Commission staff indicated that an application is required for development that has occurred within the NJ Transit right-of-way and on municipally owned property. Information was submitted by the applicant on December 7, 2011 and December 15, 2011. On February 15, 2012, the staff issued a letter to the applicant requesting additional information to complete the application. *On September 27, 2012, the staff met with the Township Administrator to discuss the information necessary to resolve this matter.*

The staff met with officials from Buena Vista Township on July 27, 2010, regarding the installation of stormwater management swales that were previously required for the installation of sidewalks along Route 40. That project was approved by the staff pursuant to the Memorandum of Agreement between Buena Vista Township and the Pinelands Commission (App. #2004-0319.001). On May 20, 2011, the staff issued a letter requesting certain information to complete the application. Additional stormwater information was received by the Commission on September 15, 2011, November 7, 2011, December 7, 2011 and December 15, 2011. On February 9, 2012, the Commission staff asked for clarification of

the submitted stormwater management information. *On September 27, 2012, the staff met with the Township Administrator to discuss the information necessary to resolve this matter.*

**f. Jackson Township, Municipal Firing Range (App. No. 2000-0630.002):** On October 19, 2009 and November 5, 2009, the Commission received an application and information for the placement of a 1,200 square foot trailer at an existing municipal shooting range. Development had occurred on the site in violation of the application requirements of the Jackson Township land use ordinance and the CMP. On February 13, 2012, the Commission staff received a letter from the applicant inquiring as to the status of the application. On February 28, 2012, the staff issued a letter to the applicant advising that the information previously requested in a Commission June 24, 2010 letter remained necessary to complete the application. *No new action as of September 30, 2012.*

**g. 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. On March 15 and April 16, 2012, our staff met with the property owner and representatives of the Township to discuss the matter. By letter dated April 26, 2012, we summarized the agreements reached at our meeting and asked the property owner to contact our office when wetlands were delineated. By letter dated June 15, 2012, we confirmed the wetlands mapping and suggested a course of action to resolve the violation. *On July 19, 2012, the Commission staff met with representatives of the applicant and the Township to further discuss the matter. On September 19, 21 and 28, the applicant submitted information addressing the proposed resolution of the violation. That information is currently under review.*

**h. Woodland Township, Prince Street and Cedar Drive (App No. 2005-0041.002):** By letter dated April 17, 2012, the Commission staff received a report of a land disturbance along the side of Prince Street. On May 23, 2012, the Commission staff conducted a site inspection with representatives of the Township. At that site meeting, an approach was agreed upon to address the land disturbance violation. An agreement was also reached regarding how the Township could proceed with addressing the issue raised by the elevation of the edge of the constructed road and the elevation of the existing road shoulders. By letter dated June 20, 2012, the Commission staff confirmed the results and agreements reached at the site inspection. *On August 24, 2012, the Commission staff received a threatened and endangered (T&E) plant survey completed by the Township along the road shoulder areas of the concerned roads. The survey addressed T&E plants for portions of Prince Street and Cedar Drive that were approved by the Commission, but not yet constructed. The survey also addressed T&E plants for portions of Prince and Cedar that were approved by the Commission and subsequently constructed. The survey was undertaken to address certain proposed shoulder grading/filling/disturbance that was not previously approved by the Commission. The Township has determined that in certain areas, the edge of new pavement, whether existing or proposed, is significantly higher than adjacent existing grade. This drop-off between the edge of pavement and existing grade creates a public safety hazard. The submitted survey identified populations of two T&E plants adjacent to the concerned roads. On September 25, 2012, we received a letter from a member of the public indicating that the Township had mowed a shoulder area along Cedar Drive where a T&E plant population is known to exist. All submitted information is currently under review.*

**i. Barnegat Township, Offsite Commercial Advertising Signs (Billboards):** On March 20, 2012, the Commission staff received an inquiry regarding four billboards along Route 72. The CMP requires that the four concerned billboards be removed. After a site inspection and a review of available information, it appears that four billboards had been removed by a party

and then recently new billboard structures had been constructed in their place by a second party. By letter dated May 14, 2012, we wrote to all concerned parties and requested the removal of the four concerned billboards. *On June 6, 2012, we received an application for “transferable billboard rights” for the four concerned billboards from one of the concerned parties. On July 17, 2012, we sent a letter to the first party requesting certain information to clarify ownership. On July 18, 2012, we received the requested information from the first party. On July 25, 2012 and August 8, 2012, the second party submitted information. That submission included ownership information. All of the submitted information is under review.*

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

- 1. Hamilton Stormwater Basins:** The Great Egg Harbor Watershed Association notified the Commission that several stormwater basins in Hamilton Township did not appear to be functioning as designed and was causing downstream flooding of nearby roads and streams. A meeting was held on October 31, 2008 with the Township officials and Fred Akers of the Great Egg Harbor Watershed Assoc. to discuss options to remedy these basins. At that meeting, the attendees prioritized the concerned stormwater basins and agreed upon a course of action to systematically address the basins through a variety of approaches. As of April 20, 2011, the Township had approved a plan proposing the remediation of an existing basin serving a retail store (Walmart) in an existing shopping center and for the modification of existing basins serving an existing residential subdivision (Timber Glen Phases III & IV). Staff is working with an applicant on a proposed stormwater basin remediation plan for Consumer Square and also to correct stormwater basin problems at the Hamilton Mall. On September 14, 2011, the staff sent a letter to the owner of an additional existing shopping center (Hamilton Commons) requesting that the owners address remediation of failing stormwater basins on the parcel. *Other than the ongoing remediation of the Hamilton Mall stormwater basins previously discussed in this Report, no additional new action as of September 30, 2012.*
- 2. Southern Pine Beetle:** By letter dated June 28, 2011, the Commission advised NJDEP that the Commission’s Executive Director, in consultation with the Chairperson of the Commission, had determined that a public safety issue was raised by the destruction of pine trees. That letter authorized NJDEP to cut down trees on up to 300 acres in the Pinelands Area through September 30, 2011. By memorandum dated July 28, 2011, the Commission staff provided NJDEP with a modified process for application for Southern pine beetle suppression on private lands. By letter dated October 3 2011, the Executive Director extended NJDEP’s prior authorization to cut down pine trees on up to 300 acres in the Pinelands Area through December 31, 2011. By letter dated November 23, 2011, the Executive Director advised NJDEP that the proposed offsite removal of pine trees from one specific 12 acre site could be undertaken provided that the offsite removal was completed by December 31, 2011. By letter dated December 23, 2011, the Executive Director granted an extension until April 15, 2012 for tree cutting and offsite tree removal for just the one 12 acre site. By letter dated June 22, 2012, the Executive Director further advised NJDEP that, after consultation with the Chairperson of the Commission, NJDEP was authorized to undertake SPB suppression efforts (tree cutting) on up to a maximum of 20 acres near Quaker Bridge Road in Wharton State Forest. This authorization also allowed NJDEP to remove the cut trees from the site. *No new action as of September 30, 2012.*
- 3. Woodland Township:** On January 19, 2012, the staff met with The Township’s Mayor and Clerk to discuss the development potential of a 123 acre Township owned parcel that fronts

on Rt. 72. The Township was interested in discussing the development potential of the concerned parcel. By letter dated April 4, 2012, the staff provided the Township with an overview of the development potential of the parcel. *No new action as of September 30, 2012.*

