

# Management Report for January, February & March 2013



Updates are in *italics*

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# TABLE OF CONTENTS

## **I. Planning**

- A) CMP Amendments (page 3)
- B) Conformance (page 3)
- C) Special Planning Projects: (pages 3-5)
- D) Economic Monitoring (page 5)
- E) Permanent Land Protection (page 5)
- F) Other Planning Items (pages 5-7)
- G) Plan Review (page 7)

## **II. Development Applications**

- A) Application Activity (page 7)
- B) Notable Development Applications (pages 8-10)
- C) Office of Administrative Law Matters (page 10)
- D) Violations (pages 10-14)
- E) Other Non-application Regulatory Programs Items (pages 14-16)

## **III. Intergovernmental Memoranda of Agreement**

- A) MOAs Under Review (pages 17-18)
- B) Other MOA Requests (page 18)

## **IV. Science**

- A) Kirkwood-Cohansey Study (page 18)
- B) Environmental Monitoring (pages 18-19)
- C) Other Science Projects (page 19)
- D) Other Science Office Items (pages 19-20)

## **V. Litigation**

- A) State Court Cases (pages 20-21)
- B) Federal Court Cases (page 21)
- C) Other Litigation Matters (page 21)

## **VI. Legislation**

- A) Notable Bills (page 21)

## **VII. Public Programs**

- A) Communication (page 21-22)
- B) Publications (page 22)
- C) Events and Outreach (page 22)
- D) Interpretive Program (page 22)

## **VIII. Information Management**

- A) Geographic Information Systems (pages 22-23)
- B) Management Information Systems (pages 23-24)

## **IX. Operations**

- A) Facilities (page 24)
- B) Financial Management (pages 24-25)
- C) Human Resources (pages 23-24)

## **X. Pinelands Municipal Council**

- A) Meetings (page 25)

**Attachments #1 & #2** (pages 26-34)

# I. PLANNING

## A) CMP AMENDMENTS

No amendments pending.

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

1. *Ordinances/plans received this quarter: 29 (60 this FY; average FY=100)*
2. *Interpretations/consultations/assistance this quarter: 46 (113 this FY; average FY=150)*
3. *Status of municipal clustering/ forestry responses:*
  - Adopted: 38 out of 47
  - PCF Reimbursement: \$16,727.65 to 3 municipalities (*Evesham, Galloway & Plumsted*)
  - Extensions Granted: None
  - Meetings Attended: *Hammonton*

## C) SPECIAL PLANNING PROJECTS

**1. Pine Barrens Byway:** On October 25, 2012, staff met with Tim Hart at the Ocean County Cultural and Heritage Commission offices in Toms River. Mr. Hart has agreed to become the lead person in running the byway operations and has made good progress in the current quarter. Using his own finances, he filed for incorporation of the byway, obtained a corporate seal and opened a checking account. He also drafted by-laws and a tentative budget for the organization. *Staff will reimburse Mr. Hart for his out-of-pocket expenses.*

Mayor Giberson of Port Republic has been greatly distracted by Hurricane Sandy, but will make an effort to get donations for the byway's operations. *No new actions as of March 31, 2013.*

**2. Alternative septic system pilot program:** *On January 29, 2013, the New Jersey Department of Environmental Protection( DEP) issued the revised generic Treatment Works Approval (TWA), required for county health departments to approve the four new Pinelands alternative technologies. The New Jersey Builders Association (NJBA) provided the only comment in response to DEP's published notice. The NJBA strongly endorsed the TWA and the Commission's pilot program.*

**3. Hammonton wastewater recharge project:** Commission staff issued a letter to Hammonton on December 3, 2012 requesting a status update and construction schedule for proposed drip irrigation infiltration enhancements. The letter also indicated that the Commission was establishing an escrow budget in order to permit the Commission to retain a water quality consultant. *Staff met with Hammonton officials on January 18, 2013 to discuss methods Hammonton intended to pursue to address its continued stream discharge. Staff has prepared a timeline to trace the history of Hammonton's treatment plant replacement, land application of wastewater operations and the ongoing stream discharge issue. Hammonton has reported that it is again discharging wastewater to Hammonton Creek, reportedly due to saturated soil conditions and maintenance activities. There has been limited progress made concerning Hammonton's development of drip and surface irrigation facilities intended to beneficially reuse wastewater and reduce or eliminate Hammonton's continued stream discharges. With regard to Hammonton's application for such facilities, the last action was Regulatory Program's issuance of an incomplete application letter in August 2012.*

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

**a. Stockton:** A draft of a proposed alternative permitting process MOA was presented to the P&I Committee at its September 28, 2012 Committee meeting. A public hearing was held on the proposed MOA in the evening on October 2, 2012 at the Galloway Township Municipal Building. Written comment was received on the MOA until close of business on October 5<sup>th</sup>. *The Commission staff met with representatives of Stockton College at the College campus in February. The purpose of the meeting was to discuss comments submitted concerning activities conducted at the campus without prior Commission approval. At that meeting, it was agreed the Commission staff would accompany a representative of Stockton and Stockton's engineering consultant on a site inspection to look at the areas where the commenter asserted violations had occurred. Additionally, the Commission staff agreed to participate in Stockton's annual training session for its employees in order to review the requirements of the CMP.*

**5. Roadside Maintenance:** The new and revised Standards and rule revision proposed by the State Soil Conservation Committee (SSCC) were published in the NJ Register on July 2, 2012 and August 6, 2012. The revised Standards include a subsection of the Standard for Permanent Vegetative Cover for Soil Stabilization which specifically addresses "Pinelands National Reserve Specifications". The Vegetative Committee of the State Soil Conservation Committee met in November and December to review public comments on the revised vegetative standards and make limited edits. Commission staff participated in that process. *The SSCC voted at its March 11, 2013 meeting to defer adoption of the new and revised standards until its April meeting.* Regarding the Roadside Management BMPs appended to the county streamlining MOA, county efforts to implement the BMPs are at varying stages and ongoing. *Staff presented a course on "Roadsides and Rare Plants" at the Pinelands Short Course on March 23, 2013, which provided participants with an overview of the Commission's roadside mowing and maintenance BMPs.*

#### **6. Landfill Closure:**

##### **a. Individual Closures**

(1) **Estell Manor Landfill:** Staff, with the assistance of USGS, has completed its review of the proposed Remedial Action Selection Report / Remedial Action Workplan. Comments on the plan were provided to the City's consultant on December 20, 2011. 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. At the consultant's request, Staff and USGS held a second meeting with the City's landfill consultant in August 2012 to provide technical guidance toward resolving report deficiencies. The Town's consultant has advised that they have resumed work on the workplan and are preparing responses to the Commission's review comments. *The Town's landfill consultant has called several times to report the imminent submittal of their revised report.*

(2) **Winslow Township Landfill:** Staff were informed that NJDEP may be reconsidering the choice of an impervious cap and may be exploring alternatives to landfill capping. See II.B.3. Estell Manor City's landfill consultant advised staff at an August 2012 meeting, that his firm has a continued interest in acquiring and remediating the Winslow Landfill in a manner that would not involve installation of an impermeable cap. Staff suggested that the consultant pursue the matter with Winslow and DEP. *No new action as of March 31, 2013.*

(3) **Hamilton Township Landfill:** The "Groundwater Remedial Investigation Workplan" was submitted for review on 12/08/11. *No new action as of March 31, 2013.*

**b. Comprehensive Study:** With the approval of solar placement on the Stafford landfill, approximately \$170,000 was to be made available for a Pinelands-wide comprehensive landfill study. The Commission has engaged USGS to perform a Rapid Assessment of Pinelands Area Landfills. USGS continues to review NJDEP data. USGS conducted supplemental landfill monitoring-well sampling at the Berkeley Township, Woodbine, and Weymouth landfills in December 2012. *The USGS' work on the comprehensive landfill study is progressing.*

## **D) ECONOMIC MONITORING**

**1. Annual Report:** *Progress on the 2011 - 2012 Economic Monitoring Report resumed in early 2013 with the hire of a new employee to work on the project. Completion of the 2011 - 2012 Report, originally scheduled for late 2012, is now anticipated in spring 2013.*

## **E) PERMANENT LAND PROTECTION**

**1. Pinelands Development Credit Program:** *Four original LOIs were issued with potential for 9 rights and preservation of 109 acres; 1 severance (19.41 ac in PAD; 1 right); 1 right sold (\$9,000.00). The Pinelands Commission redeemed 1 right on 1 project.*

**2. Farmland Preservation program:** *The Commission has received notice of four pending State Agriculture Development Committee (SADC) projects in Burlington County with the potential to protect 1,152 acres and retire 38.25 (153 rights) PDCs.*

**3. Pinelands Conservation Fund:** *As of March 31, 2013, the Commission has approved the allocation of \$9.5 million to 33 projects in the Pinelands Area. Of these 33 projects, 30 have proceeded to closing, resulting in the permanent protection of 6,752 acres.*

## **F) OTHER PLANNING ITEMS**

### **1. Water supply:**

- a. K/C Planning:** A staff working group has been formed and will make recommendations on implementing the K/C study. The group has begun meeting monthly with USGS to understand the implications. (See IV Science A)1.-2.) Buildout analysis continues. Mr. Liggett attended Steering Committee meetings and made a presentation on buildout to the P&I Committee. *Planning and Science staff attended a meeting on February 27 at NJDEP to provide an update on the Commission's possible application of the KC study results in water supply planning. The NJ Builders Association and the P&I Committee were also provided an update. Another meeting with DEP is scheduled for 4/4/13.*
- b. State Water Supply Advisory Committee:** The new plan is on hold to ensure consistency with the new State Strategic Plan. *No new action as of March 31, 2013.*
- c. New Water Supply Rules:** Mr. Wengrowski attended a DEP briefing on 11/22/10. *No new action as of March 31, 2013.*

### **2. Cultural resources:** 27 (216 this fiscal year) cultural resource activities undertaken:

- a.** 19 (140) applications reviewed
- b.** 0 (0) forestry inquiries
- c.** 2 (35) surveys reviewed
- d.** 0 (1) CAFRA reviews
- e.** 0 (0) Preliminary Investigation
- f.** 2 (17) site coordination with other agencies/meetings & phone conferences

- g. 1 (8) coordinated reviews w/SHPO
- h. 3 (20) Municipal/consultant inquiries

*The Commission is working with FEMA, the State Historic Preservation Office (HPO) and the NJ State Museum to scan Commission cultural resource survey inventory information and to coordinate attribute tables and means of access. The HPO scanned 1980 inventory maps in February. FEMA will provide the funding and an intern to do additional scanning.*

*The Commission met with Dix/McGuire/Lakehurst Joint Base representatives on March 28, 2013 to discuss cultural resource information available at the Commission.*

Advocacy of Archaeological Survey and Excavation within the Pinelands: Dr. Richard Veit of Monmouth University requested the Commission's aid in securing access to a "Contact Period" site in Tabernacle Township (a Native American site that exhibits evidence of interactions with European settlers). This site was discovered in the early 1990s as part of a cultural resource survey for a county road widening. Commission staff is attempting to contact the parcel owners, who now live in Florida. *On March 31, 2013 the effort to pursue archaeological excavation in Tabernacle Township was unfortunately abandoned because the property owner declined to allow access to the site. Other opportunities may be found.*

