

# Management Report for January, February & March 2012



Updates are in *italics*

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# I. PLANNING

## A) CMP AMENDMENTS

**1. Solar Facilities:** On February 10, 2011, the Commission formally proposed rules to ensure the environmentally-appropriate siting of solar energy facilities in the Pinelands. A public hearing was held on May 19, 2011. Written comments were accepted through June 17, 2011 and were received from 44 individuals. Commission staff evaluated the public comments and prepared a draft adoption notice. At its meeting of August 26, 2011, the P&I Committee recommended adoption of the amendments without change. The Governor's Policy Office then requested a delay in Commission action so that a number of potential concerns could be discussed and resolved. As a result of those discussions, the Governor's Policy Office recommended that a minor change to the amendments be made upon adoption, relating to the development of solar energy facilities in the Pinelands Agricultural Production Area. The recommended change leaves the limitations on solar facility development in the Agricultural Production Area intact (a maximum of 20 percent of a parcel, in no case to exceed 10 acres) but adds language to make clear that parcels seeking Farmland Assessment may be subject to more stringent limitations. Commission staff confirmed with OAL that this clarification could be made upon adoption. A revised adoption notice was distributed and adoption of the amendments was then scheduled for October 14, 2011. The Commission adopted the solar energy facility rules on October 14, 2011. *The amendments were subsequently published in the New Jersey Register on January 3, 2012, at which time they took effect.*

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

- 1. Ordinances/plans received this quarter:** 25 (84 this FY; average FY=100))
- 2. Interpretations/consultations/assistance last quarter:** 50 (121 this FY; average FY=150)
- 3. Status of municipal clustering/ forestry responses:**
  - Adopted: 21 out of 47
  - PCF Reimbursement: \$12,090 to two municipalities (Lacey, Winslow)
  - Extensions Granted: 12 (*Berkeley, Buena, Egg Harbor Township, Evesham, Franklin, Galloway, Hammonton, Pemberton, Plumsted, Washington, Waterford and Weymouth*)
  - Meetings Attended: *Egg Harbor City, Hamilton, Monroe, Pemberton, Dennis and Tabernacle*

## C) SPECIAL PLANNING PROJECTS

**1. Pine Barrens Byway:** A New Jersey Scenic Byway Workshop was held at the Pinelands Commission offices on November 16, 2011. The workshop was sponsored by the New Jersey Department of Transportation, which oversees the state scenic byway program, and involved representatives from all seven of the designated scenic byways throughout the state. The workshop was conducted by staff members of RBA Associates, who oversaw focus group discussions relating to topics including viewshed protection, roadway safety and improvements, byway development and marketing and promotion. The day-long program concluded with a presentation on byway sign guidelines. The Pine Barrens Byway Association Oversight Board, which is the principal entity within the association's management structure charged with final decision-making, held its second meeting at the Weymouth Township Municipal Building on November 30, 2011. The Oversight Board comprises representatives from each of the sixteen municipalities and five counties through which the byway passes and will eventually also include four non-governmental members. At this meeting the board discussed the possibility of

incorporation and the measures required to obtain non-profit status for tax exemption purposes. Commission staff member Barry Brady also informed the board that Tuckerton Borough representative (and former mayor) Liz Moritz will be assuming his role as the main organizer/facilitator of the Association's activities. *A Pine Barrens Byway Association Executive Board meeting was held at the Hamilton Township Municipal Building on Wednesday evening, March 28, 2012. The main focus of the meeting was on presentations by Atlantic County representatives on the preferred alternative the Association should follow for its future legal status and by Tim Hart of the Tuckerton Seaport Museum regarding the museum's planned byway exhibit. Following an extended discussion of the various organizational options, the representatives from the byway municipalities and counties decided to pursue incorporation and non-profit status so that the Association could indemnify its members and begin to solicit tax-deductible donations and other funding. The Association will meet again on May 15 at the Hamilton site.*

**2. Alternative septic system pilot program:** In May 2011 staff issued invitations to fourteen eligible technology vendors offering the opportunity to apply to participate in the Commission's expanded pilot program. Staff completed its review of submittals for the four submitted NSF/ETV certified technologies and issued reports recommending their approval for participation in the pilot program. The Pinelands Policy and Implementation Committee voted unanimously at its September 23, 2011 meeting to recommend that each of the technologies be authorized by the Commission to participate in the pilot program. The Commission voted on the matter at the October 14, 2011 meeting. 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. *Three of the four technology vendors have submitted final materials for certification. 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. Fifty six people were in attendance in addition to seven speakers. The seminar introduced the four new technologies to local engineers, health department personal, septic system service providers, municipal officials and other interested parties. In addition to presenting details on the Commissions pilot program, a representative of NJDEP briefed the attendees on the newly adopted (April 1, 2012) statewide septic system standards.*

**3. Hammonton wastewater recharge project:** In February 2010, USGS's final report attributed impeded infiltration at the site to complex subsurface geology including aerially 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 is reviewing a 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.*

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

**a. Stockton:** At its September 10, 2010 meeting, the Commission approved Galloway's rezoning and the Stockton 2010 Master Plan. The implementing Deed of Covenants and Restrictions (DCR) were filed in November so the plan can move forward. The Commission sent a proposed MOA to Stockton for its review on July 18, 2011. 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.*

**5. EMS-based cell plan amendment:** In October 2010, at the request of a few counties, the Commission met with county representatives and representatives from the NJ Office of Homeland Security & Preparedness, Office of Information Technology and DEP to discuss the possibility of a multi-county EMS-based cell plan amendment. In December, staff followed-up with NJOHSP to offer support and assistance to NJOHSP and the counties. Staff met with a broader group, including the previous participants noted above, in March 2011 to confirm participation in the plan and to announce that the plan will be funded by the State. The Commission received the seven-county Pinelands-wide emergency communications plan in late August. A follow-up meeting with representatives from the seven counties, NJOHSP, OIT, NJT, NJSP and DEP was held on October 11<sup>th</sup>. The proposed plan was deemed complete for purposes of Commission review on December 16<sup>th</sup>. *A meeting to present the proposed plan to all public entities participating therein was held on January 24<sup>th</sup>. On February 21<sup>st</sup> a public hearing was held to receive comments on the proposed plan. The P&I Committee will consider the proposed plan at its April 27<sup>th</sup> meeting.*

