

# Management Report for January, February & March 2017



Updates are in italics

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# I. Executive

## A. Plan Review

- **Black Run Watershed:** Staff delivered presentations on potential rule changes related to the Black Run watershed at the P&I Committee's March 27, 2015 and April 24, 2015 meetings. Among the options presented that would offer greater protection to the watershed were a management area change from Rural Development Area to Forest Area and an off-site clustering pilot program. The Committee voted to advance a management area change coupled with an off-site clustering pilot program. After several meetings with Evesham Township and representatives of the major landowner in the area, staff drafted CMP amendments and reviewed them with the P&I Committee at its June and July 2016 meetings. The proposed amendments were submitted to the Governor's office for review on August 15, 2016. Staff met with Evesham Township on September 6, 2016 to discuss several issues concerning the pilot program. Staff met with representatives of the Governor's office on September 28, 2016 to review the proposal. *At the request of the Governor's office, the proposed amendments were resubmitted for review on March 21, 2017.*
- **PDC Enhancements:** After a series of outreach meetings in 2014, Commission staff drafted a comprehensive list of issues, suggestions and alternatives to the 2009 rule proposal. This list was discussed with stakeholders including builders, farmers, land conservation groups and municipalities at meetings held during 2015 and 2016. Staff briefed the P&I Committee on February 26, 2016. A meeting to discuss the proposal with the Governor's office was held on April 5, 2016. Representatives of the New Jersey Builders Association and the Builders League of South Jersey identified concerns with the PDC Enhancement proposal as part of their public comment at the June 24, 2016 Policy & Implementation Committee meeting. Staff subsequently met with representatives of both organizations on July 27, 2016 to discuss their concerns in further detail, clarify how the proposed PDC enhancements would apply to specific projects and review a series of new suggestions. Staff also met with the New Jersey Farm Bureau on July 26, 2016 to discuss the PDC enhancements and is awaiting the Farm Bureau's response. Staff briefed the P&I Committee on the concerns raised by NJBA, BLSJ and the Farm Bureau on October 25, 2016, provided detailed information on recent projects in Regional Growth Areas and Pinelands Towns and outlined suggested revisions to the PDC enhancement proposal. Additional comments were received from NJBA and BLSJ on November 22, 2016; staff responded via letter dated November 30, 2016. Staff also drafted amendments to the PDC Bank legislation designed to enhance the Bank's ability to buy and sell PDCs. Additional comments from NJBA and BLSJ on the proposed amendments were received on December 9, 2016. *Comments and questions from NJBA on the amended PDC Bank legislation were received on March 8, 2017. Staff responded via letter dated April 18, 2017.*

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

## **B. Litigation**

- **STATE COURT CASES**

### **Law Division**

**Strong v. New Jersey Pinelands Commission, et al., Docket No. BUR-L-0002100-15** - This matter involves a proceeding to challenge the Commission’s Records Custodian’s response to a Commission employee’s Open Public Records Act (OPRA) request. Through this request, the employee sought copies of certain Commission employees’ text messages and e-mails from January 1, 2011 to April 1, 2015. These OPRA requests were further clarified to include “all documents, written notes, and any other electronically– or digitally- recorded records kept by the Commission generated, sent, copied, blind-copied, or forwarded by the Commission. The Commission’s records custodian provided copies of 43 out of 124 responsive documents on July 21, 2015. However, the remaining 81 documents were redacted or withheld because such documents either did not constitute government records under OPRA or were expressly exempted from disclosure by such Act. On August 5, 2015, the employee submitted a subsequent OPRA request seeking “every government record submitted to the Pinelands Commission’s records custodian between the dates of April 16, 2015 and July 21, 2015 that was withheld in response to prior OPRA requests. This OPRA request also asked for unredacted copies of documents and a privilege log of redacted documents provided in response to the prior OPRA request. The records custodian provided a copy of the requested privilege log on August 13, 2015 and denied the remainder of the request. Attorney for Plaintiff initiated the within action on September 4, 2015. Following the filing of the complaint, the Commission produced an additional 17 documents in February 2016. The matter was fully briefed by the parties and the Court conducted an in camera review of the remaining documents. The parties subsequently received informal direction from the Court indicating that 2 of the remaining 64 documents at issue should be produced in full. Rather than continue to litigate the matter and incur the risk of additional legal fees, the parties entered in a settlement

agreement in this matter. *This Stipulation of Settlement was executed and a Stipulation of Dismissal was filed with the Court in late April.*

### **Appellate Division**

#### **I/M/O the Petition of South Jersey Gas Company for a Determination Pursuant to the Provisions of N.J.S.A. 40:55D-19**

– Docket No. A-001685-15 – New Jersey Appleseed, PILC, filed this appeal on behalf of the Pinelands Preservation Alliance. This appeal challenges the Board of Public Utilities’ (BPU’s) granting of the South Jersey Gas Company’s petition pursuant to N.J.S.A. 40:55D-19 for a proposed natural gas transmission line to repower the BL England power plant. PPA is challenging BPU’s approval on the grounds that it is arbitrary and capricious because: 1) the proposed pipeline project violates the Pinelands Comprehensive Management Plan; and 2) the record does not support that the project was “reasonably necessary for the service, convenience or welfare of the public” pursuant to N.J.S.A. 40:55D-19. The Pinelands Commission is not a party to this appeal. Two pre-argument conferences were held in this matter on February 3<sup>rd</sup> and March 3<sup>rd</sup> as part of the Appellate Division’s Civil Appeals Settlement Program. Following these conferences, when the parties were unable to settle the matter, Judge Paulette Sapp-Peterson issued an Order Accelerating Appeal. This Order established the following briefing schedule: 1) BPU shall serve and file the Statement of Items Comprising the Record on Appeal (SICRA) no later than March 18, 2016; 2) Appellant shall serve and file a brief and appendix no later than May 2, 2016; 3) Respondents shall serve and file answering briefs and appendices no later than June 2, 2016; 4) Appellant may serve and file a reply brief no later than June 13, 2016. The Order further provided that the Clerk shall place the appeal on the first calendar sitting for September. BPU filed the SICRA in the case. Briefing in this matter has concluded. Oral argument occurred on October 11, 2016. On November 7, 2016, the Appellate Division issued a published decision in the three consolidated appeals in I/M/O the Petition of the South Jersey Gas Company and an unpublished decision in this matter. In these decisions, the Court essentially affirmed the BPU’s Orders, but remanded the Commission staff’s December 14, 2015 determination to the Commission for its review in conformity with the Court’s decision. At its December 9, 2016 meeting, the Commission unanimously passed Pinelands Resolution PC4-16-42, setting forth the process by which it would review the South Jersey Gas Company’s application. *See below.*

#### **I/M/O the Petition of the South Jersey Gas Company for a Consistency Determination for a Proposed Natural Gas Pipeline**

– Docket No. A-2706-15 – New Jersey Appleseed, PILC, filed an appeal on behalf of the Sierra Club and Environment New Jersey challenging the consistency determination within the Certificate of Filing issued for the proposed pipeline project as ultra vires and in violation of the Pinelands Protection Act. Additionally, this appeal raises the issue of whether a formal review of the project was required by the CMP. The Notice of Appeal and Civil Case Information Statement for this matter was originally filed on January 27, 2016 and also included an appeal of the Board of Public Utilities’ (BPU’s)

decision concerning preemption of municipal review pursuant to N.J.S.A. 40:55D-19. On February 3, 2016, NJ Appleseed submitted an Amended Notice of Appeal and Amended Civil Case Information Statement bifurcating the appeal of the Commission's Certificate of Filing and the appeal of the BPU's N.J.S.A. 40:55D-19 decision into two separate appeals. These appeals were subsequently assigned Docket Nos. A-2706-15 and A-2705-1, respectively. NJ Appleseed subsequently filed a motion to consolidate these two matters with the appeal filed by the Pinelands Preservation Alliance referenced above. That motion was subsequently granted and the appellants were advised by the Court that they must adhere to the accelerated briefing schedule already ordered in the Pinelands Preservation Alliance appeal. All future updates of these consolidated matters will be discussed under the Pinelands Preservation Alliance appeal. *See above.*

**In the Matter of New Jersey Pinelands Commission Resolution PC4-16-42** – Docket No. A-002015-16 – *The Pinelands Preservation Alliance filed an appeal of Commission Resolution PC4-16-42 on January 17, 2017. The resolution being challenged sets forth the process by which the Commission would review the South Jersey Gas Company's application in response to the Remand Decision of the Appellate Division in I/M/O the Petition of the South Jersey Gas Company issued on November 7, 2016 (see above.) On that same date, Pinelands Preservation Alliance also filed a Notice of Motion to Stay Resolution PC4-16-42 Pending Appeal with the Pinelands Commission in accordance with R. 2:9-7. The Commission denied this Motion for Stay on January 23, 2017 through Resolution PC4-17-01. PPA, later that day, filed a Request for Emergent Relief with the Appellate Division. That request was denied by the Appellate Division for failure to demonstrate irreparable harm. This appeal is pending.*

**In the Matter of New Jersey Pinelands Commission Resolution PC4-17-03** – Docket No. A-3055-16 – *On March 27, 2017, the Pinelands Preservation Alliance filed a Notice of Appeal of Pinelands Commission Resolution PC4-17-03 and a Motion to Consolidate this new appeal with pending Appeal A-002015-16 with the Appellate Division. On this same date, PPA filed a Notice of Motion to Stay Resolution PC4-17-03 Pending Appeal with the Pinelands Commission in accordance with R. 2:9-7. The resolution being challenged adopted the Commission's Executive Director's Recommendation Report and found that the South Jersey Gas Company's proposed 22-mile natural gas transmission line was consistent with the CMP.*

**In re New Jersey Natural Gas Company Proposed Natural Gas Transmission Pipeline Pinelands Application No. 2014-0045.001** – *These matters involve appeals of the Executive Director's March 10, 2016 correspondence to the Board of Public Utilities, indicating that the New Jersey Natural Gas Company's proposed natural gas transmission line was consistent with the CMP. The first appeal was filed on behalf of the Sierra Club on April 22, 2016 (Docket No. A-3753-15.) PPA, subsequently filed its appeal on April 29, 2016 (A-3762-15). The Commission's Civil Case Information Statements was filed for both appeals on June 30, 2016. On*

*December 9, 2016, following the issuance of the Appellate Division's decision in I/M/O the Petition of the South Jersey Gas Company, the Commission adopted Resolution PC4-16-43, which authorized the Division of Law to file motions in both appeals to have the New Jersey Natural Gas Pipeline Project back to the Commission. The purpose of the remand as to permit the Commission to review the Executive Director's recommendation and issue a final decision as to the consistency of the project with the requirements of the CMP. The Remand Motion was filed with the Appellate Division on January 10, 2017. Sierra Club filed a brief in response to the Commission's remand motion on January 19, 2017. The Pinelands Preservation Alliance also filed its response motion on January 19, 2017 and included a cross motion for and order invalidating Resolution PC4-16-42. An Order granting the Commission's Remand Motion with regard to the Sierra Club appeal was issued by the Appellate Division on January 31, 2017 and with regard to the Pinelands Preservation Alliance's appeal on February 15, 2017. Additionally, PPA's cross motion was denied as part of the same order.*

**In re The Pinelands Commission's Consistency Determination Approving Tuckahoe Turf Farm Inc.'s Application No. 1984-0389.009 – Docket No. A-005025-14-**

This is an appeal of the Commission's issuance of a letter of no further review which permits the amended site plan approval issued by the Town of Hammonton Planning Board to take effect. This amended approval was consistent with the terms of a settlement agreement entered into between Tuckahoe Turf Farm, Inc. MSSSL and the Pinelands Commission concerning soccer activities occurring at the farm. PPA and NJCF allege that the Commission's action violates the Pinelands Protection Act and CMP regulations applicable to commercial uses in an Agricultural Production Area, because the use in question is not among the uses set forth in the CMP; that such action violates the terms of the deed restriction recorded for Tuckahoe Turf Farm's Hammonton properties and that the action was arbitrary and capricious, because it was taken without a hearing and findings of fact and law on the public record. A briefing schedule has not been established for this matter. The Statement of Items Comprising the Record (SICR) in this matter has been filed. An amended SICR was filed in this matter on March 28, 2016. This matter was subsequently consolidated with Docket No. A-0034-17. An Amended SICRA was filed in the consolidated matters. A briefing schedule has been set. The Appellants' brief is due November 25, 2016 and the Commission's response brief is due December 20, 2016. The Appellant's initial brief was rejected by the Court because it failed to contain the Decision on Appeal Table required by the revised New Jersey Court Rules. The briefing schedule will be revised once the Appellant refiles its initial brief. *No new action as of March 31, 2017.*

**In re The Pinelands Commission's Consistency Determination Approving Tuckahoe Turf Farm Inc.'s Application No. 1984-00389.009 – Docket No A-003417-**

