

PC2-75

Disclaimer

These minutes reflect the actions taken by the Commission during its August 12, 2011 meeting. Although these minutes have been approved by the Commission, no action authorized by the Commission during this meeting, as reflected in these minutes, shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of these minutes has been delivered to the Governor for review, unless prior to expiration of the review period the governor approves same, in which case the action shall become effective upon such approval. These minutes were delivered to the Governor on August 25, 2011.

PINELANDS COMMISSION MEETING¹

Richard J. Sullivan Center
Terrence D. Moore Conference Room
15 Springfield Road
New Lisbon, New Jersey

MINUTES

August 12, 2011

Commissioners Present

William Brown, Sean Earlen, Leslie Ficcaglia, Paul E. Galletta, Richard L. Harris, Robert Jackson, Mark S. Lohbauer, Ed McGlinchey, Gary Quinn, D'Arcy Rohan Green, Francis A. Witt and Acting Chairperson Candace Ashmun. Also present were Executive Director Nancy Wittenberg, Deputy Attorney General Jean Reilly and Authorities Unit Liaison David Reiner.

Commissioners Absent

John A. Haas and Edward Lloyd

Acting Chairperson Ashmun called the meeting to order at 9:34 a.m.

DAG Reilly read the Open Public Meetings Act Statement.

DAG Reilly administered the Oath of Office to Mr. Sean W. Earlen.

Ms. Wittenberg called the roll and announced the presence of a quorum. (There were twelve Commissioners present.)

The Commission and public in attendance pledged allegiance to the Flag.

¹ Please note that all attachments are maintained with the original minutes, but are not attached to copies. For information about attachments, please contact the office.

Minutes

Acting Chairperson Ashmun presented the July 8, 2011 Commission meeting minutes. Commissioner Lohbauer moved the adoption of the minutes. Commissioner Jackson seconded the motion.

The minutes of the July 8, 2011 meeting were adopted by a vote of 11 to 0. Commissioner Earlen abstained.

Committee Chairs' and Executive Director's Reports

There were no Committee reports.

Executive Director's Report

Ms. Wittenberg opened her briefing with reporting on the Pinelands Development Credit Bank issue. Ms. Wittenberg stated that she is going to try and give some history with any issues she goes over to help the new Commissioners become more familiar with our organization.

The Pinelands Development Credit (PDC) Bank sits under the Department of Banking and Insurance (DOBI). PDC Bank Director Guil Vivas retired a couple of months ago and has yet to be replaced. He was the only authorized signatory for Bank actions so no Bank business can be conducted until such time as a replacement is made. In June, Commission staff convened a meeting of several Bank Board members to address interim measures, including possibly having the Bank sit under the Commission's watch, since that had happened when the Executive Director position was vacant before. A determination has yet to be made. She said that she, Ms. Roth, Commissioner Ashmun, and DAG Reilly continue to spend time trying to resolve this matter. Hopefully by the next Commission meeting, if not before, there will be a resolution allowing Bank business to recommence.

Commissioner Ashmun added that the PDC Bank was established under separate legislation and there is no supervision from the Department of Banking and Insurance; it was put there for administrative purposes only. Ms. Wittenberg added that the PDC Bank has a separate Board of Directors, on which the Commission's Chairperson sits. Coincidentally, Commissioner McGlinchey also sits on the Board as a member-at-large.

Ms. Wittenberg stated that the Commission continues to work to refine the Public Development public comment process. A number of improvements have recently been made on the web site.

Water Quality Management Planning remains an issue with DEP. A meeting was held in July with Commission staff and DEP to resolve the issue over who will take jurisdiction in the Pinelands Area. Some municipalities and counties are under the mistaken

impression that they can change Pinelands management area designations through the WQMP process, which, of course they cannot do.

Ms. Wittenberg informed the Commission that she attended the Pinelands Municipal Council Meeting in Weymouth Township and spoke about the Commission's new public comment process for Public Development applications.

Ms. Wittenberg spoke about her meeting with representatives from the Atlantic City Airport, at which future projects were discussed. One such project is a road realignment for better accessibility from the AC Expressway to the Airport. They also have some bird habitat issues which they will need to address. The Commission has not received any information on these proposed projects yet.

Ms. Wittenberg concluded by reviewing the documents and reports that were distributed to Commissioners this morning (FY 2010 Audit Report, Long-Term Economic Monitoring Program -2010 Annual Report, Annual Report-Alternate Design Treatment System Pilot Program and the New Jersey Pinelands Commission Annual Report 2010).

Other Staff Reports

Mr. Horner stated that staff met with Atlantic County representatives regarding the dangerous intersection of Mill Road and Fire Road which the County plans to reconstruct. A small portion of the project is in the Pinelands Area, the majority of the project is in CAFRA. Wetlands are present and will need to be addressed. Staff conducted a site inspection and it seems that an approach was agreed upon. The County will be submitting an application in the near future.

Mr. Horner discussed the different application procedures which apply to private versus public development and how this relates to Southern Pine Beetles. A joint process with a significant reduced review period has been implemented with DEP Regional Foresters concerning Southern Pine Beetle suppression on private lands.

Staff met with an applicant who owns an active mining operation in Maurice River Township which includes over 5,000 acres and six to seven mines operating simultaneously. There are threatened and endangered species issues. Commission staff, along with the applicant, will be creating a Habitat Management Plan.

Commissioner Galletta commended Mr. Horner on expediting applications regarding the Southern Pine Beetle.

Commissioner Harris requested a site visit for Southern Pine Beetle activity. Commissioner Ashmun concurred and requested to see roadside vegetation and management issues as well.

Ms. Grogan advised the Commission that the Solar rules will be on the September 9th Commission agenda. Planning staff is finalizing the adoption notice for the P& I Committee to review.

Ms. Grogan also gave an update on the clustering rules. The Commission has been working for the past two years to get some thirty municipalities to adopt the clustering rules into their ordinances. Winslow Township is the first municipality to adopt and implement the new clustering rules. The Commission has offered to provide funding from the Pinelands Conservation Fund to help municipalities either amend their master plans or zoning maps. In some instances it has helped to speed up the adoption process and overall it has been very well received.

Ms. Roth updated the Commission on the D.D. Residential litigation matter. The Commission had previously denied the D.D. Residential's motion to amend the record. D.D. Residential appealed the denial to the Appellate Division, which upheld the Commission's decision.

Public Development Projects and Other Permit Matters

Mr. Horner explained the Public Development application process. Ms. Roth explained the options available to the Commission in terms of acting on public development applications. Commissioner Ashmun added that the resolution about to be voted on have already had public comment. Ms. Roth added that public comment occurs at the time staff is drafting the report for public development and is then incorporated within the report.

Commissioner Galletta moved the adoption of a Resolution Approving With Conditions Applications for Public Development (Application Numbers 1981-2437.014, 1986-0686.005, 2002-0341.002, 2007-0084.003, 2009-0180.001, 2010-0133.001 & 2011-0007.001). (See Resolution # PC4-11-26). Commissioner Lohbauer seconded the motion.

Commissioner Lohbauer expressed his concern over public comment submitted for Application # 2009-0180.001 and whether staff's response adequately addressed the neighboring property owner's concern. Commission staff explained the history of the project. Stormwater issues within the area have been troublesome; this project did not specifically cause the problem.

Although staff did not check the basins after a significant rainfall, Rhonda Ward and Brian Szura conducted site inspections of the basins after the Commission was notified that they failed. It was noted that in May 2011, Cape Atlantic Soil Conservation District signed off on the basin and Buena Vista Township does have a certified stormwater ordinance in place.

Mr. Horner explained that the development in this application is consistent with CMP standards; however, staff will continue to work with Buena Vista Township on the sidewalk installation out on Route 40. This will assist in addressing the overall

stormwater issues in the area. Mr. Horner stated that just because a licensed engineer is certifying something, that does not mean that Commission staff automatically accepts the certification. Staff performs its own “due diligence”.

DAG Jean Reilly indicated that the Commission has the option of voting on the six other applications if they are not yet comfortable with proceeding with the Buena Vista application. The applicant would have to agree to an extension of time or the matter would be referred to OAL.

Commissioner McGlinchey stated that the Commission does not have a licensed engineer on staff, but it may behoove us in the future to employ or contract with a licensed engineer so we don't have to constantly rely on an applicant's engineer.

Commissioner Ashmun stated that with no enforcement power we are somewhat stuck with these type of violation applications.

The Commission adopted the resolution by a vote of 11 to 1 with Commissioner McGlinchey voting no.

Mr. Horner described the process for Letters of Interpretations for Pinelands Development Credits and wetlands. Commissioner Galleta asked if staff had looked into lengthening the expiration date from two years to five years on LOI's, as he had suggested previously. Commissioner Ashmun stated that would require amending the Plan. Ms Wittenberg stated it could be put on the list of amendments to consider when we move forward with Plan Review.

Planning Matters for Commission Consideration

There were no Planning matters for consideration.

Resolutions Relating to Municipal Ordinances

There were no resolutions relating to municipal ordinances.

Public Comment on Agenda Items and Pending Public Development Applications

Mr. Fred Akers, with the Great Egg Harbor Watershed Association, expressed his appreciation for the new public comment process. However, he is concerned that the Commission is on a road to irrelevance based on the Buena Vista Township application. In this particular case, you have a town that is a violator and did development, and the engineer and the mayor knew what they were supposed to do and they chose not to.

Theresa Lettman, with the Pinelands Preservation Alliance, made comments regarding Application # 2003-0403.001 (NJDOT- widening of westbound Rt. 72). She will not be providing written comments. Ms. Lettman reminded Commissioners that open sunny road sides are habitat for rare and threatened plant species and open road shoulders

encompass about 10,000 acres in the Pinelands. During these projects, natural vegetation is destroyed and replaced with non native soils. This soil has a high pH and contains seeds of non native plants. Before approving this project, the Commission should insure that disturbed areas will be revegetated with native soil or left to revegetate naturally.

Commissioner Jackson questioned if the Soil Conservation District has a best practices symposium, Ms. Wittenberg advised the Commission that they do.

A conversation took place about a suggested native seed list. Mr. Horner stated the Commission does have a recommended seed list which we often list as a condition in Public Development approvals. However, we cannot deny an application because of a seed mix. When we amend the Plan, in the future, this is something that can be addressed.

Miscellaneous Resolutions

Ms. Wittenberg reported that with respect to the Audit Report, this year there was one finding, related to under-collateralized bank balances. New procedures are now in place and the finding has been resolved.

Commissioner Lohbauer moved the adoption of a Resolution to Accept the Fiscal Year 2010 Audit Report (See Resolution # PC4-11-27) Commissioner Ficcaglia seconded the motion.

The Commission adopted the resolution by a vote of 11 to 0 with Commissioner Earlen abstaining.

Ordinances Not Requiring Commission Action

There were no ordinances to report this month.

Presentation on the Long –Term Economic Monitoring Report

Mike Yaffe and Paul Tyshchenko presented the 2010 Long-Term Economic Monitoring Report which also includes a municipal fact book. The program was established to monitor the economic health of the Pinelands and tracks nineteen indicators in four primary areas: population, real estate, economy and municipal finance. The 2010 annual report tracks the prior year's data (2009). *(See attached power point slides)*

Public Comment on Any Matter Relevant to the Commission's Statutory Responsibilities

Fred Akers, from the Great Egg Harbor Watershed Association, stated he wanted to make a comment on open space preservation in the Pinelands, no criticism. On August 3rd the Garden State Preservation Trust and the Pinelands Commission received an honorable mention for a 5 million dollar earmark for land preservation in the Pinelands. Mr. Akers read a quote from Governor Chris Christie. Back in 2009 there were few legislators

involved in preserving land and the public took the leadership role with regards to the preservation of land.

Mr. Akers read a quote from former Governor Edward C. Stokes and presented the Commission with a report "A Century of Forest Stewardship in New Jersey 1905-2005".

Theresa Lettman, with the Pinelands Preservation Alliance, stated her concerns about the ease of lifting deed restrictions which were placed on lands for the Northern Pine snake in the Toms River Corridor, Jackson Township. She also noted the improved agenda arrangement to allow for public comment.

Closed Session (if Needed)

There was no closed session needed.

Adjournment

Commissioner Ficcaglia moved to adjourn the meeting. Commissioner Jackson seconded. The Commission agreed to adjourn at 11:12 a.m.

Certified as true and correct:

Jessica Noble, Executive Assistant

Date: _____

**August 12, 2011 Pinelands Commission Meeting Packet Items
Not Included in the Commission's Electronic Packet**

Attachments to the July 8, 2011 Minutes which consist of:

Resolution PC4-11-23 - Approving With Conditions an Application for a Public Development (Application Number 1986-0479.004)

Resolution PC4-11-24 – Approving With Conditions an Application for a Public Development (Application Number 2008-0080.002)

Resolution PC4-11-25 – To Adopt the Pinelands Commission's Fiscal Year 2012 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund, the Pinelands Conservation Fund and the Pinelands Development Credit Purchase Program Fund

June 24, 2011 letter from Executive Director Wittenberg to Lynn Fleming, Assistant Director, State Forestry Services.

Public Comment Submitted by Mark Demitroff regarding App. No. 2009-0190.001

Copy of PowerPoint presentation made by Chuck Horner re: roadside vegetation along Cedar Avenue, Woodland Township

Copy of PowerPoint presentation made by Nancy Wittenberg re: FY 2012 Budgets



State of New Jersey
THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064


(609) 894-7300

CHRIS CHRISTIE
Governor
KIM GUADAGNO
Lt. Governor

Nancy Wittenberg
Executive Director

MEMORANDUM

To: Members of the Commission

From: Nancy Wittenberg, Executive Director 

Date: August 3, 2011

Subject: Summary of the August 12, 2011 Meeting Packet

Please note that we are continuing to phase in the Commission's new procedure for accepting public comment on pending public development applications. As we are phasing in this process, there continue to be some applications that remain subject to our prior procedures. Please note that we are now including in the Meeting Agenda a list of the public development applications that the public may comment on. At the meeting, I will discuss all actions we have taken with regard to implementing this new procedure.

Minutes

The Commission meeting minutes from July 8, 2011 are included in your packet.

Public Development Applications

Seven public development applications are being recommended for approval with conditions.

1. **Atlantic County Special Services School District**, Regional Growth Area, development of 140 paved parking spaces;
2. **Rutgers University Division of Pinelands Research**, Preservation Area, replacement of an existing 768 square foot laboratory trailer with a 1,200 square foot laboratory trailer;
3. **Berlin Township**, Regional Growth Area, construction of 2,435 linear feet of four foot wide sidewalk within the Route 73 right-of-way between Jackson Road and Edgewood Avenue;
4. **Township of Stafford**, Regional Growth Area, replacement of two existing 36" by 48" road culverts with an 11.5 foot wide by 5 foot high three sided culvert;
5. **Buena Vista Township**, Pinelands Village of Richland, development of two stone parking areas, a 1,015 square foot gazebo and 1,284 linear feet of sidewalk at an existing municipal park;

www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us

Application Specific Information: AppInfo@njpines.state.nj.us

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6. **Camden County Municipal Utilities Authority**, Regional Growth and Rural Development, installation of 4.5 miles of 16 inch sewer force main; and
7. **Jackson Township Municipal Utilities Authority**, Regional Growth, installation of 1,986 linear feet of twelve inch potable water main within the East Veterans Highway right-of-way between Whitesville Road and Cranberry Harvest Court.

