

Plan Review Update



P&I Committee
March 23, 2018

2014 Plan Review Report

New Jersey Pinelands Commission

Comprehensive Management Plan



The Fourth Progress Report on Plan Implementation

September 2014

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- Describes the Commission's actions from July 1, 2001 to June 30, 2012, the period since the last report was issued.
- Features chapters on Land Use and Planning, Regulatory Programs, Permanent Land Protection, Memorandums of Agreement, Public Information and Outreach, Economic Monitoring, Science and Recommendations.

Public Process

- The Commission formed a Plan Review Committee that met regularly and provided a forum to discuss ways to improve the CMP.
- The Commission gathered comments from 109 groups and individuals during two public hearings and a 2½-month public comment period.
- The Plan Review Report was issued in October 2014.

Recommendations

- Dozens of action items are listed in the recommendations chapter of the report.
- Commission staff is using the list of recommendations to guide its work program through 2019.
- The need for additional CMP amendments has also been identified.

Recommendations

Revise application review fees and escrows to address solar facilities, violations, general development plans, construction cost statements, and purchase of software and specialized equipment

Status: CMP amendments were adopted in December 2017 and took effect March 2018.

Next Steps: Apply new application fees; require escrows when necessary to address and resolve violations

Recommendations

Implement additional efficiency and administrative improvements

Status: CMP amendments were adopted in 2014 and 2017 to extend LOIs, streamline PDC LOI reviews and revise and expand the list of application exemptions

Next Steps: Implement adopted amendments. Meet with DEP, the Agriculture Committee and others to discuss proposed amendments to the exemption for prescribed burning and clearing of fire breaks.

Recommendations

Change the definition of “interested person” to “interested party” and clarify who has the right to formally participate in the Commission’s decision-making processes.

Status: Amendments were proposed in 2017 but not adopted.

Next Steps: Discuss advice from AG’s office and re-propose amendments.

Recommendations

Amend CMP notification procedures and requirements to allow for email communication, eliminate certified mailing requirements, require posting of notices on the Commission's website and eliminate newspaper advertisements.

Status: CMP amendments were adopted in 2017 to do all of the above, except elimination of newspaper advertisements.

Next Steps: Implement new procedures.

Recommendations

Amend and simplify CMP procedural requirements for municipal and county permits and approvals

Status: CMP amendments were adopted in 2017 to eliminate need for towns and applicants to provide certain information to the Commission.

Next Steps: Incorporate expiration dates for “old” waivers, CFs and “no call ups”; address MLUL time of application provisions.

Recommendations

Increase protection for the Black Run headwaters area of Southern Evesham/Medford

Status: The P&I Committee endorsed the staff's recommendation for a management area change from RDA to FA and the creation of a new pilot program at its April 2015 meeting. A rule proposal was drafted, shared with the Committee and discussed with the Governor's office in 2016.

Next Steps: Meet with Evesham and prepare a simplified rule proposal for review by the P&I Committee.

Recommendations

Codify application standards for organized off-road vehicle events and discuss ways to address deviations from approved routes

Status: The Plan Review Committee reviewed draft CMP amendments in October 2013. Staff then met with the Enduro groups in 2013 and 2014 to discuss concerns and possible revisions. A revised version of the draft CMP amendments is under staff review. Staff also designed and distributed new application forms and approval documents, all of which are currently being used.

Next Steps: Prepare a draft rule proposal for review by the P&I Committee.

Recommendations

Enhance the Pinelands Development Credit Program: increase demand; ensure adequate opportunities exist for PDC use; provide sufficient design flexibility to ensure densities can be achieved; allow for nonresidential PDC programs to replace residential programs.

Status: Staff discussed the PDC rule proposal with interested parties throughout 2014-2017. Revisions and simplifications were identified. Legislative changes for the PDC Bank have been introduced in the Senate and Assembly.

Next Steps: Update the P&I Committee and prepare a simplified version of the CMP amendments.

Recommendations

Improve CMP water management standards (both quality and quantity) in response to the Kirkwood-Cohansey Aquifer study

Status: Staff briefed the P&I Committee, the State WSAC, DRBC and other interested parties throughout 2014-2015. The State Water Supply Plan was released; staff briefed the P&I Committee and submitted written comments. Development of water supply planning policy is ongoing.

Next Steps: USGS may be engaged to refine currently available groundwater background data to ensure applicability in the Pinelands Area. Water supply policy options will be discussed with a variety of technical experts this Spring. An open public meeting to gather input may also be held, after which CMP amendments will be drafted and provided to the P&I Committee for discussion.