This is an appeal of the Commission's issuance of a letter of no further review (no call up letter) that permits the amended site plan approval issued by the Waterford Township Planning Board to take effect and permits soccer activities to be conducted on the

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

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

- **FEDERAL COURT**

*No new action as of March 31, 2017.*

- **OTHER LITIGATION MATTERS OF INTEREST**

*No new action as of March 31, 2017.*



## C. Legislation

- *None.*

## D. Office of Administrative Law

- *None.*

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

- **County/Municipal Permit MOA:** At its July 9, 2010 meeting, the Commission approved a proposed MOA with the seven Pinelands Area counties. By letter dated August 5, 2010, the Commission staff sent the MOA to each of the seven Pinelands Area counties and requested that the counties sign and return the MOA to the Commission. The staff is currently evaluating the most effective means to both implement the MOA with Pinelands municipalities and integrate the roadside management practices included in the seven county MOAs into the municipal MOAs. To date the Commission has received signed MOAs from Atlantic, Camden, Burlington, Gloucester and Ocean counties. *No new action as of March 31, 2017.*
- **NJDOT:** The Commission has been working with NJDOT on a permit streamlining MOA since November 2008. Several meetings have been held. NJDOT was encouraged to prepare a draft MOA patterned after the existing County permitting MOA that the Commission approved. The most recent draft MOA was submitted on December 12, 2012. The Commission staff has completed its review of the submitted draft MOA and will be meeting with NJDOT representatives to discuss necessary revisions. *No new action as of March 31, 2017.*

## F. Pinelands Municipal Council

- *The Council met on January 25, 2017 in Bass River Township. At that meeting Ed Wengrowski presented information to the Council regarding the Rapid Landfill assessment study. The Council met in Buena Vista Township on March 7, 2017 for its annual meeting to install members of the Council's Executive Committee.*

## G. Open Public Records Act

- *Open Public Records Act this quarter: A total of 32 requests for government records were received and processed under the Open Public Records Act this quarter.*

## **II. Business Services**

### **A. Facilities**

- *In February, the Keri (key card security system) needed to be serviced.*
- *The annual Fire Inspection was conducted and passed.*

### **B. Financial Management**

- *Auditors from New Jersey Legislature are finalizing the FY 2015 Audit and will remain on site to conduct the FY 2016 audit.*
- *Application Fees are at \$223,295.00 for the end of the 3<sup>rd</sup> Qtr. This is 45% of the FY2017 Anticipated Application Fee Revenue of \$500,000.*
- *FY 2018 Budget Process has begun.*

### **C. Human Resources**

- *The Intern for the Eagleton Fellowship began.*
- *A Resource Planner ended his employment in early January.*
- *Recruitment was underway for a Resource Planner.*

### III. Land Use and Technology

#### A. CMP Amendments

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

#### B. Conformance

- See Attachment #1 for summary of ongoing conformance items.
- 38 new ordinances and/or master plan amendments were received this quarter. (14 this fiscal year).
- 45 interpretations and municipal requests for technical assistance were completed this quarter (125 this fiscal year).

#### C. Special Planning Projects

- **Pine Barrens Byway:** The Department of Transportation (DOT) has requested that all NJ Byways complete the "Annual Benefits Review Form." The Pine Barrens Byway steering Committee did not meet in 2016. *One member of the original*

*Byway Steering Committee, Michael Hogan, delivered a well-received presentation on the Byway at the March 11, 2017 Pinelands Short Course.*

- **Hammonton Wastewater Recharge Project:** Commission staff has been working with Hammonton to eliminate wastewater discharge to Hammonton Creek since 1994. The construction of the Boyer Avenue Land Application Facility completed in 2001, failed to eliminate the discharge to Hammonton Creek. A Commission approved water allocation increase in 2011 required that Hammonton prepare and obtain a long-term comprehensive wastewater plan by December 10, 2013. NJDEP issued a Draft Discharge to Ground Water (DGW) Draft Permit on June 24, 2013. The draft permit includes provisions for a wastewater drip irrigation system to maximize land application of wastewater and ultimately eliminate routine wastewater discharges to Hammonton Creek. The Commission adopted Resolution No. PC4-14-10 at its March 14, 2014 meeting to approve, with conditions, Hammonton's Long Term Comprehensive Wastewater Plan to eliminate the discharge of treated wastewater to Hammonton Creek. The plan relies upon the construction of overland/ surface and underground/subsurface wastewater drip irrigation systems at the Boyer Ave. wastewater dispersal facility, rehabilitation of sections of the Town's wastewater conveyance system that currently allows inflow and infiltration of stormwater into the sanitary sewers, and ongoing maintenance of the rapid infiltration trenches. The entire 26.47 acres of overland drip irrigation tubing is installed and operational. The Phase I, 7.47 acre multi-depth subsurface drip irrigation system installed beneath four Town recreational soccer fields is complete and operational and progress continues to be made on the Town's I&I Study. The Commission received Hammonton's Annual Summary Report on wastewater disposal activities on February 19, 2016. The Annual Report covers the period of May 1, 2014 through April 30, 2015. Highlights of the report include:

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

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

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

Status: Hammonton remains behind in providing the Commission with a report summarizing the results of a two year sewerage system inspection program, intended to identify and eliminate inflow and infiltration (unauthorized connections and leakage of stormwater and groundwater) into the Town's sewage conveyance system. The report was due on March 14, 2016. The Commission's March 14, 2014 conditional approval of Hammonton's Long Term Comprehensive Wastewater Plan (Resolution No. PC4-14-10) is predicated on a number of conditions including the completion of the inspection program and submission of the summary report. At the Town's request, Commission staff met with Elected and appointed town officials in May 2016, at which time the officials expressed a desire to appear before the Commission to seek modifications/flexibility to the conditional approval. Staff requested and awaits documents prepared by the Town in which desired changes to the conditional approval are identified. The report required by

Resolution No. PC4-14-10 was due in March 2016. *As of March 2017, Hammonton's report summarizing the requisite inflow and infiltration study is now 24 months past due.*

- No wastewater has been discharged to Hammonton Creek since March 2015. *As of March 31, 2017, the Town's infiltration/percolation lagoons and overland drip irrigation system have been successful in recharging the Town's treated wastewater.*
- **Roadside Maintenance:** County efforts to implement the Best Management Practices (BMPs) are at varying stages and ongoing. Staff continues to field verify the rare species locations that were submitted anecdotally by area botanists in the preparation of the BMPs. The Commission-produced laminated field mowing guides were distributed for use by mowing crews. A webpage highlighting the roadside BMP program was created ([www.state.nj.us/pinelands/landuse/current/roadhab/](http://www.state.nj.us/pinelands/landuse/current/roadhab/)). *Staff designed an educational pamphlet regarding the roadside BMPs, which has been delivered to the printer. Staff met with the Atlantic County engineer, Director of Public Works and Roads Supervisor in March to discuss their implementation of the BMPs. A meeting with Gloucester County is scheduled for May and a meeting with Camden County is being scheduled, likely for May. Staff emailed the county road supervisors to remind them of the end of mowing season for certain parts of the roadway, pursuant to the BMPs.*
- **Landfill Closure:** With the approval of solar placement on the Stafford landfill, approximately \$170,000 was made available for a Pinelands-wide comprehensive landfill study. The Commission engaged USGS to perform a Rapid Assessment of Pinelands Area Landfills. The USGS presented the Pinelands Area Screening Level Assessment tool at a meeting with NJDEP and later at the February 28, 2014 Pinelands Policy and Implementation Committee meeting. Using existing monitoring well data and GIS analysis, the screening level assessment tool estimates the level of concern for leachate to impact human and ecological receptors. USGS has delivered the Screening Level Assessment of Pinelands Area Landfills and staff is using the assessment tool to evaluate and categorize existing landfills. At the request of individual municipalities, staff has met with municipal officials to give an overview of the landfill assessment tool and discuss the results of the analysis. *Staff delivered a presentation to the Pinelands Municipal Council on the findings of the Pinelands Commission - USGS Rapid Landfill Assessment Project, sent letters to landfill owners advising them of the Assessment findings and offering to meet to discuss the specifics of individual landfills and has begun working with several municipalities to conduct in-depth evaluations of their closed but uncapped landfills.*
- **Borough of Woodbine Wastewater Planning:** Commission staff has coordinated with representatives of the (Cape May County Municipal Utilities Authority) CCMUA and Woodbine Borough to review objectives and discuss regulatory issues associated with the possible construction of a sanitary sewer line connecting the Cape May County Landfill, portions of Woodbine Borough, and possibly the NJ Dept. of Human Services Woodbine Developmental Center to the Cape May County regional sewage treatment plant. The Commission is providing financial assistance to Woodbine Borough to aid in the Borough's feasibility study of

providing centralized sewerage service to portions of Woodbine. Staff met with the project cooperators and provided the cooperators with comments on the 50% complete sewer line feasibility study. Staff has also been instrumental in coordinating a meeting with the NJDEP CAFRA program to address potential issues related to the proposed construction of the landfill leachate / public sanitary sewer line in the Pinelands National Reserve Forest Area. Staff facilitated and attended a July 28, 2014 meeting between NJDEP, CMCMUA and Woodbine Borough to ensure inter-agency coordination on the proposed wastewater conveyance line. Staff also provided CMCMUA and Woodbine Borough with review comments on the CMCMUA's 90% complete draft feasibility report and attended a meeting on September 8, 2014 to review all outstanding issues. CMCMUA's consultants have completed the sewer feasibility study. Commission staff has authorized the payment of \$20,000 to the CMCMUA. This payment constitutes the Commission's financial contribution to the study. CMCMUA has met with Woodbine to determine the next steps. They are awaiting a decision from both Woodbine and DCA by the end of the calendar year. Dennis Township has expressed concerns with the project and CMCMUA will be meeting with them. *The project is on hold by CMCMUA. Woodbine et al still have interest.*

- **Alternate Design Wastewater Treatment Systems Pilot Program:** *Alternate Design Wastewater Treatment Systems Pilot Program: Staff completed the 2016 Pilot Program Annual Report, distributed copies of the report to Commission members in August 2016 and posted the report on the Commission's web site. Staff has prepared CMP amendments to "graduate" the FAST technology from the pilot program and authorize it for residential use in the Pinelands Area on 1.4 acre lots. The advanced wastewater treatment systems authorized for use through the Pinelands Alternate Design Pilot Program must be covered under operation and maintenance (O&M) contracts as required by NJDEP's regulations at N.J.A.C 7:9A- 12.3. The Commission's septic system operation and maintenance (O&M) tracking database has been finalized and is being updated with O&M status information contained in the most current semi-annual reports provided by the alternate design system vendors. Status reports will be provided to the county health departments and NJDEP. Staff met with Atlantic, Burlington, Cape May, Ocean, Cumberland, Camden, and Gloucester Health Department personnel to review NJDEP's requirements related to the operation and maintenance (O&M) of alternate design wastewater treatment systems. Many of the counties have noted that they are processing a number of applications for advanced wastewater treatment systems in areas outside of the Pinelands Area (as these systems are now authorized for use by NJDEP as a means to reduce system size and depth to seasonal high water table requirements and that these non-Pinelands Area systems are also subject to long term O&M contract requirements. The majority of the health departments report that they are gearing up to address these contract obligations.*

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

- *Arrangements for an expert review of the Long-Term Economic Monitoring Program are underway, with meetings anticipated for August and September 2017.*

- Data collection for the 2016 Annual Report has been delayed due to the resignation of the planner handling this matter and the need to evaluate possible data collection efficiencies.