Waivers of Strict Compliance

There are no Waiver of Strict Compliance applications on this month's agenda.

Letters of Interpretation

There were six PDC Letters of Interpretation issued (attached) this month, which allocated 5.503 PDCs to a total of 164.84 acres.

Recreation Permit

There were no recreation permits issued this month.

Certificates of Completeness

There were no municipal Certificates of Completeness issued this month.

Superfund Groundwater Remediation Cleanup

No Superfund Clean-ups are scheduled for this month's Commission agenda.

Resolutions Relating to Municipal Ordinances

There are no resolutions relating to municipal ordinances this month.

Other Resolutions

A resolution to accept the Pinelands Commission's Fiscal Year 2010 Audit Report is enclosed

Ordinances Not Requiring Commission Action

With respect to local conformance activities, there are no ordinances that raise a substantial issue to report this month.

Other Agenda Items

Long-Term Economic Monitoring Report

Closed Session

At this time, we do not believe that the Commission will need to convene into closed session.

Other Materials

Finally, we have included the Management Report for the months of May through June, 2011

Please note that future meeting and office closure dates for August and September 2011, as well as any Pinelands-related activities of interest, are listed at the bottom of the agenda.

/ PC1



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

Nancy Wittenberg
Executive Director

NEW JERSEY PINELANDS COMMISSION

August 12, 2011

Meeting Agenda

Richard J. Sullivan Center for Environmental Policy and Education

Terrence D. Moore Conference Room

15C Springfield Road

New Lisbon, New Jersey

9:30 a.m.

1. Call to Order

- o Open Public Meetings Act Statement
- o Roll Call
- o Pledge Allegiance to the Flag

2. Adoption of Minutes

- o July 8, 2011

3. Committee Chairs' and Executive Director's Reports

4. Permitting Matters for Commission Consideration

A. Office of Administrative Law

- o None

B. Review of Local Approval

- o None

C. Public Development Projects and Other Permit Matters

- o Resolution Approving With Conditions Applications for Public Development (Application Numbers 1981-2437.014, 1986-0686.005, 2002-0341.002, 2007-0084.003, 2009-0180.001, 2010-0133.001 & 2011-0007.001)

www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us

Application Specific Information: AppInfo@njpines.state.nj.us

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5. Planning Matters for Commission Consideration

A. Municipal Ordinances

- o None

6. Public Comment on Agenda Items and Pending Public Development Applications (see attached list)

7. Miscellaneous Resolutions

- o Resolution To Accept the Fiscal Year 2010 Audit Report

8. Ordinances Not Requiring Commission Action

- o None

9. Other Agenda Items

- o Presentation: Long-Term Economic Monitoring Report

10. General Public Comment

11. Resolution to Retire into Closed Session (if needed) – Personnel, Litigation, & Acquisition Matters (*The Commission reserves the right to reconvene into public session to take action on closed session items.*)

12. Adjournment

Upcoming meetings

Unless otherwise noted, all meetings/events are conducted at the
Offices of the Pinelands Commission in New Lisbon

Friday, August 12, 2011	Pinelands Commission Regular Monthly Meeting (9:30 AM)
Monday, August 22, 2011	Personnel and Budget Committee (9:00 AM)
Friday, August 26, 2011	CMP Policy and Implementation Committee (9:30 AM)
Friday, September 9, 2011	Pinelands Commission Regular Monthly Meeting (9:30 AM.)
Friday, September 23, 2011	CMP Policy and Implementation Committee (9:30 AM)
Monday, September 26, 2011	Personnel and Budget Committee (9:00 AM)

Office Closures (August & September 2011)

Monday, September 5, 2011

Labor Day

Upcoming Pinelands Events of Interest

Thursday, August 18, 2011	Southern Pine Beetle program (2 PM, Commission office)
Tuesday, Sept. 27, 2011	Pinelands Municipal Council Meeting, Estell Manor City Municipal Building 7:30 PM



Pinelands Commission and Committee meeting agendas are now posted on the Commission's Web site and can be viewed at www.nj.gov/pinelands/. The agendas are also posted and can be viewed at the Pinelands Commission Offices, 15 Springfield Road, New Lisbon, New Jersey or for more information on agenda details, e-mail the [Public Programs Office](mailto:Info@njpines.state.nj.us) at Info@njpines.state.nj.us or call (609) 894-7300.

PINELANDS COMMISSION MEETING¹

Richard J. Sullivan Center
Terrence D. Moore Conference Room
15 Springfield Road
New Lisbon, New Jersey

MINUTES

July 8, 2011

Commissioners Present

William Brown, Leslie Ficcaglia, John A. Haas, Robert Jackson, Edward Lloyd, Mark S. Lohbauer, Ed McGlinchey, Gary Quinn, D'Arcy Rohan Green, Francis A. Witt and Acting Chairperson Candace Ashmun. Also present were Executive Director Nancy Wittenberg, Deputy Attorney General Jean Reilly and Authorities Unit Liaison David Reiner.

Commissioners Absent

Paul E. Galletta and Richard L. Harris

Acting Chairperson Ashmun called the meeting to order at 9:34 a.m. and she welcomed new gubernatorial appointments, Mr. Mark S. Lohbauer, Honorable Gary Quinn, Lacey Township Mayor and Ms. D'Arcy Rohan Green.

DAG Reilly read the Open Public Meetings Act Statement.

DAG Reilly administered the Oath of Office to Commissioner Ashmun (who was reappointed to the Commission), Ms. Rohan Green, Mr. Lohbauer, and Mayor Quinn.

Ms. Wittenberg called the roll and announced the presence of a quorum. (There were eleven Commissioners present.)

The Commission and public in attendance pledged allegiance to the Flag.

¹ Please note that all attachments are maintained with the original minutes, but are not attached to copies. For information about attachments, please contact the office.

Minutes

Acting Chairperson Ashmun presented the June 10, 2011 Commission meeting minutes (open and closed sessions). Commissioner Ficcaglia moved the adoption of the minutes. Commissioner Jackson seconded the motion.

The minutes of the June 10, 2011 meeting were adopted by a vote of 8 to 0. Commissioners Lohbauer, Quinn and Rohan Green abstained.

Committee Chairs' and Executive Director's Reports

Personnel and Budget Committee Meeting

Commissioner Haas reported on the June 27, 2011 meeting of the Personnel and Budget Committee as follows:

The Committee adopted the minutes of the May 23, 2011 meeting. Following discussion of the budgets, the committee recommended that the Commission adopt the budgets presented on today's agenda. Donna Connor reviewed the equipment deletion list and the Committee approved all deletions. The Committee reviewed the check registers, electronic funds transfer disbursements, application fees and employee actions. Donna Connor reported that the FY10 Audit report will be released in mid July and will include a finding which has since been resolved. There was no public comment and no closed session necessary.

Executive Director's Report

Ms. Wittenberg provided the following report:

She said that she, Mr. Horner, and Mr. Bunnell had met with DEP (on June 23, 2011) on the Southern Pine Beetle infestation issue. Following receipt of as much specificity as DEP could provide, she has granted an approval for the "cut and leave" approach on some 300 acres of public lands on an emergency basis.

Mr. Horner noted that Ms. Wittenberg's June 28 letter had granted the approval through the end of September and that the Commission anticipates receipt of an application for review prior to that time. A meeting of the Forestry Advisory Committee (FAC) will be held to discuss this issue and obtain their recommendation. In addition, the staff is working on a plan to address infestation on private lands as the letter authorizes DEP activity only on State lands. Mr. Horner said that a copy of the June 28 2011 letter was available to members of the public. (*Attachment to Minutes*)

In response to a question from Commissioner Jackson, Mr. Horner said that staff envisions that the FAC comments will be incorporated into the report that would be issued regarding DEP's application.

Ms. Wittenberg noted that Mr. Michael Catania, Chair of the FAC, had also participated in the June 23, 2011 meeting with DEP.

Ms. Wittenberg said that the Commission is in the process of formalizing the public comment procedure for public development applications and that this meeting, and perhaps the next meeting or so, will constitute a transition period as staff must meet existing regulatory deadlines while accommodating the public process. She said that Buena Vista Township had granted her request for deferred action on its public development application to allow comment and that this application will be before the Commission at its next meeting.

Ms. Wittenberg noted that the Executive Director of the PDC Bank had retired and no replacement has been named. She said that the secretary at the Bank does not have the authority to fill certain functions and that there is some question as to how/where the Bank should function in the future; currently and legislatively it is within the Department of Banking and Insurance. The PDC Bank Board is considering having the Commission staff administer the program in the interim until some final determination is made. Staff is in the process of updating the agreement that was made under similar circumstances several years ago when, absent an Executive Director, the PDC Bank Board assigned the position to the Commission temporarily. The Board is meeting in late July and is expected to support such an arrangement.

In response to Commissioner Haas' request for an update on the function of the PDC Bank, Ms. Grogan reviewed the responsibilities of the Bank, that of facilitating the severance, sales and redemption of certificates. She noted that, in the past, promoting the program has been a large part of the Bank's function as well as conducting auctions when necessary. She said that the Bank processes the paperwork for matters such as severances, redemptions, and title processing and it is these day-to-day transactions to which Ms. Wittenberg was referring as needing some authorized oversight.

Commissioner Ashmun said that the Bank was established by separate legislation and any changes in the status would require legislation. She said that the Bank had lost a lot of the outreach element and that its functions are hugely important to the work of the Commission.

In response to Commissioner Lloyd's question if the PDC Bank Board is authorized to designate an agent, Ms. Grogan said that yes, it had been done previously but no arrangements have been made at this time.

In response to Commissioner Jackson's question regarding the Bank's fee to applicants, Ms. Grogan said that there are no fees involved.

Commissioner Ashmun said that the Bank's original operating funding has run out.

Ms. Wittenberg said that if the Commission were to take on the Bank's temporary responsibilities, it would be without additional staff or funding.

Ms. Roth said that the legislation allows the Board to enter into an agreement to fulfill its function; under a proposed agreement, the Commission would become the Bank's agent. In the long term, legislative changes would be needed.

Ms. Wittenberg concluded her report by saying that the annual audit had been completed. She said that one issue was noted related to custodial credit risks and that the problem has been cured.

Other Staff Reports

Mr. Liggett said that DEP has offered to have the Commission write the County chapters on the water quality management plans for the Pinelands Area. He said that Winslow Township is seeking permanent closure of its landfill and he has been meeting on that matter. He said that last month Mr. Horner had mentioned Hammonton's interest in expanding its airport; because it is within the Agricultural Production Area (APA), it will likely require a rezoning. The matter will go before the Policy and Implementation Committee. He said that an expediting MOA for development projects at The Richard Stockton College of New Jersey has been drafted and is soon to be shared with the College. He said that the BBMUA amended MOA project will be before the Commission again at its September meeting as a public development approval as the MUA seeks to secure federal funding. Finally, much comment was received on the solar rules and that issue will be before the P&I Committee at its July or August meeting.

Mr. Horner said that on Monday morning, staff would be meeting with the State Soil Conservation Committee regarding their rule proposal on soil erosion and control. He said that Hammonton is interested in constructing a hangar at its airport and next week he would be meeting with the mayor. Finally, he said that later in the meeting he would be making a brief presentation.

Ms. Wittenberg praised the work of Mr. Leakan, noting that he had facilitated some good publicity for the Commission in the form of a positive editorial regarding the Commission's public process for comment on public development publications. In addition, Mr. Leakan had arranged for a press conference regarding the release of the Commission's end of the year report and that had generated some positive coverage.

Public Development Projects and Other Permit Matters

Mr. Horner said that the two public development resolutions on today's agenda involve a parking lot expansion at a Pemberton Township school and a sewer line extension in Hamilton Township.

Commissioner Witt moved the adoption of a Resolution Approving With Conditions an Application for a Public Development (Application Number 1986-0479.004). (See Resolution #PC4-11-23). Commissioner Lloyd seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0 with Commissioners Quinn and Rohan Green abstaining.

Commissioner Lloyd moved the adoption of a Resolution Approving With Conditions an Application for a Public Development (Application Number 2008-0080.002). (See Resolution #PC4-11-24). Commissioner Witt seconded the motion.

The Commission adopted the resolution by a vote of 9 to 0 with Commissioners Quinn and Rohan Green abstaining.

Resolutions Relating to Municipal Ordinances

There were no resolutions relating to municipal ordinances.

Public Comment on Agenda Items

There was no public comment on agenda items.

Miscellaneous Resolutions

Commissioner Ashmun presented a resolution related to the budget.

Commissioner Haas moved the adoption of a Resolution To Adopt the Pinelands Commission's Fiscal Year 2012 Budgets for the Operating Fund, the Kirkwood Cohansey Aquifer Assessment Study Fund, the Pinelands Conservation Fund and the Pinelands Development Credit Purchase Program Fund. (See Resolution #PC4-11-25). Commissioner Ficaglia seconded the motion.

Ms. Wittenberg made a brief PowerPoint presentation on the FY 2012 budgets, noting that in a meeting with new Commissioners Rohan Green, Lohbauer and Quinn yesterday, she had briefed them on the matter.

Ms. Connor noted that some costs would be incurred to provide public access to application-related information. She also said that the resolution authorizes the Executive Director to pay certain budgeted amounts beyond the \$36,000 threshold in order to expedite routine payments.

Mr. Bunnell said that payment will be due for 15% of the final two reports from USGS related to the Kirkwood-Cohansey study. Once all the contracts have been paid, then all remaining costs for that project will be the salaries of Commission staff as they work to finalize the study and develop policy.

Commissioner Haas said that this was a good budget with no staff cuts and no furlough days. The expenditure of \$4 million for land acquisition was a very good thing.

Commissioner McGlinchey said that he did not like to go through the budget process while (union) negotiations have not been resolved. He said that he believed that this was a good budget but with the level of understaffing and the fact that Commission employees are not paid at the same level as other state employees, he felt that absent wage increases, a cost of living increase might be appropriate. He said that he recognized that these are difficult times and that we are all doing more with less. Finally he said that the Pinelands Conservation Fund should be evaluated again as perhaps some of those funds should be freed to spend on other things.

Commissioner Ashmun said that, for the benefit of the new Commissioners, the Pinelands Conservation Fund has three components, the most important of which is acquisition. She said that she agreed that the Fund should be evaluated again. Furthermore, the Commission must spend some time discussing various issues related to the budget. She said that the Commission is not a civil service organization, that there are staff members holding multiple positions and it was important that the Commission's mission not be disrupted.

The vote occurred. The Commission adopted the resolution by a vote of 9 to 0 with Commissioners Quinn and Rohan Green abstaining.