**6. Roadside Maintenance:** Since 2009, the Commission has been working with various local and state agencies to promote alternative management practices along roadsides throughout the Pinelands. The NJ Department of Transportation has agreed to apply off-season mowing practices along state roads within the Pinelands Area and to conduct pilot projects at select Pinelands roadway locations to determine whether native plants may be as effective in road shoulder stabilization as conventional turf management techniques. The MOA between the Pinelands counties and the Commission, approved on July 9, 2010, includes the Roadside Management BMPs to be implemented for county-owned right-of-way roadsides in the Pinelands. Late in spring 2010, the Vegetation Sub-Committee of the State Soil Conservation Committee (SSCC), with Commission staff participation, finalized a draft of a Pinelands-specific soil standard, including a recommended Pinelands seed mix from the Natural Resources Conservation Service. At its July 11, 2011 meeting, the SSCC voted to move forward with 15 new and revised standards, including the Pinelands-specific standard, by having the drafts published in the New Jersey Register for public comment. Counties have begun erecting signs in several roadside locations to limit mowing of these areas to once annually during the dormant season, pursuant to the BMPs included in the MOA. *The Commission provided a sign installation guidance document in February 2012 to the counties who have signed the MOA. Sign installation is ongoing. The Department of Agriculture staff, working on behalf of the SSCC, has experienced setbacks involving formatting of the new and revised soil standards and has not yet published the drafts in the Register for public comment.*

## 7. Landfill Closure:

### a. Individual Closures

(1) **Estell Manor Landfill**- The landfill consultant is reported to be finalizing analysis of the requested information and advised staff that they will be re-submitting shortly. 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 staff of NJDEP. 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, 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 also attended by representatives of NJDEP. 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.*

(2) **Winslow Township Landfill**- Staff were informed that DEP 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. Staff conducted a site visit to the Winslow Township landfill on September 8, 2011 following a visit to the site of the former Eftek materials processing operation in Winslow Township. Closure alternatives are being considered by NJ DEP officials who will soon advise both us and the Township of the next step. See II.B.5.

(3) **Mannheim Avenue Landfill in Galloway Township**- On March 16, 2011 staff met with representatives of Galloway Township and NJDEP to discuss the status of groundwater monitoring data. Commission staff provided guidance on how the Commission would evaluate the monitoring results in determining whether or not impermeable capping of the landfill would be required. The municipal officials indicated that they would compile the data and submit it to staff for review. *No new action as of March 31, 2012.*

(4) **Hamilton Township Landfill**-The "Groundwater Remedial Investigation Workplan" was submitted for review on 12/08/11. *No new action March 31, 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, highlight groundwater contaminant concentrations that exceed groundwater quality standards and prepared GIS mapping of landfill boundaries, ecological and human receptors in proximity to landfill boundaries. This work was shared with NJDEP and may serve 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. An RFP is under development to select a consultant to manage the study. The first of the required 10 payments has been received. Staff has met with staff of USGS to discuss the possibility of USGS playing a role in some or all aspects of the proposed Comprehensive Landfill Study. *Staff met with USGS in January and will present a recommended scope to the P&I Committee at the April 27, 2012 meeting.*

## D) ECONOMIC MONITORING

**1. Annual Report:** The 2010 Annual Report was completed in summer, 2011. *A Key staff person resigned. Completion of the 2011 Report is scheduled for late 2012.*

## E) PERMANENT LAND PROTECTION

**1. Pinelands Development Credit Program- Jan-Mar 2012:** *5 Letters of Interpretation (2 new; 2 renewed; 1 amended); 0 severances (none during entire span of Oct 2011-March 2012); 12 rights sold (mean sales price \$9,666.67/rt; median sales price \$9,000/rt.) 0 rights redeemed. PDC Bank Board met February 16, 2012 & March 27, 2012. The FY2011 PDC Bank Annual Report was released in February.*

**2. Farmland Preservation program:** *On 3/28/12, Burlington County Board of Chosen Freeholders approved purchase of development rights on five Pinelands farms totaling ~462 acres.*

**3. Pinelands Conservation Fund:** *As of March 31, 2012, the Commission has approved the allocation of \$8.3 million to 29 projects in the Pinelands Area. Of these 29 projects, 27 have proceeded to closing, resulting in the permanent protection of 3,712 acres.*

## F) OTHER PLANNING ITEMS

### 1. Water supply:

- a. K/C Planning:** A staff working group, headed up by Nick Procopio, 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*
  - *PPA Planning Forum: Mr. Liggett attended Steering Committee meetings and made a presentation on buildout to the P&I Committee and the Forum*
- 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 March 31, 2012.*

### 2. Cultural resources: 28 (125 this fiscal year) cultural resource activities undertaken:

- a.** 9 (86) applications reviewed
- b.** 0 (0) forestry inquiries
- c.** 2 (25) surveys reviewed
- d.** 0 (1) CAFRA reviews
- e.** 0 (0) Preliminary Investigation
- f.** 5 (12) site coordination with other agencies/meetings & phone conferences
- g.** 1 (3) coordinated reviews w/SHPO
- h.** 1 (9) Municipal/consultant inquiries *(White Horse Inn – Woodland, Twp.)*
- i.** Data Acquisition Plan: mapping of designated and eligible sites-ongoing

*Meeting on February 7 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.*

### 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 result in 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.*

■ **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 areas has been drafted and submitted to NJ DEP for review. Staff met with NJ DEP several times since 9/20/11 to discuss, *and a final MOU was just received. At the 4/13/12 meeting, the Pinelands Commission will be asked to endorse the Executive Director's signing.*

■ **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 March 31, 2012.*

**5. Richland Village Community Wastewater Treatment System:** In 2009, the Township, the ACUA and the Commission executed a Memorandum of Understanding between the parties to design and construct a community wastewater system to serve portions of Richland Village. Staff received a copy of the completed topographic survey of Richland Village and, pursuant to our MOU with ACUA and Buena Vista Township, authorized reimbursement to ACUA for the completed survey work. Staff met subsequently with the BVT mayor and engineer to discuss the status of the Richland Village wastewater project. The municipal officials indicated that they intended to pursue development of the community wastewater system but at a smaller scale than originally envisioned. The township reported that the wastewater system currently envisioned would serve only commercial development within Richland Village. Staff is awaiting correspondence from BVT to memorialize the change in scope. Staff has requested a meeting of the project cooperators (Buena Vista Township, Atlantic County Utilities Authority, and the Pinelands Commission) to determine the intention of all parties to the MOU. *After a prolonged period of inaction on the project, staff requested a meeting of the project cooperators (Buena Vista Township, Atlantic County Utilities Authority, and the Pinelands Commission). The meeting was held on March 22, 2012 at the BVT municipal building and was open to the public. Staff briefed the officials on the history of the project and answered questions from the elected officials and the public. The Township Committee subsequently voted to withdraw from the project.*

**6. 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”. *The consultant for the project, without consultation with PC staff, has opined that there will be no impact. Staff will respectfully differ.*

**7. 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 March 31, 2012.*

## II. DEVELOPMENT APPLICATIONS

### A) APPLICATION ACTIVITY

		Oct/Nov/Dec	Jan/Feb/March (2012)
<i>New applications received for the last two quarters with a comparison to last year:</i>	This year	93	128
	Last year	123	144
<i>Total applications active for the last two quarters with a comparison to last year:</i>	This year	618	677
	Last year	739	875
<i>“No Call-ups” issued for the last two quarters:</i>	By mail	57	70
	By fax	73	60
<i>Certificates of Filing issued for the last two quarters:</i>		31	62
<i>“Call-ups” issued for the last two quarters:</i>		21	28
<i>Streamlined permitting actions taken during the last two quarters: :</i>	LRO	9	3
	MOA	4	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 which proposes mining of a site in the Township. On April 27, 2011, the Commission staff issued a Certificate of Filing for the proposed mining operation. The Certificate of Filing indicated 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.*