## E. Permanent Land Protection

- **Pinelands Development Credit (PDC) Program:** *One amended LOI was issued for 0.25 PDCs with potential to protect 47 acres in Shamong Township's Preservation Area District (PAD); one (non arms-length) sale of 0.25 PDCs with land for total cost of \$2,000.00 and one arms-length sale of 0.25 PDCs for \$4,500. Three certificates were issued for 0.25 PDCs each (two for sales; one for replacement). The PDC Bank Board met on February 27, 2017 to discuss possible amendments to the Bank's regulations related to purchase and sale of PDCs.*
- **Farmland Preservation Program:** *Burlington County preserved two farms in the previous quarter (17.7 acres in Tabernacle Township, extinguishing 0.75 PDCs, and 34.76 acres in Shamong Township extinguishing 1.75 PDCs).*
- **Pinelands Conservation Fund (PCF):** *As of December 31, 2016, the Commission has approved the contribution of \$8.95 million to 36 successful land preservation projects in the Pinelands Area. All 36 projects have proceeded to closing, resulting in the permanent protection of 8,190 acres. Staff provided a presentation at the March 24, 2017 P&I Committee meeting and received the Committee's endorsement of a new land acquisition grant round.*
- **Limited Practical Use (LPU) Program:** *One LPU application (2.55 ac. property in Pinelands Village of Sweetwater (Mullica Township) was deemed eligible at the October 14, 2016 Commission meeting. Green Acres is currently reviewing technical reports on this parcel and closed on a 0.57 ac. parcel in Medford on March 29, 2017.*

## F. Other Planning Items

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

Buildout & water use estimates for WQMP and purveyors planning: Staff has completed scenarios one and two of the of the build-out estimates (high

and medium). The drafts of the medium scenario have been shared with counties and municipalities working on WQMPs and with COAH staff. Next, staff will work with purveyors/municipalities on conceptual water supply plans to address buildout in terms of current watershed stress and the availability of the surface K/C aquifer for future needs. *No new action as of March 31, 2017.*

Data collection: The yearly Mullica Basin flows report by USGS to assess impact on stream flow from withdrawals for development looked at collected data to determine overall trends in streamflow. The four study sites in Camden County are Hays Mill Creek near Chesilhurst (station number: 0140940200), Clark Branch at railroad bridge near Atsion (0140940480), Pump Branch near Waterford Works (01409408), and Blue Anchor Branch at Elm (0140940950). USGS reports that the “correlations between the [four] study sites and [six] index sites were fair to good”. A Mann-Kendall test on regression residuals show a statistically decreasing streamflow trends for Hays Mill Creek near Chesilhurst and Clark Branch at railroad bridge near Atsion. Tests on Pump Branch near Waterford Works and Blue Anchor Branch at Elm show increases in streamflow trends – possibly in response to decreased water withdrawals. USGS recommends further monitoring and that a more comprehensive analysis is needed to validate the results of their testing. *No new action as of March 31, 2017.*

- Winslow Water Purchase Agreement (non K/C water for all new development) Winslow has not begun implementing the agreement and is seeking to renegotiate the terms. The Township has yet to provide staff with data on water use as well as information on projects covered by Safe Water Drinking Act permits. *Staff met with Winslow in late March and, with additional information from Winslow, is crafting an amendment to the agreement for consideration by the Pinelands Commission.*
- Barnegat Bay Partnership:  
*Planning staff continues to participate in the Barnegat Bay Partnership’s Advisory Committee.*
- **Cultural resources:** 43 (110 this fiscal year) cultural resource activities undertaken:

20 (61) applications reviewed  
0 (1) forestry inquiries  
4 (17) surveys reviewed  
0 (0) CAFRA reviews  
0 (0) Preliminary Investigation  
3 (5) site coordination with other agencies/meetings & phone conferences  
3 (7) coordinated reviews w/ NJDEP/SHPO  
10 (10) Municipal/consultant inquiries  
2 (5) on-site consultant research facilitation  
1 (4) formal meeting with consultants/project stakeholders on behalf of Pinelands Commission



- **Archaeology and Anthropology Symposium-** Staff is organizing an Archaeological Symposium to be held at the Pinelands Commission office in October of 2017. The symposium will be held in conjunction with the Archaeological Society of New Jersey (ASNJ). A formal Call for Papers has been distributed. *Planning for event is ongoing as of March 31, 2017.*
- **Affordable housing:** The Council on Affordable Housing (COAH) published two rule proposals on June 2, 2014, setting forth procedural and substantive third round rules. Staff provided data on vacant land and buildout projections for use in COAH’s determinations of “buildable limit capacity” by municipality. Staff submitted written comments on the proposed rules on July 30, 2014. On March 10, 2015, the New Jersey Supreme Court issued its decision in In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015). This case removed the adjudication of a municipality’s compliance with its constitutional obligation to create a realistic opportunity for producing a fair share of affordable housing from the Council on Affordable Housing (“COAH”) and returned it to the judiciary. This decision shifted the landscape regarding municipal compliance with its affordable housing obligations in two ways: First it created a new process by which municipalities would seek a declaration of compliance with affordable housing obligations. Second, the ruling now permits low and moderate income citizens and those acting on their behalf, as well as developers the right to challenge, under certain circumstances, any municipality that fails to develop an adequate housing plan to bring the municipality into compliance with its fair share of the regional and prospective affordable housing needs. The rights afforded by the decision depend upon the class of the municipality involved.

The decision establishes three classes of municipalities depending on the current status of such municipality vis-a-vis the former COAH third round rules. “First Class” municipalities, of which there are approximately 60 towns, have been granted “substantive certification” by COAH under the third round rules. “Second Class” Towns, estimated at more than 300 towns, have submitted a resolution of participation with COAH sufficient to be recognized as “participating” municipalities and “Third Class” municipalities, approximately 200 towns, are those municipalities that appear to have done nothing to subject them to COAH’s jurisdiction.

First Class Towns had 120 days – 90 days from the date of the Court’s Order plus an additional 30 days thereafter (i.e. July 8, 2015), to file a declaratory judgment action with the Superior Court seeking a judicial declaration that their housing plans and implementing ordinances are constitutionally compliant. After the additional 30-day period expired, any interested party may file a lawsuit seeking to challenge a municipality’s compliance. The towns, although not entitled to the statutory presumption of validity provided by the FHA, will have the benefit of the Supreme Court’s direction to judges to be “generously inclined” to grant applications of immunity from exclusionary zoning actions during the review process.

With regard to Second Class Towns, the Supreme Court established a different procedure and treatment. These towns, if they affirmatively seek to obtain a court declaration that their affordable housing plans are presumptively valid, have 5 months to submit their supplemental housing element and affordable housing plan. After that 5 month period, they provide initial immunity insulating these towns from exclusionary zoning actions (i.e. builder remedy suits). As was the case with First Class Towns, Second Class Towns have 120 days to proceed with a declaratory judgment action. These towns, however, are not automatically granted immunity from exclusionary zoning actions; rather the court will assess on a case by case basis the extent to which a grant of immunity is appropriate. The Commission has received a copy of declaratory judgment papers from many Pinelands municipalities and revised housing plans from several. Buildout data is being supplied upon request.

In early March, staff requested a meeting with representatives from both the Fair Share Housing Center (FSHC) and the New Jersey State League of Municipalities (NJLM). Both organizations have party status in all of the pending declaratory judgment lawsuits involving municipalities seeking a judicial declaration that their housing plans and implementing ordinances are constitutionally compliant with their affordable housing obligation.

The meetings had two goals. One goal was for staff to learn more about how these pending court cases are being adjudicated statewide and, in particular, for those municipalities in the Pinelands Area that have filed declaratory judgment actions. The other goal was to provide a forum to discuss both the impacts of the CMP on housing development potential in the Pinelands Area and how that might potentially constrain Pinelands Area municipalities in meeting their fair share obligations.

Staff met with Kevin Walsh, Associate Director and Josh Bauers from (FSHC) on March 18, 2016.

Staff met with Michael Cerra, Assistant Executive Director and Edward Purcell, Associate Counsel/Staff Attorney for the (NJLM) on March 28, 2016. *Housing plans have begun to be approved with concomitant zoning. Zoning will be addressed in normal conformance actions (see Attachment #1).*

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

*Planning Staff, in coordination with NJ OIT and the Pinelands Area Counties, is working to amend the Siting Policy associated with the Public Safety Tower Plan for Pinelands. The drafted amendment would provide greater tower siting flexibility for public safety towers in two ways: (1) by increasing the maximum extent of the search area from 1 miles to 3 miles; and (2) by allowing greater flexibility for siting on developed, publically-owned lands. Staff met with OIT and County stakeholders on April 20, 2017 to discuss the proposed changes. A formal amendment proposal is expected to be submitted by Ocean County in late May. Review by the P&I Committee and the full Commission would follow in the subsequent months.*

*Staff met with representatives of Verizon Wireless and Tilson on February 8, 2017. The meeting was in regards to Verizon Wireless's efforts to deploy Small Network Nodes in the Pinelands Area. At the conclusion of the meeting, staff requested additional information in order to more accurately determine consistency with the CMP and approved LCF plans. As of March 31,2017, the requested information has not been received.*

*Staff met with representatives of Mobilitie on March 8, 2017. The meeting was in regards to Mobilitie's efforts to deploy wireless telecommunication infrastructure in the Pinelands Area. At the conclusion of the meeting, staff requested additional information in order to more accurately determine consistency with the CMP and approved LCF plans. Coordinates of proposed locations were received on March 9, 2017. Staff is in the process of reviewing the proposed locations.*

## **G. Geographic Information System**

- *Completed migration and organization of GIS data for new server.*
- *Created local image service for New Jersey 2015 aerial photography*
- *Processed seven PDC LOI requests, including aerial photo interpretation*
- *Analysis/Map Products/Programming: Continued internal testing of Pinelands Site Evaluator. Contributed to cultural resources data development, Permanent Land Protection, and PDC Bank project.*

## **H. Management Information System**

### **PCIS:**

- *Made 20 programming modifications and additions to improve efficiency in all aspects of project review.*
- *Piloted conversion of legacy PCIS project to Visual Studio 2015 in order to modernize and converge code base onto single platform*
- *Converted overnight PCIS data quality check to Visual Studio 2015*

### **Permanent Land Protection:**

- *Continued to enter deed restrictions as they are received and continued QA/QC (quality assurance / quality control).*
- *Continued PLP LEAN project by summarizing the feedback from the first meeting and coordinating follow up meeting to clarify lessons learned, as well as shed light on areas of the process not covered in the first meeting.*

#### **Network Infrastructure:**

- *Completed migration of data from legacy file share server to new hardware. Full shutdown of old hardware anticipated in Quarter 2, 2017*
- *Full shutdown and removal of legacy GIS server from Pinelands network*
- *Migrated all server backups off of old tape drive to new one and decommissioned old hardware*
- *Continued Outlook365 email migration project. Weekly meetings were held to coordinate efforts with NJ OIT and Microsoft as network devices are configured to support the deployment. Bulk audit of Pinelands staff mail storage was performed to determine options for existing mail archiving and migration. Project completion is anticipated in second Quarter 2017.*
- *Configured Barracuda Web Security Gateway network device for Pinelands network. Expected to go live in Quarter 2, 2017.*
- *Prepared databases on legacy server for migration to new server. Carried out successful testing. Migration will be conducted in the 2<sup>nd</sup> quarter and old hardware will be decommissioned.*

## **IV. Public Programs**

### **A. Communication**

- *There were 60,568 views of the Commission's web site during the last quarter.*
- *A total of 40 media inquiries and approximately 5,300 general inquiries were handled this quarter. Of the general inquiries, approximately 5,200 inquiries came via e-mail, approximately 107 came via telephone and 25 came by mail. Most of the inquiries pertained to South Jersey Gas' natural gas pipeline application and the Pinelands Short Course.*

### **B. Publications**

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

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

- *More than 600 people attended the 28<sup>th</sup> annual Pinelands Short Course on March 11, 2017 at Stockton University. The event was co-sponsored by the Pinelands Commission and Stockton. This year's Short Course featured 38 presentations, including 20 new programs. Course and event evaluations were overwhelmingly positive. Also during the quarter, the Commission and Stockton announced plans to hold the first-ever Pinelands Summer Short Course. The event is set for July 27, 2017 at Kramer Hall in Hammonton, Atlantic County.*
- *Also during the quarter, staff began working on plans to hold the annual Pinelands Orientation for Newly Elected Officials. The event will be held in the Richard J. Sullivan Center on July 25, 2017.*
- *Joel Mott participated in two Pinelands education programs during the quarter, educating a total of approximately 20 people.*

### **D. Interpretive Program**

- *Staff continued to track the distribution of the Pinelands National Reserve (PNR) brochure.*
- *During the quarter, staff continued to obtain artifacts that will be used in the new Pinelands Visitor Center, and they obtained permits to collect and house native Pinelands fish in the Center. Staff also continued its efforts to obtain the permits that will be needed before construction can begin.*

## V. Regulatory Programs

### A. Application Activity

		4 <sup>th</sup> Quarter 2016	1 <sup>st</sup> Quarter 2017
New applications received for the last two quarters with a comparison to last year:	This year	73	114
	Last year	102	121
Total applications active for the last two quarters with a comparison to last year:	This year	637	699
	Last year	663	697
“No Call-ups” issued for the last two quarters:	By mail	42	30
	By fax	53	43
Certificates of Filing issued for the last two quarters:		38	49
“Call-ups” issued for the last two quarters:		20	15
Streamlined permitting actions taken during the last two quarters:	LRO	12	7
	MOA	5	3

### B. Notable Development Applications

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

Commission staff's opinion that the proposed mining would be consistent with the applicable T&E species protection standards. On September 15, 2016, the applicant submitted a revised habitat conservation plan that is currently under review. By letter dated October 18, 2016, the staff advised that the submitted information did not limit proposed mining to the approximately 23 acres and that the proposal remains inconsistent with the applicable T&E protection standards. *In November of 2016, the applicant submitted a further revised habitat conservation plan. Upon receipt of the required application fee on December 27, 2016, the Commission staff issued a letter on February 28, 2017 advising that the revised plan did not limit proposed mining to the approximately 23 acres and that the proposal remained inconsistent with the applicable T&E protection standards.*