Cultural resource reviews have now been completed for a total of six areas identified by Pinelands municipalities as possible redevelopment areas. These include Waterford (Atco), Egg Harbor City (Antwerp Avenue and the former Rittenberg school site) and, in the quarter ending 9/30/12, two areas in Hamilton (Hamilton Mill complex and Old Harding Highway) and one in Galloway (White Horse Pike). *No new action as of March 31, 2013.*

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

■ **County Plans:** Since mid-2012, staff has worked with staff from NJDEP and each of the seven Pinelands counties to coordinate the sewer service area (SSA)/future wastewater service area (FWSA) mapping for the Pinelands Area. The goal of the coordinated effort is to ensure that the counties' SSA/FWSA mapping is fully consistent with the CMP and the April 2012 MOU between the Commission and NJDEP. While the process is not yet complete, significant progress has been made toward achieving this goal and all Pinelands counties have already presented versions of their maps for public hearing. *Staff is currently working with DEP to correct mapping errors which occurred during the adoption process.*

### **4. Agricultural Advisory Committee:** *No new action as of March 31, 2013.*

**5. Garden State Parkway Interchange 44:** The New Jersey Turnpike Authority has proposed an expansion with the addition of southbound access to GSP and northbound exit from GSP (See II. B) 4.). Staff has determined that it is highly probable there will be negative secondary impacts from the expansion on the surrounding Rural Development Area. Atlantic County, which will address the impacts for the GSP, has been offered three alternatives:

- a. Accept the likelihood and "memorialize" the zoning for a 1 ½ mile area as was done at Exits 58 and 69;
- b. Purchase and deed restrict only the larger parcels in the 1 ½ mile area; or

c. Provide us with funding (in escrow) to hire a consultant to investigate the scope of any secondary impacts. Then appropriately eliminate the impact other than an expression of “concern”.

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

**G) PLAN REVIEW**

1. *The Plan Review Committee met once in January and once in March.*
  - *January 11, 2013: The Committee continued to discuss the larger issues that may be addressed in the second-round “substantive” rule proposal.*
  - *March 8, 2013: Staff provided a presentation regarding the potential uses of the Ecological-integrity Assessment results to inform rule- and policy-making. The Committee then resumed its discussion of the “substantive” issues to consider for the second-round rule proposal, selecting certain topics for continued future discussion.*
2. The Plan Review web page (<http://www.state.nj.us/pinelandscmp/planreview/index.html>) is fully updated with scanned copies of written public comment and summarized verbal comments from public comment meetings. *Committee meeting agendas and minutes are also available on the web page.*
3. Staff is drafting the first-round rule proposal and the chapters of the Plan Review Report.

**II. DEVELOPMENT APPLICATIONS**

**A) APPLICATION ACTIVITY**

		Oct/Nov/Dec	Jan/Feb/March
New applications received for the last two quarters with a comparison to last year:	This year	90	125
	Last year	93	128
Total applications active for the last two quarters with a comparison to last year:	This year	594	706
	Last year	618	677
“No Call-ups” issued for the last two quarters:		76	83
By mail			
By fax		59	49
Certificates of Filing issued for the last two quarters:		44	49
“Call-ups” issued for the last two quarters:		24	22
Streamlined permitting actions taken during the last two quarters:	LRO	3	6
	MOA	1	5

## **B) NOTABLE DEVELOPMENT APPLICATIONS**

- 1. Winzinger Mining Application, Woodland Township** (App. No. 1980-0062.001): On February 13, 2007, the Commission received an application proposing mining on a site in the Township. Upon completion of the application with the Commission, a Certificate of Filing for the proposed mining operation was issued. The Certificate of Filing noted that it has not been demonstrated that the proposed mining was consistent with the applicable threatened and endangered species standards and that it appeared the proposed mining constituted a new mine and was, therefore, not a permitted land use in the Pinelands Preservation Area. *Subsequently, the Township approved the proposed mining application. The Commission staff then issued a letter indicating that the Township approval raised an issue with the standards of the Township land use ordinance and the CMP. That letter scheduled a Commission staff Public Hearing to review the issue. The Commission staff Public Hearing was held on January 29, 2013. The Commission's Executive Director served as the Hearing Officer. At the Hearing, the Commission staff and the applicant testified regarding the issue that was raised. After the Hearing, the Commission staff prepares a "Staff Report on Public Hearing." That Report along with a recommendation of the Executive Director on the application will be considered at the Commission's June 13, 2013 Commission meeting.*
- 2. Hamilton Mall, Hamilton Township** (App. No. 1985-0708.001): On October 23, 2008, the staff received an application for a proposed 138,227 square foot addition to the mall (Application No. 1985-0708.007). A Certificate of Filing requiring the development and implementation of a stormwater basin rehabilitation plan for five existing basins was issued. On April 26, 2012, the Commission staff issued a letter indicating that the final site plan approval for Phase 1 issued by the Atlantic County for the proposed development could take effect. On June 8, 2012, the Commission staff received a stormwater basin remediation plan approved by the Township Planning Board engineer. On July 19, 2012, the Commission staff issued a letter indicating that the submitted remediation plan fulfilled the requirement of the municipal approval. The required stormwater basin remediation is ongoing. *On March 8 2013, the Commission staff received an amended site plan approval issued by the Township Planning Board. That amended municipal approval allowed for the issuance of municipal certificates of occupancy for two restaurants while certain existing stormwater basins were being remediated. On March 28, 2013, the Commission staff issued a letter indicating that the amended site plan approval could take effect.*
- 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 was proposed. On September 11, 2009, the staff issued a letter to the applicant requesting threatened and endangered species surveys and advised of the current CMP stormwater management requirements that pertain to this application. Between May 14, 2010 and February 23, 2011, the applicant submitted the completed threatened and endangered species survey. The staff is in agreement with the negative results of the T&E species surveys. It is the Commission staff's understanding that NJDEP is finalizing the plan for an impermeable cap. Staff was again contacted by a landfill consultant who has expressed an interest in pursuing an alternative closure plan (in lieu of impermeable capping) for the Winslow Township landfill. DEP has authorized looking at alternatives if the Commission concurs. We're awaiting submission of a



report that would identify proposed alternative closure strategies. *No new action as of March 31, 2013.*

- 4. Garden State Parkway Interchanges 44 (Pomona Road, App. No. 1997-0257.006):** On March 8, 2012, we received an application to improve interchange 44. By letter dated June 5, 2012, we advised the applicant, of the information necessary to complete an application. As required by the CMP, that letter also raises the question of potential secondary land use impacts and the need to address those potential impacts. On July 10, 2012, the staff met with representatives of the Turnpike Authority and the County to discuss the issue of secondary land use impacts. On August 15, 2012, the Turnpike Authority submitted additional information. On September 28, 2012, Atlantic County appeared before the Commission's Policy and Implementation Committee to discuss an approach to addressing secondary impacts. On that date, the County also submitted certain application information regarding the County's agreement with the Turnpike Authority to address secondary impacts. By letter dated December 27, 2012, the staff advised that the application was complete and consistent with all standards of the CMP, except for the applicant addressing secondary impacts. To complete an application with the Commission, it remained for the applicant to reach an agreement with Commission staff regarding the methodology for addressing secondary impacts. (See I. F) 5.) *No new action as of March 31, 2013.*
- 5. South Jersey Industries (App. No. 2012-0056.001):** Pre-application discussions have been held regarding provision of natural gas service to an existing coal fired power plant (BL England). The natural gas pipeline could originate in the Pinelands Area and exit into the Pinelands National Reserve. The concerned plant is located in the Pinelands National Reserve. The pre-application meeting was held on April 17, 2012. Three alternative routes were discussed for the pipeline. On June 26, 2012, a follow up pre-application meeting was held. At that meeting the applicant indicated that, within the Pinelands Area, they had selected a route for the gas main that would primarily follow existing roadways. The primary issue raised by the application is the location of the proposed gas main in a Pinelands Forest Area. Because of the proposed location, it must be demonstrated that the gas main is primarily intended to serve the needs of the Pinelands. On July 24, 2012, we received an application for the proposed development. On July 26, 2012, a meeting was held with the applicant to further discuss the proposed development. On August 23, 2012, the staff sent a letter requesting certain information to complete the application. On October 4, 2012, a coordination meeting among all State agencies involved in the proposed project was held at NJDEP offices in Trenton. The purpose of the meeting was to coordinate the State review and approval process for the proposed project. *On February 14, and 15 and March 18 and 21, 2013, the applicant submitted certain information in response to our August 23, 2012 letter. That information is under review. See Section III. A.5. for additional information regarding the MOA.*
- 6. Ocean County (Robert Miller) Airport (App. No. 1985-0949.020):** Commission staff has been in discussions with the County regarding two issues at the Airport: an increase in the local population of sickle-leaved golden aster and the timing of tree clearing for a firebreak associated with the construction of the Reptile Habitat Management Areas. Staff has recently obtained information from the County that demonstrates that, although the number of Sickle-leaved golden aster plants located in the area of the proposed crosswind and parallel runway project has increased, implementation of that project does not alter the conclusion in the June 8, 2012 Memorandum of Agreement (MOA) that there will not be an irreversible adverse impact to the local population of Sickle-leaved golden aster at the airport. There is an extremely large and healthy population of Sickle-leaved golden aster at the airport that continues to flourish as a result of the establishment and maintenance of extensive grassland

habitat there. With regard to the timing of tree clearing, the County was able to demonstrate that given that the clearing activities would not result in any soil disturbance, there was no threatened or endangered snake concerns regarding implementation of such clearing activities. *Staff issued a letter dated February 15, 2013 indicating that the proposed development of a crosswind runway, parallel taxiway and associated site improvements was consistent with the MOA and development could proceed.*

7. **Stafford Township, Ocean Acres/Rt. 72 Stormwater Basin (App. No. 1993-0732.012):** On October 3, 2012, the staff met with the Mayor and the Township Administrator to discuss the construction of a seven acre stormwater basin on the south side of Rt. 72. The purpose of the proposed basin was to address certain flooding issues associated with the Ocean Acres residential development on the north side of Rt. 72. The proposed stormwater basin on the south side of Rt.72 would be located in a Pinelands Forest Area and would not be a permitted land use. *On March 7, 2013, the staff met with the Township Administrator, Township Engineer and the Township's consultant to discuss the proposed stormwater basin and the requirements to address the threatened and endangered species standards.*
8. **Sweetwater Casino, Mullica Township (App. No. 1983-4234.002):** On October 25, 2012, the staff met with Mayor James Brown, Township staff and other private parties interested in re-developing the Sweetwater Casino, a restaurant previously destroyed by fire. *No new action as of March 31, 2013.*
9. **Arawak Paving, Woodbine (App. No. 1990-1124.003):** On December 14, 2012, the staff received a request for a pre-application conference for a proposed asphalt plant on a 66 acre parcel. *A pre-application conference was held on January 8, 2013. On March 15, 2013, an application for a proposed asphalt plant and 1/3 of the overall application fee was submitted for Commission staff to review the threatened and endangered species protocol for the site. That protocol is currently under review.*
10. **Egg Harbor City Bike Path (App. No. 2012-0119.001):** On September 25, 2012, the staff met with City officials to discuss development of a City wide bicycle path. After conducting a site inspection, the staff sent a letter to the City on November 30, 2012 providing initial review of the proposed bike path route, identifying a couple potential issues and providing guidance as to resolving/avoiding those issues. *No new action as of March 31, 2013.*