- 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). Once the application was complete staff issued a Certificate of Filing for the proposed development on August 26, 2010. The Certificate of Filing requires the development and implementation of a stormwater basin rehabilitation plan for five existing basins, which do not function as originally designed. On December 14, 2011, the staff sent a letter to the applicant regarding the need for any municipal approval to include a requirement for a stormwater basin rehabilitation plan for the five existing basins. *On December 15, 2011, the applicant appeared before the Township Planning Board. That appearance was continued to a future municipal meeting. On February 28, 2012, the Commission staff issued a letter indicating that the municipal site plan approval for the proposed development could take effect. That letter also reaffirmed that the applicant is developing a remediation plan for the existing stormwater management basins at the Mall site.*
- 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. Staff attended a meeting with NJDEP and Winslow Township officials on May 28, 2009 to discuss the use of an alternative capping method for the landfill. On September 11, 2009, the staff issued a letter to the applicant requesting threatened and endangered species surveys for two threatened animal species 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. *No new action as of March 31, 2012.*
- 4. 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.*
- 5. Egg Harbor City, Residential Subdivision-Egg Harbor City North, (App. No.2003-0530.005):** This application proposing 103 dwellings on lands owned by the city was filed with the Commission by the City on November 29, 2010. On December 23, 2011, the Commission staff issued a Public Development report recommending approval of the application. *The concerned application was approved at the Commission's January 13, 2012 meeting.*

**6. Atlantic County: Fire 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. A meeting was held between Commission staff and representatives of the County on May 11, 2011. At that meeting, the Commission staff provided the applicant with an alternative approach to resolving a stormwater issue. To facilitate that approach, the 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 17, 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. In response to information received on October 27, 2011, the Commission staff sent a letter on December 2, 2011 indicating the information necessary 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.*

**7. Manchester Maintenance Garage Application:** *The concerned application was notable in that the 54.88 acre parcel subject of the application was located in a Pinelands Regional Growth Management Area and was zoned residential. The residential zoning provided for the use of Pinelands Development Credits. The parcel was also subject of past litigation, not directly involving the Pinelands Commission. That litigation concerned the provision of affordable housing on both the concerned parcel and other lands. On February 10, 2012, the Commission approved the application to construct the County road maintenance garage.*

**8. Buena Vista Township Waste Transfer Station:** *On February 21, 2012, the staff received a letter from the Atlantic County Utility Authority (ACUA). That letter posed several questions regarding whether the transfer station was being operated consistent with the standards of the Pinelands Comprehensive Management Plan. An application to construct the transfer station was completed with the Commission in 1986. Several subsequent applications for improvements to the transfer station were completed with the Commission. The questions posed in the ACUA letter necessitated Commission staff review of the 25 plus year regulatory history of both the CMP and the application. The Commission staff response letter has been drafted and is undergoing final review.*

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

**1. Monthly activity:** 0

**2. Pending OAL matters:**

**a. Edgewood Properties, LLC (Timber Glen Phase V) 1981-0852.001 (Hamilton).**

This application was approved by the municipality as a "Planned Unit Residential Development." The Planned Unit Residential Development provision was amended out of the municipal zoning ordinance in 2001. The issue raised by the application is whether the project still qualifies as a "Planned Unit Residential Development." Specifically, the issue raised relates to whether the proposed development is consistent with the current residential density zoning standards of the Hamilton Township land use ordinance and the CMP. The application proposes to construct 64 townhouse units. There is an issue

regarding whether the approvals were properly granted/extended in accordance with the Municipal Land Use Law. Mr. Stokes met with the developer on October 28, 2009 to discuss Pinelands Development Credit obligations for Phase V. As a follow-up to the October 28, 2009 meeting, on November 4, 2009, Mr. Stokes advised the applicant's attorney by telephone that the staff concluded that, based upon the municipal approval history, Phase V of Timber Glen should be subject to the current zoning requirements and stormwater management standards of the Hamilton Township land use ordinance and the CMP. On November 24, 2009, the staff issued a letter to the applicant as a follow up to the November 4, 2009 telephone conversation, reiterating the staff's conclusion regarding Phase V of Timber Glen. On November 30, 2009, the staff received a letter from the applicant's attorney requesting that the matter be transferred to the NJ OAL for a hearing. On December 9, 2009, the staff transferred this matter to NJ OAL. On January 6, 2010, the staff received notice that the case has been filed with the NJ OAL. On March 8, 2010, we received notice that the matter has been scheduled for hearing on September 27, 28 and 30, 2010. The hearing in this matter has been adjourned. Mr. Stokes and the applicant had previously agreed on the PDC obligation. On August 17, 2011, the applicant withdrew the application from the NJ OAL. On September 30, 2011, the staff sent a letter to the applicant advising of remaining stormwater management issues and specific information that must be submitted to the staff to resolve the matter. As of November 17, 2011, all issues have been resolved with the exception of applicant's acquisition and redemption of 1 full PDC. *No new action as of March 31, 2012.*

## D) VIOLATIONS

1. **Quarterly activity:** *13 reports received; 30 violation letters sent; 18 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. The Commission staff is reviewing information submitted on January 5, 2012. *A Certificate of Filing was issued for the proposed development on February 1, 2012.*

**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 March 31, 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 March 31, 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 March 31, 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.*

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.*

**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.*

## **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. The staff had sent a letter to the Township September 7, 2007 asking for a meeting with the Township to discuss steps that may be taken to remedy these problems. A meeting was held on October 31, 2008 with the Township officials and Fred Akers of the Great Egg Harbor Watershed Assoc. to discuss options to remedy these basins. At that meeting, the attendees prioritized the 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 has 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). The staff is currently 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 Hamilton Mall application, discussed previously in this Report, no additional new action as of March 31, 2012.*
- 2. Waterford Township:** On April 19, 2011, the staff met with representatives of Waterford Township to discuss prospects for developing a modified permitting process to facilitate development of the Township's designated redevelopment area. The Commission staff (Planning and Regulatory Programs) will review the issue and within 30 days of receipt of certain information to be provided by the Township, recommend an approach for a modified

permitting process to the Township for its consideration. On September 7, 2011, the staff provided Township officials with a draft of a proposed ordinance to implement the modified permitting process. The Township adopted the ordinance (2011-19) on November 21, 2011 and submitted it to the Commission for certification. A public hearing was held on December 14, 2011. *On February 10, 2012, the Pinelands Commission certified (approved) the municipal ordinance.*