Ordinances Not Requiring Commission Action

Commissioner Ashmun stated that no action was needed on ordinances submitted by Ocean, Plumsted and Waterford Townships as described in Ms. Grogan's packet memo.

Presentation on Woodland Township Road Project

Mr. Horner said that based on the public comment that had been received last month regarding a road project in Woodland Township and concerns with T/E species, he would do a brief presentation. He said that there have been various applications over the past six years for improvements to Cedar Avenue.

He said that he, Ms. Young and Mr. Deman had visited the site following last month's meeting and he provided slides showing the areas of the road paving with roadside vegetation at various locations in order to give the Commissioners some perspective of the affected area. He said that he understood that there was a tour scheduled for the area.

Commissioner Ashmun said that the Commission would not be taking the tour.

Mr. Horner also noted that the next item on the agenda would be that of public comment and he wanted to brief the Commissioners on one of the applications for which much comment was anticipated.

Mr. Horner said that "Sawmill Park" is located in Richland Village, Buena Vista Township and the Commission has received an application involving off-street parking, sidewalks and gazebos. He said that the improvements were completed in 2006 and the application will resolve a violation.

Public Comment on Any Matter Relevant to the Commission's Statutory Responsibilities

Mr. Mark Demitroff provided the Commission with a PowerPoint presentation on Buena Vista Township's application, noting that this was the first and only time that the public has had an opportunity to speak on this application. He expressed concerns related to stormwater, historical surveys and contaminants. Mr. Demitroff also provided written comment on the application. His presentation was incomplete as it exceeded the allotted five minutes per speaker.

Ms. Theresa Lettman, with the Pinelands Preservation Alliance, said that she objected to the agenda as the public had no knowledge that the Sawmill Park application was on the agenda. She said that now that the Public and Governmental Programs Committee has been dissolved, the public no longer has that venue for comment and five minutes at a Commission meeting is insufficient. She said that she believed that the CMP must be changed to permit opportunities for public comment. She also said that she did not see how the Sawmill Park application met CMP standards and that she had only today on which to comment on the application and has not been shown any site plans. Her final comment related to the No Substantial Issue ordinance memorandum in today's meeting packet. She expressed concerns with Ocean Township's overlap area in the Forest Area and public service infrastructure.

Mr. Fred Akers, with the Great Egg Harbor Watershed Association, said that he appreciated the opportunity for public comment at the Commission meeting but agreed with Ms. Lettman that others might not know ahead of time which applications were subject to comment. He said that the stormwater problems in Richland Village are ongoing and he had addressed them in the past. He provided a history of the development of the stormwater rules stemming from the 2004 EPA requirement for stormwater plans and the Commission's hiring of Princeton-Hydro to merge the DEP and Pinelands rules. He said that the new CMP rules give the municipalities the authority to waive the rules. He said that problems of the past such as the English Creek flooding in Egg Harbor Township in 1997 and the problems at the Hamilton Mall/racetrack area stemmed from multiple property owners merging their stormwater without responsibility to control it. He said that for Sawmill Park, the Township developed the property perhaps believing that it had the right to waive the stormwater requirements.

Ms. Jaclyn Rhodes, with PPA, said that she wanted to clarify that her invitation to the Commission members today to visit the Woodland Township paving project was offered as an educational opportunity. She said that PPA was working with the State Soil Conservation Committee regarding soil disturbance and wanted to better inform the Commission members. She stated that she did not see how an educational opportunity should be controversial.

Commissioner Ashmun said that the Commission appreciated the invitation but would follow up by initiating some exploration of the matter on its own.

Mr. Demitroff interjected that there is written comment that the Commission has not yet seen regarding Sawmill Park.

Mr. Horner said that the Commission has received the written comment in question.

Ms. Roth stated that there was a misperception regarding public comment. She said that written comment would be accepted through the close of business today; the oral comment that is received at today's meeting will be summarized and included in the report on the application along with any written comment..

Mr. Horner said that upon receipt of an application, it is posted on the website; the Sawmill Park application has been posted for some 6 months. In addition, the website was updated when the public notice was published in the newspaper. He agreed that the transition has been less than smooth but said that written comment has already been received.

Commissioner Jackson said that the greatest threat to change is education and that he was open to education. He said that he appreciated the efforts of PPA but that he felt it was a personal conflict. He said that he didn't want anyone to think that he could be swayed by PPA.

Ms. Roth concurred and said that it was indeed the appearance of conflict. This educational opportunity has a potential appearance of impropriety.

Commissioner Quinn said that he too was interested in being educated and he looked forward to learning more but always referred to the advice of counsel. He said that he was honored to have been given this appointment.

Commissioner. Rohan Green echoed those sentiments and said that it was an honor and a privilege to serve as a Pinelands Commissioner. She could see that there was a lot to learn and a lot to do. She commended the staff and thanked them for the work they do.

Mr. Lohbauer concurred with the comments of Commissioners Quinn and Rohan Green and said that he gave the staff a lot of credit. Based on the budget history he could see that they are very committed. He also thanked the members of the public for their passion and commitment in offering information to the Commission.

Commissioner Ashmun suggested that the new Commission members attend both the Personnel and Budget and the Policy and Implementation Committee meetings in order to see the issues with which they will deal and to help them decide on which Committees they would like to serve.

She announced that there was no need for a closed session today.

Adjournment

Commissioner Ficcaglia moved to adjourn the meeting. Commissioner Jackson seconded. The Commission agreed to adjourn at 11:10 a.m.

Certified as true and correct:

Betsy Piner, Principal Planning Assistant

Date: _____



RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-11-_____

TITLE: **Approving** With Conditions Applications for **Public Development** (Application Numbers 1981-2437.014, 1986-0686.005, 2002-0341.002, 2007-0084.003, 2009-0180.001, 2010-0133.001 & 2011-0007.001)

Commissioner _____ **moves and Commissioner** _____
seconds the motion that:

WHEREAS, the Pinelands Commission has reviewed the Findings of Fact, Conclusion and the recommendation of the Executive Director that the following applications for Public Development be approved with conditions:

- 1981-2437.014** **ATLANTIC COUNTY SPECIAL SERVICES SCHOOL DISTRICT,** Hamilton Township, Regional Growth Area, development of 140 paved parking spaces at the Atlantic County Special Services School (Date of Report: July 18, 2011);
- 1986-0686.005** **RUTGERS UNIVERSITY DIVISION OF PINELANDS RESEARCH,** Pemberton Township, Preservation Area, replacement of an existing 768 square foot laboratory trailer with a 1,200 square foot laboratory trailer (Date of Report: July 22, 2011);
- 2002-0341.002** **BERLIN TOWNSHIP,** Berlin Township, Regional Growth Area, construction of 2,435 linear feet of four foot wide sidewalk within the Route 73 right-of-way between Jackson Road and Edgewood Avenue (Date of Report: July 22, 2011);
- 2007-0084.003** **TOWNSHIP OF STAFFORD,** Stafford Township, Regional Growth Area, replacement of two existing 36” by 48” road culverts with an 11.5 foot wide by 5 foot high three sided culvert (Date of Report: July 22, 2011);
- 2009-0180.001** **BUENA VISTA TOWNSHIP,** Buena Vista Township, Pinelands Village of Richland, development of two stone parking areas, a 1,015 square foot gazebo, and 1,284 linear feet of sidewalk at an existing municipal park (Date of Report: July 25, 2011);
- 2010-0133.001** **CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY,** Waterford Township and Winslow Township, Regional Growth Area and Rural Development Area, installation of 4.5 miles of 16 inch sewer force main (Date of Report: July 25, 2011); and
- 2011-0007.001** **JACKSON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY,** Jackson Township, Regional Growth Area, installation of 1,986 linear feet of twelve inch potable water main within the East Veterans Highway right-of-way between Whitesville Road and Cranberry Harvest Court (Date of Report: July 22, 2011).

WHEREAS, no request for a hearing before the Office of Administrative Law concerning the Executive Director’s recommendation has been received for any of these applications; and

WHEREAS, the Pinelands Commission hereby adopts the Findings of Fact and Conclusion of the Executive Director for each of the proposed developments; and

WHEREAS, pursuant to N.J.S.A. 13A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period and Governor shall approve same, in which case the action shall become effective upon such approval; and

WHEREAS, the Pinelands Commission hereby determines that each of the proposed public developments conform to the standards for approving an application for public development set forth in N.J.A.C. 7:50-4.57 if the conditions recommended by the Executive Director are imposed.

NOW, THEREFORE BE IT RESOLVED that the following applications for public development are hereby **approved** subject to the conditions recommended by the Executive Director.

- 1981-2437.014

ATLANTIC COUNTY SPECIAL SERVICES SCHOOL DISTRICT, Hamilton Township, Regional Growth Area, development of 140 paved parking spaces at the Atlantic County Special Services School (Date of Report: July 18, 2011);
- 1986-0686.005

RUTGERS UNIVERSITY DIVISION OF PINELANDS RESEARCH, Pemberton Township, Preservation Area, replacement of an existing 768 square foot laboratory trailer with a 1,200 square foot laboratory trailer (Date of Report: July 22, 2011);
- 2002-0341.002

BERLIN TOWNSHIP, Berlin Township, Regional Growth Area, construction of 2,435 linear feet of four foot wide sidewalk within the Route 73 right-of-way between Jackson Road and Edgewood Avenue (Date of Report: July 22, 2011);
- 2007-0084.003

TOWNSHIP OF STAFFORD, Stafford Township, Regional Growth Area, replacement of two existing 36” by 48” road culverts with an 11.5 foot wide by 5 foot high three sided culvert (Date of Report: July 22, 2011);
- 2009-0180.001

BUENA VISTA TOWNSHIP, Buena Vista Township, Pinelands Village of Richland, development of two stone parking areas, a 1,015 square foot gazebo, and 1,284 linear feet of sidewalk at an existing municipal park (Date of Report: July 25, 2011);
- 2010-0133.001

CAMDEN COUNTY MUNICIPAL UTILITIES AUTHORITY, Waterford Township and Winslow Township, Regional Growth Area and Rural Development Area, installation of 4.5 miles of 16 inch sewer force main (Date of Report: July 25, 2011); and
- 2011-0007.001

JACKSON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, Jackson Township, Regional Growth Area, installation of 1,986 linear feet of twelve inch potable water main within the East Veterans Highway right-of-way between Whitesville Road and Cranberry Harvest Court (Date of Report: July 22, 2011).

Record of Commission Votes

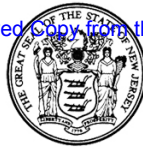
AYE NAY NP ABS					AYE NAY NP ABS					AYE NAY NP ABS				
Brown					Harris					Quinn				
Earlen					Jackson					Rohan Green				
Ficcaglia					Lloyd					Witt				
Galletta					Lohbauer					Ashmun				
Haas					McGlinchey									

Adopted at a meeting of the Pinelands Commission

Date: _____

Nancy Wittenberg
Executive Director

Candace Ashmun
Acting Chairperson



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

Nancy Wittenberg
Executive Director

AMENDED REPORT ON AN APPLICATION FOR MAJOR PUBLIC DEVELOPMENT

July 18, 2011

Terry Nowotny, Business Administrator
Atlantic County Special Services School District
4805 Nawaka Blvd
Mays Landing, NJ 08330

Please Always Refer To This Application Number

Re: Application #: 1981-2437.014
Block 994, Lot 58.01
Nawakwa Blvd.
Hamilton Township

Dear Ms. Nowotny:

The Commission staff has completed its review of the above referenced application. On July 5, 2011, the Commission staff issued a Report on an Application for Public Development. That Report recommended that the Commission approve the application with conditions at the next Commission meeting occurring at least eighteen days after the July 5, 2011 date of the Report. This Amended report is being issued to specify that the Commission will consider the application at its August 12, 2011 meeting. Based upon the facts and conclusions contained in this Amended Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 12, 2011 meeting.

FINDINGS OF FACT

This application is for the development of 140 paved parking spaces at the Atlantic County Special Services School located on the above referenced 30 acre lot in Hamilton Township. The proposed development is located in a Pinelands Regional Growth Area.

The concerned 140 parking spaces were constructed of gravel without the completion of an application to and approval by the Pinelands Commission. This constitutes a violation of the application requirements of the Pinelands Comprehensive Management Plan. This application is to resolve the original construction of the 140 gravel parking spaces and the currently proposed paving

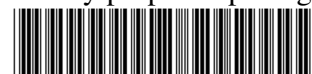
www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us

Application Specific Information: AppInfo@njpines.state.nj.us 1 9 8 1 2 4 3 7 . 0 1 4 *

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of those 140 parking spaces.

On October 13, 2000, the Commission approved the development of the Atlantic County Special Services School, including the development of 298 paved parking spaces (App. No. 1981-2437.008). The applicant indicated that 292 of those previously approved parking spaces were developed. The proposed 140 parking spaces proposed in the current application are in addition to the previously developed 292 parking spaces.

The proposed development will be located over existing gravel surfaces. Prior to the violation, those surfaces were grassed. The proposed clearing and soil disturbance appears to be limited to that which is necessary to accommodate the proposed development. The Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. The applicant proposes to utilize grasses that meet that recommendation.

The existing school is served by public sanitary sewer.

There are no wetlands located within 300 feet of the above referenced lot.

The applicant has demonstrated that the proposed development is consistent with the stormwater regulations contained in CMP. The applicant proposes to utilize an existing oversized stormwater management basin that is located on the lot to manage the net volume of runoff from the net increase in impervious surfaces generated by the proposed development. The concerned stormwater management basin was developed as part of Application #1891-2437.008.

Based upon the location of existing development, the proposed limits of disturbance and review of information available to the Commission staff, it was determined that a survey for the presence of threatened or endangered species of plants and wildlife was not required.

Information available to the Commission staff did not provide sufficient evidence of significant cultural resources to require a full cultural resource survey.

PUBLIC COMMENT

The applicant has provided the requisite notice. The Pinelands Commission has not received any public comments concerning the application.

CONCLUSION

The proposed development is a permitted use in a Pinelands Regional Growth Area. (N.J.A.C. 7:50-5.28(a)). If the following conditions are imposed, the proposed development will be consistent with the management standards contained in Subchapters 5 and 6 of the CMP.

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of eight sheets, prepared by Edwards Engineering Group and dated as follows:

Sheets C-1.0, C-1.1, C-2.0, C-2.1, C-3.1 & C-4.0 - dated March 23, 2011
Sheets C-3.0 & Sheet C-4.1 - dated March 23, 2011; revised June 15, 2011

2. The proposed development shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
3. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
4. Prior to any development, the applicant shall obtain any other required permits and approvals.