4. **Hammonton: Cedar Creek Flooding:** On June 28, 2012, the staff attended a meeting with representatives of Hammonton, NJDEP, NJDOT and Atlantic County to discuss removal of accumulated sediments from the concerned creek to address flooding that is occurring on multiple State, County and municipal roads in Hammonton. The City Engineer outlined proposed approaches to address the flooding problem. Based on the results of that meeting, the City Engineer will be outlining a proposed approach to the problem. *No new action as of September 30, 2012.*
5. **Hamilton Township:** *On July 18, 2012, the staff received a letter from Hamilton Township officials regarding a major storm event that occurred in the Township on June 29 and 30, 2012. The letter proposed to establish two temporary emergency vegetative debris management facilities in the Pinelands Area portion of the Township. The two facilities were necessary to address a public safety issue raised by vegetative debris resulting from the storm. By letter dated July 26, 2012, the staff advised Township officials that the temporary location of two vegetative debris management facilities on two specific parcels in the Pinelands Area to address a public safety issue did not require application to the Commission provided the facilities were removed by September 26, 2012.*

### III. INTERGOVERNMENTAL MEMORANDA OF AGREEMENT

#### A) MOAs UNDER REVIEW

1. **Ancora Wastewater Conveyance MOA:** In 2007, the Commission entered into an MOA with the N.J. Department of Human Services(DHS) and the N. J. Department of Environmental Protection to resolve a longstanding wastewater problem at Ancora. The MOA allows the Ancora facility to abandon its onsite wastewater treatment system and connect to the Camden County Municipal Utilities sanitary sewer interceptor. To offset the loss of water from the surficial aquifer, the MOA required that an alternative water supply to the existing onsite Kirkwood-Cohansey wells will be developed. Ultimately, DHS decided to connect to the New Jersey American Water supply wells. It is the staff's understanding that construction of the water main commenced on June 27, 2011. Because construction of the water main was behind schedule, information was received on August 24, 2011 regarding a proposed stormwater conveyance mitigation project as required by Item #14 of the MOA. On November 18, 2011, the staff issued a letter indicating that the proposed stormwater conveyance mitigation project met the requirements of the MOA and requested that the Pinelands Commission be advised when the project is complete. *No new action as of September 30, 2012.*
2. **County/Municipal Permit MOA:** At its July 9, 2010 meeting, the Commission approved a proposed MOA with the seven Pinelands Area counties. By letter dated August 5, 2010, the Commission staff sent the MOA to each of the seven Pinelands Area counties and requested that the counties sign and return the MOA to the Commission. The staff will now initiate work on pursuing adoption of the MOA by Pinelands Area municipalities. The staff is currently evaluating the most effective means to both implement the MOA with Pinelands municipalities and integrate the roadside management practices included in the seven county

MOAs into the municipal MOAs. *As of September 30, 2012, the Commission has received signed MOAs from Atlantic, Camden, Burlington, Gloucester and Ocean counties.*

3. **NJDOT:** The Commission received a request in November 2008 for a Permit Streamlining MOA. The staff asked NJDOT to identify the classes of projects that could potentially be subject of the MOA. Several meetings have been held. NJDOT was encouraged to prepare a draft MOA patterned after the existing County permitting MOAs that the Commission approved. On July 21, 2011, the NJDOT submitted a draft MOA. On February 15, 2012, the Commission staff met with representatives of NJDOT to discuss the proposed MOA. On June 4, 2012, the Commission received a revised draft MOA from the NJDOT. That draft is currently under review. *The staff has advised NJDOT that we will meet with NJDOT by the end of October 2012 to discuss any outstanding issues.*
4. **NJDEP, Forestry:** The NJDEP is pursuing an MOA with the Commission to streamline review of forestry activities on public and private lands. At its September 10, 2010 meeting, the Commission voted to approve a proposed MOA. On October 13, 2010, the Commission staff attended a meeting with representatives of NJDEP. At that meeting, NJDEP expressed conceptual concerns with the Commission adopted MOA. On November 22, 2010, NJDEP provided a significantly revised draft of the MOA to the Commission for review. On February 24, 2011 and March 23, 2011, the staff met with representatives of NJDEP to further discuss possible revisions to the MOA. *No new action as of September 30, 2012.*
5. **Proposed Memorandum of Agreement with the Board of Public Utilities - B.L. England Retrofit:** *Commission staff has attended meetings with representatives of South Jersey Natural Gas regarding a fuel source retrofit of the B.L. England power plant located in Upper Township, New Jersey within the Pinelands National Reserve. South Jersey Gas is proposing a gas main through Forest, Rural and Pinelands Village Management Areas in the State Pinelands Area in order to provide natural gas to the plant. Installation of public service infrastructure is only permitted in a Forest Area if the installation of such infrastructure is intended to primarily serve only the needs of the Pinelands. Given that the power generated by the B.L. England plant serves more than the needs of the Pinelands, a Memorandum of Agreement with the Board of Public Utilities will be required to permit the fuel source retrofit of the plant. Staff is waiting for submission of detailed plans for the proposed gas main.*

## **B) OTHER MOA REQUESTS**

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

## **IV. SCIENCE**

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

1. *Staff continues to revise and format summary chapters for the final report.*
2. *The evapotranspiration report was published and is available at:*  
<http://pubs.usgs.gov/sir/2012/5118/>

### **B) ENVIRONMENTAL MONITORING**

1. **CAMCO monitoring:** *No new action as of September 30, 2012.*
2. **Monroe monitoring:** *No new action as of September 30, 2012.*

- 3. Forest-Plot and Intermittent-Pond Monitoring:** *The July, August, and September rounds of forest-plot water-level measurements and pond-water level measurements were completed. Continuous water-level recorders were installed in four ponds, including a pond in Colliers Mills, Bass River, Brendan Byrne, and Peaslee. The number of Pinelands ponds with continuous water-level recorders is now seven.*
- 4. Long-term anuran surveys:** *No new action as of September 30, 2012.*
- 5. Pinelands-wide water quality monitoring:** *The August round of Pinelands-wide water-quality sampling was completed and samples were given to Rutgers Division of Pinelands Research for nutrient analysis.*

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

- 1. Wetland Buffer Project:** *No new action as of September 30, 2012.*
- 2. Forest Characterization Project:** *No new action as of September 30, 2012.*
- 3. Right-of-way Vegetation Monitoring:** *Plant surveys were completed for the second year in the 48 vegetation plots located within the managed ROWs. Science staff assisted Regulatory Programs staff by providing a PowerPoint briefing to PSE&G, ACE, and JCP&L on the ROW Pilot Program, assistance with various vegetation-management issues, and help with the Regulatory Programs ROW inspection program.*
- 4. Pond Vulnerability Project:** *Staff continued to compile an inventory of Pinelands ponds by surveying digital aerial photography. Approximately 50% of the Pinelands area has been surveyed. Staff continued to evaluate proposed damselfly and dragonfly survey methods at two current study ponds.*
- 5. Miscellaneous accomplishments:**
  - a.** *The proposal, titled "Comparing the Functional Equivalency of Natural and Created Wetlands," was awarded funding by the EPA. A resolution to accept the award will be presented to the P&B Committee at their October meeting. Science staff are working on the quality assurance project plan required by the EPA and a Commission-USGS contract for the USGS portion of the study.*
  - b.** *Three presentations on Pinelands-related research were given as part of the Commission Pinelands Research Series. Presenters and the titles of their talks for this quarter were: Henry John-Alder on the Ecological and Evolutionary Physiology of Sexual Dimorphism in Body Size in Eastern Fence Lizards (*Sceloporus undulatus*), Jamie Cromartie on Changing Flora of the Stockton College Campus 1970-2012, and Matt Ayres on the Ecology of the southern pine beetle: a smokeless wildfire in the Pinelands.*
  - c.** *Visited three Pinelands ponds in the southern Pinelands with Gerry Moore, a botanist with the USDA East National Technology Support Center Natural Resources Conservation Service.*
  - d.** *Interviewed candidates to fill a Research Technician and Research Scientist position.*
  - e.** *Analyzed Commission data on the occurrence of *Vitis labrusca* (fox grape) in the Pinelands and provided a memo to the Executive Director on the findings.*
  - f.** *Provided technical assistance to Regulatory Programs staff on State Soil Conservation Committee's proposed soil erosion and sediment control revegetation Standard for Pinelands sites.*
  - g.** *Provided technical assistance to Public Programs staff in support of an article describing Black Run water-quality conditions.*
  - h.** *Provided technical review of a paper for the journal *Rhodora*.*
  - i.** *Provided technical assistance to Nan Conry, PhD student at U. of Florida, regarding economic and environmental impact of the CMP.*