- **Lower Bank Bridge, Washington Township & Egg Harbor City (App. No. 1988-0141.001)** In 1991, the Commission approved Burlington County's application for the reconstruction of the Lower Bank bridge connecting Washington Township to Egg Harbor City. That approval was conditioned upon the County providing public access for fishing. The County addressed that condition by offsetting the traffic travel lanes on the bridge to provide for a 5 foot shoulder area on one side of the bridge. Subsequently, the County and the Township prohibited fishing from the bridge for public safety due to the conflict between public access for fishing and vehicle traffic utilizing the bridge. By letter dated April 6, 2016, the Commission staff responded to an inquiry from members of the public regarding public access for fishing from the bridge. That letter summarized the history of the project and indicated the Commission staff would discuss the matter with the Township and the County. In June of 2016, the Commission staff met with a Township representative to discuss the matter. The staff also discussed the matter with County officials. By letter dated July 11, 2016, the Commission staff wrote to the Township indicating that the Commission staff deferred to the determinations of the County and the Township regarding the prohibition of fishing from the bridge for public safety reasons. The letter also asked the assistance of the County in evaluating possible alternatives to provide public access for fishing from the bridge. *No new action as of March 31, 2017.*
- **Taunton Lakes Road, Evesham Township (App. No. 1987-0914.004)** Burlington County is proposing to widen Taunton Lakes Road to increase the width of the existing road shoulders to address public safety. The presence of extensive wetlands limits the applicant's alternatives for managing stormwater. On September 15, 2015, the Commission staff met with the applicant to discuss approaches to address the stormwater management issue. At that meeting, a feasible approach was agreed upon. The applicant submitted information on April 11, 2016 to address the stormwater management issue. By letters dated June 17, 2016, July 22, 2016 and August 24, 2016, the Commission staff has responded to submissions by the County indicating that the submitted stormwater management information was not consistent with the agreement reached at the September 15, 2015 meeting. The Commission staff letters have also offered to meet to further discuss the stormwater issue. *On February 7, 2017, the County submitted additional information regarding the*

*application. The submitted information indicated that the County could not meet the stormwater approach proposed by the County at the September 15, 2015 meeting. The County requested that the full Commission vote on the application. By letter dated February 23, 2017, the Commission staff advised of the need to complete newspaper public notice to complete the application. That letter also indicated that the County's application was inconsistent with the Commission's stormwater management standards, but upon receipt of the information to complete the application, the staff would advance the application to the Commission for a vote on the application.*

- **Great Bay Mitigation Site, Washington Township (App. No. 1990-0285.007)** On August 4, 2014, the Commission staff issued a Certificate of Filing for the proposed herbiciding of Phragmites on a 50 acre parcel and the subsequent replanting of the 50 acres with native Pinelands vegetation. The applicant has now filed an amended application with the Commission proposing to breach an existing berm surrounding the 50 acres to allow for tidal inundation of the concerned acreage, grading of the 50 acres and offsite soil removal. The applicant has not yet filed a formal application with the Commission for the amended project. After discussion with NJDEP regarding “Wetland Banking” requirements, the applicant is currently completing certain threatened and endangered (T&E) plant surveys requirements. On September 23, 2016, the applicant submitted a T&E plant survey for the proposed project. *A pre-application meeting with the Commission staff was held on January 4, 2017. By letter dated January 10, 2017, the Commission staff advised the applicant regarding the status of certain threatened and endangered plant issues and of the need to address cultural resources upon submission of the remaining application requirements.*
- **Huettle, Buena Vista Township (App. No. 2003-0191.001)** On August 13, 2004, the Commission staff issued a Certificate of Filing for a proposed four lot subdivision of a 14 acre parcel and the development of four single family dwellings. On October 2, 2009, the Commission staff issued a letter advising that a preliminary and final subdivision approval granted in 2005 and certain extensions of that approval could take effect. Based upon those approvals and the New Jersey Municipal Land Use Law (MLUL), the period of protection from zoning changes for this application expired on August 18, 2010. On April 6, 2009, amendments to the Pinelands Comprehensive Management Plan (CMP) became effective requiring clustering of residential development on parcels located within a Pinelands Rural Development Area when two or more dwelling units are proposed. The parcel subject of this application is located in a Pinelands Rural Development Area. On March 29, 2016, the Commission staff received notice from the Atlantic County Department of Public Health of issuance of a septic permit for one of the four lot created by this application. Absent protection from zoning changes offered by the MLUL, the residential clustering zoning requirements are applicable to this development. By letter dated May 5, 2016, the Commission staff advised the applicant that the septic permit raised a substantial issue with the clustering requirements of the Township land use ordinance and CMP and scheduled a Commission staff public hearing to review the issue. After several adjournments, the public hearing was opened on September 23, 2016. The public hearing was then continued to a future date to allow the opportunity for



the applicant to address the substantial issue with the clustering requirement. By letter dated December 29, 2016, the public hearing was rescheduled to February 15, 2017 to allow the applicant sufficient time to resolve the substantial issue raised by the septic permit. The applicant was addressing the cluster requirement by recording a cluster deed restriction preserving a portion of each of the four existing lots created by the 2005 municipal subdivision approval. *By letter dated February 22, 2017, the Commission staff advised the applicant that the clustering issue had been addressed and that certain permits and the approval could take effect.*

- **South Jersey Gas, Estell Manor, Maurice River and Upper townships (App. No. 2012-0056.001)** On May 21, 2015, an amended application for a proposed gas main installation was submitted to the Commission. The application included a proposed interconnect station on a parcel containing certain Upper Township municipal facilities. On June 22, 2015, the Commission staff issued a letter requesting certain information to complete the application. On July 17, 2015, the applicant submitted the information requested in the staff's letter. On August 14, 2015, the staff issued a Certificate of Filing for the proposed gas main. On December 14, 2015, the Commission staff issued a letter to the New Jersey Board of Public Utilities (BPU) regarding the portion of the proposed gas main located in the Pinelands Area. That letter indicated that the Commission staff had reviewed the documentation submitted to the BPU during the course of certain BPU hearings for South Jersey Gas Company's application to BPU for a determination under the New Jersey Municipal Land Use Law (MLUL) that the MLUL and any regulation made under the authority of the MLUL shall not apply to this application by South Jersey Gas to install gas service in multiple municipalities. The Commission staff's December 14, 2015 letter concluded that the staff's prior finding of the project's consistency with the regulations contained in the Pinelands Comprehensive Management Plan, as reflected in the Commission's August 14, 2015 Certificate of Filing for the proposed project, remained unchanged. By letter dated January 5, 2016, South Jersey Gas inquired as to what, if any, further action was required by the Commission staff for the proposed development. By letter dated January 8, 2016, the Commission staff advised South Jersey Gas that for private development applications, the Commission staff only reviews and responds to municipal and county permits and approvals and that if no municipal or county approvals or permits are necessary for the proposed development, there is no further Commission staff review process. With respect to the development application process, no new action. *On February 24, 2017 the Commission adopted a resolution by a vote of 9 to 5 that determined the development proposed in Pinelands Development Application No. 2012-0056.001 is consistent with the minimum standards of the Pinelands Comprehensive Management Plan. Please see the "Litigation" section for further information.*
- **New Jersey Natural Gas, Jackson, Manchester and Plumsted Townships (App. No. 2014-0045.001)** Pre-application conferences were held with the applicant on May 6, 2014 and October 14, 2014. On April 10, 2015, an application for the proposed gas main was filed with the

Commission. During the period from June through November 2015 additional information was requested and submitted by the applicant. The Commission staff issued a Certificate of Filing for the proposed development on December 9, 2015. By letter dated March 10, 2016, the Commission staff advised the New Jersey Board of Public Utilities (BPU) that it had reviewed the documentation submitted to the BPU during the course of certain NJ BPU hearings for this application. The purpose of the BPU hearings was for BPU to make a determination under the Municipal Land Use Law (MLUL) as to whether any regulation made under the authority of the MLUL shall not apply to this application to install gas service in multiple municipalities. The Commission staff's March 10, 2016 letter concluded that after reviewing documentation submitted to the BPU, the staff's prior finding of the project's consistency with the regulations contained in the Pinelands Comprehensive Management Plan, as reflected in the Commission's Certificate of Filing for the proposed project, remained unchanged. *No new action with respect to the development application as of March 31, 2017.*

- **Campground, Borough of Woodbine (App. No. 1981-0210.004 & App. No. 1981-0210.007)** On July 6, 7, and 31, 2015 the Commission staff received information regarding a proposal to develop 72 campsites on a parcel and to connect those campsites to an onsite wastewater treatment plant located on an adjacent parcel. There is an existing campground served by onsite septic systems on the parcel. The issue raised by the proposed development is whether the existing and proposed campsites meet the definition of a campground. In addition, an issue is raised by the proposal to develop additional campsites served by a wastewater treatment system located on another parcel when the existing campsites, served by onsite septic systems, already exceed the groundwater quality (septic dilution) standard. On October 27, 2015, the Commission staff issued a letter identifying the issues raised by the proposed development. On September 29, 2016, the Commission staff met with the applicant to discuss the issues raised by the proposed development. The applicant will be submitting additional information in an attempt to address the groundwater quality (septic dilution) standard. On October 18, 2016, the applicant submitted additional information. By letter dated December 7, 2016, the Commission staff indicated that the proposed development continued to raise an issue with the groundwater quality (septic dilution) standard and the whether the proposed campsites constituted dwelling units based upon a proposed occupancy of more than 180 days per year. *No new action as of March 31, 2017.*
- **Redevelopment Project/Borough of South Toms River (App. No. 2005-0232.005)** An application was initiated for the development of 314 dwelling units on an approximately 42 acre parcel owned by the Borough of South Toms River. Certain municipal recreational and public works facilities are located on the parcel. In addition, the Borough's closed, but uncapped, former landfill is also located on the parcel. On April 8, 2016, the applicant initiated an application and submitted threatened and endangered species protocols for Commission staff review. On May 3, 2016, the Commission staff provided written comments to the applicant

regarding the submitted threatened and endangered species protocols. The applicant is currently surveying for certain threatened and endangered animal and plant species on the parcel. On December 7, 2016, the applicant submitted a T&E species survey for the proposed development. By letter dated December 17, 2016, the Commission staff requested certain additional information from the applicant regarding the T&E survey. *On December 14, 2016, the applicant submitted the additional T&E survey information. By letter dated December 23, 2016, the Commission staff advised that it accepted the negative results of the completed T&E species surveys.*

- **Ocean County Garden State Parkway Park and Ride/ Little Egg Harbor Township (App. No. 1997-0257.012)** On March 23, 2016, Ocean County requested a pre-application meeting with Commission staff to discuss an approximately 50 stall parking area. That pre-application meeting has been scheduled for April 19, 2016. The pre-application meeting was held on April 19, 2016. At that meeting the staff advised of the probable need to complete a threatened and endangered species survey. Although an application has not been filed with the Commission, it is the Commission staff understanding that a threatened and endangered animal species survey is currently underway on the parcel. On July 5, 2016, the Commission staff sent a letter to the applicant advising of a potential issue raised by the time period in which the Spring T&E snake survey may be conducted. *On January 31, 2017 and in February 2017, the applicant submitted an application for the proposed development. By letter dated March 27, 2017, the Commission staff advised the applicant of the information necessary to complete the application.*
- **Atlantic City Electric Company/Reconstruction of 9.4 miles (in Pinelands) of an existing electric transmission line, Atlantic County (App. No. 1981-0479.011)** This application was initiated on February 18, 2016. The application proposes to remove and replace 105 existing electric transmission towers. The applicant has completed wetlands mapping and certain threatened and endangered species surveys for the proposed development. The Commission staff is currently reviewing that information. On May 4, 2016, the Commission staff issued a letter to the applicant providing comments on the submitted wetlands delineation and threatened and endangered species information. The applicant submitted additional information in June, July, August and September of 2016. The Commission staff issued a letter on September 9, 2016 specifying the remaining information necessary to complete the application. The applicant submitted additional information in September 2016. On October 11, 2016, the Commission staff sent a letter requesting certain additional information to complete the application. In October and November, the applicant submitted additional information. On November 22, 2016, the Commission staff issued a Certificate of Filing for the proposed development. *No new action as of March 31, 2017.*
- **Country Club Acres, Evesham Township (App. No. 1983-9307.004)** An application for the development of 33 dwelling units was initiated with the Commission in April of 2013. By letter dated July 31, 2013, the