## C) OFFICE OF ADMINISTRATIVE LAW MATTERS

1. **Monthly activity:** 0
2. **Pending OAL matters:** None

## D) VIOLATIONS

1. **Quarterly activity:** 12 reports received; 15 violation letters sent; 13 cases resolved.
2. **Notable violations:**
  - a. **Commercial Development, Maurice River Township (App. No. 1991-1011.001 & .002):** This violation concerns vegetation clearing and construction of buildings without application to the Commission. A Certificate of Filing was issued for the proposed development on February 1, 2012. By letter dated May 21, 2012, we responded to

multiple submissions by the applicant regarding the application. On June 4, 2012, the Commission staff participated in a conference call with the Planning Board Attorney and the applicant's representatives. On June 8, 2012, we received a letter from the applicant representatives requesting information regarding the application. On September 20, 2012, the Commission staff received notice that the Township Land Use Board approved the proposed development. Upon staff review of the municipal approval, we issued a letter on December 7, 2012 scheduling a Commission staff public hearing to review an issue raised by the concerned municipal approval. The issue concerns submission of proposed deed restriction of certain lands to meet the groundwater quality (septic dilution) standard. The applicant requested that the hearing date be rescheduled. *No new action as of March 31, 2013.*

- 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, 2013.*
- 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, 2013*
- 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, 2013.*
- e. Buena Vista Township:** By letter to Buena Vista Township dated January 8, 2010 (App. No. 2009-0089.001), Commission staff indicated that an application is required for development that has occurred within the NJ Transit right-of-way and on municipally owned property. Information was submitted by the applicant on December 7, 2011 and December 15, 2011. On February 15, 2012, the staff issued a letter to the applicant requesting additional information to complete the application. On September 27, 2012, the staff met with the Township Administrator to discuss the information necessary to resolve this matter. On November 1, 2012, the applicant submitted information regarding the application. *By letter dated January 2, 2013, the staff requested additional information. No response to date.*

The staff met with officials from Buena Vista Township on July 27, 2010, regarding the installation of stormwater management swales that were previously required for the installation of sidewalks along Route 40. That project was approved by the staff pursuant to the Memorandum of Agreement between Buena Vista Township and the Pinelands Commission (App. #2004-0319.001). On May 20, 2011, the staff issued a letter requesting certain information to complete the application. Additional stormwater information was received by the Commission on September 15, 2011, November 7, 2011, December 7, 2011 and December 15, 2011. On February 9, 2012, the Commission staff asked for clarification of the submitted stormwater management information. On September 27, 2012, the staff met with the Township Administrator to discuss the information necessary to resolve this matter. On November 1, 2012, the Township submitted information to address stormwater management. By letter dated December 31, 2012, the staff requested additional information regarding proposed stormwater management. *Additional*

*information was received by the Commission on March 28, 2013 and is currently under review.*

- f. Jackson Township, Municipal Firing Range (App. No. 2000-0630.002):** On October 19, 2009 and November 5, 2009, the Commission received an application and information for the placement of a 1,200 square foot trailer at an existing municipal shooting range. Development had occurred on the site in violation of the application requirements of the Jackson Township land use ordinance and the CMP. On February 13, 2012, the Commission staff received a letter from the applicant inquiring as to the status of the application. On February 28, 2012, the staff issued a letter to the applicant advising that the information previously requested in a Commission June 24, 2010 letter remained necessary to complete the application. *No new action as of March 31, 2013.*
- g. Barnegat Township, Commercial Use (App. No. 1988-1177.002):** By letter dated February 1, 2012, we advised a property owner of an approximately 5 acre wetlands buffer clearing violation. Materials were being stockpiled in the wetlands buffer. On March 15 and April 16, 2012, our staff met with the property owner and representatives of the Township to discuss the matter. By letter dated April 26, 2012, we summarized the agreements reached at our meeting and asked the property owner to contact our office when wetlands were delineated. By letter dated June 15, 2012, we confirmed the wetlands mapping and suggested a course of action to resolve the violation. On July 19, 2012, the Commission staff met with representatives of the applicant and the Township to further discuss the matter. On September 19, 21 and 28, 2012 the applicant submitted information addressing the proposed resolution of the violation. That information is currently under review. By letter dated November 13, 2012, the Commission staff recommended revisions to the proposed restoration plan. *On January 22, 2013, the Commission staff received information from the property owner's consultant indicating that one material stockpile and a portion of another had been removed from the site and that a revised restoration plan would be submitted shortly. On March 26, 2013, the Commission staff issued a letter to the property owner requesting that a revised restoration plan be submitted within 14 days.*
- h. Woodland Township, Prince Street and Cedar Drive (App No. 2005-0041.002):** By letter dated April 17, 2012, the Commission staff received a report of a land disturbance along the side of Prince Street. On May 23, 2012, the Commission staff conducted a site inspection with representatives of the Township. At that site meeting, an approach was agreed upon to address the land disturbance violation. An agreement was also reached regarding how the Township could proceed with addressing the issue raised by the elevation of the edge of the constructed road and the elevation of the existing road shoulders. By letter dated June 20, 2012, the Commission staff confirmed the results and agreements reached at the site inspection. On August 24, 2012, the Commission staff received a threatened and endangered (T&E) plant survey completed by the Township along the road shoulder areas of the concerned roads. The survey was undertaken to address certain proposed shoulder grading/filling/disturbance that was not previously approved by the Commission. The Township has determined that in certain areas, the edge of new pavement, whether existing or proposed, is significantly higher than adjacent existing grade. This drop-off between the edge of pavement and existing grade creates a public safety hazard. The submitted survey identified populations of two T&E plants adjacent to the concerned roads. On September 25, 2012, we received a letter from a member of the public indicating that the Township had mowed a shoulder area along Cedar Drive where a T&E plant population is known to exist. All submitted information is

currently under review. By letter dated December 26, 2012, the staff responded to the T&E Survey submitted by the Township. The staff's letter provided guidance and options for the Township's consideration regarding how to resolve both the traffic safety issue and the T&E plant issue. The staff's letter also responds to a letter received on September 25, 2012 from a member of the public. *No new action as of March 31, 2013.*

- i. Barnegat Township, Offsite Commercial Advertising Signs (Billboards):** On March 20, 2012, the Commission staff received an inquiry regarding four billboards along Route 72. The CMP requires that the four concerned billboards be removed. After a site inspection and a review of available information, it appears that four billboards had been removed by a party and then recently new billboard structures had been constructed in their place by a second party. By letter dated May 14, 2012, we wrote to all concerned parties and requested the removal of the four concerned billboards. On June 6, 2012, we received an application for "transferable billboard rights" for the four concerned billboards from one of the concerned parties. By letter dated November 16, 2012, the staff advised that, based on the review of all submitted information, the ownership of the previously existing billboards was in dispute. The letter further indicated that until the ownership dispute was resolved by the two concerned parties, the application for transferable billboard rights remained incomplete. That letter also indicated that the four recently constructed billboards must be removed. On November 28, 2012, the staff received a letter from one of the concerned parties withdrawing their application for the transferable billboard rights. By letter dated December 17, 2012, the staff responded indicating that although the application was considered withdrawn, the responsible party must still remove the four recently installed billboards. *No new action as of March 31, 2013.*
- j. Pemberton Township, Spring Lake Blvd. (App. No. 1995-1510.002):** The staff received information and a letter from a member of the public on August 27, 2012 regarding the placement of asphalt millings along the shoulders of Spring Lake Boulevard. On September 28, 2012, the staff met with representatives of the Township to discuss this matter and the use of asphalt millings for other Township roads. By letter dated November 15, 2012, the staff advised the Township that according to NJDEP, the use of asphalt millings without a paved top surface is not generally appropriate. The staff letter asked the Township to advise the Commission staff how it intended to resolve the matter. *No new action as of March 31, 2013.*
- k. Shamong Township Park (1987-0959.004):** On December 22, 2008, an application was submitted for expansion of existing Township recreational facilities. By letter dated February 18, 2009, the staff advised the Township that existing recreational facilities were developed on the parcel without completing an application with the Commission. The existing recreational facilities and the newly proposed recreational facilities were both proposed on open space acreage created by two existing residential developments, Saddlebrook Ridge and Stony Creek. To partially address the issue of whether the existing and proposed recreational facilities were a principal use or an accessory use, the Township proposed to impose a deed restriction prohibiting future development on the remaining 19.1 acres of the 27.1 acre open space parcel. A Report on an Application for Public Development was issued by the Commission staff on December 24, 2012. The Commission staff recommended that the Pinelands Commission approve the application with conditions at its January 11, 2013 meeting. *The Commission approved the application with conditions at its January 11, 2013 meeting.*

- l. Barnegat Township, Storm Damaged Vehicle Storage Area, (App. No.1985-00588.019):** On November 26, 2012, the staff received the initial report that vehicles were being stored on a 112-acre parcel in the Township. By letter dated November 30, 2012, the staff advised the owner of the concerned parcel that the storage of vehicles on the parcel constituted a violation of the application and permitted use requirements of the Township land use ordinance and the CMP. On December 7, 2012, members of the Commission staff met on the site with representatives of the Township, the company that has leased the land to store the vehicles and the property owners. At the site meeting, it was represented by the leasing company that approximately 5,000 vehicles were present on the parcel. On December 7, 2012, the Commission staff also received a complaint filed on December 6, 2012 in Ocean County Superior Court by the Township. Thereafter, the company that leased the land has agreed not to bring any additional vehicles onto the parcel while the interested parties discuss resolution of the matter. *On January 18, 2013, the Commission staff attended a site meeting which confirmed that approximately 1,000 vehicles had been removed from the site. On February 7, 2013, the Commission staff issued a letter to the property owner detailing all pre-existing and current violations that remain on the site. On February 8, 2013, the Commission staff attended an Ocean County Superior Court hearing regarding the vehicle storage facility. On March 4, 2013, the Commission staff issued a letter to the Township attorney regarding the required restoration of the site following removal of all vehicles. On March 5, 2013, the Commission staff attended an Ocean County Superior Court hearing regarding restoration of the site following removal of all vehicles. Following that hearing, a Consent Order between the Township and the property owner was proposed to be issued regarding required restoration of the site. On March 18, 2013, the Commission staff received a copy of the signed Consent Order filed with the Court on March 11, 2013. On March 20, 2013, the Commission staff issued a letter to the property owner requiring the completion of an application to the Commission for the proposed site restoration.*
- m. Various Development Berkeley Township (App. No. 1999-0481.001):** *On August 14, 2012 we received notice from NJDEP about a possible wetlands violation on this 28 acre parcel. Commission staff, along with NJDEP and Berkeley Township officials conducted a site inspection in November of 2012. Violations include constructing a single family dwelling without application, establishing a commercial tree processing business without application and development in wetlands and the required buffer to wetlands. A Commission violation letter was sent December 17, 2012 requesting a response by January 17, 2013. As of March 31, 2013, no response has been received.*
- n. Commercial Use Manchester Township (App. No. 1981-2039.002):** *On February 8, 2013, we received notice from Ocean County Health Department about the establishment of a commercial use on this 19-acre lot. A joint site inspection was conducted on February 15, 2013 with Ocean County representatives, a NJDEP representative and our staff. Violations observed included clearing of about three acres of upland and/or wetland buffer, establishment of a commercial landscaping yard onsite, storage of mulch and other vegetative waste in wetlands buffers and wetlands and placing fill in wetlands. On March 28, 2012, we sent a letter to the property owner advising of the need to address/resolve the concerned violation.*

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

- 1. Hamilton Stormwater Basins:** In 2008 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.