- j. *Provided site location information to a scientist at the American Museum of Natural History regarding locations to survey for native bees.*
- k. *Provided technical assistance to Medford Lakes Colony regarding lake management and reference versus degraded site conditions.*
- l. *Provided review of the draft Habitat Management Plan for Forsythe Wildlife Management Area.*

## V. LITIGATION

### A) STATE COURT CASES

1. **D.D. Residential v. Pinelands (Hamilton Township), Appellate Division.** The Hamilton Township Planning Board granted final approval and an extension of zoning protection to an amended site plan that D.D. Residential submitted for phases IV and V of its proposed Planned Unit Residential Development (“PURD”) called Hamilton Greene. The Pinelands Commission (“Commission”) issued a call-up letter, questioning whether the proposed development qualified as a PURD and whether it was consistent with the overall density requirements in a Regional Growth Area. D.D. Residential requested that the matter be transferred to the OAL for a hearing. After a hearing, the Administrative Law Judge (“ALJ”) issued a decision in favor of the Pinelands. Both parties filed exceptions to this decision. On October 8, 2010, the Pinelands Commission passed a resolution adopting a 47-page Final Decision that affirmed the Commission’s action in calling up the Township’s approval of D.D. Residential’s application for an amended final site plan approval and an extension of the period of zoning protection. The Final Decision further affirmed the Commission’s action in finding the Township’s approval to be inconsistent with the CMP and the Township’s certified land use ordinance. The Final Decision, however, modified the ALJ’s decision in that the Final Decision provided different bases for the affirmance. D.D. Residential appealed. The Appellate Division has yet to set a briefing schedule. DAG Conklin was handling the appeal until her retirement. The appellant submitted a motion to the Commission to settle the record on appeal. The Commission denied this motion at its June meeting. The appellant has appealed this denial. A letter brief in opposition to appellant’s motion was filed on behalf of the Commission. Appellant’s motion was denied. Oral argument was conducted April 30, 2012. *The Appellate Decision issued its decision holding that the Commission acted within its authority in setting aside the development approval granted by the Hamilton Township Planning Board on May 6, 2004 to D.D. Residential. D.D. Residential subsequently filed a notice of petition for certification with the New Jersey Supreme Court, asking it to review the Appellate Division’s decision in this matter.*

### B) FEDERAL COURT

None

### C) OTHER LITIGATION MATTERS OF INTEREST

None

## VI. LEGISLATION

A) **NOTABLE BILLS:** *The Legislature reconvened in mid-September.*

S743/A1338 - Extends expiration date of certain permits pursuant to the "Permit Extension Act of 2008." S743 was substituted by A1338. A1338 was passed by both houses on June 28, 2012. Although changes were made on the floor to address concerns regarding the Highlands, the provision purporting to extend municipal, county and State approvals within Regional Growth Areas, Pinelands Villages and Pinelands Towns remained in the bill. The bill as adopted is internally inconsistent and contrary to the National Parks and Recreation Act of 1978. *The Governor signed the bill into law on September 19, 2012. The Commission's notice of the potential extension of approvals, in accordance with the terms and subject to the exceptions contained in the Act, was submitted for publication in the November 5, 2012 New Jersey Register.*

## VII. PUBLIC PROGRAMS

### A) COMMUNICATION

**1. Web site:** *The Home page was the most viewed page of the Commission's Web site during the July, August and September monitoring period. The page recorded 5,521 hits (or views) in July, 5,620 hits in August and 5,294 hits in September. Other pages are the Pinelands National Reserve page (963 hits in July, 923 hits in August and 1,004 hits in September), the Pinelands Comprehensive Management Plan page (724, 760 and 856), the Land Use and Planning page (498, 650 and 690), the Applicant Services page (644, 670 and 657), the Visiting & Recreation page (463, 450 and 521), the Information Center page (484, 522 and 558), the About the Commission page (581, 638 and 660), the Pinelands Image Library (505, 414 and 472), the Educational Resources page (475, 650 and 580), the Pinelands Development Credit Bank home page (763, 695 and 600), the Science office page (485, 433 and 518), and the Pinelands Municipal Council page (432, 401 and 460). Other pages or documents with high numbers include the online version of the Pinelands Comprehensive Management Plan (5,714 hits in July, 6,788 hits in August and 8,900 hits in September). Commission spent a substantial amount of time creating and maintaining a new Plan Review Web page this quarter.*

**2. Press releases this quarter:** *There were no press releases this quarter.*

**3. Inquiries this quarter:** *A total of 31 media inquiries and 405 general inquiries were handled this quarter. Of the general inquiries, 251 inquiries came via e-mail, 118 came via telephone and 36 came by mail. Most of the inquiries pertained to various Commission projects, followed by comments regarding the Commission's ongoing review of the Pinelands Comprehensive Management Plan.*

**4. Open Public Records Act this quarter:** *A total of 14 requests for government records were received and processed under the Open Public Records Act this quarter.*

### B) PUBLICATIONS

**1. Pinelander:** *The Fall Pinelander, the Commission's official newsletter, is being written and designed.*

**2. Annual Report:** *The 2012 Annual Report will be written, designed and printed by March 2013.*

## C) EVENTS AND OUTREACH

1. **Pinelands Short Course:** *The 24<sup>th</sup> annual Pinelands Short Course will be held on March 23, 2013.*
2. **Local Officials Seminar:** *A record turnout of more than 60 people attended the annual Pinelands Orientation for Newly Elected Officials, which was held on in the Richard J. Sullivan Center for Environmental Policy and Education on July 31, 2012.*
3. **Meetings:** *Staff attended Barnegat Bay Education Committee meetings on July 26, 2012 and September 27, 2012.*
4. **Pinelands-themed World Water Monitoring Day event:** *Commission staff continues to organize the annual World Water Monitoring Day event, which will be held at Batsto Lake on October 26, 2012.*
5. **Educational Outreach:**
  - a. *During the quarter, staff delivered three Pinelands overview presentations, educating a total of approximately 90 people.*