Commission staff specified the information necessary to complete the application. The applicant was required to complete a threatened and endangered species survey. While the T&E species survey was progressing, the applicant submitted additional information and requested that the Commission staff issue a Certificate of Filing By letter dated June 11, 2014, the Commission staff advised of the information necessary to complete the application. On July 8, 2014, the applicant submitted additional information. On September 15, 2014, the staff advised of the remaining information necessary to complete the application. On July 27, 2015 and April 25, 2016, the applicant met with the staff to discuss the required buffers to wetlands. The staff indicated that the required buffers to wetlands would be highly dependent on the results of the required T&E species surveys. On June 3, 2016, the applicant submitted the results of the T&E species surveys. By letter dated July 28, 2016, the Commission staff provided its comments regarding the submitted T&E surveys, the resulting required buffers to wetlands and the remaining information necessary to complete the application. On October 21, 2016, the applicant submitted a plan depicting a revised layout of the proposed development. That plan is currently under review by the Commission staff. *Upon review of that plan, on March 13, 2017, the Commission staff provided the applicant with its comments on the layout of the proposed development.*

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

information as part of a continuing pre-application conference. *Additional information was submitted on January 19, 2017. The Commission staff reviewed that additional information and on February 27, 2017 advised the applicant's attorney of our comments regarding stormwater management and groundwater quality (septic dilution).*

- **New Jersey Department of Environmental Protection, Forest Fire Service (App. No. 1996-1396.005)** A pre-application conference was held on December 21, 2016 with staff from the New Jersey Forest Fire Service. The Forest Fire Service is proposing tree clearing to improve visibility from the Bass River and Brendan Byrne forest fire lookout towers. *No new action as of March 31, 2017.*
- **Sweetwater Casino Restaurant, Mullica Township (App. No. 1983-4234.006)** On May 6, 2016, an application was initiated with the Commission for certain development activities on the site of the former Sweetwater Casino Restaurant. The former restaurant was destroyed by fire. By letter dated June 20, 2016, the Commission staff advised of the information necessary to complete an application for the development proposed in the submitted application and for certain additional development that has occurred on the parcel without application to the Commission. By letter dated September 13, 2016, the Commission staff sent a letter to the applicant indicating that by November 1, 2016, the commercial activities existing on the parcel must cease unless an application for the concerned development is completed with the Commission. *The applicant has submitted additional information. The applicant further represents that they will be filing an application for the reconstruction of the former restaurant within six months. The Commission staff is reviewing the submitted information.*
- **Singer House Historic House Preservation/Restoration, Medford Township (App. No. 1987-0055.005)** On August 23, 2016, the Commission staff sent a letter to the private owner of the Singer House inquiring as to the status of the required preservation of the Singer House building. On October 5, 2016, the current owner of the Singer House, representatives of Medford Township and the Commission staff met to discuss the required preservation. At that meeting the current owner indicated that they did not have sufficient funds to accomplish the required preservation. By letter dated November 4, 2016, the Township indicated that they will undertake a structural integrity survey of the Singer House and advise the Commission staff of the results of that survey. *By letter dated February 22, 2017, the Commission staff inquired as to the status of the structural integrity survey.*
- **Ocean County Communication Tower, Jackson Township (App. No. 1989-1126.007)** On July 27, 2016, the Commission staff responded to a general inquiry from Ocean County regarding the feasibility of siting a County emergency communication tower at an existing County road maintenance facility in Jackson Township. The Commission staff letter indicated that the County maintenance facility parcel was not identified as an approved site for the placement of a communication tower in the

Commission approved “Comprehensive Public Safety Tower Plan for Pinelands” The letter also indicated that there was an approved site for the placement of a communications tower at nearby Patriots Park in Jackson Township. On October 24, 2017, the County submitted certain application information and the Commission staff reviewed the filed application for a communications tower at the County road maintenance facility. That information is currently under review. *By letter dated February 7, 2017, the Commission staff again advised that the County maintenance facility parcel was not identified as an approved site for the placement of a communication tower in the Commission approved “Comprehensive Public Safety Tower Plan for Pinelands” and of the need for Commission review and approval of an amendment to that Plan.*

- **Kings Grant Elementary School solar facility, Evesham Township (App. No.1981-0556.051)** On September 21, 2016, the Commission staff received the necessary application information to complete a review of the proposed solar facility. On October 31, 2016, the staff sent a letter to the applicant indicating the information necessary, to complete an application including a cultural resource survey. On November 4, 2016, the applicant submitted certain information questioning the need for a cultural resource survey. By letter dated November 28, 2016, the staff responded that they had reviewed the submitted information and determined that such a survey was still required to complete an application. *No new action as of March 31, 2017.*
- **Ecology Landfill, Winslow Township, (App. No. 1986-1167.007)** On June 17, 2016, an application was initiated with the Commission for the closure of a vegetative waste landfill on an 18.5 acre parcel. On July 19, 2016, the Commission sent a letter advising the applicant of the information necessary to complete an application. On October 4, 2016, the applicant submitted information regarding the proposed capping. By letter dated December 7, 2016, the Commission staff indicated that, based upon a review of the submitted information, a permeable landfill cap was permitted by the Commission’s regulations and itemized the remaining information necessary to complete an application. *No new action as of March 31, 2017.*

### **C. Violation**

- **Barnegat Township, Commercial Use (App. No. 1988-1177.002):** By letter dated February 1, 2012, we advised a property owner of an approximately 5 acre wetlands buffer clearing violation. Materials were being stockpiled in the wetlands buffer. By letter dated April 26, 2012, we summarized the agreements reached and asked the property owner to contact our office when wetlands were delineated. By letter dated June 15, 2012, we confirmed the wetlands mapping and suggested a course of action to resolve the violation. On January 22, 2013, the Commission staff received information from the property owner’s consultant indicating that one material stockpile and a portion of another had been removed from the site and that a revised restoration plan would be submitted shortly. During

the period from March through February 2014 restoration plan revisions were submitted. On February 6, 2014, the Commission staff received information from the property owner indicating that two of the four stockpiles have been removed and the concerned areas have been restored. By letter dated September 4, 2014, the applicant was advised by NJDEP that the development that occurred without application to the Township and the Commission also raised issues with NJDEP's stormwater and water quality regulations. The Commission staff continues to monitor the pace of the restoration. By letter dated June 15, 2015, the staff indicated agreement with the proposed restoration plan and requesting that a filed copy of the deed for the parcel, noting the restoration requirements, be submitted to the Commission. By letter dated August 6, 2015, the staff reminded the applicant of the requirement to submit the requested information. On December 22, 2016, the applicant submitted a requested extension of the time to complete the individual components of the restoration, but not the completion of the overall restoration. *By letter dated January 11, 2017, the Commission staff granted an extension of time until June 30, 2017 to complete all restoration requirements.*

- **Barnegat Township (App. 2000-2700.002):** This violation pertains to the clearing and grading of vegetation on approximately 8 acres of wetlands/wetlands buffers on a 9.49 acre lot located in Pinelands Preservation Area District. The concerned clearing occurred primarily in September 2009. The property owner indicated an intention of establishing a permitted agricultural use (blueberries) on the lot. Since September 2009, the Commission staff has written to the applicant multiple times attempting to obtain a time schedule for the establishment of the proposed blueberry agricultural use. On April 25, 2013, the Township issued a Municipal Court summons to the property owner regarding this matter. The Commission staff attended a municipal court hearing on June 25, 2013. The matter was continued because the property owner raised an issue regarding the "Right to Farm." Multiple municipal court hearings were held in 2013. At the December 17, 2013 municipal court hearing, the court was advised that the Ocean County Agricultural Development Board had rendered its determination that the concerned activities were not protected by "Right to Farm," however, a resolution from the Ocean County Agricultural Development Board memorializing that determination had not yet been issued. The municipal court hearing was continued to January 8, 2014. At the January 8, 2014 municipal court hearing, the property owner pleaded guilty to two of the municipal court summonses. The remaining municipal summonses were continued to February 12, 2014. The property owner agreed to submit a farm plan to the Commission by January 17, 2014 and to meet with the Commission staff on January 23, 2014 to discuss the farm plan. On January 13, 2014, the Commission staff received the farm plan. On January 30, 2014, the Commission staff met with the property owner and his attorney. During the meeting, the property owner agreed to submit a copy of the revised farm plan to the Commission. On January 31, 2014, the Commission staff received the revised farm plan. On February 11, 2014, the Commission staff issued a letter to the property owner's attorney indicating that some of the agricultural activities proposed on the revised farm plan were not consistent with the standards of the Township land use

ordinance and the CMP. On February 12, 2014, the Commission staff attended the municipal court hearing. The property owner pled guilty to one of the remaining municipal summons and was fined. The remaining summonses were dismissed. However, the property owner was given six months to institute permitted agricultural uses on the parcel or face additional municipal summonses. Based upon reports to our office and a Commission staff site inspection, a retail commercial farm market use may have been established on the parcel without application to the Township or the Commission. On November 6, 2014, the Commission staff sent a letter to the property owner inquiring as to whether a commercial farm market had been established on the lot. The property owner's attorney responded by letter dated December 5, 2014 indicating that the involved structure would be removed from the lot by December 31, 2014. By letter dated January 29, 2015, the Commission staff advised the applicant that a site inspection confirmed the commercial farm market had been removed. By letter dated June 25, 2015, the Commission staff issued a letter to the property owner regarding re-establishment of a commercial farm market on the parcel without application to the Commission. On August 6, 2015, the staff issued a letter reminding the property owner of the need to respond to the staff's June 25, 2015 letter. The applicant did not respond to the staff's letter. On September 17, 2015, the Commission staff issued a letter to the municipal Zoning Officer asking assistance in issuing any appropriate violation notices and municipal court summons. The Commission staff received notice of an application to the Township for certain approvals and permits to construct two agricultural buildings on the concerned lot. By letter dated February 3, 2016, the Commission staff indicated that the concerned permits should not be issued based upon the ongoing land use violations on the parcel. The Township issued violation/stop work notices to the property owner for the development of a wood frame building (one of the two agricultural buildings) on the parcel. By letter dated August 5, 2016, the Commission staff reiterated to the property owner the need to resolve all existing violations on the parcel. *On February 17, 2017, the applicant submitted information addressing why the currently proposed non-berry agricultural crops were permitted in the Pinelands Preservation Area District. The CMP limits agriculture in the Pinelands Preservation Area District to berry agriculture, horticulture of native plants and other agricultural activities compatible with the existing soil and water conditions that support traditional Pinelands berry agriculture. The submitted information included a letter report from the Department Head of the Rutgers New Jersey Agricultural Experiment Station, Cooperative Extension of Atlantic County apparently as a consultant for the applicant, indicating that the production of most vegetables, herbs and ornamental crops would be consistent with the limitations on agricultural uses in the Pinelands Preservation Area.* By letter dated March 28, 2017, the Commission staff again reiterated the need to resolve all existing violations on the parcel and expressed disagreement with the conclusions of the submitted letter report from the Department Head of the Rutgers New Jersey Agricultural Experiment Station, Cooperative Extension of Atlantic County.



- **Galloway Township (App. No. 1990-1168.004):** This violation concerns the construction of an approximately 6,000 square foot building and the establishment of a commercial trucking business on a lot in the Preservation Area District. The lot was previously deed restricted due to the severance of PDCs. Commercial businesses are not permitted in the Preservation Area District or by the PDC deed restriction. After multiple letters to the property owner over five years, by letter dated June 20, 2013, we asked that the applicant either address the matter within 30 days or the Township should issue all appropriate municipal court summonses. On August 22, 2013, the Commission staff met with representatives of the New Jersey Attorney General’s Office to discuss the matter. Commission staff inspected the site with the Galloway Township Construction Official on December 5, 2013. The site inspection found that the commercial trucking business had been discontinued. However, the approximately 6,000 square foot building was built in the required buffer to wetlands. Commission staff sent a violation letter to the property owner on January 6, 2014 requesting the property owner resolves the remaining issue of the 6,000 square foot building by contacting the Township for guidance on several issues. On March 30, 2015, the Commission staff sent a letter to follow up on a March 25, 2015 site inspection with the Township construction code official and the property owner. Based upon that site inspection, it is the staff’s understanding that the owner proposes to remove the concerned 6,000 square foot building to resolve the violation. *By letter dated March 16, 2017, the Township advised that a significant portion of the 6,000 square foot building has been removed.*
- **Waterford Township (Application No. 2013-0031.001):** This violation concerns the expansion of an auto salvage business on a parcel in the Preservation Area District on Chew Road. The auto salvage business existed in 1981. The area occupied by the business has significantly expanded over time and now occupies approximately 26 acres, part of which is in wetlands and the required buffer to wetlands. The staff issued its initial letter on March 14, 2013 and received a written response from the property owner on April 3, 2013. Additional information was received on July 9, 2013 indicating that the property owner was coordinating with the Waterford Township zoning officer to bring the matter into compliance. Commission staff consulted with the Waterford Township zoning officer, who confirmed that some progress has been made. The Commission staff met with the property owner on October 28, 2013. The Commission staff issued a letter dated November 14, 2013, that identified a “staged” approach for restoration of the parcel and requested a restoration/revegetation plan which identifies each “stage” of the restoration and provides a time frame for removal be submitted to the Commission. On September 4, 2014, the staff discussed the matter with the municipal Zoning Officer. The Zoning Officer indicated that the required restoration of the parcel is ongoing. The Commission staff will continue to monitor the progress of the restoration. On November 10, 2014, the Commission staff held a site meeting with the property owner to review the progress of restoration. Approximately 6 acres of the auto salvage business has been removed. By letter dated December 4, 2014, the Commission staff requested an updated restoration proposal including

timeframes. The owner has not responded to the Commission's letter. The Commission staff has scheduled a site meeting with the Township Zoning Officer and a representative of NJDEP's Wetlands Program to discuss the next steps to resolve the violation. On November 20, 2015, the Commission staff held a site meeting with the property owner, the Township Zoning Officer and representatives on NJDEP. At that meeting it was agreed the property owner would apply to the Commission by February 1, 2016 and then proceed to the Township by April 1, 2016 for a municipal determination regarding the pre-1981 limits of the salvage yard. On May 15, 2016, the Commission received an application for the expansion of the salvage yard. On August 19, 2016, the Commission staff issued a letter to the applicant indicating the information that must be submitted to complete an application and address the violation. By letter dated December 12, 2016, the Commission staff advised the property owner of the need to respond to our August 19, 2016 letter. *No further activity as of March 31, 2017.*