- 3. 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 in up to 300 acres in the Pinelands Area through September 30, 2011. Commission staff will continue to work with DEP to implement expedited permitting procedures. By memorandum dated July 13, 2011, revised to 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. *No new action as of March 31, 2012.*
- 4. State Soil Conservation Committee:** The Commission staff attended a meeting of the SSCC on July 11, 2011. A portion of the meeting concerned amendments to the State's Soil Erosion and Sedimentation Control regulations. The Commission staff was advocating certain changes to the regulations (e.g. native grass seed mix) that would apply only in the Pinelands Area. The SSCC authorized a rule proposal to gather comments on all proposed amendments to the regulations, including those that are only applicable to the Pinelands Area. *No new action as of March 31, 2012.*
- 5. Electric Transmission ROW Maintenance Plan:** The staff is spending significant amounts of time administering the concerned Plan. The utility companies are proposing activities that are not addressed or included in the Plan. This requires the Commission's Executive Director to determine whether each requested variance from the approved plan is a "minor adjustment" or a "substantial change to the Plan." The Commission staff has issued letters on March 21, 2011 and May 19, 2011 to JCP&L and on May 5, 2011, June 15, 2011 and June 15, 2011 to PSE&G addressing requests for variances from the approved Plan. *No new action as of March 31, 2012.*
- 6. 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.*
- 7. South Jersey Industries:** *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 the Pinelands Area into the Pinelands national Reserve. The concerned plant is located in the Pinelands National Reserve. A pre-application meeting is scheduled for April 17, 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. An application for the proposed installation of a potable water main to serve Ancora Psychiatric Hospital was received on July 13, 2010. Upon completion of an application for the proposed potable water man, the staff issued a Certificate of Filing on August 27, 2010. Commission staff issuance of that document allowed activation of the sanitary sewer main to deliver sanitary sewer to the Camden County Municipal Utilities Authority. 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 March 31, 2012.*
- 2. Robert Miller Airpark, Ocean County, Berkeley Township:** As a result of threatened and endangered species work conducted at the Robert Miller Airpark by Ocean County, it became apparent that the County's proposed expansion plans for the Airpark would require the execution of a Memorandum of Agreement authorizing a deviation from the threatened and endangered species standards of the Pinelands CMP. The Federal Aviation Administration raised concerns regarding deed restricting lands at the airport to provide a potential offset for the MOA. A separate issue had also arisen concerning the designation of the totality of the Airport, including areas of Airport operations, on the New Jersey Department of Environmental Protection's open space inventory. Commission staff met with representatives from the FAA, Ocean County and the Department of Transportation, Division of Aeronautics, on May 28, 2009, concerning deed restricting of lands at the Airport. At the conclusion of the meeting, the County, in consultation with FAA, agreed to identify those portions of the airport likely to be needed for future airport safety related activities. The County asked Commission staff to consider revising the terms of the Deed of Conservation easement to address future safety related activities at the Airpark. Staff reviewed safety guidelines and other information submitted by the County to determine whether the terms of the Deed of Conservation easement may be revised to address FAA's concerns. Additionally, Commission staff had a meeting with staff from Green Acres regarding this and other matters. Staff was advised that there seemed to be evidence to support an amendment to the ROSI and that the County must move forward with the required administrative process. Commission staff participated in a conference call with representatives of the Federal Aviation Administration and Ocean County to discuss FAA's comments. A subgroup consisting of a representative from each entity was assembled to work together to

redraft portions of the DCR to address the FAA's concerns. Staff participated in a conference call with representatives of the FAA in mid-September, 2010. During this conference call, the FAA suggested another means of achieving the Commission's goals without creating the precedent of having FAA agree to the deed restriction of lands that are part of an active airport. The parties are working to finalize a draft of the MOA and DCR. In light of the slow pace of the appeal, the Commission staff has resumed discussions with the County regarding the potential acquisition and preservation of lands located off the airpark site for an environmental offset for the MOA. The Commission briefed the members of the Policy and Implementation Committee at its January 27, 2012 meeting regarding this MOA. *The Commission staff reviewed the draft MOA with the members of the Policy and Implementation Committee at its March 30<sup>th</sup> meeting. A public hearing is scheduled for April 18, 2012 at the Berekely Township Municipal Building.*

- 3. County/Municipal Permit MOA:** Staff discussed and reviewed the draft MOA with the P&G Committee at multiple meetings in 2008 and Spring 2009. At its July 9, 2010 meeting, the Commission approved the 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. As of December 31, 2011, the Commission has received signed MOAs from Atlantic, Camden, Burlington, Gloucester and Ocean counties. 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. *No new action as of March 31, 2012.*
- 4. NJDOT:** The Commission received a request in November 2008 for a Permit Streamlining MOA. The staff asked NJDOT to identify the classes of projects that could potentially be subject of the MOA. Staff met with NJDOT on March 11, 2009 to discuss the potential MOA. NJDOT provided information for Commission staff to review. NJDOT was advised that significant changes to the submitted information were required. On March 30, 2011, the staff met with representatives of NJDOT to further discuss a proposed permit expediting MOA. 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. The Commission staff will be reviewing the draft and providing comments to NJDOT. *On February 15, 2012, the Commission staff met with representatives of NJDOT to discuss the proposed MOA. The NJDOT will be revising the draft MOA and resubmitting the MOA to the Commission staff for review*
- 5. 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 the proposed MOA. By letter dated October 7, 2010, the Commission staff provided the approved MOA to NJDEP for signing. 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. NJDEP has advised that they would like to meet with the Commission staff after January 1, 2011 to discuss the MOA. 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 March 31, 2012*

## **B) OTHER MOA REQUESTS**

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

## **IV. SCIENCE**

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

1. *The water-supply policy committee (comprising Science, Planning, and Regulatory Programs staff and members of USGS) continued the process of revising current Commission policies dealing with the Kirkwood-Cohansey aquifer. One of the meetings included a presentation by Dan Van Abs, Acting Executive Director and Senior Director of Planning and Science of the Highlands Council, on the development of water-supply policy in the Highlands.*
2. *Staff attended steering committee meetings and attended the two-day PPA Science-Policy Forum which was intended to provide policy direction to decision makers regarding Pinelands water use. Staff also gave a presentation summarizing key results of the Commission ecological studies conducted as part of the project.*
3. *A final no-cost extension through June 30, 2012 was granted to the USGS to complete the modeling and evapotranspiration reports. Staff met with USGS to discuss reasons for the delay in finalizing the reports.*
4. *Staff presented key findings of the ecological studies to the Commission at the February 24th meeting.*
5. *Staff provided a project update to the Communications Office for inclusion in the Commission annual report.*