As of April 20, 2011, the Township had approved a plan proposing the remediation of an existing basin serving a retail store (Walmart) in an existing shopping center. The remediation of the Walmart basin has been completed.

The Township also approved a plan for the modification of existing basins serving an existing residential subdivision (Timber Glen Phases III & IV). Timber Glen has initiated remediation activities on its stormwater basins.

The staff is working with an applicant on a proposed stormwater basin remediation plan for a shopping center known as Consumer Square.

On September 14, 2011, the staff sent a letter to the owner of the Hamilton Commons shopping center requesting that the owners address remediation of failing stormwater basins on the parcel. On December 7 and 11, 2012, a representative of Hamilton Commons submitted stormwater information and requested guidance in formulating a proposed remediation plan for the Hamilton Commons basins. *On January 18, 2013, the Commission staff issued a letter to a representative of the Hamilton Commons shopping center providing guidance regarding basin remediation.*

- 2. Southern Pine Beetle:** By letter dated June 28, 2011, the Commission advised NJDEP that the Commission's Executive Director, in consultation with the Chairperson of the Commission, had determined that a public safety issue was raised by the destruction of pine trees. That letter authorized NJDEP to cut down trees on up to 300 acres in the Pinelands Area through September 30, 2011. By memorandum dated July 28, 2011, the Commission staff provided NJDEP with a modified process for application for Southern pine beetle suppression on private lands. By letter dated October 3 2011, the Executive Director extended NJDEP's prior authorization to cut down pine trees on up to 300 acres in the Pinelands Area through December 31, 2011. By letter dated November 23, 2011, the Executive Director advised NJDEP that the proposed offsite removal of pine trees from one specific 12 acre site could be undertaken provided that the offsite removal was completed by December 31, 2011. By letter dated December 23, 2011, the Executive Director granted an extension until April 15, 2012 for tree cutting and offsite tree removal for just the one 12 acre site. By letter dated June 22, 2012, the Executive Director further advised NJDEP that, after consultation with the Chairperson of the Commission, NJDEP was authorized to undertake SPB suppression efforts (tree cutting) on up to a maximum of 20 acres near Quaker Bridge Road in Wharton State Forest. This authorization also allowed NJDEP to remove the cut trees from the site. On December 18, 2012, the New Jersey Department of Environmental Protection, State Forestry Services, submitted information concerning twelve areas, totaling 45.5 acres, of confirmed SPB infestation in Belleplaine State Forest. *On January 17, 2013 the Commission's Executive Director authorized Pine Beetle suppression activities on the 45.5 acres in Belleplaine State Forest.*
- 3. Woodland Township:** On January 19, 2012, the staff met with The Township's Mayor and Clerk to discuss the development potential of a 123 acre Township owned parcel that fronts on Rt. 72. The Township was interested in discussing the development potential of the concerned parcel. By letter dated April 4, 2012, the staff provided the Township with an overview of the development potential of the parcel. *No new action as of March 31, 2013.*

- 4. Hammonton: Cedar Creek Flooding:** On June 28, 2012, the staff attended a meeting with representatives of Hammonton, NJDEP, NJDOT and Atlantic County to discuss removal of accumulated sediments from the concerned creek to address flooding that is occurring on multiple State, County and municipal roads in Hammonton. The City Engineer outlined proposed approaches to address the flooding problem. Based on the results of that meeting, the City Engineer will be outlining a proposed approach to the problem. *No new action as of March 31, 2013.*
- 5. Hamilton Township:** On July 18, 2012, the staff received a letter from Hamilton Township officials regarding a major storm event that occurred in the Township on June 29 and 30, 2012. The letter proposed to establish two temporary emergency vegetative debris management facilities in the Pinelands Area portion of the Township. The two facilities were necessary to address a public safety issue raised by vegetative debris resulting from the storm. By letter dated July 26, 2012, the staff advised Township officials that the temporary location of two vegetative debris management facilities on two specific parcels in the Pinelands Area to address a public safety issue did not require application to the Commission provided the facilities were removed by September 26, 2012. *The two vegetative debris management facilities have been removed from the parcel.*
- 6. NJDEP Wetlands Permitting Meeting:** On October 24, 2012, the staff met with representatives of NJDEP to discuss and coordinate enforcement of the New Jersey Freshwater Wetlands Protection Act in the Pinelands Area. In 1993, the Commission entered into an MOA with NJDEP. That MOA assigned responsibilities and established procedures for administration of the Wetlands Protection Act in the Pinelands Area. *No new action as of March 31, 2013.*
- 7. Hammonton Airport (App. No 1982-3657.017):** The Town is proposing improvements to and expansion of the existing airport. The staff has issued five letters providing guidance regarding zoning and development/environmental standards. The most recent Commission staff letter dated December 5, 2012, provided additional guidance regarding the permitted extend of clearing in the Preservation Area that would be associated with the airport improvements. *No new action as of March 31, 2013.*
- 8. NJDEP Enduro Meeting:** On November 13, 2012, the staff attended a meeting that the New Jersey State Parks Department convened at Batsto. Groups that require recreation permits for off-road events, including enduros, were also invited to attend. The purpose of the meeting was for NJDEP to introduce their new “pilot program” for enduros. NJDEP has mapped all potential roads/trails/fire cuts within Wharton State Forest and have pre-determined which trails, fire cuts and roads are acceptable to NJDEP for use in enduro events. Wharton plans to issue a five-year permit to all groups and to keep them on the pre-approved trails. NJDEP plans on implementing this procedure in all state forests once all roads and trails have been mapped. *No new action as of March 31, 2013.*



# III. INTERGOVERNMENTAL MEMORANDA OF AGREEMENT

## A) MOAs UNDER REVIEW

- 1. Ancora Wastewater Conveyance MOA:** In 2007, the Commission entered into an MOA with the N.J. Department of Human Services(DHS) and the N. J. Department of Environmental Protection to resolve a longstanding wastewater problem at Ancora. The MOA allows the Ancora facility to abandon its onsite wastewater treatment system and connect to the Camden County Municipal Utilities sanitary sewer interceptor. To offset the loss of water from the surficial aquifer, the MOA required that an alternative water supply to the existing onsite Kirkwood-Cohansey wells will be developed. Ultimately, DHS decided to connect to the New Jersey American Water supply wells. It is the staff's understanding that construction of the water main commenced on June 27, 2011. Because construction of the water main was behind schedule, information was received on August 24, 2011 regarding a proposed stormwater conveyance mitigation project as required by Item #14 of the MOA. On November 18, 2011, the staff issued a letter indicating that the proposed stormwater conveyance mitigation project met the requirements of the MOA and requested that the Pinelands Commission be advised when the project is complete. A meeting was held on November 27, 2012 between staff and DHS staff to discuss infiltration and phragmites issues that had arisen at the location of the proposed stormwater conveyance mitigation project. At the meeting, staff advised the applicant on how to resolve both issues. *No new action as of March 31, 2013.*
- 2. County/Municipal Permit MOA:** At its July 9, 2010 meeting, the Commission approved a proposed MOA with the seven Pinelands Area counties. By letter dated August 5, 2010, the Commission staff sent the MOA to each of the seven Pinelands Area counties and requested that the counties sign and return the MOA to the Commission. The staff will now initiate work on pursuing adoption of the MOA by Pinelands Area municipalities. The staff is currently evaluating the most effective means to both implement the MOA with Pinelands municipalities and integrate the roadside management practices included in the seven county MOAs into the municipal MOAs. As of September 30, 2012, the Commission has received signed MOAs from Atlantic, Camden, Burlington, Gloucester and Ocean counties. *No new action as of March 31, 2013.*
- 3. NJDOT:** The Commission received a request in November 2008 for a Permit Streamlining MOA. The staff asked NJDOT to identify the classes of projects that could potentially be subject of the MOA. Several meetings have been held. NJDOT was encouraged to prepare a draft MOA patterned after the existing County permitting MOAs that the Commission approved. On July 21, 2011, the NJDOT submitted a draft MOA. On February 15, 2012, the Commission staff met with representatives of NJDOT to discuss the proposed MOA. On June 4, 2012, the Commission received a revised draft MOA from the NJDOT. On October 31, 2012, the Commission staff met with NJDOT officials to provide comments concerning the proposed MOA. On December 21, 2012 the Commission staff received a revised draft MOA. *The Commission staff has completed its review of the submitted draft MOA and will be meeting with NJDOT representatives to discuss necessary revisions.*
- 4. NJDEP, Forestry:** The NJDEP is pursuing an MOA with the Commission to streamline review of forestry activities on public and private lands. At its September 10, 2010 meeting, the Commission voted to approve a proposed MOA. On October 13, 2010, the Commission

staff attended a meeting with representatives of NJDEP. At that meeting, NJDEP expressed conceptual concerns with the Commission adopted MOA. On November 22, 2010, NJDEP provided a significantly revised draft of the MOA to the Commission for review. On February 24, 2011 and March 23, 2011, the staff met with representatives of NJDEP to further discuss possible revisions to the MOA. *No new action as of March 31, 2013.*

- 5. Proposed Memorandum of Agreement with the Board of Public Utilities - B.L. England Retrofit:** Commission staff has attended meetings with representatives of South Jersey Natural Gas regarding a fuel source retrofit of the B.L. England power plant located in Upper Township, New Jersey within the Pinelands National Reserve. South Jersey Gas is proposing a gas main through Forest, Rural and Pinelands Village Management Areas in the State Pinelands Area in order to provide natural gas to the plant. Installation of public service infrastructure is only permitted in a Forest Area if the installation of such infrastructure is intended to primarily serve only the needs of the Pinelands. Given that the power generated by the B.L. England plant serves more than the needs of the Pinelands, a Memorandum of Agreement with the Board of Public Utilities will be required to permit the fuel source retrofit of the plant. *Staff is in the process of reviewing the regulatory materials, including detailed plans for the proposed gas main, submitted by South Jersey Gas's consultant. Currently, the application is incomplete and staff is waiting for the submission of additional information concerning stormwater and cultural resources.*

## **B) OTHER MOA REQUESTS**

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

# **IV. SCIENCE**

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

- 1. Science staff continued to work on the final summary report. The Commission webpage was updated with links to reports recently completed by project collaborators.*
- 2. Science, Planning, and Regulatory Programs staff, along with USGS staff, participated in meetings with representatives from the NJ Builders Association and NJ Geological and Water Survey that addressed Kirkwood-Cohansey water-supply planning and regulation.*

## **B) ENVIRONMENTAL MONITORING**

- 1. CAMCO monitoring:** *Effluent data provided by the Camden County Municipal Utility Authority was entered into the Commission database.*
- 2. Monroe monitoring:** *Monthly effluent data provided by the Monroe Municipal Utility Authority was entered into the Commission database.*
- 3. Forest-Plot and Intermittent-Pond Monitoring:** *The October, November, and December rounds of forest-plot and pond water-level measurements and the March round of pond water-level measurements were completed. The January and February rounds of pond water-level measurements were cancelled because the ponds were frozen. Continuous water-level data were downloaded from the data loggers installed in seven ponds.*