Recommendations

Improve the process for Memorandums of Agreement

Status: The Commission formed a new MOA Policy Advisory Committee that met throughout 2015 to review the process by which deviation MOAs are considered. A revised process for MOAs was developed by the Committee and endorsed by the full Commission in 2016.

Next Steps: Implement the revised process for any newly proposed MOAs.

Recommendations

Develop standards to address the use of digital sign technology in the Pinelands Area

Status: CMP amendments were adopted in 2017 to delegate responsibility for regulating on-site signs to municipalities and to provide standards for digital technology.

Next Steps: Work with Pinelands municipalities to implement the revised CMP sign standards.

Recommendations

Amend the CMP to address OPRA requirements relative to survey results for threatened and endangered species and cultural resources.

Status: Staff has completed an evaluation and determined that other state agencies have not adopted such amendments.

Next Steps: Staff will continue to evaluate whether CMP amendments are necessary.

Recommendations

Revise the Commission's public comment procedures by holding evening meetings and providing more advance notice of public comment opportunities on public development applications and MOAs.

Status: Evening Commission meetings were scheduled in 2014, 2015 and 2016. Public comment policies were revised in 2011 to provide more advance notice and allow the public more time to review and comment on public development applications and waivers. Website postings and increased use of email have helped to provide more advance notice.

Next Steps: None.

Recommendations

Amend the CMP to better protect existing roadside habitat for native and rare plants; prevent creation of turf areas in place of native vegetation; require use of clean fill or stockpiling and reuse of native soils excavated from the site; and reference Soil Conservation Committee standards

Status: Staff made a presentation on best management practices (BMPs) at the Plan Review Committee's May 2013 meeting. Staff has been working with Pinelands counties to improve compliance with BMPs.

Next Steps: CMP amendments will be drafted for the P&I Committee's review.

Recommendations

Amend the CMP to strengthen protections for native vegetation by changing guidelines to requirements, revising the list of recommended grass types, addressing post-construction work and conducting monitoring studies.

Status: Staff made a presentation on possible CMP amendments at the Plan Review Committee's July 2013 meeting. Staff has been researching native Pinelands grass species to replace problematic currently recommended grass types.

Next Steps: Staff will provide draft CMP amendments to the P&I Committee for review.

Recommendations

Amend the CMP to reduce or eliminate survey requirements for threatened and endangered species in designated growth areas; expand the CMP's list of protected plants to include DEP's "species of concern", establish standardized protocols for plant surveys.

Status: Staff meets regularly with Partnership for NJ Plant Conservation and continues to discuss and evaluate the need for increased protection of plant species, including a plant data-sharing agreement with DEP.

Next Steps: Staff will revive its efforts to finalize and execute the plant data-sharing agreement with DEP. Staff will continue to evaluate whether it is appropriate to expand the plant list or change survey requirements.

Recommendations

Review CMP stormwater management standards; identify conflicts and improvements

Status: Staff participates in DEP Stormwater Advisory Committee meetings and routinely coordinates with other agencies (Soil Erosion and Sediment Control, NJBA). A 2015 NJBA assessment of new stormwater infiltration BMPs demonstrated that the CMP's 2005 stormwater BMP soil assessment standards are achieving desired results.

Next Steps: Staff will identify improved measures to maximize stormwater quality renovation and groundwater recharge. Draft CMP amendments will be provided to the P&I Committee for review.

Recommendations

Develop rules and strategies to reduce contributions to climate change and adapt to climate change impacts

Status: Staff continues to monitor the issues and work of agencies (Barnegat Bay Partnership, Rutgers University, Inst. Of Marine and Coastal Science) to identify strategies that could be applied in the Pinelands.

Next Steps: An open public meeting will be held to gather specific suggestions as to how the CMP could be amended to address climate change, after which options and recommendations will be presented to the P&I Committee for additional discussion.

Additional CMP Amendments

- “Graduate” the FAST technology from the septic pilot program for residential use on 1.4 acre lots: **completed**
- Delete septic management requirements for alternate design wastewater treatment systems and rely on DEP requirements: **completed**
- Revise the definition of “recreational facility, low intensity” in response to recent legislation: **on hold due to litigation**
- Review exemptions and permitted nonresidential uses on farms
- Amend procedures for Commission review and approval of applications submitted by public utilities that qualify for MLUL preemption, as well as other applications that do not require municipal or county permits

Additional CMP Amendments

- Evaluate success of FA and RDA cluster development standards; consider amendments to address minor developments (4 or fewer units)
- Septic Pilot Program: implement recommendations in 2017 report, including elimination of 8/5/18 installation deadline
- ROW Pilot Program: evaluation due September 2019

Questions?