### **B) ENVIRONMENTAL MONITORING**

1. *CAMCO monitoring: The annual low-flow trend analysis was completed. Results will be summarized in a memo for the Commissioners.*
2. *Monroe monitoring: The annual low-flow trend analysis was completed. Results will be summarized in a memo for the Commissioners*
3. *Forest-Plot and Intermittent-Pond Monitoring: The January, February, and March rounds of forest-plot water-level measurements and pond-water level measurements were completed. Continuous water-level data from three data loggers installed in ponds were downloaded.*
4. *Long-term anuran surveys: A February round of daytime wood frog surveys and the March round of nighttime frog and toad vocalization surveys was completed at the 20 ponds.*
5. *Pinelands-wide water quality monitoring: Staff met with Rutgers University Pinelands Field Station staff to finalize plans to complete nutrient analyses at the Pinelands-wide water-quality sites.*
6. *Barneget Bay Watershed Surveys: No new action.*
7. *Miscellaneous monitoring: Permits to conduct research on state land were received from the NJDEP Divisions of Fish and Wildlife and Parks and Forestry. The 2012 scientific collecting permits for both fish and amphibians were also received from the Division of Fish and Wildlife. Science staff prepared the annual long-term environmental-monitoring progress report for submission to the National Park Service.*

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

1. *Wetland Buffer Project: Staff continues to analyze data.*

2. *Forest Characterization Project: Staff began a stratified random sampling process to select polygons from the most current NJDEP land-use data. The selected polygons will represent various types of vegetated Pinelands habitat and do not include developed or agricultural uses or open water.*
3. *Right-of-way Vegetation Monitoring: All vegetation data collected from 48 study plots were proofed. Staff visited ROW study sites and notified PSEG about additional vegetation treatment needed in spans where mowing crews avoided study plots during routine management last year.*
4. *Pond Vulnerability Project: A Quality Assurance Project Plan (QAPP) for the project was reviewed by the USEPA and returned to the Commission with comments. Science staff initiated revisions to the QAPP. Staff began the first phase of the Pond project, which includes compiling an inventory of Pinelands ponds using digital aerial photography. Approximately 15% of the Pinelands was assessed during the quarter. A recruitment plan for a Research Technician position was developed in cooperation with Human Resources staff.*
5. *Miscellaneous accomplishments:*
  - a. *The Wetland Program Plan, which describes wetland research to be conducted by the science office during the next five years, was revised based on USEPA comments and resubmitted for EPA approval.*
  - b. *In cooperation with the NJDEP, in January science staff collected water-quality data from two sites in the Barnegat Bay Watershed as part of the Governor's comprehensive action plan to address the health of the Bay.*
  - c. *Science staff provided technical assistance to Communications Office staff on plans for the Pinelands interpretative center.*
  - d. *Presentations on Pinelands Fish and Pinelands Frogs and Toads were given at the 23<sup>rd</sup> Annual Pinelands Short Course and the Pinelands Frogs and Toads presentation was given at the Tuckerton Seaport.*
  - e. *The Pinelands Research Series was initiated in February to provide a regular forum for scientists to present and discuss Pinelands-related research. Presenters and the titles of their talks for this quarter were: Mike Sukdeo on Parasites in Food Webs in the Pinelands; Ron Smith on Spatial Ecology of Northern Pine Snake (*Pituophis melanoleucus*) at the Warren Grove Gunnery Range in the Pinelands of New Jersey; and Mark Demitroff on Cryospheric Processes and the Origin of Pinelands Closed Basins.*
  - f. *Staff provided technical support to the Executive Office on the location of potential Pine Barrens treefrog habitat to offset habitat loss associated with Miller Airpark expansion.*
  - g. *Staff provided advice to College of New Jersey and Rutgers University students regarding forestry and water chemistry internships and seasonal work in the Pinelands.*
  - h. *Science, Executive, and Regulatory Programs staff met with staff from American Rivers, The Nature Conservancy, Pinelands Preservation Alliance, NJ Audubon, and NJ Conservation Foundation at various Pinelands sites to discuss the removal of small dams and malfunctioning culverts. Because the Plains Branch impoundment at The Nature Conservancy Oswego River Preserve was at the center of the discussion, Science staff provided water-quality and biological-survey data from the impoundment collected through the long-term environmental-monitoring program to Executive staff.*
  - i. *Staff provided technical support to the Planning Office on the Estelle Manor and Buena Borough landfills*
  - j. *Staff assisted USGS staff in preparing a pre-proposal to examine the effects of land use on levels of various chemical compounds in frogs and toads occurring in*

- stormwater basins. The proposal was submitted by the USGS for internal funding, but was not awarded funding.*
- k. Staff attended a meeting of the NJ Water Monitoring Coordinating Council and presented an overview of the Commission long-term environmental-monitoring program.*
  - l. Science staff participated in the writing committee.*

## 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 is scheduled for April 30, 2012.
2. **DeMesquita v. Pinelands (Shamong Township), Law Division.** The subject property consists of 5.4 acres in an Agricultural Production Area of the Pinelands. DeMesquita filed a complaint in the Law Division, asserting that the Pinelands Commission’s (“Commission”) denial of his application to construct a single family dwelling amounts to a taking. During a status conference call with the Judge on 8 November 2010, the parties agreed to attempt to reach a settlement under N.J.A.C. 7:50-4.62(d)(2), which provides that any parcel for which an extraordinary hardship exists, but which is otherwise precluded from development, shall receive an additional use right of PDCs based on the fair market value of the parcel. DeMesquita instructed to submit to the Commission by January 7, 2011 an appraisal of the fair market value of the property. During a subsequent conference call conducted with the Judge on February 12, 2011, the plaintiff, who had not obtained the required appraisal, was instructed to provide same to the Commission within 30 days. A conference call was conducted by the Judge on this matter on April 13, 2011. Again, plaintiff had failed to obtain the required appraisal. Judge Bookbinder has given plaintiff until May 27, 2011 to obtain the appraisal. Plaintiff

provided his appraisal at the end of June. The appraisal, however, failed to value the property based on existing zoning. During the last conference call with Judge Bookbinder, plaintiff's counsel was instructed to pursue the possibility of a rezoning with the Township. The Township has rezoned the DeMesquita property and a few other adjacent parcels to the RD-3 Zone. That rezoning was certified by the Commission at its November meeting. A draft order dismissing this matter as moot was submitted to the Court. *The Court executed to order dismissing this matter.*

## **B) FEDERAL COURT**

None

## **C) OTHER LITIGATION MATTERS OF INTEREST**

None

# **VI. LEGISLATION**

**A) NOTABLE BILLS:** The 215<sup>th</sup> Legislative Session commenced on January 10, 2012

*S743/A1338 - Extends expiration date of certain permits pursuant to the "Permit Extension Act of 2008."*

*S1085/A2837 –Establishes forest harvest program on State-owned land*

**B) BILL TRACKING:** *Attachment #3 has been revised to reflect the new bill numbers for bills reintroduced for the 215<sup>th</sup> Legislative Session.*