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this Report and must include the following information:

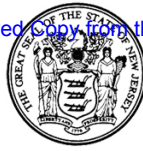
1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Recommended for Approval by: _____
Charles M. Horner, P.P., Director of Regulatory Programs

RLW/ED/KY/CMH

c: Secretary, Hamilton Township Planning Board
Hamilton Township Environmental Commission
Atlantic County Department of Regional Planning & Development
Beth Kenderdine
Rhonda Ward



State of New Jersey

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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

Nancy Wittenberg
Executive Director

REPORT ON AN APPLICATION FOR MINOR PUBLIC DEVELOPMENT

July 22, 2011

Dr. John Dighton
Rutgers University Division of Pinelands Research
P.O. Box 206
New Lisbon, NJ 08064

Application Information: App. No. 1986-0686.005
Block 928, Lot 1 (591 acres)
Pemberton Township, Burlington County

FINDINGS OF FACT

Proposed Development: Replacement of existing 768 square foot laboratory trailer with a 1,200 square foot laboratory trailer

Pinelands Mgmt Area: Pinelands Preservation Area District

Relevant Facts:

- The Rutgers University Pinelands Field Station and a N.J. Department of Agriculture laboratory are located on the lot.
- The use(s) existed prior to 1981 and constitutes a pre-1981 non-conforming use.
- The CMP permits up to a 50% expansion of the capacity of a nonconforming use existing as of 1981.
- The capacity of the use will not increase because the proposed trailer will replace an exiting trailer and be used by existing staff and students.

Public Notice:

- Public notice not required by the Pinelands Comprehensive Management Plan (CMP). No public comments received.
- Application was posted on Commission's website as received. Subsequently, the application was marked on the website as "substantially complete" on June 24, 2011.

www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us

Application Specific Information: AppInfo@njpines.state.nj.us 19860686.005*

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CONCLUSION

The proposed development is consistent with the standards contained in Subchapters 5 and 6 of the CMP.

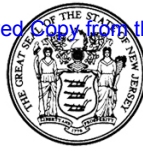
**Appeal of
Recommendation:**

The CMP (N.J.A.C. 7:50-4.91) provides that parties who meet the legal requirement to qualify as an “interested party,” the right to appeal this recommendation. Any appeal must be made in writing to the Commission within 18 days of the date of this Report and include the information specified in the CMP (N.J.A.C. 7:50-4.91). Any valid appeal will be forwarded to the New Jersey Office of Administrative Law for a hearing.

On behalf of the Commission’s Executive Director, I recommend that the Pinelands Commission approve this application, with conditions, at its August 12, 2011 meeting.

Charles M. Horner, P.P., Director of Regulatory Programs

- c. Sec., Pemberton Township Planning Board
Pemberton Township Environmental Commission
Burlington County Planning Board
Fredrick C. Seeber



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Lt. Governor

Nancy Wittenberg
Executive Director

REPORT ON AN APPLICATION FOR MAJOR PUBLIC DEVELOPMENT

July 22, 2011

Mayor Phyllis A. Magazzu
Berlin Township
170 Bate Avenue
West Berlin, NJ 08091

Please Always Refer To
This Application Number

Re: Application #: 2002-0341.002
Block 1605, Lots 1-1.02
Block 1608, Lots 3 & 6
Block 1701, Lots 1, 1.01, 2 & 3
Route 73
Berlin Township

Dear Mayor Magazzu:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 12, 2011 meeting.

FINDINGS OF FACT

This application is for the construction of 2,435 linear feet of four foot wide sidewalk on the above referenced lots and within the Route 73 right-of-way between Jackson Road and Edgewood Avenue. The proposed development is located a Pinelands Regional Growth Area.

The proposed sidewalk will be located over existing maintained grass and gravel road shoulders. The proposed clearing and soil disturbance appears to be limited to that which is necessary to accommodate the proposed sidewalk and curbing. The Landscaping and Revegetation guidelines of the Pinelands Comprehensive Management Plan (CMP) recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes to utilize grasses that meet that CMP recommendation.

www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us

Application Specific Information: AppInfo@njpines.state.nj.us 20020341.002*

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There are freshwater wetlands located adjacent to the proposed development. In accordance with the provisions of the CMP (N.J.A.C. 7:50-6.13), the applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in wetland buffers that would result in a less significant adverse impact on wetlands. The applicant has demonstrated that the proposed development will not result in substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetlands. Based upon the necessity to provide safe pedestrian travel, the applicant has demonstrated that the need for the proposed development overrides the importance of protecting the wetlands.

The applicant has demonstrated that the proposed development is consistent with the stormwater management standards contained in the CMP. The applicant will be constructing a crushed stone subsurface recharge trench.

Based upon the existing site conditions, the location of proposed development relative to existing development and review of information available to the Commission staff, it was determined that a survey for the presence of threatened or endangered plant and animal species was not required.

The Pinelands Commission cultural resource inventories did not provide sufficient evidence of any significant cultural resources to require a full cultural resource survey.

PUBLIC COMMENT

The applicant has provided the requisite public notice. The application was posted on the Commission's website as received and subsequently marked as "substantially complete" on the website on December 16, 2010. The Pinelands Commission has not received any public comments regarding the application.

CONCLUSION

The proposed sidewalk is a permitted use in a Pinelands Regional Growth Area (N.J.A.C. 7:50-5.28(a)). If the following conditions are imposed, the proposed development will be consistent with the management standards contained in Subchapters 5 & 6 of the CMP.

1. Except as modified by the below conditions, the proposed development shall adhere to the plans, consisting of 17 sheets, prepared by Charles J. Riebel Jr., all sheets dated December 1, 2008 and revised June 24, 2011.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. The proposed development shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.

4. Silt fencing, hay bales or other appropriate measures shall be installed prior to construction to preclude sediment from entering freshwater wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
5. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.

APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this Report and must include the following information:

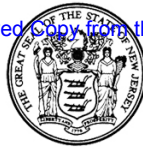
1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received, the Pinelands Commission may either approve the determination of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Recommended for Approval by: _____
Charles M. Horner, P.P., Director of Regulatory Programs

FCS/ED/KY/CMH

c: Secretary, Berlin Township Planning Board
Camden County Planning Board
Robert Scott Smith, KEI Associates



State of New Jersey

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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

Nancy Wittenberg
Executive Director

REPORT ON AN APPLICATION FOR MINOR PUBLIC DEVELOPMENT

July 22, 2011

James Moran
Township of Stafford
260 East Bay Avenue
Manahawkin, NJ 08050

Application Information: App. No. 2007-0084.003
Outboard Avenue
Stafford Township, Ocean County

FINDINGS OF FACT

Proposed Development: Replacement of two existing 36" by 48" road culverts with an 11.5 foot wide by 5 foot high three sided culvert.

Pinelands Mgmt Area: Pinelands Regional Growth Area

Relevant Facts:

- The existing culverts are 50 feet in length. The proposed culvert will also be 50 feet in length.
- The proposed culvert replacement will result in the disturbance of 695 square feet of wetlands and will require an NJDEP Freshwater Wetlands Permit.

Public Notice:

- Public notice not required by the Pinelands Comprehensive Management Plan (CMP). No public comments received.
- Application was posted on Commission's website as received. Subsequently, the application was marked on the website as "substantially complete" on June 23, 2011.

CONCLUSION

The proposed development is consistent with the standards contained in the CMP.

www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us

Application Specific Information: AppInfo@njpines.state.nj.us 20070084.003*

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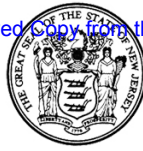
**Appeal of
Recommendation:**

The CMP (N.J.A.C. 7:50-4.91) provides that parties who meet the legal requirement to qualify as an “interested party,” the right to appeal this recommendation. Any appeal must be made in writing to the Commission within 18 days of the date of this Report and include the information specified in the CMP (N.J.A.C. 7:50-4.91). Any valid appeal will be forwarded to the New Jersey Office of Administrative Law for a hearing.

On behalf of the Commission’s Executive Director, I recommend that the Pinelands Commission approve this application, with conditions, at its August 12, 2011 meeting.

Charles M. Horner, P.P., Director of Regulatory Programs

- c. Secretary, Stafford Township Planning Board
Stafford Township Environmental Commission
Ocean County Planning Board
Joseph Giddings



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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

Nancy Wittenberg
Executive Director

AMENDED REPORT ON AN APPLICATION FOR MAJOR PUBLIC DEVELOPMENT

July 25, 2011

Mayor Chuck Chiarello
Buena Vista Township
P.O. Box 605
Buena, NJ 08310

Please Always Refer To
This Application Number

Re: Application #: 2009-0180.001
Block 4529, Lot 4
Block 4530, Lot 1
Route 40, Fir Avenue &
Greenbriar Avenue
Buena Vista Township

Dear Mayor Chiarello:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 12, 2011 meeting.

FINDINGS OF FACT

This application is for improvements to an existing municipal park located on the above referenced 1.71 acre lot in Buena Vista Township. The proposed improvements are the development of two stone parking areas, totaling 7,400 square feet, a 1,015 square foot gazebo, and 1,284 linear feet of sidewalk. The proposed development is located in the Pinelands Village of Richland.

All of the improvements subject of this application occurred prior to 2006 and prior to completing an application to the Commission. This development constitutes a violation of the application and approval requirements of the Pinelands Comprehensive Management Plan (CMP). This application is to resolve the violation. Hereinafter, the development referenced in this Report as proposed refers to development that has already occurred on the parcel.

The Commission staff issued a Report on an Application for Public Development on June 20, 2011 for the proposed development. On June 24, 2011, the Commission staff issued a corrected copy of the Report on an Application for Public Development which corrected the staff's response to a

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General Information: Info@njpines.state.nj.us

Application Specific Information: AppInfo@njpines.state.nj.us * 2 0 0 9 0 1 8 0 . 0 0 1 *

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public comment on page 2 of the Report regarding the need for a cultural resource survey for the project. Since issuance of the June 24, 2011 report, the Commission has received additional written comments from two individuals and verbal comments, provided at the Commission's July 8, 2011 meeting, from three individuals. This Report is being amended to include the summaries of public comment received orally and written between June 24, 2011 and July 8, 2011 and provides the staff response to those comments.

The proposed development will be located in an existing grassed area. The proposed soil disturbance appears to be limited to that which is necessary to accommodate the proposed development. The submitted plan does not propose seeding of disturbed areas. If seeding is necessary, the Landscaping and Revegetation guidelines of the CMP recommend the use of grasses that are tolerant of droughty, nutrient poor conditions.

There are no wetlands located within 300 feet of the proposed development.

The applicant has demonstrated that the proposed development is consistent with the stormwater regulations contained in the CMP. The applicant proposes to utilize an existing stormwater management basin that is located on Block 4529, Lot 4. The concerned stormwater management basin was developed as part of Application #2008-0068.001 for the reconstruction of the Richland Volunteer Firehouse.

Based upon the location of existing development, the proposed limits of disturbance and review of information available to the Commission staff, it was determined that a survey for the presence of threatened or endangered species of plants and wildlife was not required.

The applicant was not required to complete a cultural resource survey because information available to the Commission staff did not provide sufficient evidence of significant cultural resources to require such a survey.

PUBLIC COMMENT

The applicant has provided the requisite public notice. The application was posted on the Commission's website as received. Subsequently, the application was marked "substantially complete" on June 22, 2011. The Pinelands Commission has received written public comments from two individuals. In addition, at the July 8, 2011 Commission meeting, three individuals offered verbal public comment. Copies of the written public comments are attached.

Summary of Public Comment Offered Either in Writing or Verbally at a Commission Meeting:

Written and oral comments provided by Mark Demitroff:

1. The commentor believes that a cultural resource survey should have been performed. Staff Response: The Commission staff archaeologist previously reviewed the proposed development and determined that, for the reasons specified in the Commission staff's July 7, 2010 letter (attached) which references a May 27, 2010 letter (attached), a cultural resource survey was not required. The Commission staff's June 20, 2011 "Report On An Application For Public Development" incorrectly indicated that the proposed development was not located within the "historically sensitive area" of Richland Village, as delineated in the "Pinelands Villages and

Towns: Historic Area Delineations,” prepared by the Pinelands Commission and dated March, 1988. A corrected “Report on an Application For Public Development” was issued on June 24, 2011 to clarify that the front portion of the parcel, is, in fact, located in the “historically sensitive area.” However, whether the proposed development is, or is not located in the “historically sensitive area” of Richland Village, is not the determining factor regarding whether a cultural survey is required. It is but one factor that is considered in making this determination.

2. The commentor also does not believe that the applicant has met the CMP stormwater standards. Staff Response: This application proposes approximately 9,699 square feet of disturbance. Based upon the Commission’s regulations, no stormwater management would be required for development resulting in less than 5,000 square feet of clearing or disturbance. The application proposes a total increase in impervious surface, as defined by applicable regulations, of 6,838 square feet.

The stormwater management plan submitted for this application was prepared, signed and sealed by a New Jersey licensed professional engineer from the Township Engineer’s office. The engineer submitted information to demonstrate that the proposed development is consistent with the stormwater management standards of the Buena Vista Township land use ordinance and the CMP. Commission staff reviewed the proposed stormwater management plan and determined that the proposed plan meets the CMP stormwater standards. The Commission staff reviews the proposed stormwater management plan for conformance with the CMP standards. The staff also completed a “due diligence” review to ensure that there are no obvious issues with a proposed design that would call into question whether a proposed design will function or would impact adjacent lands.

3. The commentor is also concerned that the proposed development may result in degradation of the groundwater quality due to potential leaching of pollutants from railroad ties placed on the parcel and lead paint from a 300 square foot railroad caboose that was also placed on the lot. Staff Response: The Pinelands Commission does not regulate construction materials. However, in undertaking its “due diligence” review, prior to issuance of this Report, the staff contacted appropriate NJDEP programs and were advised by NJDEP that the two concerns being raised by the commentor did not appear to raise issues with applicable NJDEP regulations. However, by copy of this Report, we are alerting the New Jersey Department of Environmental Protection’s, Chief of Bureau of Landfill and Hazardous Waste Permitting, of this comment.
4. Additional comments regarding “redevelopment lands” and authority of the Township Engineer to proceed with developing Sawmill Park were offered by the commentor. Staff Response: These matters are not regulated by the Commission.

Written comments provided by Chris and Jaime Girodano:

5. The commentors indicated that their home is located adjacent to the park and their home and septic system has been negatively affected by the construction of the existing stormwater basin on adjacent Block 4529, Lot 4. They do not believe that the stormwater management system works and want the municipality to design one that

does work. Staff Response: The stormwater management plan submitted for this application was prepared, signed and sealed by a New Jersey licensed engineer from the Township Engineer's office. The engineer submitted information to demonstrate that the proposed development is consistent with the stormwater management standards of the Buena Vista Township land use ordinance and the CMP. Prior to issuance of this Report, the staff completed its "due diligence" review of the application by conducting a site visit and contacting the engineer regarding whether the existing stormwater basin was functioning consistent with its design and the CMP stormwater management standards. The engineer indicated that, although shortly after construction of the basin, the basin did fail, necessary steps were taken to fix the basin and the basin is now functioning as designed.