## D) INTERPRETIVE PROGRAM

1. **PNR brochure:** *Staff continued to track the distribution of the Pinelands National Reserve brochure.*
2. **Pinelands Summer Speaker Series:** *As part of this year's Speaker Series, the Commission hosted an educational presentation on July 19, 2012. Erin Kiefer, a naturalist with the Woodford Cedar Run Wildlife Refuge, delivered a presentation about raptors and reptiles. She brought live birds of prey, a snake and a turtle. Approximately 30 people attended the presentation, which generated positive publicity in the Burlington County Times and the Courier Post.*
3. **Exhibits in the Pinelands Technical Center:** *During the quarter, Commission worked with Content Design Collaborative LLC of Scituate, MA, to complete the planning and design process for proposed Pinelands-themed exhibits in the Richard J. Sullivan Center. Commission staff spent a substantial amount of time working with the designers and writers to finalize the graphic designs, text and all renderings. The project was funded with money provided by the National Park Service. Commission staff has created a list of potential grantors to fund the fabrication and installation of the exhibits.*

# VIII. INFORMATION MANAGEMENT

## A) GEOGRAPHIC INFORMATION SYSTEM

### 1. System planning and development:

- *The GIS office continued reorganizing and consolidating data layers and creating metadata. This is an ongoing effort and will continue through the end of the fiscal year and beyond.*
- *Continued work with ESRI and the State Office of Information Technology (OIT) in exploring how ArcGIS On-Line may help the Commission to reduce overall GIS software license costs while enhancing GIS capabilities. See item #4 below.*

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

- *Permanent Land Protection*
- *Pinelands Management Areas: None*
- *Zoning: Manchester, Stafford, and Barnegat Township - corrections to previously digitized line-work (some corrections to be made by the towns on their layers).*
- *T&E data layer from the DEP*
- *Minor correction to Pineview*
- *Began work on updating parcel layer to the State's 2010 layer (the most current layer)*
- *Continued archiving legacy layers that are no longer current.*

**3. LOIs for PDCs:** *Five applications were analyzed involving 49 lots, 10 of which required photo interpretation.*

**4. Public Access to Maps and Data:** *ESRI made a presentation to Commission management showing how ARCGIS On-line could be used to expand and enhance public access to our mapped information. The presentation included a "live" demonstration using actual Pinelands data layers and a data layer from the State Office of Information Technology. As mentioned in previous reports, possible uses include replacing the current "PineView" software, allowing the Science and Regulatory Programs office to collect spatially related field data using portable devices such as smartphones and tablets, and providing enhanced public access to mapped information via our web page.*

*The MIS manager met with the OIT GIS director to discuss infrastructure design and OIT hosting capabilities. The initial plans envision the Commission continuing to host data layers for internal use and OIT hosting synchronized copies of the Pinelands data layers for public access. This design will provide the general public with access to mapped data via the internet while protecting the Commission's production GIS server from outside sources.*

**5. Analysis / Map Products:**

- *Created shape files of the Pinelands Management Areas, Wetlands, and Parcels for USGS and the Rapid Landfill Assessment project.*
- *Produced 53 maps for the Municipal Factbook of the Long term Economic Monitoring report.*

**B) MANAGEMENT INFORMATION SYSTEM**

**1. System planning and development:**

**a.** *PCIS: Began development of an on-screen reviewer In-Box to replace the current paper Clock Report. The new In-Box will provide a rich set of features which will allow reviewers to better manage their workload and improve service to applicants. These include:*

- *Various sorting capabilities such as date or priority*
- *Load an application directly from the In-Box*
- *Link actions taken to In-Box items received*
- *Delegate items to other reviewers (e.g. storm water, T&E, or Cultural review)*
- *View status of delegated items*
- *Tools for management to review workloads and activity by reviewer.*

- *Up-to-date view of items received (including e-mails) without the need for paper files.*
- *Designed to assist with the implementation of LEAN analysis recommendations.*

*The initial release of the new In-Box is expected by the end of October.*

#### **Database QA/QC:**

- *Continue work on the Permanent Land Protection data by reviewing NJ Parcel Map on a county by county basis for preserved lands. MIS added 918 new records to the Deed Restrictions table, representing 6,370 acres. To date, 43,213 deed restrictions have been added to PCIS.*
- *Fixed 321 transactions/document types that should have been recorded as "Inconsistent".*
- *Fixed 303 deed restriction records with their corresponding entity code.*
- *Assisted Planning in the zoning changes being proposed in the Ocean Acres portion of Barnegat, specifically those lots in the RC vs RH zone.*
- *Began creating new reports for the PDC Bank annual reports based on fiscal year instead of calendar year.*
- *Researched early severances that were recorded by the Burlington County Pinelands Development Credit Exchange and made minor corrections to more accurately reflect the transactions that occurred. These changes affect the first time sales and re-sales by public entities.*

## **IX. OPERATIONS**

### **A) FACILITIES**

#### **1. Maintenance:**

- *RJS Center – Painted high hard to reach areas, replaced the leaking gutter, corrected other gutter leaks, replaced a part in the water fountain, repaired the air conditioner in the MIS server room and began repairing the drywall in the south stairwell.*
- *Parking lots - filled pot holes and trimmed trees at entrance and exit.*
- *All fire extinguishers were inspected in September.*

### **B) FINANCIAL MANAGEMENT**

**1. Application fees:** FY 2013 budget amount \$425,000; received through September \$170,490.45.

**2. Audit/Accounting:** Completed and posted FY 2012 closing entries. Began work on the Annual Financial Statements, Notes and Schedules. Prepared opening FY 2013 entries and brought General Ledger up to date.

**3. Budget:** The Commission approved the FY2013 Budgets for the Operating Fund, the Kirkwood-Cohansey Aquifer Assessment Study Fund, the Pinelands Conservation Fund and the Pinelands Development Credit Purchase Program Fund.

**4. Procurement:** 2 RFQs were issued (Fire Alarm Equipment, Toners); no RFPs were issued.

**5. Miscellaneous:** *A new multi-function copier was delivered replacing the one in the RJS copy room. A new State contract for copiers is being reviewed for replacement of the copier in the Fenwick Manor copy room.*

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

**1. Benefits:** *Employee contributions for pension and health benefits increased in July. Open Enrollment for health benefits will be during the month of October.*

**2. Miscellaneous:**

- a.** *Union negotiations with CWA are continuing.*
- b.** *The annual performance evaluation process is almost complete.*
- c.** *Three recruitments are in the interview stages.*
- d.** *The Flexible Summer Schedule has ended for staff.*
- e.** *The efficiency study is well underway.*

**D) OTHER OPERATIONAL ITEMS**

**1.** *The request to destroy records was approved by the State and work has begun to purge those files.*

## X. PINELANDS MUNICIPAL COUNCIL

**A) MEETINGS**

**1. Last meeting:** *The Council meeting was held September 26, 2012 and attended by Stacey Roth.*

**2. Upcoming meeting:** *The next meeting date of the Council is November 28, 2012 which will be held at the Maurice River Township municipal building.*

### ATTACHMENT #1

#### ONGOING CONFORMANCE ACTIVITY July-September 2012

MUNICIPALITY	TOPIC
Barnegat	<p>Letter received from mayor requesting consideration of zoning changes (expansion of RGA; rezoning from RL/AC – residential – to commercial zone; sewer service for existing mobile home parks); meeting held 3/9/05. Met with new master plan subcommittee on 3/3/06. Meeting held on 3/31/08 at Township’s request to discuss extension of sewer to existing mobile home parks and increased commercial development opportunities, potentially through a Pinelands Village designation. Request for another meeting on the same issues received 10/23/08. Staff met with Township representatives on 12/10/08 to discuss these rezonings as well as the EIA management area changes.</p> <p>2. Rezoning of lots from RC (Conservation) to RH (Residential High), within the RGA: Ordinance 2010-5 received on 3/19/10. Staff began review of the</p>