# **VII. PUBLIC PROGRAMS**

## **A) COMMUNICATION**

**1. Web site:** *The Home page was the most viewed page of the Commission's Web site during the January, February and March monitoring period. The page recorded 4,632 hits (or views) in January, 5,625 hit in February and 5,467 hits in March. Other pages are the Pinelands National Reserve page (709 hits in January; 935 hits in February and 848 hits in March), the Pinelands Comprehensive Management Plan page (704, 804 and 692 hits), the Land Use and Planning page (574, 637 and 590 hits), the Applicant Services page (583, 602 and 624 hits), the Visiting & Recreation page (391, 470 and 456 hits), the Information Center page (479, 552 and 548 hits), the About the Commission page (467, 556 and 544 hits), the Pinelands Image Library (371, 415 and 405 hits), the Educational Resources page (400, 447 and 387 hits), the Pinelands Development Credit Bank home page (618, 703 and 759 hits), the Science office page (359, 421 and 401 hits), and the Pinelands Municipal Council page (374, 379 and 388 hits). Other pages or documents with high numbers include the Pinelands Short Course brochure (47,555 hits in January, 30,417 hits in February and 25,629 hits in March) and the online version of the Pinelands Comprehensive Management Plan (6,769, 8,282 and 7,488).*

**2. Press releases this quarter:** *A press release was issued on January 13, 2012 to announce the swearing in of Commissioner Richard Prickett. A release was issued on January 19 to announce the lineup for the 23rd annual Pinelands Short Course. Comments were provided to the New Jersey Department of Environmental Protection for a press release that was issued on February 16 to announce grants to suppress Southern Pine Beetles.*

**3. Inquiries this quarter:** *A total of 28 media inquiries and 229 general inquiries were handled this quarter. Of the general inquiries, 102 inquiries came via e-mail, six came via 121 came by telephone. Most of the inquiries pertained to various Commission projects, followed by general information about the Pinelands, and questions about recreational opportunities.*

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

## **B) PUBLICATIONS**

**1. Pinelander:** *The Winter Pinelander, the Commission's official newsletter, was written, designed and posted on the Commission's web site in February.*

**2. Annual Report:** *The 2011 Annual Report was written, designed and printed in late February. The Commission will consider a resolution to accept the report during its regular meeting on April 13. This marks the earliest completion of the report in at least 10 years.*

## **C) EVENTS AND OUTREACH**

**1. Pinelands Short Course:** *A total of approximately 600 people attended the 23rd annual Pinelands Short Course, which was held at the Burlington County College's Pemberton campus on March 24th. The event featured a total of 42 presentations, including 18 new programs. The event/course evaluations are overwhelming positive.*

**2. Local Officials Seminar:** *The annual Pinelands Orientation for Newly Elected Officials is being organized. A date will be set shortly.*

**3. Meetings:** *No new action.*

**4. Educational Outreach:**

**a.** *During the quarter, staff delivered one Pinelands overview presentation, educating a total of approximately 100 people.*

## **D) INTERPRETIVE PROGRAM**

**1. PNR brochure:** *Staff continued to track the distribution of the Pinelands National Reserve brochure.*

**2. Pinelands Summer Speaker Series:** *Staff is working on this year's lineup of presentations.*

**3. Exhibits in the Pinelands Technical Center:** *Since being hired in February 2011, Content Design Collaborative LLC of Scituate, MA, has made significant progress in completing 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 this quarter. The graphic designs, text and all renderings are being finalized. Graphic designers will present their final renderings to the Pinelands Commission on April 13th. From there, staff will work the firm to finalize all designs and text. The project is being funded with money provided by the National Park Service.*

# VIII. INFORMATION MANAGEMENT

## A) GEOGRAPHIC INFORMATION SYSTEM

**1. System planning and development:** *The GIS office continued work on 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.*

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

- **Threatened and Endangered Species:** *15 T&E data submission reports completed*
- **Pinelands Management Areas:** *Adjusted the Manchester/Lacey Preservation Area line per Certified maps*
- **Zoning:** *Hammonton Township, corrections to previously digitized linework; Waterford Township, Ordinance - 2011-19 Haines Redevelopment Area; Evesham Township, edited zoning updates for Ordinance 12-9-2009.*

*In addition to the above, the GIS office has secured the services of a volunteer intern who is experienced in working with T&E data. In coordination with the Regulatory Programs office, the intern is reviewing the backlog of consultant reports and other potential internal T&E data sources and is documenting any quality T&E data points on T&E data submission reports. This is part of the larger, multi-year effort of reconciling all of our T&E data sources in accordance with our Data Sharing Agreement with DEP.*

**3. External Data Layer Updates:** *Contacted DEP regarding our T&E data sharing agreement and received a new T&E layer from the Endangered Non-game Species Program. We will be reciprocating by sending DEP an updated Pinelands T&E layer. This data exchange will occur approximately every six months.*

*Also downloaded the most recent parcel data and MOD IV attribute data from NJGIN website and appended together to ensure that the State composite layer is the most up to date.*

**4. LOIs for PDCs:** *Nine applications were analyzed involving 285 lots.*

**5. Public Access to Maps and Data:** *Continued working with ESRI to learn how to best apply their new “Maps & Apps” technology. Based on our previous work and the additional maps that we have been contemplating for publication, we requested and were approved as a beta tester for their new enterprise edition of the software. This will allow us to expand our testing by using data layers that exceed the 1000 feature limit of the “free” software”, which is a capability that is necessary for many of our data sets. We expect to begin beta testing in May.*

**6. Analysis / Map Products:** *Produced an overlay map of Hammonton proposed zoning changes for the Planning department. Also, in support of work being done by the Planning department, joined the MOD IV attribute data to the Hamilton township parcels and used the property code to re-calculate an updated lot status (i.e Vacant, Developed, Public, etc.).*

## B) MANAGEMENT INFORMATION SYSTEM

**1. System planning and development:**

a. PCIS:

- *Added a custom button the MS Word to automate the process of applying a “digital signature” to letters and memos.*
- *Created new document type "Internal Memo: Stormwater" in PCIS and added the appropriate entries into the LUT\_ActionType and LUT\_Document\_Types tables.*
- *Fixed a problem with the “Search by Project Name” function. Error message was occurring if the project name contained an apostrophe.*
- *Fixed problem with the Callup screen related to changing the date for a scheduled, modified or rescheduled callup.*
- *Fixed problem with a specific PC locking up when printing post card address labels to the label printer.*
- *Made changes to the sort order for the advanced details screen for DEP Permits.*
- *Modified code to allow the “Print Address Label” function to be configured for any label printer.*
- *Made changes to allow "Via Email" to be used for "Documents Received" when creating a new application.*
- *Made changes to the "View Emails" code to allow users to view all Employees that report to them directly or indirectly through multiple management levels.*
- *Modified code that generates the monthly Commission Memo “Public MOAs”*
- *Updated the LOI PDC template to include new language for PDC Bank.*
- **Database QA/QC:** *Continued work on permanently protected land and identifying property that is preserved and adding that information to PCIS. Developed a "draft" manual outlining the procedures to be used to record permanently preserved land. Reduced the number of lots that were unable to be mapped on the August 2011 PLP Map to 214. Most of these lots were comprised of a section of Eagleswood Township that was missing from the Parcel data and are part of the Stafford Forge Wildlife Management Area. Work will begin in May to fix the remaining 214 lots that we are still unable to map. To date, 38028 deed restrictions have been added to PCIS.*