4. **Long-term anuran surveys:** *The March round of nighttime frog and toad vocalization surveys was completed at the 20 ponds.*
5. **Pinelands-wide water-quality monitoring:** *The December 2012 round of Pinelands-wide water-quality sampling, which was postponed due to weather, was completed in January 2013. Samples were given to the Rutgers University Division of Pinelands Research for nutrient analysis. Rutgers completed the nutrient analyses for April, June, August, and October 2012 and January 2013 and submitted the data to Science Office staff. Specific conductance and pH measurements were also completed at the 47 Pinelands-wide sites in February.*
6. **Watershed-assessment Report:** *Land-use data and pH and specific conductance data for stream and impoundment sites in the Mullica River, Rancocas Creek, Great Egg Harbor River, and Barnegat Bay watersheds were summarized for the second round of watershed-assessment surveys.*

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

1. **Wetland-buffer Project:** *A request for a project extension continues to be under review by the EPA.*
2. **Forest Characterization Project:** *This project remains on hold due to low staffing levels.*
3. **Right-of-way Vegetation Monitoring:** *No new action as of December 2012.*
4. **Pond-vulnerability Study:** *A preliminary inventory of natural open-water and herbaceous ponds was completed for the entire Pinelands Area. While surveying digital aerial photography for ponds, the locations of two potential violations were identified and provided to Regulatory Programs staff.*
5. **Created-wetland Study:** *A revised Quality Assurance Project Plan is under review by the EPA. Using digital aerial photography, inventories of excavated ponds and stormwater basins were initiated. Approximately 25% and 70% of the Pinelands Area has been surveyed for excavated ponds and stormwater basins, respectively.*
6. **Pinelands Research Series:** *Three presentations were given as part of the Commission Pinelands Research Series. Presenters and the titles of their talks for this quarter were: Gerry Moore on "Taxonomically Challenging Plant Groups in the Pinelands," Dean Bryson on "Development and Application of a Benthic Macroinvertebrate Index for Pinelands Rivers and Streams," and Kelly Smalling on "Pesticides, Nutrients, and Disease: Do Constructed Wetlands Provide Quality Habitat for Amphibians in an Agricultural Landscape?" Kelly Smalling is collaborating with the Commission on the pesticide and pathogen component of the Commission Created-wetland Study.*

### **D) OTHER SCIENCE OFFICE ITEMS**

1. *Technical assistance was provided to Regulatory Programs staff for obtaining water-withdrawal data for wells in the Kirkwood-Cohansey aquifer and for threatened and endangered species issues associated with dam replacement at Big Pine Lake.*
2. *A presentation on the methods and results of the Ecological Integrity Assessment was given at the March 8, 2013 Plan Review Committee meeting. Science staff provided a written*

*response to the Executive Director for comments on the EIA that were provided by Jay Mounier at the Plan Review meeting.*

- 3. Science staff participated in the Pinelands Short Course and gave a presentation titled "Pinelands Frogs and Toads."*
- 4. Science staff participated in the LEAN Value Stream Mapping process for Business Services and GIS.*
- 5. Science staff completed the Science Office Program chapter of the Plan Review report.*
- 6. Science staff submitted information to the NJDEP Division of Fish and Wildlife and Division of Parks and Forestry for permits to conduct research on state land, and submitted information to the NJDEP Endangered and Nongame Species Program and Bureau of Freshwater Fisheries for scientific collecting and holding permits for fish and amphibians.*
- 7. Science staff met with the NJDEP Bureau of Freshwater and Biological Monitoring staff to describe the water-quality and aquatic-survey components of the Commission Science Program, and to discuss assisting the NJDEP in the development of an Index of Biotic Integrity for outer coastal plain fish. Science staff also provided data on Rancocas Creek and Barnegat Bay watershed sites to the NJDEP BFBM.*
- 8. Science staff provided Kevin Berry of the NJDEP with Commission publications that describe the use of wetland and aquatic plants as indicators of watershed disturbance.*
- 9. Science staff participated in a workshop on sea-level rise and the impact to natural resources that was sponsored by the Rutgers University Center for Remote Sensing and Spatial Analysis and the Jacques Cousteau National Estuarine Research Reserve.*
- 10. Technical assistance was provided to scientists from Kean University and the New Jersey Conservation Foundation regarding wetland research at the Franklin Parker Preserve.*
- 11. Science staff reviewed a manuscript for the Journal of Herpetology, titled "Association between habitat characteristics, human activities and anuran species in a wetland agricultural landscape." The study was completed at several active and abandoned cranberry areas in the Pinelands.*
- 12. Science staff reviewed and provided comments on information about Pinelands frog conservation written by Elizabeth Johnson of the American Museum of Natural History.*
- 13. Science staff provided technical comments on a proposal to study the distribution and habitat of the new species of leopard frog from the northeastern United States.*
- 14. Science staff attended a NJ Water Monitoring Council meeting and a Partnership for Plants meeting.*
- 15. Science staff received ArcMap GIS training at NJDEP.*
- 16. Technical assistance was provided to John Hammond of the University of New Mexico by completing a survey on which habitat types support various Pinelands frog and toad species.*

## V. LITIGATION

### A) STATE COURT CASES

- 1. D.D. Residential v. Pinelands (Hamilton Township), Appellate Division.** The Hamilton Township Planning Board granted final approval and an extension of zoning protection to an amended site plan that D.D. Residential submitted for phases IV and V of its proposed Planned Unit Residential Development ("PURD") called Hamilton Greene. The Pinelands Commission ("Commission") issued a call-up letter, questioning whether the proposed development qualified as a PURD and whether it was consistent with the overall density requirements in a Regional Growth Area. D.D. Residential requested that the matter be transferred to the OAL for a hearing. After a hearing, the Administrative Law Judge ("ALJ") issued a decision in favor of the Pinelands. Both parties filed

exceptions to this decision. On October 8, 2010, the Pinelands Commission passed a resolution adopting a 47-page Final Decision that affirmed the Commission's action in calling up the Township's approval of D.D. Residential's application for an amended final site plan approval and an extension of the period of zoning protection. The Final Decision further affirmed the Commission's action in finding the Township's approval to be inconsistent with the CMP and the Township's certified land use ordinance. The Final Decision, however, modified the ALJ's decision in that the Final Decision provided different bases for the affirmance. D.D. Residential appealed. The Appellate Division has yet to set a briefing schedule. DAG Conklin was handling the appeal until her retirement. The appellant submitted a motion to the Commission to settle the record on appeal. The Commission denied this motion at its June meeting. The appellant has appealed this denial. A letter brief in opposition to appellant's motion was filed on behalf of the Commission. Appellant's motion was denied. Oral argument was conducted April 30, 2012. The Appellate Decision issued its decision holding that the Commission acted within its authority in setting aside the development approval granted by the Hamilton Township Planning Board on May 6, 2004 to D.D. Residential. D.D. Residential subsequently filed a notice of petition for certification with the New Jersey Supreme Court, asking it to review the Appellate Division's decision in this matter. *At the February 8, 2013 Commission meeting the Commission reviewed the terms of a proposed settlement in this matter and authorized the Executive Director to execute the settlement. The parties subsequently executed the settlement agreement resolving the matter. At the end of March, a Stipulation of Dismissal was sent to D.D. Residential's counsel to effectuate dismissal of the matter.*

#### **B) FEDERAL COURT**

None

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

None

## **VI. LEGISLATION**

#### **A) NOTABLE BILLS:**

*There are no new bills of import to discuss this quarter.*

## **VII. PUBLIC PROGRAMS**

#### **A) COMMUNICATION**

- 1. Web site:** *There were 18,333 views of the Commission's web site in January, 15,950 views in February and 18,101 views in March. In February, Commission staff designed and launched a new web page devoted to proposed plans to install Pinelands-themed exhibits in the Richard J. Sullivan Center.*
- 2. Press releases this quarter:** *A release was issued on January 16 to promote the 24<sup>th</sup> annual Pinelands Short Course.*

- 3. Inquiries this quarter:** *A total of 28 media inquiries and 223 general inquiries were handled this quarter. Of the general inquiries, 88 inquiries came via e-mail, 125 came via telephone and 10 came by mail. Most of the inquiries pertained to Commission projects.*

## **B) PUBLICATIONS**

- 1. Pinelander:** *The Winter Pinelander, the Commission's official newsletter, was written, design and posted on the Commission's website in January.*
- 2. Annual Report:** *The 2012 Annual Report is being written and designed.*

## **C) EVENTS AND OUTREACH**

- 1. Pinelands Short Course:** *Approximately 500 people attended the 24<sup>th</sup> annual Pinelands Short Course, which was held on March 23, 2013 at Burlington County College in Pemberton. The event featured a total of 33 education presentations, including 18 new courses. Two Commission staff members, Chief Scientist John Bunnell and Regulatory Programs Specialist Robyn Jeney, delivered presentations. The event and course evaluations are overwhelmingly positive.*
- 2. Local Officials Seminar:** *The annual Pinelands Orientation for Newly Elected and Appointed Officials will be held as an agenda item during the Pinelands Municipal Council's May 30<sup>th</sup> meeting in the Richard J. Sullivan Center. The Orientation will begin at 4 p.m. Invitations have been sent to the clerks and mayors of the 53 Pinelands municipalities.*
- 3. Pinelands-themed World Water Monitoring Day event:** *No new updates.*
- 4. Educational Outreach:**
  - a.** *During the quarter, staff delivered four Pinelands overview presentations, educating a total of 240 people.*

## **D) INTERPRETIVE PROGRAM**

- 1. PNR brochure:** *Staff continued to track the distribution of the Pinelands National Reserve brochure.*
- 2. Pinelands Summer Speaker Series:** *No new action as of March 31, 2013.*
- 3. Exhibits in the Pinelands Technical Center:** *Commission staff continues to search for grant opportunities to fund the fabrication and installation of Pinelands-themed exhibits in the Richard J. Sullivan Center.*

# **VIII. INFORMATION MANAGEMENT**

## **A) GEOGRAPHIC INFORMATION SYSTEM**

- 1. System planning and development:**

- *The GIS office continued the ongoing work of reorganizing and consolidating data layers and creating metadata. This work is a long-term effort and will continue through the end of the fiscal year and beyond.*
- *ArcGIS On-Line – The Commission evaluated the tablet version of ArcGIS Online, GISRoam, GeoViewer, and hand-help GPS devices for use in the field as a navigation tool by Science Office. The ability to download GIS shape files and aerial photos to the tablet device is required in order to navigate to remote field locations via the embedded GPS chipset in those areas of the Pinelands where there is no cellular reception. ArcGIS On-Line does not presently provide the download capability. However, they are scheduled to release an update in April that will address that issue, at which time we will re-evaluate the software for field use. The evaluation of table devices cannot commence until the software evaluation is complete since the final software selection may not be available on all devices.*

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

- **Zoning**

*Pemberton Township Ordinance 17-2012  
Plumsted Township Ordinance 2012-04  
Waterford Township Ordinance 2012-15  
Egg Harbor Township Ordinance 37-2012*