MUNICIPALITY	TOPIC
	<p>ordinance and gathering data on development in Ocean Acres approved since August 2005. Staff attended a joint meeting of the Township Council and Planning Board on April 22, 2010. Following a public hearing, the Township Council did not adopt the rezoning. More recently, the Township indicated it intended to adopt the rezoning. Ordinance 2012-12 was adopted on 5/7/12 and received by the Commission for review. Finding letter sent 5/29/12, determining ordinance required formal Commission review and approval. Public hearing held 6/27/12. <i>Issues identified with Township's newly adopted zoning map (incorrect zoning boundaries within Ocean Acres). Discussed with Township Engineer. Township is scheduled to adopt a corrected zoning map on 10/15/12.</i></p>
Berlin Township	<p>1. Request to redesignate remaining RDA to RGA to facilitate nonresidential development and extension of sanitary sewer: letter received from Township in October 2005. Met with municipal representatives to discuss potential rezonings, water supply issues, residential zoning capacity and PDC opportunities on November 28, 2005. Contacted Township in early July 2009 to discuss potential rezonings involving several existing uses in the RDA. Subsequently provided Township with options for consideration. Staff and the Township have been working cooperatively to address the Township's needs without compromising the Commission's goals. After more than two years of discussions, the Township adopted a revised zoning map in May, 2012. A public hearing to receive comments on the proposed rezoning was held in June and the P&amp;I Committee considered the proposed rezoning at its June 29<sup>th</sup> meeting. <i>The Commission certified the Township's rezoning on 7/13/12.</i></p>
Buena Vista	<p>1. Comar Redevelopment Area: met with Township redevelopment planner on 4/25/07 to discuss concept plans for new redevelopment area incorporating the Wilmad and Comar facilities (approximately 170 acres in the Rural Development Area). Copy of Redevelopment Plan received on 12/9/08; notice of adoption received 1/14/09. Issues identified with maximum permitted height and impervious coverage, given location of Redevelopment Area in a Rural Development Area. Township has requested and been granted several extensions of the Commission's review period in order to adopt an amending ordinance. A meeting was held with the mayor to discuss this and other rezoning matters on May 5, 2009. Various information related to Comar was provided to the Township's new planner in September 2010. Awaiting Township's adoption of amendments to the Redevelopment Plan.</p>
Dennis	<p>1. <i>Clustering/forestry</i>: Commission staff attended a joint meeting of the Planning Board and Township Committee on 3/22/12 to answer questions about the clustering amendments. The Township is expected to form a subcommittee to facilitate further discussions.</p>

MUNICIPALITY	TOPIC
Egg Harbor City	<p>1. Request for review of constraints in Easterly portion of Pinelands Town. Letter sent 5/7/07 on likely wetlands buffer requirements; suggested City file applications for development for specific parcels to confirm requirements. Pursuant to City's request, a proposal to establish wetlands buffers by ordinance is under review.</p> <p>2. Development of airfield in Forest Area: request received from City on 2/24/11 to examine feasibility of use of lake area "airfield" by state police, including development of buildings and parking areas. Options discussed by staff. Response provided to the City on 3/8/11 indicating that unless the City is able to document the existence and use of airport facilities on the parcel in question in 1981, the use is not permitted in a Pinelands Forest Area. Request for management area change (40 acres from Forest to Pinelands Town) received on 4/21/11. Response provided 6/14/11, indicating that the proposed management area change is inappropriate. Meeting held with City representatives on 11/2/11 to discuss several potential sites for a new or expanded airfield. Staff is awaiting more detailed information from the City, including the required acreage for the facility.</p> <p>3. Recreation complex: request for change in management area designations received 4/14/11. City is proposing to redesignate 30 acres from Forest to Pinelands Town along Philadelphia Avenue. Offsetting management area change also proposed. Response provided 6/14/11, indicating that staff would support the proposed redesignation, with exact boundaries of offset area still to be determined.</p>
Egg Harbor Township	<p>1. Builders remedy litigation: the owners of a parcel in the RG-1 Zone have filed a builders remedy lawsuit against the Township. Staff met with both parties and the master appointed by the Court on 11/21/08 to discuss zoning, PDC and affordable housing issues. Information on potential zoning solutions provided to court master on 12/11/08. Reviewed draft implementing ordinance at request of court master and provided comments on 6/17/10. Copy of Ordinance 32-1010 received on 11/17/10, with notice of public hearing scheduled for 12/8/10. Comments provided to Township and court master re: PDC issue on 11/17/10. Numerous drafts of a settlement agreement and ordinance have since been reviewed and staff has provided suggested revisions, most recently on 5/21/12. <i>Adopted implementing ordinance and housing plan amendment received. Public hearing scheduled for 11/7/12.</i></p> <p>2. Affordable housing: draft ordinance implementing the 20% set aside required in A-500 received 7/16/09. Meeting held with Township representatives on 9/24/09 to discuss implications for PDC program and density. Township will provide a list of affordable housing projects under consideration so that staff can prepare options (densities; required PDC %'s; ordinance amendments) for the Township's review. This information from Township was received on 10/27/09. Court master requested meeting with staff and the Township be held by 4/1/11; no date scheduled as yet. New draft of affordable housing ordinance received 9/19/11; comments and suggested revisions provided 9/29/11. Copy of Ordinance 37-2011 received on 12/7/11, with notice of public hearing and second reading on 12/20/11. The ordinance requires a 20% affordable housing set aside for all residential development, as well as the use of PDCs for 25% of all market rate units. Email sent to the Township on 12/7 indicating concerns with the lack of revisions to existing density and PDC provisions in the municipal code. Copy of adopted ordinance (37-2011) received on 12/29/11. Finding letter sent 1/20/12. Public hearing held 2/22/12. The Commission conditionally certified the ordinance on 4/13/12. <i>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.</i> The Builders League of South Jersey has challenged the Township's adoption of Ordinance 37-2011.</p>
Galloway	<p>1. Redevelopment designation for White Horse Pike Corridor Phase II, Pomona Road - Determination of Need report received on 1/6/11.</p> <p>2. Management area redesignations: met with Township Planner in June 2011 to discuss extension of sewer to recreation areas now in RDA, along with other adjustments from RDA to RGA and APA to PT. Reviewed proposals for sewer</p>