**b. Kirkwood-Cohansey Buildout:** *Completed producing the results for all three scenarios for all the Pinelands municipalities. Several anomalies have been identified where the buildout assumptions and algorithms need to be adjusted. For example, there are certain re-development zones where the number of units to be developed is established by ordinance but the buildout model currently generates zero units for those areas. Also, the assumptions for lots that are “developed but not to full potential”, are overestimating the number of units that can be developed when the existing development is multi-unit housing. Those corrections, as well as subtracting out preserved lands based upon our most current data layer, will need to be made to the program code and the results for all three scenarios will need to be re-generated.*

## IX. OPERATIONS

### A) FACILITIES

#### 1. Maintenance:

- *Installed the Smart Board in the TDM Room; began Spring grounds clean-up; repaired the split rail fencing; installed a new toilet in the Barn.*
- *Sprinkler system inspection completed bring us into full compliance with last reported fire code violation.*

## B) FINANCIAL MANAGEMENT

- 1. Application fees:** FY 2012 budget amount \$425,000; received through March \$324,760.26.
  - 2. Audit/Accounting:** *The State auditors began the FY 2011 audit field work on 2/28/2012 and are expected to be here until the end of April.*
  - 3. Budget:** *The Governor's budget includes a FY2013 appropriation of \$2,469,000 for the Commission. The staff has begun the budget preparation process.*
  - 4. Procurement:** *4 RFQs were issued (Smart Board, Computers, Toners, UPS Batteries). 1 RFP was issued (Lean Business Practice).*
  - 5. Miscellaneous:** *Surplus equipment (deleted fixed assets) was taken to the State warehouse in January 12, as required by Circular Letter*
- C) HUMAN RESOURCES:** See Employee Actions (Attachment #2).

**1. Benefits:** *No new action*

**2. Miscellaneous:**

- a. Union negotiations with CWA are continuing.** *The next meeting is scheduled for April 17th.*
- b. Training on the Smart Board was held at the Commission.**
- c. The midyear performance evaluation process is almost completed.**
- d. One staff member attended training from the Division of Pensions and Benefits.**
- e. An unpaid intern has begun in the MIS office and another intern will begin in the Science Department during the summer.**
- f. Orientation, supervisory, stress management, and work-life balance seminars were provided to staff by the State's Employee Advisory Service.**

## D) OTHER OPERATIONAL ITEMS

*Staff has begun a project to organize its central filing system. The beginning objectives are to organize the two file rooms and get ready to purge the old files upon approval from the State Division of Records Management.*

## X. PINELANDS MUNICIPAL COUNCIL

### A) MEETINGS

- 1. Last meeting:** *The Council meeting was held March 13, 2012 at the Buena Vista Township Municipal Building. At the meeting the new officers were elected and sworn in.*
- 2. Upcoming meeting:** *The next meeting date of the Council is May 31, 2012 at Stockton College.*

## XI. MISCELLANEOUS

- 1. Mr. Liggett attended the 11/17/11 meeting of the State Planning Commission on the new State Strategic Plan.** Discussion focused upon the value of the approach but only with transparency and further elaboration of detail. Ms. Wittenberg, Mr. Liggett and Ms. Grogan attended a 12/08/11 meeting with the Office of Planning Advocacy and other regional authorities to foster ongoing communication. *Dan Kennedy made a presentation to the Commission on the draft State Strategic Plan on 2/10/12.*

# ATTACHMENT #1

## ONGOING CONFORMANCE ACTIVITY October- December 2011

MUNICIPALITY	TOPIC
Barnegat	<p>1. 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 is reviewing the 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. <i>More recently, the Township has indicated it intends to adopt the rezoning. An ordinance (2012-12) has been introduced and is scheduled for adoption on 5/7/12.</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. <i>After more than two years of discussions, the Township is expected to adopt a revised zoning plan, which is consistent with both the Township’s and the Commission’s goals, by mid-April 2012. Extensions have been granted accordingly.</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> <p>2. Clustering: the Township adopted Ordinance 14-2011 at the end of November and provided a copy to the Commission on December 28. Formal Commission review and approval is required as the ordinance makes modifications to the bonus density standards of the CMP. <i>A public hearing was held on 2/1/12. The Commission certified Ordinance 14-2011 on 3/9/12.</i></p>
Dennis	<p><b>1.</b> <i>Clustering/forestry: 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.</i></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> <p><b>4. Clustering/forestry ordinance: Ordinance 5-2012 was adopted by the City and submitted for Commission review. The City elected to increase the required buffers between areas to be clearcut and public roads, as well as internal property lines. A public hearing has been scheduled for 4/11/12.</b></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.</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 to 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. <i>Copy of adopted ordinance (37-2011) received on 12/29/11. Finding letter sent 1/20/12. Public hearing held 2/22/12. Recommendation for conditional certification is on the Commission's agenda for 4/13/12.</i></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. <i>Reviewed proposals for sewer 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.</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.</p>

MUNICIPALITY	TOPIC
	<p>The Planning Board has formed a subcommittee to continue working on the matter. <i>Commission staff met with the subcommittee on 2/4/12 and subsequently provided data (buildout, RDA and FA density prescriptions) to the Township.</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> <p>3. Builders remedy litigation involving parcels in Redevelopment Area within Pinelands Town: concept plans provided 5/23/08 and to be reviewed for potential Pinelands issues prior to mediation session with the parties. Comments provided to court master; concerns with wastewater discussed. Court master conducted meeting of all parties on 7/31/08; Ms. Grogan attended on behalf of the Commission. Concerns with wastewater and water supply again discussed with court master in light of draft settlement agreement on 12/10/09. In mid-December, 2010, staff was informed that the development proposal has been significantly reduced in terms of the number of units. Comments provided to court master and interested parties on 1/5/11. Copy of settlement agreement between developer, Town and Planning Board received on 8/16/11. Implementing ordinance (024-2011) received on 12/2/11 and under review.</p> <p>3. Downtown Area Plan: met with Town consultants on 1/5/11 to discuss development of a form-based code for the Downtown Area (within Pinelands Town), including establishment of multiple new zoning districts, a sign code and other ordinance changes. Drafts of master plan and ordinance amendments received 1/5/11. Comments and suggested revisions provided to the Town on 3/17/11. The Town Council subsequently adopted the master plan amendments and Ordinance 023-2011, a copy of which was received on 12/6/11. The accompanying zoning map was received on 12/9/11. <i>At the staff's request, the Town provided its amended zoning map in digital form to facilitate an analysis of changes. Several very small management area changes (adjustments to follow lot lines) were identified. Finding letter sent 3/26/12. Public hearing has been scheduled for 4/11/12.</i></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</p>