- **Winslow Township (App. No.1984-0660.003):** The Commission staff has been attempting to resolve violations regarding the establishment of a shooting range in a Pinelands Agricultural Production Area for an extended period. On July 17, 2014, the Commission staff conducted a site inspection of the 217 acre parcel with the Township Zoning Officer. That site inspection confirmed that an approximately 3,000 linear foot road to access the shooting range had been developed on the parcel. The access road included the clearing and filling of approximately 1.2 acres of wetlands. On August 5, 2014, the Commission staff sent a letter to the owner regarding the long standing violations and the access road violation on the parcel. On November 14, 2014, the staff attended a site meeting attended by Township officials, NJDEP staff and the owner. A meeting is being scheduled at the Commission office with the owner and their representatives to address the violations. On January 6, 2015, the staff sent a letter outlining the extent of violations on the parcel and a suggested approach to resolving the overall violation. On May 11, 2015, the Commission staff met with representatives of the property owner to discuss a possible resolution of the long-standing matter. In July 2015, the property owner submitted information to the Commission staff addressing alternative accesses to the parcel that may be available to avoid wetlands. The applicant is representing that there is no other feasible access to the parcel other than the access already developed in wetlands. On July 13, 2015, the NJDEP issued a Notice of Violation to the property owner for the development of an access road in wetlands. On November 2, 2015, the NJDEP issue a follow up Notice of Violation for the same development. On January 20, 2016, the Commission staff conducted a site inspection with the applicant to confirm the width of the access road. On October 25, 2016 an application was submitted to the Commission for the proposed development. That application is currently under review. *By letter dated March 2, 2017, the Commission staff advised the applicant of the information necessary to complete the application, That letter also indicated that considering the extended length of time that this matter has been outstanding, if the applicant did not resolve the matter by June 1, 2017, the Commission staff would ask the assistance of the Township in issuing all appropriate municipal court summons.*

## VI. Science

### A. Environmental Monitoring

- *Forest-Plot and Intermittent-Pond Monitoring: Staff completed the January, February, and March rounds of forest-plot and pond water-level measurements and downloaded the data on the continuous water-level recorders installed in several ponds. Staff completed a thorough quality-control review of the entire water-level data set associated with the continuous water-level recorders and updated data management and proofing procedures for these data.*
- *Long-term anuran surveys: Staff completed daytime surveys for wood frogs and nighttime frog and toad vocalization surveys in March.*
- *Pinelands-wide water-quality monitoring: Staff began to draft results of the Pinelands-wide water-quality monitoring data. Staff also submitted measurements of pH and specific conductance proficiency test samples to maintain our State Certified Environmental Laboratory status.*
- *Watershed-assessment Report: No new action as of March 31, 2017.*

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

- *Staff completed additional analyses in comparing the woody vegetation of ROW plots with adjacent forested plots. Staff began identifying plant voucher specimens collected from the monitoring plots during vegetation surveys.*

### C. Pond-vulnerability Study

- *Staff completed the identification of all plant and odonate vouchers collected from the previous field seasons and updated the plant and odonate databases with the voucher information. Water-quality and water-level data collected from the 99 natural ponds were used to prepare summary statistics for pH, conductivity, and various measures of hydroperiod. Staff also prepared land-use, soil, and forest-type profiles for buffers of varying sizes surrounding the ponds. An application for supplemental funding was submitted to EPA. Science staff is coordinating with NJDEP and PPA staff to visit all of the mapped ponds on state land to collect data on off-road vehicle damage.*

### D. Created-wetland Study

- *Staff completed the identification of all plant vouchers collected from the previous field seasons and updated the plant database with the voucher*

*information. Using aerial imagery, staff characterized wetland structure for the entire inventory of stormwater basins. Water-quality and water-level data collected from the 97 stormwater basins and excavated ponds were used to prepare summary statistics for pH, conductivity, and various measures of hydroperiod. We also prepared land-use, soil, and forest-type profiles for buffers of varying sizes surrounding the created wetlands. An application for supplemental funding was submitted to EPA.*

## **E. Endocrine Disruption Study**

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

## **F. Pinelands Research Series**

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

## **G. Other Science Items**

- *Science staff took a reporter and photographer in the field with NJDEP staff to discuss barriers to block off-road vehicle access to ponds.*
- *Science staff reviewed a draft manuscript for a study of the newly described Atlantic Coast leopard frog produced as part of a nine-state collaborative study conducted by the New York Natural Heritage Program.*
- *Science staff attended the New Jersey Water Monitoring Council meeting and gave a presentation on research and monitoring conduction by the Science Office assisted the NJDEP Endangered and Nongame Species Program staff with amphibian identification, assisted John Anderson with various aspects of a proposed Rancocas Creek Water Trail, presented Pinelands Frogs and Toads to a Florence high school ecology class, and attended webinars on fire regimes of remnant pine communities and fire management in Jack Pine communities.*

# ATTACHMENT #1

## ONGOING CONFORMANCE ACTIVITY January-March 2017

MUNICIPALITY	TOPIC
Barnegat	<p>Shoreline and Compass Point Redevelopment Areas: The Township provided a draft ordinance designed to create a redevelopment area within the RGA for approximately 140 acres. Staff met with Township representatives and the property owner/redeveloper on 3/12/14 to discuss the ordinance, proposed redevelopment and relevant CMP standards (PDCs, threatened and endangered species). Staff drafted suggested ordinance revisions and provided them to the Township on 4/9/14. Staff met with representatives of the Township and the redeveloper on 12/16/14 to discuss the redevelopment plan and PDC obligation. Staff responded to the Township’s additional questions about PDC requirements in March 2016. The Commission received an adopted copy of the Redevelopment Plan and Ordinance 2016-23 on 9/23/16. Staff met with Township representatives on 10/13/16 to discuss the adopted ordinance and suggested revisions. As a result of the meeting, staff provided model ordinance language and consultation in the subsequent month. <i>The Township adopted a revised redevelopment plan (Ordinance 2017-05) on 3/7/17 and submitted it to the Commission on 3/23/17. Commission staff notified the Township that formal review and approval was required on 3/29/17.</i></p> <p>2. <i>Barnegat condominium development: The Township has introduced an ordinance (2017-12) to permit condominium development on certain properties in the RGA portion of the Neighborhood Commercial Zone. A density of 15 units per acre is permitted, with PDC use required for 25% of all units. Adoption is scheduled for April 2017.</i></p>
Berlin Borough	<p>1. Redevelopment designation: The Borough contacted staff about an upcoming Area in Need of Redevelopment Study to seek out any initial concerns on 2/2/2016. Staff responded to initial inquiry 2/5/2016. Public notice that the study was proceeding was received 3/21/2016. The investigation will include multiple study sites in the Borough, including an area encompassing a large tract of lots in the Pinelands Regional Growth Area.</p>
Egg Harbor City	<p>1. Request for review of constraints in Easterly portion of Pinelands Town. Letter sent 5/7/07 on likely wetlands buffer requirements; suggested City file applications for development for specific parcels to confirm requirements. Pursuant to City’s request, a proposal to establish wetlands buffers by ordinance is under review.</p> <p>2. Development of airfield in Forest Area: request received from City on 2/24/11 to examine feasibility of use of lake area “airfield” by state police, including development of buildings and parking areas. Options discussed by staff. Response provided to the City on 3/8/11 indicating that unless the City is able to document the existence and use of airport facilities on the parcel in question in 1981, the use is not permitted in a Pinelands Forest Area. Request for management area change (40 acres from Forest to Pinelands Town) received on 4/21/11. Response provided 6/14/11, indicating that the proposed management area change is inappropriate. Meeting held with City representatives on 11/2/11 to discuss several potential sites for a new or expanded airfield. Staff is awaiting more detailed information from the City, including the required acreage for the facility.</p> <p>3. Recreation complex: request for change in management area designations received 4/14/11. City is proposing to redesignate 30 acres from Forest to Pinelands Town along Philadelphia Avenue. Offsetting management area change also proposed. Response provided 6/14/11, indicating that staff would support the proposed redesignation, with exact boundaries of offset area still to be determined.</p> <p>4. “Tower Site” redevelopment area: staff met with City representatives on 1/20/16 to discuss permitted use and other potential issues with a future redevelopment</p>

MUNICIPALITY	TOPIC
	<p>plan for a site within the Pinelands Town. A draft Redevelopment Plan for the area was submitted for Commission comment on 6/28/16. Staff provided comments to the City on 7/7/16. A final draft of the Redevelopment Plan, addressing all of the staff's comments, was received on 8/19/16. <i>The City adopted the Redevelopment Plan on 2/9/17 and submitted an adopted copy of the plan and Ordinance 3-2017 to the Commission on 3/27/17.</i></p> <p>5. Signs: request received from the City to permit on-site digital signs on 10/31/16. Staff provided ordinance language certified by the Commission for other municipalities on 10/31/16. Draft ordinance received on 12/15/16. Staff provided comments on 12/19/16. <i>The City adopted Ordinance 2-2017 on 2/9/17 and submitted an adopted copy of the ordinance to the Commission on 2/16/17. Commission staff notified the Township that formal review and approval was required on 2/17/17. Staff held a public hearing on 3/13/17. The P&amp;I Committee discussed and endorsed the staff's recommendation for certification on 3/24/17, and the Commission certified the ordinance on 4/7/17.</i></p>
Egg Harbor Township	<p>1. Affordable housing: draft ordinance implementing the 20% set side required in A-500 received 7/16/09. Meeting held with Township representatives on 9/24/09 to discuss implications for PDC program and density. Township will provide a list of affordable housing projects under consideration so that staff can prepare options (densities; required PDC %'s; ordinance amendments) for the Township's review. This information from Township was received on 10/27/09. Court master requested meeting with staff and the Township be held by 4/1/11; no date scheduled as yet. New draft of affordable housing ordinance received 9/19/11; comments and suggested revisions provided 9/29/11. Copy of Ordinance 37-2011 received on 12/7/11, with notice of public hearing and second reading on 12/20/11. The ordinance requires a 20% affordable housing set aside for all residential development, as well as the use of PDCs for 25% of all market rate units. Email sent to the Township on 12/7 indicating concerns with the lack of revisions to existing density and PDC provisions in the municipal code. Copy of adopted ordinance (37-2011) received on 12/29/11. Finding letter sent 1/20/12. Public hearing held 2/22/12. The Commission conditionally certified the ordinance on 4/13/12. The Township's response to the conditions, in the form of Ordinance 22-2012, was received on 7/9/12. No substantial issue finding letter sent 7/20/12. The Builders League of South Jersey has challenged the Township's adoption of Ordinance 37-2011. The Township subsequently adopted Ordinance 4-2013, repealing Ordinances 37-2011 and 22-2012. A no substantial issue finding letter was sent on 3/11/13. As a result, the Township's previously certified zoning plan has been reinstated. A meeting to discuss affordable housing and PDC issues with the Township, the Builders League of South Jersey and the court appointed master (Phil Caton) was held on 4/16/13. Data on vacant land was subsequently provided to the Township. A second meeting was scheduled for 6/25/13 but was later canceled by the Township. No action since April of 2013.</p> <p>2. Affordable housing overlay zone: <i>The Township adopted Ordinance 3-2017, creating the Affordable Housing Overlay B Zone, on 3/15/17. The new overlay zone encompasses approximately 10 acres of land in the HB (Highway Business) Zone, in the RGA. Residential development is permitted in the overlay zone at a density of 10 units per acre, with no PDC use. The Commission received an adopted copy of the ordinance on 3/21/17, after which various issues (zoning boundaries, PDCs) were discussed with the Township. The ordinance was then deemed incomplete for purposes of the Commission's review.</i></p>
Estell Manor	<p>1. Clustering: Staff met with the Mayor and several City representatives in early May 2013 to discuss the clustering amendments. The City has drafted a master plan amendment and received a fourth extension through 9/30/13. Maps showing vacant lands in the Forest Area were provided to the City in response to several questions at the May meeting. The Planning Board adopted the master plan amendment in early October 2014. No further progress has been reported.</p>
Evesham	<p>1. Stormwater management: The Township introduced an ordinance in late 2013 to exempt certain municipally-owned properties from all CMP stormwater requirements. Adoption has been delayed while Commission staff works to identify potential mitigation sites and projects. Commission staff met with the</p>