Oral comments provided by Theresa Lettman:

6. The commentor indicated that she did not understand how the proposed development met the stormwater management standards of the CMP regarding stormwater being retained and infiltrated onsite. Staff Response: The Commission staff reviewed the proposed stormwater management plan and determined that the proposed development meets this CMP stormwater standard. The CMP stormwater management standards require that stormwater be managed on a parcel. The CMP defines "parcel", in part as, "any quantity of land, consisting of one or more lots that is capable of being described with such definiteness that its location and boundaries may be established." Managing stormwater on an adjacent lot meets the definition of parcel.
7. The commentor also indicated that the CMP needs to be amended to permit opportunities for public comment as the public was not aware that the July 8, 2011 Commission meeting would be the last opportunity for the public to provide comments on the application to the Commission. Staff Response: The application was initiated on October 5, 2009 and the required newspaper public notice was published on March 9, 2011. The Commission is in the process of implementing new procedures to allow the public the opportunity to provide oral comment on public development applications. These new procedures serve to lengthen the duration of the comment period which is established by regulation to be 10 days. While the new procedures are being phased in, there is an acknowledged degree of uncertainty. However, proper legal notice was provided for the application as required by the CMP, and the Commission's website provided additional notice of the application.

Oral comments offered by Fred Akers:

8. The commentor indicated that there were ongoing stormwater problems in Richland Village and he is concerned that a new CMP rule allows municipalities to waive the rules. We believe the commentor was referring to the CMP amendment that provides that, if the stormwater management standards cannot be met on a parcel or can be more effectively achieved through alternate measures, an "exception" may be granted at the discretion of the Commission, provided any such measures occur within the Pinelands Area and within the same drainage area as the parcel proposed for development and are sufficient to offset the granting of the exception. For this application, the applicant did not propose an "exception" from the stormwater

management standards.

9. The commentor was also concerned about problems that arise from multiple property owners merging their stormwater management responsibilities, as proposed in this application, without responsibility to control it. Staff Response: The Commission staff reviewed the stormwater management plan for the proposed development. The concern expressed regarding merged stormwater responsibilities is valid. However, if a stormwater basin owner were to take an action that causes a violation of the stormwater management standards of the Township land use ordinance and the CMP, the Township and/or the Commission could take an appropriate action to resolve that violation.

CONCLUSION

The proposed improvements to an existing park are a permitted use in a Pinelands Village (N.J.A.C. 7:50-5.27(a)2). If the following conditions are imposed, the proposed development will be consistent with the management standards contained in Subchapters 5 and 6 of the CMP and Buena Vista Township's certified master plan and land use ordinance.

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of three sheets and dated as follows:

Sheet 1 – dated April 22, 2005; revised May 6, 2011;
Sheet 2 – dated November 7, 2005; revised May 6, 2011; and
Sheet 3 – dated April 22, 2005; revised March 1, 2011.
2. Although it is recognized that the development has already occurred, the proposed development shall still adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
3. Although it is recognized that the development has already occurred, disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
4. Although it is recognized that the development has already occurred, prior to any development, the applicant shall obtain any other necessary permits and approvals.

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be

made in writing to the Commission within eighteen days of the date of this Report and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received, the Pinelands Commission may either approve the recommendation of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

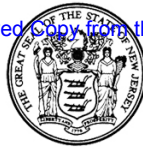
Recommended for Approval by: _____
Charles M. Horner, P.P., Director of Regulatory Programs

RLW/ED/CH

c: Secretary, Buena Vista Township Planning Board
Buena Vista Township Environmental Commission
Atlantic County Department of Regional Planning and Development
SNS Consulting Engineers
Rhonda Ward
Robert Confer, Chief, NJDEP Bureau of Landfill & Hazardous Waste Permitting
Mark Demitroff
Theresa Lettman, PPA
Chris and Jaime Giordano
Fred Akers

Encls. (8)

Commentor April 28, 2011 letter
Commission July 7, 2010 letter
Commentor June 4, 2010 letter
Commission May 27, 2010 letter
Commission March 11, 2010 letter
Commentor Feb. 7, 2010 letter
Commentor June 28, 2011 letter
Commentor July 7 2011 letter



State of New Jersey

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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

Nancy Wittenberg
Executive Director

REPORT ON AN APPLICATION FOR MAJOR PUBLIC DEVELOPMENT

July 25, 2011

Andrew Kricun
Camden County Municipal Utilities Authority
1645 Ferry Avenue
Camden, NJ 08104

Please Always Refer To This Application Number

Re: Application #: 2010-0133.001
Burnt Mill Road, East Atlantic and West
Atlantic Aves., Cherry Street, Hayes Mill
and Tansboro Roads, U.S. Highway Rts.30
and 73 & Pennsylvania Reading Seashore
Lines Railroad
Block 95, Lot 7, Block 101, Lot 3,
Block 1902, Lots 11, 11.01, 12 & 12.01 &
Block 183, Lot 3
Waterford Township
Block 2502, Lot 15 & Block 2503, Lot 1
Winslow Township

Dear Mr. Kricun:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 12, 2011 meeting.

FINDINGS OF FACT

This application is for the installation of 4.5 miles (approximately 23,750 linear feet) of 16 inch sanitary sewer force main within the above referenced rights-of-way and within existing easements located on the above referenced lots. The proposed development is located partially in a Pinelands Regional Growth Area (approximately 14,400 linear feet), partially in a Pinelands

www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us

Application Specific Information: AppInfo@njpines.state.nj.us 20100133.001*

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Rural Development Area (approximately 6,000 linear feet) and partially in the Pinelands Village of Tansboro (approximately 3,350 linear feet).

The proposed 16 inch sanitary sewer force main will convey wastewater from an existing sanitary sewer pumping station located on Block 183, Lot 3 in Waterford Township to an existing CCMUA wastewater treatment plant located outside of the Pinelands Area in Camden.

The proposed sanitary sewer force main will further a comprehensive planning effort begun by the Pinelands Commission in 1988 which established a framework for a sanitary sewer, zoning and water supply master plan for the Mullica River Basin. As part of that effort, NJDEP approved a 208 Wastewater Management Plan in 1990 which called for abandoning the existing Waterford Township Sewage Treatment Plant and construction of a wastewater conveyance system. That wastewater conveyance system is subject of this application and proposes to transfer wastewater for treatment and disposal outside of the Mullica River Basin.

The proposed sanitary sewer force main will serve existing, proposed and future development. The proposed sanitary sewer force main (public service infrastructure) is a permitted land use in a Pinelands Regional Growth Area (N.J.A.C. 7:50-5.28(a)) and in a Pinelands Village (N.J.A.C. 7:50-5.27(a)1). However, in a Pinelands Rural Development Area, a proposed sanitary sewer force main to serve proposed or future development is not a permitted land use (N.J.A.C. 7:50-5.26(b)10).

The sanitary sewer force main subject of this application is proposed to connect to an existing sanitary sewer pumping station located on the site of Waterford Township's decommissioned wastewater treatment plant. The parcel, containing the pumping station and the decommissioned wastewater treatment plant, fronts on Burnt Mill Road.

The parcel containing the decommissioned wastewater treatment plant, the existing pumping station and a portion of the Burnt Mill Road right of way were previously located in a Pinelands Regional Growth Area. On June 5, 1992, the Pinelands Commission certified (approved) a municipal ordinance rezoning a portion of Waterford Township from a Pinelands Regional Growth Area to a Pinelands Rural Development Area. Included in that rezoning was the parcel containing Waterford's decommissioned wastewater treatment plant and the existing sanitary sewer pumping station and a portion of the Burnt Mill Road right-of-way.

To connect the existing sanitary sewer pumping station to the CCMUA wastewater treatment plant, approximately 6,000 linear feet of the proposed force main will be located in a portion of the Burnt Mill Road right-of-way which is now located in a Pinelands Rural Development Area.

The applicant submitted information indicating that there are currently three existing sanitary sewer force mains (14, 16 & 18 inch), all located within the concerned 6,000 linear foot section of Burnt Mill Road. Specifically, an existing 18 inch force main and an existing 14 inch force main in the Burnt Mill Road right-of-way deliver wastewater to the concerned pumping station. An existing 16 inch force main transfers wastewater from the concerned pumping station to the CCMUA wastewater treatment plant located outside of the Pinelands Area. The proposed

16 inch force main will be located immediately adjacent to the existing 16 inch and existing 18 inch force mains for the entire length of the concerned 6,000 linear foot section of Burnt Mill Road. The proposed force main will also parallel the existing 14 inch sanitary sewer force main for approximately 2,305 linear feet of the concerned 6,000 linear foot section of Burnt Mill Road.

The three existing force mains constitute a nonconforming use. The CMP (N.J.A.C. 7:50-5.2(b) permits up to 50 percent expansion of the floor area, the area of the use or the capacity of the use, whichever is applicable, of any nonconforming use existing on January 14, 1981 or any nonconforming use that was approved pursuant to the CMP. The three existing sanitary sewer force mains either existed as of January 14, 1981 or were approved pursuant to the CMP.

The CMP 50 percent expansion provision is typically utilized to determine the consistency of the proposed expansion of an existing nonconforming land use or building. Determining what constitutes a 50 percent expansion of an existing utility line, whether, electric, gas, water or wastewater, is more problematic.

Several different approaches could be used to determine consistency of a utility line with the CMP 50 percent expansion provision. Those different approaches include a 50 percent expansion of the diameter of an existing pipe(s) or cable(s), a 50 percent expansion of the number of pipes or cables or a 50 percent expansion of the actual capacity of an existing utility line.

For this application, the proposed 16 inch sanitary sewer force main constitutes a less than 50 percent expansion of the 34 inch total diameter of the two existing force mains (16 inch and 18 inch) which traverse the entire 6,000 linear feet of the proposed force main located in a Pinelands Rural Development Area. The one proposed sanitary sewer force main also constitutes a 50 percent expansion of the same two existing sanitary sewer force mains with the concerned portion of the Burnt Mill Road right-of-way.

Conversely, the proposed 16 inch force main to transfer wastewater from the pumping station to the City of Camden wastewater treatment plant could be considered inconsistent with the concerned CMP 50 percent expansion provision. For example, since only the existing 16 inch force main currently transfers wastewater from the pumping station to the CCMUA wastewater treatment plant in Camden, the proposed 16 inch force main would constitute a greater than 50% expansion of the diameter of that existing 16 inch force main and a greater than 50 percent expansion of the number (one existing and one proposed) of force mains. In addition, if the proposed 16 inch force main and the existing 16 inch force main, both transferring wastewater from the pumping station, have the same capacity to transfer wastewater, the proposed force main would constitute a greater than 50 percent expansion of the capacity of the existing force main.

Based upon the specific facts of this application, considering that the proposed force main will parallel two existing force mains for the entire concerned 6,000 linear foot route of the proposed force main within Burnt Mill Road and that the two existing force mains are located in

a Pinelands Rural Development Area, the proposed 16 inch force main could qualify as a 50 percent expansion of the two existing force mains.

The proposed development will be located primarily under paved surfaces and existing maintained grassed areas. The proposed soil disturbance appears to be limited to that which is necessary to accommodate the proposed force main. The Landscaping and Revegetation guidelines of the Pinelands Comprehensive Management Plan (CMP) recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. To stabilize disturbed areas, the applicant proposes to utilize grasses that meet that CMP recommendation.

There are freshwater wetlands located immediately adjacent to portions of the proposed development. In accordance with the provisions of the CMP (N.J.A.C. 7:50-6.13), the applicant has demonstrated that there is no feasible alternative to the proposed development that does not involve development in wetland buffers that would result in a less significant adverse impact on wetlands. The applicant has demonstrated that the proposed development will not result in substantial impairment of the resources of the Pinelands. With the conditions below, all practical measures are being taken to mitigate the impact on the wetlands. Based upon the need for the CCMUA to increase the capacity of the existing sanitary sewer collection system to accommodate CMP assigned residential housing densities in Pinelands Regional Growth Areas, the applicant has demonstrated that the need for the sewer main installation overrides the importance of protecting the wetlands.

There will be no increase in the volume and rate of stormwater run-off from the project area after development than occurred prior to the proposed development.

Based upon the existing site conditions, the location of proposed development relative to existing development and review of information available to the Commission staff, it was determined that a survey for the presence of threatened or endangered plant and animal species was not required.

The applicant was not required to complete a cultural resource survey because information available to the Commission staff did not provide sufficient evidence of any significant cultural resources to require such a survey.

PUBLIC COMMENT

The applicant has provided the requisite public notice. The application was posted on the Commission's website as received. Subsequently the application was marked as "substantially complete" on the website on June 15, 2011. The Pinelands Commission has not received any public comments regarding the application.

CONCLUSION

The proposed 16 inch sewer force main is a permitted use in a Pinelands Regional Growth Area (N.J.A.C. 7:50-5.28(a)) and a Pinelands Village (N.J.A.C. 7:50-5.27(a)). The proposed sewer force main could be a permitted use in a Pinelands Rural Development Area in

accordance with N.J.A.C. 7:50-5.2(b). If the following conditions are imposed, the proposed development will be consistent with the management standards contained in Subchapters 5 & 6 of the CMP.

1. Except as modified by the below conditions, the proposed development shall adhere to the plan, consisting of 41 sheets, prepared by Consulting Engineer Services, all sheets dated March 1, 2010 and last revised May 20, 2011.
2. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
3. The proposed development shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.
4. Silt fencing, hay bales or other appropriate measures shall be installed prior to construction to preclude sediment from entering freshwater wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
5. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.

APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this Report and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning

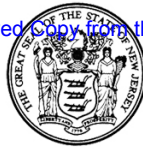
board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received, the Pinelands Commission may either approve the determination of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Recommended for Approval by: _____
Charles M. Horner, P.P., Director of Regulatory Programs

ED/CMH

c: Secretary, Waterford Township Planning Board
Waterford Township Environmental Commission
Secretary, Winslow Township Planning Board
Winslow Township Environmental Commission
Camden County Planning Board
Ernest Deman



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THE PINELANDS COMMISSION

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Governor

KIM GUADAGNO
Lt. Governor

Nancy Wittenberg
Executive Director

REPORT ON AN APPLICATION FOR MAJOR PUBLIC DEVELOPMENT

July 22, 2011

David Harpell, Director
Jackson Township MUA
135 Manhattan St.
Jackson, NJ 08527

Please Always Refer To
This Application Number

Re: Application #: 2011-0007.001
East Veterans Highway
Jackson Township

Dear Mr. Harpell:

The Commission staff has completed its review of the above referenced application. Based upon the facts and conclusions contained in this Report, on behalf of the Commission's Executive Director, I am recommending that the Pinelands Commission approve the application with conditions at its August 12, 2011 meeting.

FINDINGS OF FACT

This application is for the installation of 1,986 linear feet of twelve inch potable water main within the above referenced right-of-way between Whitesville Road and Cranberry Harvest Court in Jackson Township. The proposed development is located a Pinelands Regional Growth Area.

The proposed water main is intended to connect two existing water main lines within East Veterans Highway to improve the circulation and water quality of the water main system.