MUNICIPALITY	TOPIC
	<p>extension in late February/early March 2012. Received draft map changes for APA to PT rezonings on 3/15/12. Comments provided to the Township 3/23/12.</p> <p>2. Clustering: master plan amendment adopted 4/5/12; implementing ordinance adopted 6/12/12. Both documents were provided to the Commission on 6/21/12. <i>No substantial issue finding letter sent 7/3/12.</i></p>
Hamilton	<p>1. Clustering: staff is working with the Township on its response to the clustering amendments, including modifications to various provisions (bonus density; net densities). Draft master plan amendment reviewed; comments provided 11/17/11. The Planning Board has formed a subcommittee to continue working on the matter. Commission staff met with the subcommittee on 2/4/12 and subsequently provided data (buildout, RDA and FA density prescriptions) to the Township. The Planning Board adopted a master plan amendment on 5/17/12. The Township Committee subsequently adopted Ordinance 1722-2012, a copy of which was received by the Commission on 6/29/12. <i>Public hearing held 8/8/12. Recommendation for conditional certification was reviewed by the P&amp;I Committee on 9/28/12.</i></p>
Hammonton	<p>1. In lieu recreation fees: ordinance adopted in August 2006 but not submitted to Commission until 1/22/07. \$5,000 per lot fee under review; awaiting supporting analysis from Town. Town has since indicated it will be making additional revisions to the ordinance. Provided Town with sample ordinances of other municipalities to use in developing a new ordinance 3/23/07. Multiple extensions requested by the Town and granted, most recently through 10/29/08. Awaiting adoption of revised ordinance.</p>
Jackson	<p>1. Master Plan: Planning Board is beginning its reexamining the Township Master Plan. New consultant hired; meeting held with Commission staff on 7/31/08 to discuss project status and possible impacts of Navy Lakehurst on the Township's Regional Growth Area. As of 10/31/08, staff is still awaiting more detailed information from the Township on approved projects within the Regional Growth Area, as well as rezoning proposals for the RGA, RDA and Pinelands Village of Legler. Draft Land Use Plan maps received 12/30/08. Meeting with Township representatives on master plan and EIA management area changes held on 12/31/08. Airplane noise incompatibilities in RGA noted. Discussion of noise impacts and possible zoning changes to be scheduled upon the Township's completion of its response to the May 2006 CMP amendments (stormwater). The Township made a presentation to the P&amp;I Committee on 4/24/09. The Committee asked for additional information and consideration of other options which staff will pursue. The Township's draft master plan was received on May 22, 2009, together with a notice indicating it may be adopted by the Planning Board on June 1, 2009. Revised draft of master plan received 7/22/09. Adopted master plan received 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. In January, the Township requested a February meeting. Commission staff agreed via email to meet in February but the Township never responded. Commission staff attempted to schedule the meeting in early February but again the Township never responded. In lieu of a meeting with Township representatives, Commission staff prepared and sent a letter in April 2010 which comprehensively addressed the Township's 2009 Master Plan. No response from the Township as of 9/24/10. 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</p>

MUNICIPALITY	TOPIC
	<p>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 Township ordinance eliminating 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. The Township has requested and been granted an extension of the Commission's review period for the final ordinance mentioned above until July 31, 2011. In mid-September, the Township requested and was granted a second extension of the Commission's review period for the final ordinance mentioned above until November 14, 2011. The Township is expected to adopt an ordinance which will designate all, or most of, the RG-2 and RG-3 Regional Growth Zones as commercial zoning districts, which will 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 has been 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 and the options available to it are under review at this time.</p>
Manchester	<p>1. Expansion of Whiting (Pinelands Town): draft ordinance rezoning six lots from Forest to Town received 10/1/04; potential t&amp;e issues identified and under review; adopted ordinances received 2/7/05 and 3/8/05. Discussed t&amp;e concerns and possible alternatives to rezoning with Mayor 8/31/05. Letter sent 10/3/05.</p> <p>2. Clustering/density transfer: Staff has researched and drafted comments regarding the Township's proposal to implement cluster development or a density transfer plan to facilitate limited amount of development in the area. Maps and receiving area recommendations (including elimination of one or more existing receiving areas, expansion of others) were provided to the Township in May, 2006. Discussed with new Township Administrator and resent maps and recommendations mid-November. Draft master plan amendment received 11/21/06. Adopted master plan received 1/29/07. Draft ordinance received 11/21/2007; comments provided 12/6/07. Letter from PPA/Herpetological Associates raising issues received 12/13/07. Met with Township on 5/7/10 to discuss FA density transfer program, designation of new receiving areas and mandatory clustering. Draft ordinance, including FA/PT rezonings, received 6/22/10. Comments/questions provided to the Township re: zoning map revisions. Revised clustering/density transfer ordinance provided to the Township on 3/7/11, along with suggested revisions to zoning map changes. Adopted master plan amendment and Ordinance 11-025 received on 12/16/11 and 12/13/11, respectively. Finding letter sent 1/5/12. Public hearing held 2/1/12. Preparation of resolution and report to the Commission delayed while Township adopts an additional amendment to correct minimum lot size requirements for clustering in the Forest Area as specified in Ordinance 11-025. <i>Correcting ordinance (12-015) adopted and received on 7/26/12. Public hearing held 9/10/12. Report being prepared for review by the P&amp;I Committee on 10/26/12.</i></p> <p>2. Township initiated discussion of expanding affordable housing opportunities in Beckerville Village. Met with Township and applicant 12/6/06 to discuss zoning and water quality issues. Draft ordinance received on 11/21/07 which would add age-restricted affordable apartments as a permitted use in Beckerville at a density of 5 units per acre. Response sent to Township 12/6/07 reiterating that water quality/wastewater treatment issues must be addressed first. Issue raised again by Township on 2/15/11; staff reiterated the need for a solution to the wastewater issue before proceeding with any zoning changes for Beckerville. Master plan amendment adopted on 12/5/11 recommends creation of new BVMF (Beckerville Village Multi-Family) Zone. No implementing ordinance has been adopted or provided for review. In response to an inquiry from the Township and the applicant (Homes for All), staff requested that the applicant provide details on any proposed wastewater solution. <i>Received draft ordinance permitting density of 5</i></p>