MUNICIPALITY	TOPIC
	Mayor and Community Development Director on 5/21/14.
Franklin	<p>1. Signs: The Township adopted Ordinance O-6-14 on 7/22/14, allowing for digital signs in the Agricultural Production Area and Rural Development Area. The Commission received a copy of Ordinance O-6-14 on 1/2/15, held a public hearing on 2/25/15 and conditionally certified the ordinance on 4/10/15. The conditions for certification require the adoption of amendments to prohibit digital signs in the Pinelands Area portion of the municipality. The Township's response to the conditional certification order is due on 8/8/15. The Township requested and was granted two extensions through 1/4/16. Since that time, the Township has not responded to the staff's requests for information on the status of the required amendments.</p>
Galloway	<p>1. Industrial Zone: A draft ordinance revising the standards for planned residential development in the Industrial Zone was received on 3/28/13. No changes in density or PDC requirements are proposed. A second draft ordinance related to general development plans was also received. Comments were provided to the Township on 4/1/13.</p> <p>2. Rehabilitation designation: the Township adopted a municipality-wide Rehabilitation Designation, enabling them to offer tax abatements for foreclosure properties and commercial development. An implementing redevelopment plan was adopted via Ordinance 1952-2016 on 12/13/16. <i>Upon review, Commission staff found that no substantial issues were raised with respect to CMP standards. A letter to that effect was sent to the Township on 1/25/17.</i></p>
Hamilton	<p>1. Mays Landing Neighborhood Plan: The Planning Board approved the Neighborhood Plan as an amendment to the Township's Master Plan on 11/5/2015. The Neighborhood Plan incorporates new data, public input, analysis, and provides recommendations that address flood mitigation and resiliency as well as economic development initiatives, zoning changes, building character and land use changes, circulation and streetscape improvements, historic preservation, and the use of green infrastructure in study area. An adopted copy of the Plan was submitted to the Commission on 2/5/2016. Staff deemed the Neighborhood Plan incomplete for purposes of the Commission's review since there were not yet any implementing ordinances. A letter to that effect was sent to the Township on 2/9/16.</p> <p>2. <i>Hope Fire Company/American Legion Building Redevelopment Plan: The Township adopted ordinance 1842-2017 enacting a Redevelopment Plan for a 7,250 square foot lot within the Pinelands RGA containing the Historic Hope Fire Company building. The Plan establishes the Hope Fire Redevelopment district, which encompasses just the single lot and would allow for non-residential uses in the existing building. The ordinance was adopted on 3/6/17 and a certified copy was received by the Commission on 3/13/17. Upon review, staff determined that no substantial issues were raised with respect to CMP standards. A letter to that effect was sent to the Township on 3/23/17.</i></p>
Hammonton	<p>1. In lieu recreation fees: ordinance adopted in August 2006 but not submitted to Commission until 1/22/07. \$5,000 per lot fee under review; awaiting supporting analysis from Town. Town has since indicated it will be making additional revisions to the ordinance. Provided Town with sample ordinances of other municipalities to use in developing a new ordinance 3/23/07. Multiple extensions requested by the Town and granted, most recently through 10/29/08. Awaiting adoption of revised ordinance.</p> <p>2. Expansions of Pinelands Town/sewer service area: met with Town representatives on 2/26/13 to begin discussions of the possible expansion of the Pinelands Town boundary to include the airport and residentially developed areas currently in the APA.</p> <p>3. Pinelands Town rezoning: Staff received adopted Ordinance 12-2016 on 11/28/16 establishing a new Inclusionary Development Zone (IDZ Zone) within the Pinelands Town management area. The zone spans 2 lots with an existing 52-unit apartment complex. The ordinance allows for the development of an additional 84 apartment units. Staff communicated with municipal representatives that there were substantial issues with the adopted ordinance on 10/27/16. In particular, the new zoning district did not fully incorporate all of the relevant</p>

MUNICIPALITY	TOPIC
	<p>development standards mandated by the CMP. Staff provided model ordinance language to the municipality on 10/31/16. Staff provided further comment on a drafted revised ordinance on 11/10/16 and 11/21/2016. The revised ordinance was adopted 11/21/2016. Upon review, staff determined that no substantial issues were raised with respect to CMP standards. A letter to that effect was sent to the Township on 12/28/16</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. A revised draft master plan was received on 7/22/09. An adopted master plan was received on 8/31/09. Finding letter sent 9/29/09. A meeting with Township representatives was scheduled for November 4, 2009 but was postponed at the Township's request. After several attempts to reschedule that meeting failed, staff sent a letter to the Township in April 2010, which comprehensively addressed the Township's 2009 Master Plan. After learning that the Township's Planning Board may be in the process of reviewing ordinances intended to implement the 2009 Master Plan, staff requested the opportunity to review and comment upon the same prior to their adoption. The Township never responded to staff's request to be permitted to comment prior to adoption; instead, the Township adopted a series of implementing ordinances in November. Staff requested a copy of the Township's Zoning Map as revised by the implementing ordinances but never received one. A letter determining that, without a revised Zoning Map, the implementing ordinances were incomplete for purposes of the Commission's review was issued on December 1, 2010. Two meetings with Township representatives were held, the first on December 22, 2010 and the second on February 8, 2011. Subsequently, three Finding Letters were sent to the Township. One of which determined that nine of the Township's implementing ordinances presented no issues with respect to CMP standards; another determined that six of the Township's implementing ordinances presented no substantial issue with respect to CMP standards; and, the third determined that a single Township ordinance, which eliminated all conditional uses, including PDC use and higher density residential development, within the RG-2 and RG-3 Regional Growth Zones, presented a substantial issue with respect to CMP standards. Subsequently, the Township was granted several extensions of the Commission's review period for the final ordinance mentioned. The Township indicated it intended to adopt an ordinance that would designate all, or most of, the RG-2 and RG-3 Regional Growth Zones as commercial zoning districts, which would include a PDC-use obligation. Staff provided the Township with a model ordinance establishing a nonresidential PDC program for the lands formerly within the RG-2 and RG-3 Zones. The Township was granted a final extension through June 29, 2012 in order to allow it to adopt an ordinance substantially similar to the model ordinance provided by staff. A meeting with Township officials took place April 4<sup>th</sup> to discuss proposed changes the Township wished to make to the model ordinance the Commission sent to it in November 2011. The Township's proposed changes were determined by staff to be inconsistent with the CMP and incompatible with existing and expected conditions at the Joint Base. Another meeting with Township officials took place May 9, 2013. The Township's failure to adopt an ordinance (applicable to the RG-2 and Rg-3 Zones) that is consistent with the CMP standards was discussed at length. The Township submitted an ordinance for Commission review on May 30<sup>th</sup>. On</p>



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	<p>June 11<sup>th</sup>, staff provided the Township with suggested changes to the Township’s ordinance. A response from the Township was received on 8/1/13 and is under review. The Township adopted Ordinance 13-14, creating a new JB MDL RGC-3 (Joint Base McGuire-Fort Dix-Lakehurst Compatible Commercial Development) Zone on August 12, 2014. A substantial issue finding letter will be sent upon receipt of a second adopted ordinance establishing the boundaries of the new zone. Although scheduled for adoption on March 24, 2015, the rezoning ordinance (06-15) was not adopted due to concerns expressed by property owners with the loss of residential development opportunities. A meeting with Township representatives was held on 4/9/15 to discuss zoning issues, RGA regulations and options. A pre-application meeting with an affected property owner was held on 4/13/15. Commission staff met with the Township’s planning consultant on 6/24/15 to review the existing and proposed RGA zoning plans. Commission staff met with Township representatives on 1/5/16 to discuss the RGA zoning issues.</p> <p><i>2. Prohibition on Dormitories: The Township adopted ordinance 03-17 and 04-17 on 3/16/17. Both ordinances establish a township-wide prohibitions on dormitories. The Commission received certified copies of the ordinances on 3/22/17. Upon review, Commission staff found that no substantial issues were raised with respect to CMP standards. A letter to that effect was sent to the Township on 3/28/17.</i></p>
Manchester	<p>1. Township initiated discussion of expanding affordable housing opportunities in Beckerville Village. Met with Township and applicant 12/6/06 to discuss zoning and water quality issues. Draft ordinance received on 11/21/07 which would add age-restricted affordable apartments as a permitted use in Beckerville at a density of 5 units per acre. Response sent to Township 12/6/07 reiterating that water quality/wastewater treatment issues must be addressed first. Issue raised again by Township on 2/15/11; staff reiterated the need for a solution to the wastewater issue before proceeding with any zoning changes for Beckerville. Master plan amendment adopted on 12/5/11 recommends creation of new BVMF (Beckerville Village Multi-Family) Zone. No implementing ordinance has been adopted or provided for review. In response to an inquiry from the Township and the applicant (Homes for All), staff requested that the applicant provide details on any proposed wastewater solution. Received draft ordinance permitting density of 5 units per acre on Homes for All parcel on 9/28/12. Response to Township provided on 10/12/12, outlining issues with the lack of a wastewater solution and the number of new units that would be permitted in Beckerville. Met with Homes for All and Senator Singer on 11/19/13 to discuss wastewater options. Commission staff discussed the wastewater and zoning issues with the new attorney hired by Homes for All on 6/15/15.</p> <p>2. Revised Zoning Map: On August 26, 2014, the Commission received a draft copy of Ordinance 14-016, which would adopt a number of minor revisions and make corrections to the Township’s Pinelands Area zoning map so as to be consistent with the map previously certified by the Commission. The ordinance was adopted on 10/14/14 and submitted to the Commission for formal review. The Commission received a copy of the revised zoning map adopted by Ordinance 14-016 on 12/11/14. A no substantial issue finding letter was issued on 12/24/14. The Township then determined it would need to readopt the ordinance. A new ordinance, 15-009, was adopted on 7/13/15 and submitted to the Commission on 8/5/15. Commission staff have requested and are awaiting receipt of the adopted zoning map accompanying Ordinance 15-009. Commission staff requested and received a copy of the adopted zoning map accompanying Ordinance 15-009 on 12/8/15. The map reflects several small changes in Pinelands management area designations, thereby necessitating the Commission’s formal review and approval process. A letter to that effect was sent to the Township on 12/17/15. A public hearing was held on 1/19/16. The Commission certified Manchester Ordinance 15-009 on 3/11/16.</p> <p>3. 2015 Master Plan Amendment: the Planning Board is considering adoption of an amendment to the Master Plan that recommends a change in zoning within the RGA (residential to industrial), as well as the adoption of a redevelopment plan for the Heritage Minerals site in the PNR. A number of hearings have been held on the</p>

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	<p>amendment, with revisions subsequently incorporated to address concerns with other recommended zoning changes outside the Pinelands Area. The staff's attempts to schedule a meeting in December 2015 with Township representatives to discuss RGA zoning issues were unsuccessful, largely due to affordable housing deadlines. The Township did not respond to the staff's request for a meeting in March 2016. Staff received a draft Ordinance 16-036 on 11/15/16, which implements the 2015 Master Plan amendment, including the recommended RGA zoning change. On 11/15/16 staff conveyed concerns with the ordinance and requested a meeting with Township representatives to discuss implications of the zoning change. Ordinance 16-036 was adopted 12/12/16 and received by staff on 12/14/16. The meeting with Township representatives was held on 12/14/16. The Township is in the process of revising Ordinance 16-036 and staff is in the process of compiling comments on the adopted ordinance to assist with the revision process. <i>Based on Commission staff recommendation, the Township split the revised ordinance into two ordinances, one for the Pinelands Area and one for the non-Pinelands Area. Pinelands Commission staff assisted in creating the two new ordinances. Ordinance 17-002, containing the non-Pinelands Area provisions, was adopted by the Township on 2/13/2017 and received by the Commission on 2/14/17. Upon review, Commission staff found that no substantial issues were raised with respect to CMP standards. A letter to that effect was sent to the Township on 2/17/17. The second ordinance has yet to be adopted by the Township. It has been tabled pending the outcome of the Township's on-going affordable-housing court case.</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> <p>2. Master Plan Reexamination Report (Route 70 corridor): On July 23, 2014, the Township Planning Board adopted a master plan reexamination report recommending changes to three commercial zones along Route 70 (HM, HC-1 and HC-2). On August 25, 2014, the Commission received the Township's Master Plan Reexamination Report. It is currently under review. On 10/6/14, staff sent a letter to the Township, dated 10/6/14, explaining that review of the master plan report could not be completed until implementing ordinances had been adopted by the Township and submitted to the Commission.</p>
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. A meeting with the Township and a representative of the property owner was held on 2/5/13.</p> <p>2. Redevelopment Plan: In January 2013, the Commission received Township Ordinance O:31-2012, which amends Monroe's Acme Shopping Center Redevelopment Plan for a third time. Upon review, staff became concerned with the amendment's negative effects on the expected number of residential dwelling units and PDC use within the Redevelopment Area. In June 2013, staff met with the Township to discuss these concerns. Subsequently, the Township requested, and received, several extensions of the Commission's review period for Ordinance</p>