The Landscaping and Revegetation guidelines of the Pinelands Comprehensive Management Plan (CMP) recommend the use of grasses that are tolerant of droughty, nutrient poor conditions. Should any area require soil stabilization, the applicant proposes to utilize grasses that meet the CMP recommendation.

The 1,986 linear feet of water main will be located under existing pavement. No clearing is required for the proposed 1,986 linear feet of water main. There are wetlands immediately adjacent to portions of the proposed water main. Based on the location of the proposed 1,986

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Application Specific Information: AppInfo@njpines.state.nj.us 20110007.001*

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linear feet of water main, the applicant has demonstrated that the proposed development will not result in a significant adverse impact on the wetlands.

Based upon the location of the proposed 1,986 linear feet of water main under existing pavement, it was determined that a survey for the presence of threatened or endangered species of plants and wildlife was not required.

Information available to the Commission staff did not provide sufficient evidence of significant cultural resources to require a full cultural resource survey.

The submitted plan (Sheets 3 and 4) depicts a second proposed water main that will be located outside of the Pinelands Area.

PUBLIC COMMENT

The applicant has provided the requisite public notice. The application was posted on the Commission's website as received. Subsequently the application was marked as "substantially complete" on the website on July 13, 2011. The Pinelands Commission has not received any public comments regarding the application.

CONCLUSION

The proposed 1,986 linear feet of potable water main is a permitted use in a Pinelands Regional Growth Area (N.J.A.C. 7:50-5.28). If the following conditions are imposed, the proposed development will be consistent with the standards contained in Subchapters 5 and 6 of the Pinelands Comprehensive Management Plan (CMP).

1. Except as modified by the below conditions, the proposed development shall adhere to plan sheets 1, 2 & 5-11, consisting of a total of twelve sheets, prepared by Birdsell Services Group and dated as follows:

Sheets 1-4 and 8-12 – October 20, 2010
Sheets 5-7 - October 20, 2010; revised May 25, 2011.
2. Silt fencing, hay bales or other appropriate measures shall be installed prior to construction to preclude sediment from entering freshwater wetlands and shall be maintained in place until all development has been completed and the area has been stabilized.
3. Disposal of any construction debris or excess fill may only occur at an appropriately licensed facility.
4. The proposed development shall adhere to the "Vegetation" standards of the CMP. Where appropriate, the applicant is encouraged to utilize the following Pinelands native grasses for revegetation: Switch grass, Little bluestem and Broom-sedge.

5. Prior to any development, the applicant shall obtain any other necessary permits and approvals.

As the proposed development conforms to the standards set forth in N.J.A.C. 7:50-4.57, it is recommended that the Pinelands Commission **APPROVE** the proposed development subject to the above conditions.

APPEAL

The CMP (N.J.A.C. 7:50-4.91) provides an interested party the right to appeal this recommendation in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for a hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this Report and must include the following information:

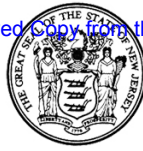
1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received, the Pinelands Commission may either approve the determination of the Executive Director or refer the application to the New Jersey Office of Administrative Law for a hearing.

Recommended for Approval by: _____
Charles M. Horner, P.P., Director of Regulatory Programs

FCS/ED/KY/CMH

c: Secretary, Jackson Township Planning Board
Jackson Township Environmental Commission
Ocean County Planning Board
Ryan Merritt, Birdsall Services Group
Fredrick C. Seeber



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KIM GUADAGNO
Lt. Governor

Nancy Wittenberg
Executive Director

AMENDED LETTER OF INTERPRETATION #1367

July 19, 2011

Paolo & Maurizio Spiritoso
2930 S. 15th Street
Philadelphia, PA 19145

Please Always Refer To
This Application Number

Re: Application # 1987-0215.002
Block 7101, Lots 20 & 21
South Blue Bell Road
Franklin Township

FINDINGS OF FACT

The applicants own the above referenced 19.91 acre parcel in Franklin Township. This acreage is based on the Township tax map. The parcel is located in a Pinelands Agricultural Production Area. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicants are requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are attributed to this parcel.

On December 15, 2000, the Commission issued LOI #1367 allocating 0.25 PDC to the above referenced 19.91 acre parcel. In accordance with N.J.A.C. 7:50-4.76(b), an LOI is valid for a 2 year period. Therefore, LOI #1367 expired on December 15, 2002. The applicants have requested an Amended LOI to eliminate the reserved right to develop one single family dwelling on the parcel. This Amended LOI utilizes revised upland and wetland acreages for the parcel based upon currently available office mapping technology. The applicant reserves the right to undertake actual field mapping to further refine the acreage of uplands and wetlands on the parcel. This Amended LOI #1367 replaces expired LOI #1367 issued on December 15, 2000.

The parcel consists of 9.04 acres of uplands and 10.87 acres are wetlands as defined by N.J.A.C. 7:50-6.5(a). The parcel is vacant. There are no easements limiting the use of this parcel to non-residential uses. No resource extraction operation or development has been approved for this lot pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP).

Available information indicates that on or after January 14, 1981, Block 7101, Lots 20 and 21 subject of this LOI were in common ownership with contiguous 7.44 acre Block 7101, Lot 22. Block

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General Information: Info@njpines.state.nj.us

Application Specific Information: AppInfo@njpines.state.nj.us 1 9 8 7 0 2 1 5 . 0 0 2 *

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7101, Lot 22 is vacant. The three lots formed an overall parcel containing a total of 27.35 acres. The overall contiguous parcel in common ownership on or after January 14, 1981 consists of 13.39 acres of uplands and 13.96 acres of wetlands as defined by N.J.A.C. 7:50-6.5(a).

On November 7, 2003, the Commission denied an application for a Waiver of Strict Compliance for the development of a single family dwelling on Block 7101, Lot 22 (App. No. 1988-0133.001).

CONCLUSION

The CMP grants, with certain exceptions, to every parcel of land in an Agricultural Production Area, a use right known as "Pinelands Development Credits," that can be used to secure a residential density bonus for lands located in Regional Growth Areas (N.J.A.C. 7:50-5.43). None of these exceptions apply to this parcel.

The CMP establishes the ratio by which PDCs are allocated in an Agricultural Production Area (N.J.A.C. 7:50-5.43(b)2). Two PDCs are allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit approved pursuant to the provisions of the CMP; for areas of active berry agricultural bogs and fields and for wetlands in active field agricultural use as of February 7, 1979. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

With respect to Block 7101, Lots 20 and 21 subject of this Amended LOI, for the 9.04 acres of the lot which are uplands, the applicants would be entitled to 0.46 PDCs. For the 10.87 acres of wetlands, the applicants would be entitled to 0.06 PDCs.

Not the considering the overall contiguous parcel in common ownership on or after January 14, 1981, there would be 0.50 PDCs allocated to Block 7101, Lots 20 and 21 subject of this LOI.

However, when allocating PDCs to portions of an overall contiguous parcel in common ownership, the sum of the PDCs allocated to the separate portions of the parcel must equal the number of PDCs allocated to the overall parcel in common ownership on or after January 14, 1981. Block 7101, Lots 20 and 21 subject of this LOI were in common ownership with contiguous 7.44 acre Block 7101, Lot 22. The three lots formed an overall parcel containing a total of 27.35 acres. For the 13.39 acres of uplands, the overall contiguous parcel is entitled to 0.69 PDCs. For the 13.96 acres of wetlands, the overall parcel is entitled to 0.07 PDCs. There would be a total of 0.75 PDCs allocated to the overall 27.35 acre contiguous parcel in common ownership on or after January 14, 1981.

There would be 0.25 PDCs allocated to 7.44 acre Block 7101, Lot 22.

There are 0.50 PDCs allocated to Block 7101, Lots 20 and 21 subject of this Amended LOI.

This Amended LOI for an allocation of PDCs is valid for two years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

1. the name and address of the person making the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

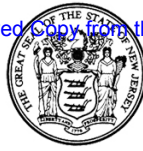
If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/dobi/pinelands/pinelandsbank.htm> or contact the Bank at:

Pinelands Development Credit Bank
P.O. Box 035
5th Floor
20 West State Street
Trenton, NJ 08625-0035
Telephone: **(609) 984-0569**
FAX: (609) 984-0764
E-mail: info.pdcbank@dobi.state.nj.us

Sincerely,

Charles M. Horner, P. P.
Director of Regulatory Programs

c: Secretary, Franklin Township Planning Board
Franklin Township Environmental Commission
Gloucester County Planning Board
Executive Director, PDC Bank
John Melleady
Betsy Piner
Rhonda Ward



State of New Jersey

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Nancy Wittenberg
Executive Director

LETTER OF INTERPRETATION #2066

June 29, 2011

Howard E. & JoAnn Stevenson
102 Pointville Road
Pemberton, NJ 08068

Please Always Refer To
This Application Number

Re: Application # 2009-0118.001
Block 804, Lots 1 & 2
Pointville Road
Pemberton Township

FINDINGS OF FACT

The applicants own the above referenced 19.64 acre parcel in Pemberton Township. This acreage is based upon the municipal tax map. The parcel is located in a Pinelands Agricultural Production Area. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicants are requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are attributed to this parcel.

The entire 19.64 acre parcel is comprised of uplands. The parcel is vacant. There are no easements limiting the use of this lot to non-residential uses. The parcel was not in common ownership with any contiguous lots on or after February 7, 1979. No resource extraction operation or development has been approved for this lot pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP).

CONCLUSION

The CMP grants, with certain exceptions, to every parcel of land in an Agricultural Production Area, a use right known as "Pinelands Development Credits," that can be used to secure a residential density bonus for lands located in Regional Growth Areas (N.J.A.C. 7:50-5.43). None of these exceptions apply to this parcel.

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General Information: Info@njpines.state.nj.us

Application Specific Information: AppInfo@njpines.state.nj.us 20090118.001*

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The CMP establishes the ratio by which PDCs are allocated in an Agricultural Production Area (N.J.A.C. 7:50-5.43(b)2). Two PDCs are allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit approved pursuant to the provisions of the CMP; for areas of active berry agricultural bogs and fields and for wetlands in active field agricultural use as of February 7, 1979. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

For the 19.64 acres which are uplands, the applicants would be entitled to 1.01 PDCs.

Therefore, there is 1.0 PDC allocated to 19.64 acre Block 804, Lots 1 and 2.

This LOI for an allocation of PDCs is valid for two years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

APPEAL

The CMP (N.J.A.C. 7:50-4.79) provides an interested party the right to appeal this LOI in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/dobi/pinelands/pinelandsbank.htm> or contact the Bank at:

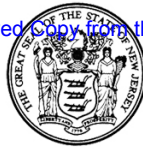
Pinelands Development Credit Bank
P.O. Box 035
5th Floor
20 West State Street

Trenton, NJ 08625-0035
Telephone: **(609) 984-0569**
FAX: (609) 984-0764
E-mail: info.pdcbank@dobi.state.nj.us

Sincerely,

Charles M. Horner, P. P.
Director of Regulatory Programs

c: Secretary, Pemberton Township Planning Board
Pemberton Township Environmental Commission
Burlington County Planning Board
Executive Director, PDC Bank
Betsy Piner
Rhonda Ward



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Nancy Wittenberg
Executive Director

LETTER OF INTERPRETATION #2067

July 5, 2011

Howard E. & JoAnn Stevenson
102 Pointville Road
Pemberton, NJ 08068

Please Always Refer To
This Application Number

Re: Application # 1989-0477.004
Block 812, Lots 2.01 & 3
Pointville Road
Pemberton Township

FINDINGS OF FACT

The applicants own the above referenced 68.06 acre parcel in Pemberton Township. The acreage of Lot 2.01 is based on a property survey previously submitted as part of Application #1989-0477.002 and the acreage of Lot 3 is based on the municipal tax map. The parcel is located in a Pinelands Agricultural Production Area. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicants are requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are attributed to this parcel.

The parcel consists of 47.31 acres of uplands and 0.28 acres of wetland soils in active field agriculture. The remaining 20.47 acres are wetlands as defined by N.J.A.C. 7:50-6.5(a). The applicant reserves the right to undertake actual field mapping to further refine the acreage of uplands and wetlands on the parcel. The active field agriculture in wetland soils was established prior to February 7, 1979. A single family dwelling and seven structures accessory to the agricultural use exist on 60.31 acre Lot 2.01. There are no easements limiting the use of this parcel to non-residential uses. No resource extraction operation or development has been approved for this parcel pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP).

An application for a two lot subdivision and the development of one single family dwelling on original 63.63 acre Block 812, Lot 2.01 was previously approved pursuant to the

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Application Specific Information: AppInfo@njpines.state.nj.us 1 9 8 9 0 4 7 7 . 0 0 4 *

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provisions of the CMP (Application #1989-0477.002). Lot 2.01(60.31 acres) subject of this LOI and Lot 2.02 (3.32 acres) were created as a result of that subdivision.

On or after January 14, 1981, Block 812, Lots 2.01 and 3 subject of the LOI were in common ownership with 3.32 acre contiguous Block 841, Lot 2.02. The three lots formed an overall parcel containing a total of 71.38 acres. There is an existing single family dwelling on contiguous Lot 2.02. The overall contiguous 71.38 acre parcel in common ownership on or after January 14, 1981 consists of 50.63 acres of uplands and 0.28 acres of wetland soils in active field agriculture. The remaining 20.47 acres are wetlands as defined by N.J.A.C. 7:50-6.5(a). The active field agriculture in wetland soils was established prior to February 7, 1979.

CONCLUSION

The CMP grants, with certain exceptions, to every parcel of land in a Pinelands Agricultural Production Area, a use right known as "Pinelands Development Credits," that can be used to secure a density bonus for lands located in Regional Growth Areas (N.J.A.C. 7:50-5.43). None of these exceptions apply to this lot.

The CMP establishes the ratio by which PDCs are allocated in a Pinelands Agricultural Production Area (N.J.A.C. 7:50-5.43(b)2). Two PDCs are allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit approved pursuant to the provisions of the Plan; for areas of active berry agricultural bogs and fields and for wetlands in active field agricultural use as of February 7, 1979. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

With regard to Block 812, Lots 2.01 and 3 subject of this LOI, for the 47.31 acres of the lot which are uplands, the applicants would be entitled to 2.43 PDCs. For the 0.28 acres of wetland soils in active field agriculture, the applicants would be entitled to 0.01 PDCs. For the 20.47 acres of other wetlands, the applicants would be entitled to 0.11 PDCs.

Not the considering the overall contiguous parcel in common ownership on or after January 14, 1981 or the two existing single family dwellings on the overall contiguous parcel, there would be 2.50 PDCs allocated to the 68.06 acre Block 812, Lots 2.01 and 3.