MUNICIPALITY	TOPIC
	<i>units per acre on Homes for All parcel on 9/28/12. Response to Township being drafted to outline issues with the lack of a wastewater solution and the number of new units that would be permitted in Beckerville.</i>
Maurice River	<p>1. Economic development: met with Township representatives on 6/7/11 to discuss development standards in various commercial zones, possibility of redevelopment designations, streamlined permitting, etc.</p> <p>2. <i>Clustering: received draft of 2012 Master Plan Report on 8/20/12. Comments provided to the Township 8/31/12. Received adopted Master Plan Report and implementing ordinance (#620) on 10/10/12.</i></p>
Medford	<p>1. Revisions to Route 70 Smart Growth Redevelopment Plan/Medford Crossings South: Ordinance 2007-16 received 6/28/07. Township proposed to eliminate PDC obligation at Medford Crossings South redevelopment project by exempting affordable units. Staff advised Township representatives on 7/24/07 that affordable units could be exempted from PDC obligation only if such an exemption were coupled with a mandatory minimum percentage of PDC use for the 292 market rate units in the project. Township requested and was granted several extensions of the Commission's review period (most recently through 11/1/08) to provide an opportunity for further discussion of PDC issues and resolution of various litigation issues. No response to staff's requests for status since that time. On 3/14/11, staff learned that the Township is now in discussions with a new redeveloper for the site and is again proposing the adoption of revisions to the Redevelopment Plan which would significantly reduce or entirely eliminate any obligation for PDC use. The Township was again advised that such an ordinance would be inconsistent with the CMP and could not be recommended for certification. Discussions held with Township Solicitor on 3/21/11 and 3/22/11 and information provided re: PDC sales prices on 3/22/11.</p>
Monroe	<p>1. Rezoning proposal: Township forwarded copies of a proposal it received involving redesignation of lands from APA to RGA on 5/10/12. <i>Comments provided to the Township; unlikely they will pursue the management area changes.</i></p>
Mullica	<p>1. <i>Clustering: met with Planning Board on 11/2/11 to discuss issues with clustering regulations. Received list of questions from the Township on 1/11/12. Response sent 2/13/12. Draft ordinance received 6/18/12. Adopted Ordinance (7-2012) received 7/30. Finding letter sent 8/2. Public hearing held 9/10. Report being prepared for P&amp;I Committee's review on 10/26/12.</i></p> <p>2. <i>Expansion of Elwood Village: rezoning proposal prepared by the Township involving expansion of Elwood Village along Route 30 to incorporate old Devonshire Inn property. Offset proposed through rezoning of other lots from Elwood Village to the Forest Area. Attended Planning Board meeting on 11/2/11 to discuss issues. Draft ordinance and maps received 6/18/12. Adopted ordinance (8-2012) received 7/30. Finding letter sent 8/2. Public hearing held 9/10. Report being prepared for P&amp;I Committee's review on 10/26/12.</i></p>
Ocean	<p>1. Landfill Redevelopment Plan – adopted ordinance (2011-1) received on 2/28/11. Redevelopment Plan allows for solar energy facilities to be developed at the Southern Ocean Landfill site, within a Pinelands Forest Area. Extension requested by the Township until such time as the Commission adopts the recently proposed solar facility amendments to the CMP. Extension granted on 3/15/11. <i>Requested status update from the Township; municipality indicated it would be requesting an additional extension. Awaiting specific schedule as of 9/30/12.</i></p> <p>2. Solar facilities ordinance (2010-8) received 1/20/11. Finding letter issued on 2/22/11, indicating ordinance was not consistent with the CMP because it permitted solar facilities as a principal use in the Preservation and Forest Areas. Township requested and was granted an extension of the Commission's review period until 7/15/11 in order to provide an opportunity for adoption of amendments. Township has since repealed Ordinance 2010-8.</p>
Pemberton	<p>1. Browns Mills Redevelopment/Revitalization Study: Township has received a grant and hired a consultant. Meeting with consultant held 2/1/08. Maps and other information on parcels, wetlands buffers and projects subsequently provided to consultant. Draft of conceptual site plan for Browns Mills redevelopment</p>

MUNICIPALITY	TOPIC
	<p>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.</p> <p>2. 2009 Master Plan: draft of new master plan received 6/9/09. Meeting held with planning consultants on 6/18/09 to review proposed zoning and management area changes and affordable housing issues. Drafts of implementing ordinances received, including rezonings and management area changes within the Pinelands area, on 11/10/09. Draft of amended zoning map received 12/9/09 and under review. Adopted ordinances received 1/15/10. Adopted Master Plan received 2/25/10. All adopted documents under review. More detail on rezoning boundaries requested and received 3/22/10. List of issues identified for the Township and under discussion. Met with Township Planner on 3/8/12 to discuss clustering amendments as well as zoning changes and master plan. Received response to Master Plan/zoning map issues on 6/13/12. Township also indicated an interest in an additional FA-APA zoning change. Advised municipality that progress would need to be made on clustering ordinance before review of other zoning changes could commence.</p> <p>3. <i>Clustering: Met with the Township on 3/8/12 to review clustering regulations and need for municipal adoption of an ordinance. Received letter from the Township with list of issues and questions on 6/1/12. Reviewed and responded via email. Received letter and draft ordinance on 9/5/12. Comments provided 9/18/12. Received and reviewed revised draft ordinance on 9/19/12.</i></p> <p>4. <i>Solar facilities ordinance: received draft ordinance 8/13/12. Applies to entire municipality, with specific Pinelands references incorporated. Comments provided 9/13/12, indicating ordinance was not fully consistent with CMP standards. Adopted ordinance received 9/24/12. Finding letter sent 10/9/12, again indicating ordinance could not be recommended for Commission approval in its current form.</i></p>
Plumsted	<p>1. Clustering: staff met with Township representatives and a developer with a project in the Rural Development Area during the summer (2011). The Township has proposed modifications to the clustering amendments, including the use of yield plans and larger lots (1.5 acres). Draft ordinance received 11/21/11 and under review. Comments provided to the Township 1/25/12. Adopted ordinance (2012-04) received 5/4/12. Finding letter sent; public hearing held on 6/13/12. The Commission conditionally certified the ordinance on 9/14/12. The Township's response is due 1/12/13.</p>
Southampton	<p>1. Solar/Wind ordinance (2010-11) received on 8/20/10. Letter emailed to Township on 9/20/10 indicating concerns with applicability of ordinance in APA and RDA. Solar/Wind ordinance (2011-7) again received from the Township. Letter sent 6/17/11 identifying concerns with applicability of the ordinance in APA and RDA, discussing the Commission's proposed solar rules and requesting the Township delay adoption. Received copy of 2011 Land Use Plan Amendment, addressing alternative energy facilities, on 8/8/11. Comments provided 8/17/11. A revised draft solar/wind ordinance, specific to the Pinelands Area, was received on 6/26/12. <i>Adopted ordinance (2012-8) received on 9/5/12 and under review.</i></p>
South Toms River	<p>1. <i>Original certification: Model ordinance language provided to the Borough on 8/16/12. Draft master plan received 8/26/12. Comments provided 9/13/12. Borough Council adopted a resolution confirming its intent to seek Commission certification of its master plan and land use ordinances on 9/17/12.</i></p>
Tabernacle	<p>1. <i>Clustering: draft master plan reexamination report received on 1/10/12. Draft</i></p>

MUNICIPALITY	TOPIC
	<p><i>copy of implementing ordinance (2012-4) received on 3/14/12. Reviewed issues and questions with the Mayor on 3/15/12. Met with Township representatives on 3/20/12. Received copy of adopted master plan report on 5/8/12. Reviewed possible ordinance revisions with solicitor on 5/21/12. Received revised draft of Ordinance 2012-4 on 7/3/12. Received copy of adopted ordinance on 7/30/12. No substantial issue finding letter sent 8/2/12.</i></p>
Waterford	<p>1. Draft 2010 Master Plan received and under review (includes proposed zoning and management area changes). Adopted Master Plan elements received. Draft zoning map received on 5/17/12, along with text of ordinance amendments. Advised municipality that progress would need to be made on clustering ordinance before review of other zoning changes could proceed. <i>Meeting held on 7/25/12 with Township representatives to discuss concerns with clustering amendments. Adopted ordinance received on 9/17 and under review.</i></p> <p>2. Archway School: rezoning proposal received 5/17/12. Involves change in management area designation from RDA to RGA for existing school and surrounding residential area. Advised municipality that progress would need to be made on clustering ordinance before review of this management area change could commence. <i>Received adopted zoning map reflecting numerous zoning and management area changes on 9/17/12.</i></p>
Weymouth	<p>1. Draft ordinance (472-2008) requiring use of contiguous commonly owned lands prior to use of noncontiguous lands under the Forest Area density transfer program received 3/24/08. Comments provided to Township solicitor on 4/30. Discussed in detail with Planning Board Engineer on 5/8. Adopted ordinance received 6/12. Finding letter issued on 7/7/08 indicating ordinance raises a substantial issue requiring Commission's formal review and approval. Meeting with Township representatives to discuss purpose of ordinance and its implications to be scheduled. Township has since repealed the ordinance and will reconsider the issue as part of an upcoming master plan review.</p> <p>2. Ordinance 468-2008 establishing a contribution in-lieu of providing recreational facilities for certain residential developments and providing regulations for recreational facilities received and reviewed. Finding Letter issued determining that Ordinance 468-2008 presented a substantial issue and requesting supporting analysis for the fee in question. Extension of Commission's review period requested and granted through 7/11/08. Awaiting adoption and submission of revised ordinance.</p> <p>3. 2011 Master Plan/clustering: adopted on 7/13/11 and provided to Commission. Met with Planning Board members and other Township representatives on 9/14/11 to discuss clustering, density transfer and master plan recommendations. Draft ordinance received; comments provided. Additional ordinance revisions drafted by Commission staff and provided for the Planning Board's consideration on 1/6/12. Received copy of Ordinance 503-2012 on 2/10, with adoption scheduled for 4/4/12. Received adopted copy of Ordinance 503-2012 on 4/17/12. <i>Received revised zoning map. Finding letter sent; public hearing held on 9/10/12. A report is being prepared for the P&amp;I Committee's review at its October meeting.</i></p>
Winslow	<p>1. <i>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.</i></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</p>

<b>MUNICIPALITY</b>	<b>TOPIC</b>
	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.