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	<p>O:31-2012, most recently through 2/1/15. The Township then adopted another ordinance (O:02-2015) that eliminated the redevelopment plan for a portion of the Acme Redevelopment Area. That ordinance also has the effect of eliminating residential development potential from the Redevelopment Area. Staff then discussed with Township representatives the potential for shifting of residential units to another redevelopment area in the RGA. The Township requested and was granted an extension of the Commission’s review period for Ordinances O:31-2012 and O:02-2015 through 9/30/15 to provide an opportunity for the Township to continue discussions and potential revisions to its redevelopment plans that would maintain residential development potential. Staff met with a Township representative on 10/14/15 to discuss new concept plans for the redevelopment area. An additional extension request was granted through 9/30/16. In March 2016, the Township provided a draft copy of the latest redevelopment plan amendment to the Commission for review. Staff provided comments and suggested revisions to the Township on 4/5/16. On 9/22/16, the Township advised staff that it would not be pursuing the revised Williamstown Square redevelopment plan due to disagreement on the residential component.</p>
Mullica	<p>1. Land Development Ordinance Amendments – On 9/2/16, the Township requested comment on a draft ordinance related to application fees, accessory structures, signs, height limitations and home occupations. Staff provided, on 9/6/16, comments along with model ordinance language to incorporate recent CMP amendments.</p>
Ocean	<p>1. Landfill Redevelopment Plan – adopted ordinance (2011-1) received on 2/28/11. Redevelopment Plan allows for solar energy facilities to be developed at the Southern Ocean Landfill site, within a Pinelands Forest Area. Extension requested by the Township until such time as the Commission adopts the recently proposed solar facility amendments to the CMP. Extension granted on 3/15/11. Requested status update from the Township; municipality indicated it would be requesting an additional extension. Extension of Commission’s review period granted through 4/16/13.</p>
Pemberton	<p>1. Browns Mills Redevelopment/Revitalization Study: Township has received a grant and hired a consultant. Meeting with consultant held 2/1/08. Maps and other information on parcels, wetlands buffers and projects subsequently provided to consultant. Draft of conceptual site plan for Browns Mills redevelopment received 7/21/09. Draft of Browns Mills Strategic Revitalization and Redevelopment Study received 4/8/10. Draft of Ordinance 5-2010, adopting amendments to the 1995 Browns Mills Town Center Redevelopment Plan, received 4/19/10. Copy of 1995 Browns Mills Redevelopment Plan and adopting ordinance (8-1995) requested 4/19/10 and received 4/22/10. All documents under review. Staff met with the Township’s planners on 5/19/10 to discuss the 1995 Redevelopment Plan, recent amendments and additional plans for the revitalization of Browns Mills. Meeting held with the Township, at Mayor’s request, on 4/14/11. Received notice that Browns Mills Revitalization Plan was adopted by the Township earlier this year; awaiting receipt of adopted ordinance. Adopted ordinance (12-2011) received on 12/19/11 and under review. A meeting with Township representatives was held on 5/9/13 to discuss the analysis of residential development potential that would need to be completed. That analysis was completed by the Township and provided to the Commission in late 2013. A meeting was held with Township representatives on 2/24/14 to discuss zoning, PDC requirements and wetlands buffer issues relative to the redevelopment area. On 10/16/14, the Township forwarded a series of maps to illustrate how the PDC requirements applicable to the Browns Mills Redevelopment Area might be shifted to another portion of the municipality’s RGA. A meeting with Township representatives to discuss the issue was held on 1/20/15. The Township requested in late February that staff draft revisions to the Redevelopment Plan that would accommodate PDC use. These draft amendments were provided to the Township on 3/11/15. The Township then hired a new attorney to work on the redevelopment issues and identified a second potential redevelopment area within the RGA. At the Township’s request, Commission staff calculated wetlands and vacant acres within the two redevelopment areas and provided this information, along with detailed maps, on 5/26/15. Staff met with</p>

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	<p>Township representatives on the two redevelopment areas and potential ways to address PDC requirements on 7/31/15. At the Township's request, staff also assisted with the preparation of Pemberton's application to ULI (Urban Land Institute) Philadelphia for technical assistance on the redevelopment plans. Comments and suggested attachments were provided on 8/27/15. Staff attended a meeting on 1/25/16 with the Township and representatives from DCA, Local Planning Services, to discuss possible assistance in planning for the Browns Mills and Range Road redevelopment areas. In November 2016, DCA, Local Planning Services, formed a Browns Mills Town Center Redevelopment Plan Steering Committee comprised of Township representatives and Ms. Grogan. The Committee held its first meeting on 11/29/16. A meeting with DCA, Local Planning Services, was held on 2/1/2017 to discuss residential development and PDC obligations in the Browns Mills Redevelopment Area. <i>Another meeting with the Township was held on 3/21/17 to further clarify density, PDC and wetlands buffer requirements.</i></p>
Plumsted	<p><i>1. Master Plan Reexamination Report: The Township's Planning Board adopted the 2016 Master Plan Reexamination Report on 10/4/16. A certified copy of the Planning Board Resolution was received by the Commission on 10/20/16. The Report did not recommend any changes to Township zoning within the Pinelands Area. An implementing Ordinance adopted by the Township on 11/2/16 was received on 11/3/16. Upon review, staff found that no substantial issues were raised with respect to CMP standards. A letter to that effect was sent to the Township on 2/17/17.</i></p>
Port Republic	<p>1. Master Plan Reexamination Report: the Township Planning Board adopted the 2016 Master Plan Reexamination Report on 4/11/16, which included a recommendation to permit home occupations. The Commission received the adopted report on 5/12/16. Upon review, staff determined that a review could not be completed until implementing ordinances have been adopted by the City as well as ordinances implementing recent CMP amendments. A letter to that effect was sent to the City on 6/22/16. A model ordinance implementing the necessary CMP amendments was attached to the letter. No response from the City has been received as of 12/31/16.</p>
South Toms River	<p>1. Landfill redevelopment plan: Staff met with numerous Borough representatives on 11/16/15 to discuss a plan for redevelopment of municipally-owned properties in the RGA. The plan would include high-density residential development as well as closure of the Borough's old landfill. Further discussions with Borough representatives occurred in December 2015. On 9/9/16, staff obtained a copy of Ordinance 07-16, which proposes to adopt the Landfill Redevelopment Plan. The Borough subsequently agreed to delay adoption of the ordinance and redevelopment plan until such time as the staff had completed its review and provided comments. Those comments, in the form of suggested revisions to the redevelopment plan, were provided to the Borough on 9/27/16. The Borough provided a revised copy of Ordinance 07-16 and the redevelopment plan, incorporating all of the staff's recommended amendments, on 11/18/16. Adoption of the ordinance was scheduled for 12/12/16. <i>The Borough adopted the revised redevelopment plan on 12/12/16, but, as of 3/31/17, has not provided a copy to the Commission. The Borough has advised the Commission that it no longer intends to proceed with implementation of the Landfill Redevelopment Plan.</i></p> <p>2. Municipal Public Access Plan: The Township submitted a draft Municipal Public Access Plan on 6/23/16 for Commission comment prior to its adoption into the Master Plan by the Township Planning Board. Staff provided suggested revisions to their planner on 7/5/16.</p>
Stafford Township	<p><i>1. Affordable housing: Stafford Township adopted a new Housing Element and Fair Share Plan on 2/1/17. The Commission received adopted copies on 2/13/17. Staff identified potential concerns with the draft implementing ordinance included in the Fair Share Plan and discussed them with the Township on 2/16/17. Staff drafted suggested amendments for the Township's consideration and on 2/22/17 received an email from the Township indicating the amendments were acceptable. Review of the Housing Element and Fair Share Plan will be completed upon</i></p>

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	<i>receipt of an amended, adopted version of the implementing ordinance.</i>
Washington	<p>1. Draft ordinance 2016-07: The Township submitted a draft ordinance for comment on 8/11/16 amending provisions related to fire hazard management and prohibited uses. Staff corresponded with the Township on 8/17/16 to convey concerns regarding conformance with the CMPs fire hazard management standards. Revised language was discussed via correspondence on 8/18/16, which staff found to be consistent with the CMP.</p>
Waterford	<p>1. Haines Mills Blvd. Redevelopment Area: Commission staff met with Township representatives on 11/17/14 to discuss the potential addition of residential development and/or mixed use development in the redevelopment area. Potential issues with density, PDCs and water use were reviewed. An additional discussion with Township representatives occurred on 5/18/15, at which time Commission staff suggested the preparation of a more detailed proposal. A new redevelopment plan, permitting a mixture of residential and commercial uses, was provided to the Commission for review on 5/5/16. Staff met with Township representatives on 6/7/16 and 8/8/16 to discuss issues related to density, PDCs, affordable housing and water/sewer capacity. A revised version of the redevelopment plan was provided by the Township on 9/19/16. Staff provided comments and suggested revisions to the Township on 9/27/16. Discussion of the redevelopment plan is scheduled for the 10/25/16 P&amp;I Committee meeting. The P&amp;I Committee received a presentation from the Township and Commission staff at its 10/25/16 meeting. <i>Waterford adopted the revised redevelopment plan on 12/14/16 and two additional implementing ordinances on 2/8/17. The ordinances were submitted to the Commission for review on 2/13/17. Staff held a public hearing on 4/14/17. The P&amp;I Committee discussed and endorsed the staff's recommendation for certification on 3/24/17.</i></p> <p>2. Affordable housing: The Township contacted the staff in October 2015 to discuss a proposed zoning change (commercial to residential) in the RGA to accommodate affordable housing. Staff met with Township representatives on 12/2/15 to discuss the zoning change, PDC requirements, residential densities and revisions to the Haines Mills Redevelopment Plan to accommodate residential development. Adopted copies of the Township's 2015 Housing Plan and rezoning ordinance (Ordinance 2015-17) were received on 12/21/15 and are under review. The Township subsequently requested and was granted extensions of the Commission's review period, most recently through 5/6/16. A revised draft ordinance was provided to the Commission on 3/23/16. Staff drafted suggested revisions and provided them to the Township on 4/7/16. The Township then shifted its focus to the provision of affordable housing in the Haines Mills Blvd Redevelopment Area (see above).</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>
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</p>

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	<p>for the Township’s consideration in December 2012. A meeting was held with the Township on 1/23/13. In August 2014, Township representatives initiated a discussion of more comprehensive revisions to the municipality’s RGA zoning plan. A meeting was held on August 26, 2014 to discuss proposed densities, zoning boundaries and PDC use. Commission staff subsequently provided the Township with data on vacant land in the RGA. On September 23, 2014, the Township forwarded its proposed zoning plan to the Commission. Comments and questions were provided to the Township on September 23 and 26, 2014. Another meeting with the Township took place on November 6, 2014. During preparations for the Township’s presentation at the 1/30/15 P&amp;I meeting, issues with sewer and water supply and the Commission’s MOU with Winslow and CCMUA were identified. The presentation on Winslow’s RGA rezoning proposal has been deferred until these issues are fully resolved.</p> <p>2. Housing Element and Fair Share Plan: The Commission received on 6/10/16 a draft Housing Element and Fair Share Plan seeking Commission comment prior to the Township Planning Board’s consideration at their 6/21/15 meeting. These documents seek to implement the Township’s affordable housing obligation. Upon review, staff determined that a provision related to PDC obligations for affordable housing would not be in conformance with the CMP. An email to that effect was sent to their Planner on 6/16/16. In an email received on 6/16/16, the Township indicated that they would remove said provision from the draft documents prior to Planning Board adoption, and requested further discussion with Commission staff to determine a solution. Staff received the certified plan on 6/20/16. Staff deemed the plan incomplete for purposes of the Commission’s review since there were not yet any implementing ordinances. A letter to that effect was sent to the Township on 7/28/16. The letter also noted that a provision related to PDC obligations for affordable housing was not in conformance with the CMP. Staff communicated potential solutions to their planner on 8/3/2016. <i>A certified copy of the implementing ordinance O-2016-027, adopted 12/20/16, was received by the Commission on 1/3/17. Upon review of the Housing Element and Fair Share Plan as well as the implementing ordinance, Commission staff found that no substantial issues were raised with respect to CMP standards. A letter to that effect was sent to the Township on 1/11/17.</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>