However, when allocating PDCs to portions of an overall contiguous parcel in common ownership, the sum of the PDCs allocated to the separate portions of the parcel must equal the number of PDCs allocated to the overall parcel in common ownership on or after January 14, 1981. Block 812, Lots 2.01 and 3 subject of the current LOI application were in common ownership with contiguous Block 812, Lot 2.02 on or after January 14, 1981. For the 50.63 acres of uplands, the overall contiguous parcel would be entitled to 2.60 PDCs. For the 0.28 acres of wetland soils in active field agriculture as of February 7, 1979, the overall contiguous parcel would be entitled to 0.01 PDCs. For the 20.47 acres of other wetlands, the overall parcel is entitled to 0.11 PDCs. Not considering the two existing dwellings, there would be a total of 2.75 PDCs allocated to the overall 71.38 acre contiguous parcel.

However, N.J.A.C. 7:50-5.43(b)3ii requires that the PDC entitlement for the overall parcel be reduced by 0.25 PDCs for each existing dwelling unit on the parcel. Based upon the two existing dwellings on the overall contiguous parcel, there would be 2.25 PDCs allocated to the 71.38 acre contiguous parcel in common ownership on or after January 14, 1981.

There would be 0 PDCs allocated to 3.32 acre Block 812, Lot 2.02.

There are 2.25 PDCs allocated to Block 812, Lots 2.01 and 3 subject of this LOI.

This LOI for an allocation of PDCs is valid for two years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

1. the name and address of the person requesting the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/dobi/pinelands/pinelandsbank.htm> or contact the Bank at:

Pinelands Development Credit Bank
P.O. Box 035
5th Floor
20 West State Street
Trenton, NJ 08625-0035
Telephone: (609) 984-0569

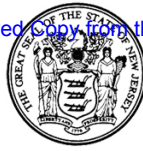
FAX: (609) 984-0764

E-mail: info.pdcbank@dobi.state.nj.us

Sincerely,

Charles M. Horner, P. P.
Director of Regulatory Programs

c: Secretary, Pemberton Township Planning Board
Pemberton Township Environmental Commission
Burlington County Planning Board
Executive Director, PDC Bank
David C. Frank, Esq.
Betsy Piner
Rhonda Ward



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Nancy Wittenberg
Executive Director

LETTER OF INTERPRETATION #2068

July 19, 2011

Horace and Doris Jones
1280 Rt. 542
Egg Harbor, NJ 08215

Please Always Refer To
This Application Number

Re: Application # 2011-0074.001
Block 49.01, Lot 2
Seaf Weeks Road
Washington Township

FINDINGS OF FACT

The applicants own the above referenced 11.33 acre lot in Washington Township. This acreage is based on the submitted property survey. The lot is located in the Pinelands Preservation Area District. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicants are requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are attributed to this lot.

The lot consists of 0.53 acres of uplands and 10.8 acres of wetlands as defined by N.J.A.C. 7:50-6.5(a). The applicants reserve the right to undertake actual field mapping to further refine the acreage of uplands and wetlands on the lot. The lot is vacant. There are no easements limiting the use of this lot to non-residential uses. The lot was not in common ownership with any other contiguous lot on or after February 7, 1979. The applicants acquired the parcel prior to February 7, 1979. No resource extraction operation or development has been approved for this lot pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP).

CONCLUSION

The CMP grants, with certain exceptions, to every parcel of land in the Preservation Area District, a use right known as "Pinelands Development Credits," that can be used to secure a

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Application Specific Information: ApplInfo@njpines.state.nj.us 20110074.001*

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density bonus for lands located in Regional Growth Areas (N.J.A.C. 7:50-5.43). None of these exceptions apply to this lot.

The CMP establishes the ratio by which PDCs are allocated in the Preservation Area District (N.J.A.C. 7:50-5.43(b)1). One PDC is allocated for every 39 acres of uplands, except for uplands which have been approved for resource extraction operations. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

For the 0.53 acres of the lot which are uplands, the applicants would be entitled to 0.01 PDCs. For the 10.8 acres of wetlands, the applicants would be entitled to 0.06 PDCs. There would be 0.07 PDCs allocated to the lot.

However, the CMP (N.J.A.C. 7:50-5.43(b)4) provides that the owners of any parcel of land containing at least 0.1 acres in the Preservation Area District are entitled to 0.25 PDCs provided that the parcel is vacant; the parcel has not been in common ownership with any contiguous land on or after February 7, 1979; and the parcel has been in continuous ownership of the owner of the parcel or their immediate family as of February 7, 1979. The applicants have submitted information indicating that they meet this requirement.

The CMP also provides that the total allocations made pursuant to N.J.A.C. 7:50-5.43(b)4 or 5 for any one owner shall not exceed 0.50 PDCs (N.J.A.C. 7:50-5.43(b)6). At such time as the application of N.J.A.C. 7:50-5.43(b)4 or 5 would exceed a total allocation of 0.50 PDCs to an owner, all remaining lands of that owner in excess of that needed to yield the 0.50 PDC allocation shall be entitled to a fractional allocation of PDCs at the same ratio established in N.J.A.C. 7:50-5.43(b)1. The owners have not previously been allocated PDCs based upon N.J.A.C. 7:50-5.43(b)4 or 5.

Therefore, there are 0.25 PDCs allocated to 11.33 acre Block 49.01, Lot 2 subject of this application.

This LOI for an allocation of PDCs is valid for two years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

1. the name and address of the person making the appeal;
2. the application number;

3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/dobi/pinelands/pinelandsbank.htm> or contact the Bank at:

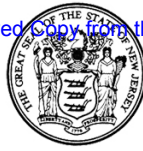
Pinelands Development Credit Bank
P.O. Box 035
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20 West State Street
Trenton, NJ 08625-0035
Telephone: **(609) 984-0569**
FAX: (609) 984-0764
E-mail: info.pdcbank@dobi.state.nj.us

Sincerely,

Charles M. Horner, P. P.
Director of Regulatory Programs

AF/CH

c: Secretary, Washington Township Planning Board
Burlington County Planning Board
Executive Director, PDC Bank
Thomas Darcy, Esq.
Betsy Piner
Rhonda Ward



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Lt. Governor

Nancy Wittenberg
Executive Director

LETTER OF INTERPRETATION #2069

July 20, 2011

Ruth Ellen Dunscombe
410 Woodlawn Drive
Forked River, NJ 08731

Please Always Refer To
This Application Number

Re: Application # 2011-0064.001
Block 2444, Lots 43 - 44
Wellington Avenue
Lacey Township

FINDINGS OF FACT

The applicant owns the above referenced 0.10 acre parcel in Lacey Township. This acreage is based on the Township tax map. The parcel is located in the Pinelands Preservation Area District. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicant is requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are attributed to this parcel.

The entire 0.10 acre parcel consists of wooded uplands. The parcel is vacant. There are no easements limiting the use of this parcel to non-residential uses. The parcel was not in common ownership with any contiguous lots on or after February 7, 1979. The applicant acquired the parcel after February 7, 1979. No resource extraction operation or development has been approved on this parcel pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP).

CONCLUSION

The CMP grants, with certain exceptions, to every parcel of land in the Preservation Area District, a use right known as "Pinelands Development Credits," that can be used to secure a density bonus for lands located in Regional Growth Areas (N.J.A.C. 750-5.43). None of these exceptions apply to this parcel.

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General Information: Info@njpinelands.state.nj.us

Application Specific Information: AppInfo@njpinelands.state.nj.us 20110064.001*

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The CMP establishes the ratio by which PDCs are allocated in the Preservation Area District (N.J.A.C. 7:50-5.43(b)1). One PDC is allocated for every 39 acres of uplands, except for uplands which have been approved for resource extraction operations. There are 0.2 PDCs allocated for every 39 acres of other types of wetlands.

For the 0.10 acres of uplands, the applicant would be entitled to 0.003 PDCs.

However, the CMP (N.J.A.C. 7:50-5.43(b)4) provides that the owners of land as of February 8, 1979, of any parcel of land containing at least 0.10 acres in the Preservation Area District are entitled to 0.25 PDCs provided the parcel is vacant, not in common ownership with any contiguous land on February 7, 1979 and has not been sold or transferred except to a member of the owner's immediate family. The applicant previously submitted information indicating that the parcel was acquired after February 7, 1979. The applicant has indicated that the owner as of February 7, 1979 was the applicant's "god mother." A "god mother" does not meet the CMP definition of immediate family member. The applicant is not an immediate family member to the February 8, 1979 property owner. Therefore, the applicant does not meet this requirement.

Therefore, there are 0.003 PDCs allocated to 0.10 acre Block 2444, Lots 43 and 44 subject of this application.

This LOI for an allocation of PDCs is valid for two years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

1. the name and address of the person making the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/dobi/pinelands/pinelandsbank.htm> or contact the Bank at:

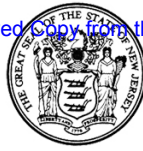
Pinelands Development Credit Bank
P.O. Box 035
5th Floor
20 West State Street
Trenton, NJ 08625-0035
Telephone: **(609) 984-0569**
FAX: (609) 984-0764
E-mail: info.pdcbank@dobi.state.nj.us

Sincerely,

Charles M. Horner, P. P.
Director of Regulatory Programs

RLW/AF/CH

c: Secretary, Lacey Township Planning Board
Lacey Township Environmental Commission
Ocean County Planning Board
Executive Director, PDC Bank
Betsy Piner



State of New Jersey

THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

Nancy Wittenberg
Executive Director

LETTER OF INTERPRETATION #2070

July 21, 2011

Black Dog Industries, LLC
233 Conover Lane
Red Bank, NJ 07701

Please Always Refer To
This Application Number

Re: Application # 2011-0068.001
Block 804, Lot 4.01
Catesville Road
Pemberton Township

FINDINGS OF FACT

The applicant owns the above referenced 45.8 acre lot in Pemberton Township. This acreage is based on the property deed. The lot is located in a Pinelands Agricultural Production Area. Pursuant to N.J.A.C. 7:50-4.72(a)1, the applicant is requesting a Letter of Interpretation (LOI) as to the number of Pinelands Development Credits (PDCs) which are attributed to this lot.

The lot consists of 33.65 acres of uplands and 1.19 acres of wetland soils in active field agriculture. The remaining 10.96 acres are wetlands as defined by N.J.A.C. 7:50-6.5(a). The applicant reserves the right to undertake actual field mapping to further refine the acreage of uplands and wetlands on the lot. The lot is vacant. The active field agriculture in wetland soils was established prior to February 7, 1979. The lot was not in common ownership with any other contiguous lot on or after January 14, 1981. There are no easements limiting the use of this lot to non-residential uses. No resource extraction operation or development has been approved for this lot pursuant to the provisions of the Pinelands Comprehensive Management Plan (CMP). The applicant wishes to reserve the right to develop one single family dwelling on the lot.

CONCLUSION

The CMP grants, with certain exceptions, to every parcel of land in an Agricultural Production Area, a use right known as "Pinelands Development Credits," that can be used to

www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us

Application Specific Information: AppInfo@njpines.state.nj.us 20110068.001*

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secure a residential density bonus for lands located in Regional Growth Areas (N.J.A.C. 7:50-5.43). None of these exceptions apply to this parcel.

The CMP establishes the ratio by which PDCs are allocated in an Agricultural Production Area (N.J.A.C. 7:50-5.43(b)2). Two PDCs are allocated for every 39 acres of uplands, except for uplands which are mined as a result of a resource extraction permit approved pursuant to the provisions of the CMP; for areas of active berry agricultural bogs and fields and for wetlands in active field agricultural use as of February 7, 1979. There are 0.2 PDCs allocated for every 39 acres of other wetlands.

For the 33.65 acres of the lot which are uplands, the applicant would be entitled to 1.73 PDCs. For the 1.19 acres of wetland soils in active field agriculture, the applicant would be entitled to 0.06 PDCs. For the 10.96 acres of other wetlands, the applicant would be entitled to 0.06 PDCs.

Not considering the reserved right to construct one future dwelling on the lot, this lot would be allocated 1.75 PDCs. However, N.J.A.C. 7:50-5.43(b)3iii requires that the PDC entitlement for the lot be reduced by 0.25 PDCs for each reserved right to construct a future dwelling on the lot.

Therefore, there are 1.50 PDCs allocated to 45.8 acre Block 804, Lot 4.01.

This LOI for an allocation of PDCs is valid for two years from the date of issuance (N.J.A.C. 7:50-4.76(b)).

APPEAL

The CMP (N.J.A.C. 7:50-4.55) provides an interested party the right to appeal this LOI in accordance with N.J.A.C. 7:50-4.91. An interested party is someone who has a specific property interest sufficient to require a hearing on constitutional or statutory grounds. Only appeal requests submitted by someone meeting the definition of an interested party will be transmitted to the New Jersey Office of Administrative Law for hearing. Any such appeal must be made in writing to the Commission within eighteen days of the date of this LOI and must include the following information:

1. the name and address of the person making the appeal;
2. the application number;
3. a brief statement of the basis for the appeal; and
4. a certificate of service (a notarized statement) indicating that service of the notice has been made, by certified mail, on the clerk of the county, municipal planning board and environmental commission with jurisdiction over the property which is subject of this decision.

If no appeal is received within eighteen days of the date of this LOI, the LOI shall become binding.

If you are interested in “severing” the allocated PDCs from the parcel and/or information regarding the sale of PDCs, please visit the Pinelands Development Credit Bank’s website at <http://www.nj.gov/dobi/pinelands/pinelandsbank.htm> or contact the Bank at:

Pinelands Development Credit Bank
P.O. Box 035
5th Floor
20 West State Street
Trenton, NJ 08625-0035
Telephone: **(609) 984-0569**
FAX: (609) 984-0764
E-mail: info.pdcbank@dobi.state.nj.us

Sincerely,

Charles M. Horner, P. P.
Director of Regulatory Programs

AF/CH

c: Secretary, Pemberton Township Planning Board
Pemberton Township Environmental Commission
Burlington County Planning Board
Executive Director, PDC Bank
Betsy Piner
Rhonda Ward



State of New Jersey
THE PINELANDS COMMISSION

PO Box 359

NEW LISBON, NJ 08064

(609) 894-7300

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

Nancy Wittenberg
Executive Director

Final Opportunity for Public Comment on the Following Public Development and
Waiver of Strict Compliance Applications

Public Development Applications

Application# 1996-1089.007 - Buena Borough MUA

Received on: 7/13/2011

Project: *upgrades to existing plant: improve effluent quality and increase capacity (400,000 gpd to 600,000 gpd)*

Municipality: *Buena Borough*

Block: 121 Lot: 11

Application# 2003-0403.001 - N.J. Dept of Transportation

Received on: 9/19/2003

Project: *Widening of Route 72 between Garden State Parkway and Route 539 - Westbound Emergency Evacuation Route*

Municipality: *Barnegat Township*

Application# 19811833.062 - Richard Stockton College of New Jersey

Received on: 7/8/2011

Project: *solar PV system - North End of campus*

Municipality: *Galloway Township*

Block: 875.04 Lot: 1.01

Waiver Applications

Application# 1983-5712.002 - Bronsky

Received on: 3/26/2004

Project: *SFD, Waiver*

Municipality: *Hamilton Township*

Block: 856 Lot: 7

Application# 1997-0056.001 - Proland Enterprises, LLC

Received on: 1/31/1997

Project: *SFD, waiver expired 6/11/2009*

Municipality: *Egg Harbor Township*

Block: 2502 Lot: 6

Application# 2004-0406.001 - Stewart

Received on: 8/12/2004

Project: *J.P. Stewart Development, SFD, Waiver*

Municipality: *Medford Township*

Block: 6502 Lot: 4

www.nj.gov/pinelands

General Information: Info@njpines.state.nj.us

Application Specific Information: AppInfo@njpines.state.nj.us

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RESOLUTION OF THE NEW JERSEY PINELANDS COMMISSION

NO. PC4-11-_____

TITLE: To Accept the Fiscal Year 2010 Audit Report

Commissioner _____ moves and Commissioner _____ seconds the motion that:

WHEREAS, the audit of the Pinelands Commission Fiscal Year 2010 Financial Statements, Notes to the Financial Statements and Schedules of Federal and State Assistance was performed by the Office of the State Auditor; and

WHEREAS, the FY 2010 audit was conducted by the Office of the State Auditor and a draft Audit Report was presented to the Pinelands Commission Audit Committee on June 15, 2011 in accordance with Executive Order #41 (Codey); and

WHEREAS, the attached FY 2010 Audit Report contains one finding regarding custodial credit risk; and

WHEREAS, to avoid this risk in the future, the Commission implemented new electronic payment procedures for large disbursements and monitors bank balances daily, as stated in Management’s Response contained in the Audit Report; and

WHEREAS, pursuant to N.J.S.A. 13:18A-5h, no action authorized by the Commission shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Commission has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE BE IT RESOLVED that the Pinelands Commission hereby accepts the attached Audit Report for Fiscal Year 2010 and directs that it be included as a publication available through the Pinelands Commission’s website.