- **Other**

*As part of the project to update our lot status data (e.g. lot is developed, lot is vacant, lot is preserved, lot is partially developed, etc.) the most current parcel layer was downloaded from the State Office of Information Technology. The data was trimmed down to contain only the Pinelands Municipalities and the Pinelands unique parcel identification number (PIN) was calculated for each lot (the PIN is used to join the parcel data to our PCIS block/lot data tables).*

**3. LOIs for PDCs:** *Four applications were analyzed involving 52 lots, all of which required photo interpretation. In addition, one application required the conversion of an AutoCad file to an ArcGIS shape file and one application required additional calculations to distinguish the acreage for berry agriculture from the other agriculture in the wetlands.*

**4. Public Access to Maps and Data:** *No new action as of March 31, 2013.*

**5. Analysis / Map Products:**

- *Completed the 16 maps for the main section of the Long Term Economic Monitoring report.*

**B) MANAGEMENT INFORMATION SYSTEM**

**1. System planning and development:**

**a. Pinelands Commission Information System (PCIS):**

*Completed the new Certificate of Filing (CF) template and associated code to auto-populate the document with the basic application information as well as the CF conditions data that is recorded in PCIS.*

*Completed the new template for No-Callup letters. Code to auto-populate with the conditions from the CF will commence in April.*

*Completed the new template for Reports on Public Development*

*Completed a new generic fax template and associated transaction.*

*Converted a fax business process regarding Wetlands General Permits with the DEP Land Use Regulation Program to an e-mail process by converting the DEP form from paper to a new template in PCIS.*

## **2. Database QA/QC:**

- *The Commission continued to update the Permanent Land Protection data. A total of 1,680 records were added to the PCIS deed restrictions table, representing over 5,900 acres. To date, 45,014 deed restrictions have been added to PCIS. The bulk of the additional data is from the Lenape Farms acquisition and the Lenape Farms Pinelands National Reserve acquisition by DEP. The Mule Road Settlement was also added. Work is continuing on identifying the CMCMUA Offset restrictions.*
- *Continued work to finalize data for the PDC Bank Annual Report.*

## **3. Operations:**

- *Installed 14 new dual-monitor computers to replace older equipment and upgraded and installed the “hand me down” PCs where needed.*

*Continued work on reports for “Plan Review” provided assistance with creating Excel pivot tables to aggregate and summarize the data.*

# **IX. OPERATIONS**

## **A) FACILITIES**

### **1. Maintenance:**

- *RJS Center – The fire suppression system was tested and passed. New microphones were installed in the TDM Room. All exit sign batteries were tested and replaced where needed. A circuit board was replaced in the TDM heating unit.*
- *Barn - New weather stripping was installed in the Barn.*
- *Other –Commission staff created a Facilities Guidance Group comprised of staff members with different areas of interest to meet periodically with the Maintenance Technician to provide ideas and suggestions relating to enhancing our facilities and grounds.*

## **B) FINANCIAL MANAGEMENT**

**1. Application fees:** FY 2013 budget amount \$425,000; received through March \$400,650.22.

**2. Audit/Accounting:** *The Audit Committee presented the FY 2012 Annual Financial Statements, Notes and Schedules to the State Auditors on March 5, 2013. The audit is scheduled to begin in April.*

**3. Budget:** *Began identifying FY 2014 projects that may require budget support. Drafted the FY 2014 “base” budget covering the day-to-day operations for review by managers.*

**4. Procurement:** *2 RFQs were issued (Tree work and Ford Ranger cap); no RFPs were issued.*



## **5. Miscellaneous:**

- *Staff to meet with the Personnel and Budget Committee on April 2 to discuss options regarding duplication of crime policy coverage.*
- *Sharp Electronics has been contacted several times regarding problems with the new multi-function copier in the RJS copy room. The replacement of the copier in the Fenwick Manor is on hold until these problems are solved.*
- *Effective January 1, Beneficial Bank began charging service fees. Staff met with bank representatives to discuss ways to minimize these fees. A Request For Proposal will need to be prepared to obtain quotes from other banks.*

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

**1. Benefits:** *A change in prescription benefits was effective January 1, 2013 for NJ Direct 10.*

## **2. Miscellaneous:**

- Union negotiations with CWA are continuing.*
- The mid year performance evaluation process is almost complete.*
- An internal committee was formed to listen and address staff's concerns and issues. Two meetings have been held so far.*
- The efficiency study continues. Business Services had an "internal" lean event to diagnose issues and work quickly to address them.*
- Leave balances were confirmed for 2013 to ensure correct amounts were given to staff.*
- A Bureau of Labor Statistics Survey was completed.*
- An internal committee has been working on improving the performance evaluation process and forms. It should be rolled out for the next evaluation cycle.*
- Information was given for the 2013 State Government Workforce Profile.*

## **D) OTHER OPERATIONAL ITEMS**

- *Staff member extensions can be reached directly during business hours through the receptionist and during off-hours by using the automated staff directory.*

# **X. PINELANDS MUNICIPAL COUNCIL**

## **A) MEETINGS**

**1. Last meeting:** *The Municipal Council met on January 29, 2013 in Manchester Township, and it was attended by Nancy Wittenberg. The Municipal Council met again on March 12, 2013 in Buena Vista Township for the annual reorganization meeting. Paul Leakan attended that meeting.*

**2. Upcoming meeting:** *The Council is scheduled to meet on May 30, 2013 in conjunction with the newly elected officials orientation. That meeting will be held at the Commission.*

# ATTACHMENT #1

## ONGOING CONFORMANCE ACTIVITY January-March 2013

MUNICIPALITY	TOPIC
Barnegat	<p>Letter received from mayor requesting consideration of zoning changes (expansion of RGA; rezoning from RL/AC – residential – to commercial zone; sewer service for existing mobile home parks); meeting held 3/9/05. Met with new master plan subcommittee on 3/3/06. Meeting held on 3/31/08 at Township’s request to discuss extension of sewer to existing mobile home parks and increased commercial development opportunities, potentially through a Pinelands Village designation. Request for another meeting on the same issues received 10/23/08. Staff met with Township representatives on 12/10/08 to discuss these rezonings as well as the EIA management area changes.</p> <p>2. Rezoning of lots from RC (Conservation) to RH (Residential High), within the RGA: Ordinance 2010-5 received on 3/19/10. Staff began review of the ordinance and gathering data on development in Ocean Acres approved since August 2005. Staff attended a joint meeting of the Township Council and Planning Board on April 22, 2010. Following a public hearing, the Township Council did not adopt the rezoning. More recently, the Township indicated it intended to adopt the rezoning. Ordinance 2012-12 was adopted on 5/7/12 and received by the Commission for review. Finding letter sent 5/29/12, determining ordinance required formal Commission review and approval. Public hearing held 6/27/12. Issues identified with Township’s newly adopted zoning map (incorrect zoning boundaries within Ocean Acres). Discussed with Township Engineer. Township adopted a corrected zoning map on 10/15/12. A public hearing was held on that new map (Ordinance 2012-22) on 11/7/12. <i>The Commission certified Ordinances 2012-12 and 2012-22 on January 11, 2013.</i></p>
Berlin Borough	<p>1. An ordinance establishing a new zoning district within the Pinelands-Area portion of the Borough was received and is under review by staff. The zone is intended to provide affordable housing opportunities within the Borough pursuant to the Fair Housing Act and as part of the settlement of litigation. <i>Staff have requested and are awaiting a copy of the Planning Board resolution adopting a corresponding amendment to the Borough’s Master Plan.</i></p>
Buena Vista	<p>1. Comar Redevelopment Area: met with Township redevelopment planner on 4/25/07 to discuss concept plans for new redevelopment area incorporating the Wilmad and Comar facilities (approximately 170 acres in the Rural Development Area). Copy of Redevelopment Plan received on 12/9/08; notice of adoption received 1/14/09. Issues identified with maximum permitted height and impervious coverage, given location of Redevelopment Area in a Rural Development Area. Township has requested and been granted several extensions of the Commission’s review period in order to adopt an amending ordinance. A meeting was held with the mayor to discuss this and other rezoning matters on May 5, 2009. Various information related to Comar was provided to the Township’s new planner in September 2010. Awaiting Township’s adoption of amendments to the Redevelopment Plan.</p>
Dennis	<p>1. 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.</p>

MUNICIPALITY	TOPIC
Egg Harbor City	<p>1. Request for review of constraints in Easterly portion of Pinelands Town. Letter sent 5/7/07 on likely wetlands buffer requirements; suggested City file applications for development for specific parcels to confirm requirements. Pursuant to City's request, a proposal to establish wetlands buffers by ordinance is under review.</p> <p>2. Development of airfield in Forest Area: request received from City on 2/24/11 to examine feasibility of use of lake area "airfield" by state police, including development of buildings and parking areas. Options discussed by staff. Response provided to the City on 3/8/11 indicating that unless the City is able to document the existence and use of airport facilities on the parcel in question in 1981, the use is not permitted in a Pinelands Forest Area. Request for management area change (40 acres from Forest to Pinelands Town) received on 4/21/11. Response provided 6/14/11, indicating that the proposed management area change is inappropriate. Meeting held with City representatives on 11/2/11 to discuss several potential sites for a new or expanded airfield. Staff is awaiting more detailed information from the City, including the required acreage for the facility.</p> <p>3. Recreation complex: request for change in management area designations received 4/14/11. City is proposing to redesignate 30 acres from Forest to Pinelands Town along Philadelphia Avenue. Offsetting management area change also proposed. Response provided 6/14/11, indicating that staff would support the proposed redesignation, with exact boundaries of offset area still to be determined.</p>
Egg Harbor Township	<p>1. Builders remedy litigation: the owners of a parcel in the RG-1 Zone have filed a builders remedy lawsuit against the Township. Staff met with both parties and the master appointed by the Court on 11/21/08 to discuss zoning, PDC and affordable housing issues. Information on potential zoning solutions provided to court master on 12/11/08. Reviewed draft implementing ordinance at request of court master and provided comments on 6/17/10. Copy of Ordinance 32-1010 received on 11/17/10, with notice of public hearing scheduled for 12/8/10. Comments provided to Township and court master re: PDC issue on 11/17/10. Numerous drafts of a settlement agreement and ordinance have since been reviewed and staff has provided suggested revisions, most recently on 5/21/12. Adopted implementing ordinance and housing plan amendment received. Public hearing held 11/7/12; no comments received. <i>The Commission certified Ordinance 37-2012 on January 11, 2013.</i></p> <p>2. Affordable housing: draft ordinance implementing the 20% set aside required in A-500 received 7/16/09. Meeting held with Township representatives on 9/24/09 to discuss implications for PDC program and density. Township will provide a list of affordable housing projects under consideration so that staff can prepare options (densities; required PDC %'s; ordinance amendments) for the Township's review. This information from Township was received on 10/27/09. Court master requested meeting with staff and the Township be held by 4/1/11; no date scheduled as yet. New draft of affordable housing ordinance received 9/19/11; comments and suggested revisions provided 9/29/11. Copy of Ordinance 37-2011 received on 12/7/11, with notice of public hearing and second reading on 12/20/11. The ordinance requires a 20% affordable housing set aside for all residential development, as well as the use of PDCs for 25% of all market rate units. Email sent to the Township on 12/7 indicating concerns with the lack of revisions to existing density and PDC provisions in the municipal code. Copy of adopted ordinance (37-2011) received on 12/29/11. Finding letter sent 1/20/12. Public hearing held 2/22/12. The Commission conditionally certified the ordinance on 4/13/12. The Township's response to the conditions, in the form of Ordinance 22-2012, was received on 7/9/12. No substantial issue finding letter sent 7/20/12. The Builders League of South Jersey has challenged the Township's adoption of Ordinance 37-2011. <i>The Township subsequently adopted Ordinance 4-2013, repealing Ordinances 37-2011 and 22-2012. A no substantial issue finding letter was sent on 3/11/13. As a result, the Township's previously certified zoning plan has been reinstated. A meeting to discuss affordable housing and PDC issues with the Township and the Builders League of South Jersey has been</i></p>