**Attachment #2**  
**EMPLOYEE ACTIONS**  
**July, August, & September 2012**

**A. DEPARTING EMPLOYEE(S)**

<u>Name</u>	<u>Title</u>	<u>Office</u>	<u>Effective Date</u>	<u>Hire Date</u>
Nicholas Procopio	Research Scientist 1	Science	7/13/12	8/7/00

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

<u>Title</u>	<u>Office</u>	<u>Status</u>
Director Special Programs	Executive	Not Budgeted
Community Planner*	Executive	Not Budgeted
GIS Administrator	Land Use/Tech. Prgms.	Not Budgeted
Planner - Economic	Land Use/Tech. Prgms.	Not Budgeted
Resource Planner	Land Use/Tech. Prgms.	Interviews Being Conducted
Office Assistant (part time)	Land Use/Tech. Prgms.	Not Budgeted
Planning Assistant (part-time/Econo. Monit. Prgm.)	Land Use/Tech. Prgms.	Not Budgeted
Environmental. Specialist	Regulatory Programs	Not Budgeted
Environmental Specialist	Regulatory Programs	Not Budgeted
Environmental Specialist	Regulatory Programs	Not Budgeted
Environmental Specialist	Regulatory Programs	Not Budgeted
Coordinator of Environmental Services	Regulatory Programs	Not Budgeted
Research Scientist	Science	Not Budgeted
Research Scientist	Science	Not Budgeted
Research Scientist*	Science	Interviews Being Conducted
GIS Specialist*	Science	Not Budgeted
Research Technician**	Science	Interviews Being Conducted
Business Specialist	Business Services	Not Budgeted
Principal Office Assistant	Business Services	Not Budgeted
Principal Applicant Services Rep.	Regulatory Programs	No Replacement; Hiring Freeze
Principal Applicant Services Rep.	Regulatory Programs	No Replacement; Hiring Freeze
Undetermined (2 Full Time and 1 Part Time)	Unassigned	Not Budgeted

\*Funded by the Pinelands Conservation Fund

\*\*Funded by an EPA Grant (Assessing the Ecological Integrity of Intermittent Ponds & Their Vulnerability to Land-Use Impacts)

**C. OTHER NOTES**

<u>Name</u>	<u>Title</u>	<u>Office</u>	<u>Notes</u>
Michelle Russell	Human Resources Specialist	Executive	Working a part-time schedule
Barry Brady	Planner 1-Cultural Resource	Land Use & Tech. Pgms.	Working a part-time schedule
John Repa	Project Support Assistant	Regulatory Programs	Working a part-time schedule
Stacey Roth	Senior Counselor	Executive	Donated Leave and Family Leave
Rhonda Ward	Environmental Specialist	Regulatory Programs	Intermittent Family Leave
Dawn Rago	Business Specialist	Business	Intermittent Family Leave
Andrew McGowan	Unpaid Intern	Science	Ended August 2012
Rebecca French-Mesch	Unpaid Intern	Land Use & Tech. Pgms	Working 3/5/12 to 9/30/12

**Attachment #3**

**PINELANDS-SPECIFIC LEGISLATION**

<b><u>Bill No.(s)</u></b>	<b><u>Prime Sponsor(s)</u></b>	<b><u>Synopsis</u></b>	<b><u>Current Status</u></b>
A2809	McKeon  Previous Bill Numbers A4347 and S3137	Establishes forest harvest demonstration program in Pinelands area	Introduced, referred to Assembly Agriculture and Natural Resources Committee
S694	Addiego/VanDrew	Eliminates development review fees charged by Pinelands Commission	Introduced in the Senate, Referred to Senate Environment and Energy Committee
S1960	Whelan  Previous Bill Number S3017	Designates Atlantic City and Pleasantville, Atlantic County as area eligible for redemption of Pinelands Development Credits	Introduced in the Senate, Referred to Senate Environment and Energy Committee
A1704	Russo  Previous Bill Number A1704	Limits political contributions by certain government contractors; revises disclosure standards applicable to State officials; expands disclosure for lobbyists; prohibits certain types of dual office holding	Introduced, Referred to Assembly State Government Committee
A1709	Russo  Previous Bill Number A283	Establishes certain ethical standards and financial control requirements for State authorities.	Introduced, Referred to the Assembly State Government Committee
S978	Greenstein  Previous Bill Number S2686	Amends "State Transfer of Development Rights Act," and provides for impact fees and other incentives for establishment of transfer of development rights programs.	Introduced, Referred Senate Economic Growth Committee
A514	DiMaio	Requires State compensation of property owners for certain property devalued due to certain environmental laws; and requires State agencies to evaluate proposed administrative rules for potential to constitute taking of real property	Introduced, Referred to Assembly State Government Committee
A1348	Rible/Rumana	Revises laws governing provision of affordable housing; reestablishes regional	Introduced, Referred to Assembly Housing and Local

		contribution agreement as method of meeting affordable housing obligation; repeals Statewide non-residential development fee	Government Committee
A293	Amodeo/Brown  Last session Bill Number A2617 and S1235	Prohibits Pinelands Commission from requiring Pineland Development Credits for the construction of development projects that includes affordable housing	Introduced, Referred to Assembly Environment and Solid Waste Committee
A2629	Rudder, Brown	Exempts for five years, certain new business activities in pinelands area from compliance with Pinelands Commission Development approval process	Introduced, Referred to Assembly Environment and Solid Waste Committee
S1785	Addiego	Exempts, for five years, certain new business activities in pinelands area from compliance with Pinelands Commission development approval process	Introduced in the Senate, Referred to Senate Environment and Energy Committee
A1063	DeCroce/Rible  Previous Bill Number A2540	Provides that certain permits and approvals for critical infrastructure projects must be acted upon within 45 days	Introduced, Referred to Assembly Housing and Local Government Committee
S842	Vitale/Beck  Previous Bill Numbers A2768/S2074	Establishes deadlines for filing financial disclosure statements with Senate Ethic Commission	Introduced in the Senate, Referred to Senate State Government, Wagering, Tourism & Historic Preservation Committee
A932	Riley/Chivukula  Previous Bill Number A2925	Concerns "Freshwater Wetlands Protection Act" general permit for expansion of cranberry bogs in pinelands area	Introduced, referred to Assembly Agriculture and Natural Resources Committee. <i>Reported out of Assembly Committee, 2nd Reading</i>