MUNICIPALITY	TOPIC
	<p>implement the 2009 Master Plan, Staff requested the opportunity to review and comment upon the same prior to their adoption. The Township never responded to staff's request to be permitted to comment prior to adoption. Instead, the Township adopted a series of implementing ordinances in November. Staff requested a copy of the Township's Zoning Map as revised by the implementing ordinances but never received one. A letter determining that, without a revised Zoning Map, the implementing ordinances were incomplete for purposes of the Commission's review was issued on December 1, 2010. Two meetings with Township representatives were held, the first on December 22, 2010 and the second on February 8, 2011. Subsequently, three Finding Letters were sent to the Township. One of which determined that nine of the Township's implementing ordinances presented no issues with respect to CMP standards; another determined that six of the Township's implementing ordinances presented no substantial issue with respect to CMP standards; and, the third determined that a 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. <i>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.</i></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. 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. <i>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></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</p>

MUNICIPALITY	TOPIC
	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.
Maurice River	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.
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> <p>2. <i>Clustering: Ordinance 2011-15 adopted and provided to the Commission for review, along with accompanying master plan amendment. No substantial issue finding letter sent 12/16/11.</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.</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> <p>3. <i>Clustering: Ordinance 2011-21 adopted and provided to the Commission for review. No substantial issue finding letter sent 11/23/11.</i></p>
Pemberton	<p>1. Browns Mills Redevelopment/Revitalization Study: Township has received a grant and hired a consultant. Meeting with consultant held 2/1/08. Maps and other information on parcels, wetlands buffers and projects subsequently provided to consultant. Draft of conceptual site plan for Browns Mills redevelopment received 7/21/09. Draft of Browns Mills Strategic Revitalization and Redevelopment Study received 4/8/10. Draft of Ordinance 5-2010, adopting amendments to the 1995 Browns Mills Town Center Redevelopment Plan, received 4/19/10. Copy of 1995 Browns Mills Redevelopment Plan and adopting ordinance (8-1995) requested 4/19/10 and received 4/22/10. All documents under review. Staff met with the Township's planners on 5/19/10 to discuss the 1995 Redevelopment Plan, recent amendments and additional plans for the revitalization of Browns Mills. Meeting held with the Township, at Mayor's request, on 4/14/11. Received notice that Browns Mills Revitalization Plan was adopted by the Township earlier this year; awaiting receipt of adopted ordinance. Adopted ordinance (12-2011) received on 12/19/11 and under review.</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</p>

MUNICIPALITY	TOPIC
	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. <i>Met with Township Planner on 3/8/12 to discuss clustering amendments as well as zoning changes and master plan.</i>
Plumsted	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. <i>Comments provided to the Township 1/25/12.</i>
Southampton	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.
Upper	1. Clustering: Ordinance 2011-36 adopted and provided to the Commission for review. No substantial issue finding letter sent 12/13/11.
Vineland	1. Clustering: adopted ordinance (2011-65) received 12/28/11 and under review. <i>No substantial issue finding letter sent 1/25/12.</i>
Waterford	1. Draft 2010 Master Plan received and under review (includes proposed zoning and management area changes). 2. C. William Haines Redevelopment Area: Redevelopment Plan and adopting ordinance (2001-30) received. No substantial issue finding letter sent 6/15/11. Discussions ongoing with Township re: streamlined permitting for nonresidential development within the redevelopment area. Draft ordinance to implement streamlined application and permitting procedures prepared and provided to the Township in September. <i>Adopted ordinance received 11/23/11. Finding letter sent 11/28/11. Public hearing held 12/14/11. The Commission certified Ordinance 2011-19 on 2/10/12.</i>
Weymouth	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. 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. 3. 2011 Master Plan: 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. <i>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.</i>
Woodland	1. Expansion of Duke's Bridge infill area: rezoning proposal received 4/8/08. Meeting with Township held 5/7/08. 2. Expansion of Rt. 72 infill area to incorporate municipally owned lands:

MUNICIPALITY	TOPIC
	<p>rezoning proposal received 3/31/08. Meeting with Township held 5/7/08. Waiting for tax map and ownership information from municipality before proceeding to develop rezoning options. Tax map/ownership information received 10/23/08. Meeting held with Township representatives on 2/15/11 to discuss plans for Master Plan Reexamination. Parcel data and other information subsequently provided to the Township. On December 14<sup>th</sup>, staff met with the Township's professionals to discuss its proposed 2011 Master Plan Reexamination Report and its 2011 Master Plan. Staff explained its concerns with the proposed zoning changes and is working with the Township's professionals on revisions. <i>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.</i></p>

**Attachment #2**  
**EMPLOYEE ACTIONS**  
**January, February, & March 2012**

**A. DEPARTING EMPLOYEE(S)**

<u>Name</u>	<u>Title</u>	<u>Office</u>	<u>Effective Date</u>	<u>Hire Date</u>
Michael Yaffe	Planner 3-Resource	Land Use/Tech. Prgms	3/9/12	10/9/07

**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.	Not Budgeted
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	Not Budgeted
GIS Specialist*	Science	Not Budgeted
Research Technician**	Science	Recruitment on Hold
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
Patrick Burritt	Research Technician	Science	Unpaid Family Leave 12/9/11 & 12/19/11-1/2/12
Andrew McGowan	Unpaid Intern	Science	Will work June to 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>
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 contribution agreement as method of meeting affordable housing obligation; repeals Statewide non-residential development fee	Introduced, Referred to Assembly Housing and Local Government Committee
A293	Amodeo/Brown  <i>Last session Bill Number A2617 and S1235</i>	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	<i>Rudder, Brown</i>	<i>Exempts for five years, certain new business activities in pinelands area from compliance with Pinelands Commission Development approval process</i>	<i>Introduced, Referred to Assembly Environment and Solid Waste Committee</i>

<i>S1785</i>	<i>Addiego</i>	<i>Identical to A2629</i>	<i>Introduced in the Senate, Referred to Senate Environment and Energy Committee</i>
<i>A1063</i>	<i>DeCroce/Rible</i> <i>Previous Bill Number A2540</i>	<i>Provides that certain permits and approvals for critical infrastructure projects must be acted upon within 45 days</i>	<i>Introduced, Referred to Assembly Housing and Local Government Committee</i>
<i>S842</i>	<i>Vitale/Beck</i> <i>Previous Bill Numbers A2768/S2074</i>	<i>Establishes deadlines for filing financial disclosure statements with Senate Ethic Commission</i>	<i>Introduced in the Senate, Referred to Senate State Government, Wagering, Tourism &amp; Historic Preservation Committee</i>
<i>A932</i>	<i>Riley/Chivukula</i> <i>Previous Bill Number A2925</i>	<i>Concerns “Freshwater Wetlands Protection Act” general permit for expansion of cranberry bogs in pinelands area</i>	<i>Introduced, referred to Assembly Agriculture and Natural Resources Committee</i>