MUNICIPALITY	TOPIC
	<i>scheduled for 4/16/13.</i>
Galloway	<p>1. Redevelopment designation for White Horse Pike Corridor Phase II, Pomona Road - Determination of Need report received on 1/6/11.</p> <p>2. Management area redesignations: met with Township Planner in June 2011 to discuss extension of sewer to recreation areas now in RDA, along with other adjustments from RDA to RGA and APA to PT. Reviewed proposals for sewer extension in late February/early March 2012. Received draft map changes for APA to PT rezonings on 3/15/12. Comments provided to the Township 3/23/12.</p>
Hamilton	<p>1. Clustering: staff is working with the Township on its response to the clustering amendments, including modifications to various provisions (bonus density; net densities). Draft master plan amendment reviewed; comments provided 11/17/11. The Planning Board has formed a subcommittee to continue working on the matter. Commission staff met with the subcommittee on 2/4/12 and subsequently provided data (buildout, RDA and FA density prescriptions) to the Township. The Planning Board adopted a master plan amendment on 5/17/12. The Township Committee subsequently adopted Ordinance 1722-2012, a copy of which was received by the Commission on 6/29/12. Public hearing held 8/8/12. Recommendation for conditional certification was reviewed by the P&amp;I Committee on 9/28/12. The Commission conditionally certified Ordinance 1722-2012 on 10/12/12. The Township adopted and submitted its response to the conditions for certification in the form of Ordinance 1731-2012. A no substantial issue finding for Ordinance 1731-2012 was made on 11/21/12.</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>2. <i>Clustering/forestry ordinance: after numerous extensions and meetings, most recently on 2/26/13, it was determined that adoption of the CMP's clustering provisions would be unnecessary, given that the only privately owned vacant land in the Town's Forest Area large enough to necessitate clustering has already been deed restricted to preclude residential development. The Town is proceeding with adoption of a forestry and wetlands management ordinance.</i></p> <p>3. <i>Expansions of Pinelands Town/sewer service area: met with Town representatives on 2/26/13 to begin discussions of the possible expansion of the Pinelands Town boundary to include the airport and residentially developed areas currently in the APA.</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</p>

MUNICIPALITY	TOPIC
	<p>responded. Commission staff attempted to schedule the meeting in early February but again the Township never responded. In lieu of a meeting with Township representatives, Commission staff prepared and sent a letter in April 2010 which comprehensively addressed the Township's 2009 Master Plan. No response from the Township as of 9/24/10. After learning that the Township's Planning Board may be in the process of reviewing ordinances intended to implement the 2009 Master Plan, Staff requested the opportunity to review and comment upon the same prior to their adoption. The Township never responded to staff's request to be permitted to comment prior to adoption. Instead, the Township adopted a series of implementing ordinances in November. Staff requested a copy of the Township's Zoning Map as revised by the implementing ordinances but never received one. A letter determining that, without a revised Zoning Map, the implementing ordinances were incomplete for purposes of the Commission's review was issued on December 1, 2010. Two meetings with Township representatives were held, the first on December 22, 2010 and the second on February 8, 2011. Subsequently, three Finding Letters were sent to the Township. One of which determined that nine of the Township's implementing ordinances presented no issues with respect to CMP standards; another determined that six of the Township's implementing ordinances presented no substantial issue with respect to CMP standards; and, the third determined that a Township ordinance eliminating all conditional uses, including PDC use and higher density residential development, within the RG-2 and RG-3 Regional Growth Zones presented a substantial issue with respect to CMP standards. The Township has requested and been granted an extension of the Commission's review period for the final ordinance mentioned above until July 31, 2011. In mid-September, the Township requested and was granted a second extension of the Commission's review period for the final ordinance mentioned above until November 14, 2011. The Township is expected to adopt an ordinance which will designate all, or most of, the RG-2 and RG-3 Regional Growth Zones as commercial zoning districts, which will include a PDC-use obligation. Staff provided the Township with a model ordinance establishing a nonresidential PDC program for the lands formerly within the RG-2 and RG-3 Zones. The Township has been granted a final extension through June 29, 2012 in order to allow it to adopt an ordinance substantially similar to the model ordinance provided by staff. A meeting with Township officials took place April 4<sup>th</sup> to discuss proposed changes the Township wished to make to the model ordinance the Commission sent to it in November 2011. The Township's proposed changes and the options available to it are under review at this time.</p>
Manchester	<ol style="list-style-type: none"> <li>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.</li> <li>2. Clustering/density transfer: Staff has researched and drafted comments regarding the Township's proposal to implement cluster development or a density transfer plan to facilitate limited amount of development in the area. Maps and receiving area recommendations (including elimination of one or more existing receiving areas, expansion of others) were provided to the Township in May, 2006. Discussed with new Township Administrator and resent maps and recommendations mid-November. Draft master plan amendment received 11/21/06. Adopted master plan received 1/29/07. Draft ordinance received 11/21/2007; comments provided 12/6/07. Letter from PPA/Herpetological Associates raising issues received 12/13/07. Met with Township on 5/7/10 to discuss FA density transfer program, designation of new receiving areas and mandatory clustering. Draft ordinance, including FA/PT rezonings, received 6/22/10. Comments/questions provided to the Township re: zoning map revisions. Revised clustering/density transfer ordinance provided to the Township on 3/7/11, along with suggested revisions to zoning map changes. Adopted master plan amendment and Ordinance 11-025 received on 12/16/11 and 12/13/11, respectively. Finding letter sent 1/5/12. Public hearing held 2/1/12. Preparation of resolution and report to the Commission delayed while Township adopts an</li> </ol>

MUNICIPALITY	TOPIC
	<p>additional amendment to correct minimum lot size requirements for clustering in the Forest Area as specified in Ordinance 11-025. Correcting ordinance (12-015) adopted and received on 7/26/12. Public hearing held 9/10/12. The P&amp;I Committee discussed the ordinance and the Executive Director's recommendation for certification on 10/26/12. Action by the full Commission was postponed pending resolution of an issue concerning the boundary between the Preservation and Forest Areas. Commission staff met to discuss the issue with representatives of Manchester Township and the property owner on 11/29/12, and then with representatives of PPA on 12/19/12.</p> <p>2. Township initiated discussion of expanding affordable housing opportunities in Beckerville Village. Met with Township and applicant 12/6/06 to discuss zoning and water quality issues. Draft ordinance received on 11/21/07 which would add age-restricted affordable apartments as a permitted use in Beckerville at a density of 5 units per acre. Response sent to Township 12/6/07 reiterating that water quality/wastewater treatment issues must be addressed first. Issue raised again by Township on 2/15/11; staff reiterated the need for a solution to the wastewater issue before proceeding with any zoning changes for Beckerville. Master plan amendment adopted on 12/5/11 recommends creation of new BVMF (Beckerville Village Multi-Family) Zone. No implementing ordinance has been adopted or provided for review. In response to an inquiry from the Township and the applicant (Homes for All), staff requested that the applicant provide details on any proposed wastewater solution. Received draft ordinance permitting density of 5 units per acre on Homes for All parcel on 9/28/12. Response to Township provided on 10/12/12, outlining issues with the lack of a wastewater solution and the number of new units that would be permitted in Beckerville.</p>
Maurice River	<p>1. Economic development: met with Township representatives on 6/7/11 to discuss development standards in various commercial zones, possibility of redevelopment designations, streamlined permitting, etc.</p> <p>2. Clustering: received draft of 2012 Master Plan Report on 8/20/12. Comments provided to the Township 8/31/12. Received adopted Master Plan Report and implementing ordinance (#620) on 10/10/12. Finding letter sent; public hearing held on 12/5/12. Recommendation for conditional certification provided to P&amp;I Committee for discussion at its 1/4/13 meeting. <i>The Commission conditionally certified the master plan and Ordinance 620 on 1/11/13.</i></p>
Medford	<p>1. Revisions to Route 70 Smart Growth Redevelopment Plan/Medford Crossings South: Ordinance 2007-16 received 6/28/07. Township proposed to eliminate PDC obligation at Medford Crossings South redevelopment project by exempting affordable units. Staff advised Township representatives on 7/24/07 that affordable units could be exempted from PDC obligation only if such an exemption were coupled with a mandatory minimum percentage of PDC use for the 292 market rate units in the project. Township requested and was granted several extensions of the Commission's review period (most recently through 11/1/08) to provide an opportunity for further discussion of PDC issues and resolution of various litigation issues. No response to staff's requests for status since that time. On 3/14/11, staff learned that the Township is now in discussions with a new redeveloper for the site and is again proposing the adoption of revisions to the Redevelopment Plan which would significantly reduce or entirely eliminate any obligation for PDC use. The Township was again advised that such an ordinance would be inconsistent with the CMP and could not be recommended for certification. Discussions held with Township Solicitor on 3/21/11 and 3/22/11 and information provided re: PDC sales prices on 3/22/11.</p>
Monroe	<p>1. Rezoning proposal: Township forwarded copies of a proposal it received involving redesignation of lands from APA to RGA on 5/10/12. Comments provided to the Township; unlikely they will pursue the management area changes. <i>A meeting with the Township and a representative of the property owner was held on 2/5/13.</i></p> <p>2. <i>Redevelopment Plan: In January 2013, the Commission received Township Ordinance O:31-2012, which amends its Acme Shopping Center Redevelopment Plan for a third time. Upon review, staff became concerned with the amendment's negative effects on the expected number of residential dwelling units and PDC use</i></p>

MUNICIPALITY	TOPIC
	<i>within the Redevelopment Area. The Township has requested, and received, an extension of the Commission's review period for Ordinance O:31-2012 so that it can consider other possible revisions to the Redevelopment Plan, which are consistent with the CMP.</i>
Mullica	<p>1. Clustering: met with Planning Board on 11/2/11 to discuss issues with clustering regulations. Received list of questions from the Township on 1/11/12. Response sent 2/13/12. Draft ordinance received 6/18/12. Adopted Ordinance (7-2012) received 7/30. Finding letter sent 8/2. Public hearing held 9/10. The Commission fully certified Ordinance 7-2012 on 11/9/12.</p> <p>2. Expansion of Elwood Village: rezoning proposal prepared by the Township involving expansion of Elwood Village along Route 30 to incorporate old Devonshire Inn property. Offset proposed through rezoning of other lots from Elwood Village to the Forest Area. Attended Planning Board meeting on 11/2/11 to discuss issues. Draft ordinance and maps received 6/18/12. Adopted ordinance (8-2012) received 7/30. Finding letter sent 8/2. Public hearing held 9/10. The Commission fully certified Ordinance 8-2012 on 11/9/12.</p>
Ocean	<p>1. Landfill Redevelopment Plan – adopted ordinance (2011-1) received on 2/28/11. Redevelopment Plan allows for solar energy facilities to be developed at the Southern Ocean Landfill site, within a Pinelands Forest Area. Extension requested by the Township until such time as the Commission adopts the recently proposed solar facility amendments to the CMP. Extension granted on 3/15/11. Requested status update from the Township; municipality indicated it would be requesting an additional extension. Extension of Commission's review period granted through 4/16/13.</p> <p>2. Solar facilities ordinance (2010-8) received 1/20/11. Finding letter issued on 2/22/11, indicating ordinance was not consistent with the CMP because it permitted solar facilities as a principal use in the Preservation and Forest Areas. Township requested and was granted an extension of the Commission's review period until 7/15/11 in order to provide an opportunity for adoption of amendments. Township has since repealed Ordinance 2010-8.</p>
Pemberton	<p>1. Browns Mills Redevelopment/Revitalization Study: Township has received a grant and hired a consultant. Meeting with consultant held 2/1/08. Maps and other information on parcels, wetlands buffers and projects subsequently provided to consultant. Draft of conceptual site plan for Browns Mills redevelopment received 7/21/09. Draft of Browns Mills Strategic Revitalization and Redevelopment Study received 4/8/10. Draft of Ordinance 5-2010, adopting amendments to the 1995 Browns Mills Town Center Redevelopment Plan, received 4/19/10. Copy of 1995 Browns Mills Redevelopment Plan and adopting ordinance (8-1995) requested 4/19/10 and received 4/22/10. All documents under review. Staff met with the Township's planners on 5/19/10 to discuss the 1995 Redevelopment Plan, recent amendments and additional plans for the revitalization of Browns Mills. Meeting held with the Township, at Mayor's request, on 4/14/11. Received notice that Browns Mills Revitalization Plan was adopted by the Township earlier this year; awaiting receipt of adopted ordinance. Adopted ordinance (12-2011) received on 12/19/11 and under review.</p> <p>2. 2009 Master Plan: draft of new master plan received 6/9/09. Meeting held with planning consultants on 6/18/09 to review proposed zoning and management area changes and affordable housing issues. Drafts of implementing ordinances received, including rezonings and management area changes within the Pinelands area, on 11/10/09. Draft of amended zoning map received 12/9/09 and under review. Adopted ordinances received 1/15/10. Adopted Master Plan received 2/25/10. All adopted documents under review. More detail on rezoning boundaries requested and received 3/22/10. List of issues identified for the Township and under discussion. Met with Township Planner on 3/8/12 to discuss clustering amendments as well as zoning changes and master plan. Received response to Master Plan/zoning map issues on 6/13/12. Township also indicated an interest in an additional FA-APA zoning change. Advised municipality that progress would need to be made on clustering ordinance before review of other zoning changes could commence.</p> <p>3. Clustering: Met with the Township on 3/8/12 to review clustering regulations</p>

MUNICIPALITY	TOPIC
	<p>and need for municipal adoption of an ordinance. Received letter from the Township with list of issues and questions on 6/1/12. Reviewed and responded via email. Received letter and draft ordinance on 9/5/12. Comments provided 9/18/12. Received and reviewed revised draft ordinance on 9/19/12. Received notice from the Township that the clustering ordinance (17-2012) had been adopted on 12/19/12. <i>Upon receipt of a certified copy of Ordinance 17-2012, a no substantial issue finding letter was sent on 1/8/13.</i></p> <p>4. Solar facilities ordinance: received draft ordinance 8/13/12. Applies to entire municipality, with specific Pinelands references incorporated. Comments provided 9/13/12, indicating ordinance was not fully consistent with CMP standards. Adopted ordinance received 9/24/12. Finding letter sent 10/9/12, again indicating ordinance could not be recommended for Commission approval in its current form. The Township has agreed to amend its solar ordinance in accordance with staff's recommendations. <i>A revised ordinance (5-2013) was adopted in March; and a no substantial issue finding letter sent on 3/27/13.</i></p>
Plumsted	<p>1. Clustering: staff met with Township representatives and a developer with a project in the Rural Development Area during the summer (2011). The Township has proposed modifications to the clustering amendments, including the use of yield plans and larger lots (1.5 acres). Draft ordinance received 11/21/11 and under review. Comments provided to the Township 1/25/12. Adopted ordinance (2012-04) received 5/4/12. Finding letter sent; public hearing held on 6/13/12. The Commission conditionally certified the ordinance on 9/14/12. The Township's response is due 1/12/13. A copy of the Township's response, in the form of adopted Ordinance 2012-17, was received on 1/2/13. <i>No substantial issue finding letter sent 1/7/13.</i></p>
Shamong	<p>1. Clustering: After several meetings, numerous emails and discussions, and several extensions, the Township adopted its clustering ordinance (2012-9) on 12/18/12. An adopted copy of the ordinance was received on 1/3/13. <i>Finding letter sent 1/7/13; public hearing held on 1/30/13. The Commission certified Ordinance 2012-9 on March 8, 2013.</i></p>
Southampton	<p>1. Solar/Wind ordinance (2010-11) received on 8/20/10. Letter emailed to Township on 9/20/10 indicating concerns with applicability of ordinance in APA and RDA. Solar/Wind ordinance (2011-7) again received from the Township. Letter sent 6/17/11 identifying concerns with applicability of the ordinance in APA and RDA, discussing the Commission's proposed solar rules and requesting the Township delay adoption. Received copy of 2011 Land Use Plan Amendment, addressing alternative energy facilities, on 8/8/11. Comments provided 8/17/11. A revised draft solar/wind ordinance, specific to the Pinelands Area, was received on 6/26/12. Adopted ordinance (2012-8) received on 9/5/12 and under review. A no-substantial issue finding letter was issued for Southampton's revised solar ordinance (2012-8) on 11/15/2012.</p>
South Toms River	<p>1. Original certification: Model ordinance language provided to the Borough on 8/16/12. Draft master plan received 8/26/12. Comments provided 9/13/12. Borough Council adopted a resolution confirming its intent to seek Commission certification of its master plan and land use ordinances on 9/17/12. <i>The Planning Board adopted the revised Master Plan on 12/18/12. The Borough Council adopted an ordinance (3-13) containing Pinelands standards and procedures on 3/18/13. Staff is awaiting receipt of the final documents necessary for certification (zoning map, stormwater management plan, capital improvements plan).</i></p>
Waterford	<p>1. The Township's December 2010 Master Plan and Ordinances 2012-13, 2012-14 and 2012-15 were received and reviewed by staff. Ordinance 2012-13 revises various portions of the Township's Code in order to implement the December 2010 Master Plan. Among other things, Ordinance 2012-13 permits solar facilities in certain portions of the Waterford. Ordinance 2012-14 amends the Township's Zoning Map by rezoning the Archway School from RDA to RGA. Two other zoning changes implemented by Ordinance 2012-14 require corresponding management area changes. Ordinance 2012-15 implements the Commission's recently adopted forestry, wetlands management, and residential cluster development rules. All three ordinances and the Township's Master Plan were</p>



MUNICIPALITY	TOPIC
	<p>determined to raise substantial issues with respect to the CMP on 10/24/2012. A public hearing was held on 11/7/2012. <i>The Commission fully certified Ordinance 2012-15 (clustering/forestry) and conditionally certified Ordinances 2012-13 and 2012-14 on 1/11/13. Subsequently, the Township adopted two ordinances (2013-1 and 2013-2), which implemented the conditions required by the Commission's earlier conditional certification. Commission staff is currently reviewing those ordinances.</i></p>
Weymouth	<p>1. Draft ordinance (472-2008) requiring use of contiguous commonly owned lands prior to use of noncontiguous lands under the Forest Area density transfer program received 3/24/08. Comments provided to Township solicitor on 4/30. Discussed in detail with Planning Board Engineer on 5/8. Adopted ordinance received 6/12. Finding letter issued on 7/7/08 indicating ordinance raises a substantial issue requiring Commission's formal review and approval. Meeting with Township representatives to discuss purpose of ordinance and its implications to be scheduled. Township has since repealed the ordinance and will reconsider the issue as part of an upcoming master plan review.</p> <p>2. Ordinance 468-2008 establishing a contribution in-lieu of providing recreational facilities for certain residential developments and providing regulations for recreational facilities received and reviewed. Finding Letter issued determining that Ordinance 468-2008 presented a substantial issue and requesting supporting analysis for the fee in question. Extension of Commission's review period requested and granted through 7/11/08. Awaiting adoption and submission of revised ordinance.</p> <p>3. 2011 Master Plan/clustering: adopted on 7/13/11 and provided to Commission. Met with Planning Board members and other Township representatives on 9/14/11 to discuss clustering, density transfer and master plan recommendations. Draft ordinance received; comments provided. Additional ordinance revisions drafted by Commission staff and provided for the Planning Board's consideration on 1/6/12. Received copy of Ordinance 503-2012 on 2/10, with adoption scheduled for 4/4/12. Received adopted copy of Ordinance 503-2012 on 4/17/12. Received revised zoning map. Finding letter sent; public hearing held on 9/10/12. The Commission fully certified Weymouth's master plan amendments and Ordinance 503-2012 on 11/9/12.</p>
Winslow	<p>1. RGA zoning changes: met with Township representatives on 8/13/12 to discuss possible revisions to zoning plan in the RGA along Route 73. Received map identifying areas under consideration 8/17/12. Under review to determine impacts on residential density and PDCs. Commission staff provided several alternatives for the Township's consideration in December. <i>A meeting was held with the Township on 1/23/13.</i></p>
Woodland	<p>1. Expansion of Duke's Bridge infill area: rezoning proposal received 4/8/08. Meeting with Township held 5/7/08.</p> <p>2. Expansion of Rt. 72 infill area to incorporate municipally owned lands: rezoning proposal received 3/31/08. Meeting with Township held 5/7/08. Waiting for tax map and ownership information from municipality before proceeding to develop rezoning options. Tax map/ownership information received 10/23/08. Meeting held with Township representatives on 2/15/11 to discuss plans for Master Plan Reexamination. Parcel data and other information subsequently provided to the Township. On December 14<sup>th</sup>, staff met with the Township's professionals to discuss its proposed 2011 Master Plan Reexamination Report and its 2011 Master Plan. Staff explained its concerns with the proposed zoning changes and is working with the Township's professionals on revisions. At the Mayor's request, an additional meeting was held in January 2012 for purposes of discussing commercial development opportunities on municipal property partially located in the HB (Infill) Zone.</p>

**Attachment #2**  
**EMPLOYEE ACTIONS**  
*January, February, & March 2013*

**A. DEPARTING EMPLOYEE(S)**

Name	Title	Office	Effective Date	Hire Date
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**B. VACANCIES / RECRUITMENT(S)**

Title	Office	Status
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.	Hired Joseph Sosik; Start Date 1/7/13
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
GIS Specialist*	Science	Not Budgeted
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**

Name	Title	Office	Notes
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
Jean Montgomerie	Environmental Specialist 1	Regulatory Programs	Working a part-time schedule
Teri Melodick	Principal Clerical Assistant	Business Services	Intermittent Family Leave