Record of Commission Votes

AYE NAY NP ABS					AYE NAY NP ABS					AYE NAY NP ABS				
Brown					Harris					Quinn				
Earlen					Jackson					Rohan Green				
Ficcaglia					Lloyd					Witt				
Galletta					Lohbauer					Ashmun				
Haas					McGlinchey									

Adopted at a meeting of the Pinelands Commission Date: _____

Nancy Wittenberg
Executive Director

Candace Ashmun
Acting Chairperson

Management Report for April, May and June 2011



Updates are in *italics*

For more information:
Pinelands Commission
P.O. Box 359
New Lisbon, NJ 08064
<http://www.nj.gov/pinelands>



April – June 2011 Significant Accomplishments

- The Commission developed and implemented procedures to allow the public to comment on public development applications at Commission meetings.
- Science staff established vegetation-monitoring plots in 24 right-of-way spans and initiated the collection of vegetation composition and cover data. Vegetation in the plots will be measured each year for at least an eight-year period.
- Held on May 25, the Pinelands Orientation for Newly Elected Officials drew a record crowd of more than 50 people. The event was co-sponsored by the Commission and the Pinelands Municipal Council.
- The Commission held a public hearing on the proposed solar rules on April 18, 2011. Along with written comments, over 40 comments were received. A rule adoption notice, along with the public comments and staff's response to it, is being prepared and will be provided to the P & I committee for consideration at its August 26, 2011 meeting.
- The Commission proposed and adopted a solution regarding the disposition of wastewater from the Buena Borough MUA sewage treatment facility. Stream discharge will be permitted to continue but the quality of the treated wastewater will be improved dramatically, thus permitting the facility to come into compliance and allowing Buena Boro and Buena Vista to grow in their respective Town Management Areas. Commission staff continues to facilitate appropriate permitting, including an upcoming public development application.
- Science staff reviewed the draft Kirkwood – Cohansey USGS Hydrologic Modeling report and provided technical-review comments to the USGS. Among other items, the Hydrologic Modeling report includes the results from various well-placement scenarios, the results of the hydrologic modeling in the three study watersheds, and some possible approaches for applying the results of the modeling to other areas of the Pinelands.
- In response to a rapid increase in Southern Pine Beetle infestation, Commission staff worked with the Department of Environmental Protection to allow for suppression activities in the Pinelands. The Commission determined that a public safety issue was raised by the destruction of pine trees. This allowed the Commission to timely authorize activities to suppress Southern Pine Beetles on state land.

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I. PLANNING

A) CMP AMENDMENTS

1. Pinelands Development Credit program: The Commission's staff has developed a series of strategies and initiatives aimed at enhancing the PDC program. These strategies have been discussed with members of the Commission, the P&I Committee and the Agricultural Advisory Committee. A full rule proposal was reviewed by the P&I Committee and recommended to the Commission for formal action in November, 2009. No action has been taken by the Commission and the rule proposal has yet to be submitted to the Administration for formal review. *No new action.*

2. Development area densities: The Pinelands Housing Task Force and staff developed several alternative housing density implementation scenarios for RGA and Towns that were included in the PDC enhancements. A full rule proposal was reviewed by the P&I Committee and recommended to the Commission for formal action in November, 2009. No action has been taken by the Commission and the rule proposal has yet to be submitted to the Administration for formal review. *No new action.*

3. Solar Facilities: On February 10, 2011, the Commission formally proposed rules to ensure the environmentally-appropriate siting of solar energy facilities in the Pinelands. *A public hearing was held on May 19, 2011. Written comments were accepted through June 17, 2011 and were received from 44 individuals. Commission staff is now evaluating the public comments and preparing a draft adoption notice.*

B) CONFORMANCE: Attachment 1 summarizes ongoing conformance items

1. Ordinances/plans received this quarter: 26 (102 this FY; average FY=100))

2. Interpretations/consultations/assistance last month: 38 (118 this FY; average FY=150)

C) SPECIAL PLANNING PROJECTS

1. Pine Barrens Byway: The Task Force met May 12, 2010 and voted to create an oversight entity to manage the byway. This was endorsed by the Pinelands Municipal Council at its November 29, 2010 meeting. The Byway logo has been designed, consistent with those of the other NJ Byways and the signage route is being determined by a consultant to DOT. The first meeting of the Pine Barrens Byway Association was held on February 23, 2011 with no representation from 5 of the 7 counties and 8 of the 16 municipalities. *No new action.*

2. Alternative septic system pilot program: The Commission adopted amendments to the CMP on September 10, 2010 to grant permanent approval status to the Amphidrome and Bioclere technologies (subject to operation and maintenance requirements) based upon the satisfactory performance in the Commission's effluent monitoring program and to extend the pilot program through August 5, 2013 for the FAST and Cromaglass technologies and through August 5, 2016 *for up to four prequalified NSF Standard 245 and USEPA ETV certified technologies. Staff issued initiations in May 2011 to fourteen eligible technology vendors offering the opportunity to apply to participate in the Commission's expanded pilot program. Four technology vendors met the July 1, 2011 application deadline. Staff is reviewing those submissions and will provide the Commission with recommendations regarding acceptance into the pilot program in late September.*

3. Hammonton wastewater recharge project: In 1992, Hammonton's engineering consultants conducted a geotechnical assessment of the 182 acre "Boyer Avenue" parcel. The consultant reported that the site was suitable for infiltration of 2.5 millions gallons per day, well above the Towns NJPDES permitted flow of 1.6 MGD. Wastewater flow to the facility began in 2001. In its second year of operation, the facility was found to

be capable of infiltrating a maximum of 0.6 MGD. The Pinelands Commission and the Town of Hammonton each contributed \$100,000 to fund a study by USGS to determine the cause of impeded infiltration. In February 2010, USGS's final report attributed impeded infiltration to complex subsurface geology including aerially extensive, low permeability layers in the underlying sediments. USGS recommended that Hammonton conduct site optimization studies to determine the maximum hydraulic loading capability of the site. TRS Omni Environmental then recommended modified trench loading procedures, evaluating the feasibility of wicks, injection wells, drip dispersal at the Boyer Avenue lagoons, drip dispersal at nearby recreation fields, and spray irrigation at Frog Rock golf course. To examine stream discharge options, staff met with USGS to review an NJDEP TMDL study on Hammonton Creek. Staff suggested additional data to be collected during three upcoming, supplemental sampling events and further suggested the stream study be expanded to include winter monitoring of stream flows and nutrient levels to address concerns with seasonal variation not evaluated in the current low flow biased study. The Town has made progress in minimizing stream discharge of effluent, including having attained complete stream discharge cessation during periods of normal rainfall and low I & I conditions, predominantly through modified trench loading and some drip irrigation. However, future growth is still in question and policy alternatives are being examined. In the interim, staff incorporated a December 10, 2013 stream discharge termination deadline in a December 10, 2010 public development approval for increased water allocation to Hammonton unless the Commission approves a comprehensive solution to Hammonton's wastewater disposal violation. *No new action.*

4. College Master Plans:

a. Stockton: At its September 10, 2010 meeting, the Commission approved Galloway's rezoning and the Stockton 2010 Master Plan. The implementing Deed of Covenants and Restrictions (DCR) was filed in November so the plan can move forward. *Work on an expediting MOA is nearly ready for the College's review.*

b. Atlantic Cape Community College (ACCC): The Commission received an application for "infill" development from the College. Staff has completed its review of the College's recent application for development and determined that it is consistent with Staff's recommendations. A package to further assist the College with its future campus planning has been completed and delivered to the College. *No new action.*

5. T-Mobile Wireless communication plan: In late October 2010, T-Mobile submitted a revised version of its proposed Plan Amendment. The proposed Amendment is under review. Staff has requested that certain corrections be made to the proposed Amendment. Staff has requested, and is awaiting receipt of, an escrow deposit from T-Mobile to cover expenses associated with reviewing the proposed Plan Amendment, including but not limited to the expense of hiring a radiofrequency engineer to review, among other things, signal propagation data. *No new action.*

6. EMS-based cell plan amendment: In October 2010, at the request of a few counties, the Commission met with county representatives and representatives from the NJ Office of Homeland Security & Preparedness, Office of Information Technology and DEP to discuss the possibility of a multi-county EMS-based cell plan amendment. At their request, certain documents were sent to NJOHSP. In December, staff followed-up with NJOHSP to again offer support and assistance to NJOHSP and the counties. Staff met with a broader group, including the previous participants noted above, in March 2011 to confirm participation in the plan and to announce that the plan will be funded by the State. It is anticipated the plan will be completed by August 2011. *No new action.*

7. Roadside Maintenance: Since 2009, the Commission has been working with various local and state agencies to promote alternative management practices along roadsides throughout the Pinelands. The NJ Department of Transportation has agreed to apply off-season mowing practices along state roads within the Pinelands Area and to conduct pilot projects at select Pinelands roadway locations to determine whether native plants may be as effective in road shoulder stabilization as conventional turf management techniques. The MOA

between the Pinelands counties and the Commission, approved on July 9, 2010, includes the Roadside Management BMPs to be implemented for county-owned right-of-way roadsides in the Pinelands. Late in spring 2010, the Vegetation Sub-Committee of the State Soil Conservation Committee (SSCC), with Commission staff participation, finalized a draft of a Pinelands-specific soil standard, including a recommended Pinelands seed mix from the Natural Resources Conservation Service. *At its July 11, 2011 meeting, the SSCC voted to move forward with the 15 new and revised standards, including the Pinelands-specific standard, by having the drafts published in the New Jersey Register for public comment.*

8. Landfill Closure:

a. Individual Closures

(1) *Estell Manor Landfill- Staff completed it's review of all submitted landfill leachate data (submitted on October 30, 2009, February 24, 2010 and October 20, 2010) and continues to await submission of requested information. The landfill consultant is reported to be finalizing analysis of the requested information and advised staff that they will be re-submitting shortly.*

(2) **Winslow Township Landfill-** Staff were informed that DEP may be reconsidering the choice of an impervious cap *and may be exploring alternatives to landfill capping. Staff is scheduled to meet with a landfill consultant and Winslow Township officials to discuss the status of the landfill closure on July 19, 2011.*

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

b. Comprehensive Study: Staff reviewed NJDEP files for seven closed Pinelands Area landfills, developed spreadsheets which identify groundwater monitoring results over the most recent four monitoring periods, highlight groundwater contaminant concentrations that exceed groundwater quality standards and prepared GIS mapping of landfill boundaries, ecological and human receptors in proximity to landfill boundaries. This work was shared with NJDEP and may serve as the basis for a rapid assessment tool to evaluate the ecological and public health risks related to uncapped Pinelands Area landfills. With the approval of solar placement on the Stafford landfill, approximately \$170,000 will now perhaps be available soon for a Pinelands-wide landfill study (litigation has stalled both the solar and the funding for the landfill study). An RFP is under development to select a consultant to manage the study. *No new action.*

D) ECONOMIC MONITORING

1. Annual Report: The staff continued with the data collection phase of the 2010 Annual Report this quarter. Back data collection has had to be increased to compute 5-year trends of core variables in the 2010 Annual Report. Barring any further unforeseen delays, completion of the 2010 Annual Report is expected to be completed in summer, 2011. *No new action.*

E) PERMANENT LAND PROTECTION

1. Pinelands Development Credits: 2010 Annual Summary Report was issued at April 8, 2011 Commission meeting. *Jan-June 2011: 14 LOIs issued for 89 rights with potential protection of 609 acres; 16 rights severed protecting 327 acres; 12 rights sold (mean sales price \$12,875.00/rt); 70 rights redeemed; 3 new projects proposed utilizing 14 rights. PDC Bank Executive Director Guil Vivas retired, effective May 2011.*

2. Farmland Preservation program: *Atlantic County has provided updated preserved farm list.*

3. Pinelands Conservation Fund: *Pinelands Conservation Fund: At its April 26, 2011 meeting, the Commission's P&G Committee recommended the approval of, and at its meeting of May 13, 2011, the full*

Commission granted approval of a PCT allocation for a parcel located in Cape May County in a contingency area. As of June 30, 2011, the Commission has approved the allocation of \$8.6 million to 30 projects in the Pinelands Area. Of these 30 projects, 25 have proceeded to closing, resulting in the permanent protection of 3,330 acres.

F) OTHER PLANNING ITEMS

1. Water supply:

a. PPA Petition: Staff received a draft petition from the Pinelands Preservation Alliance seeking an amendment to the CMP to require documentation of adequate water supply for major development applications prior to the granting of Commission approval. Staff anticipates that the K/C science study will result in a comprehensive modification to the Commission's water allocation review and approval process, and these concerns will be investigated as applicable (See c. below).

b. K/C Planning: A staff working group, headed up by Nick Procopio, has been formed and will make recommendations on implementing the K/C study. The group has begun meeting with USGS to understand the implications.

c. State Water Supply Advisory Committee: A new plan is due out soon. Mr. Liggett and Dr. Procopio are monitoring and have made comments on the draft.

d. New Water Supply Rules: Mr. Wengrowski attended a DEP briefing on 11/22/10. *No new action.*

2. Cultural resources: 25 (67 this fiscal year) cultural resource activities undertaken:

- a. 18 (49) applications reviewed
- b. 0 (0) forestry inquiries
- c. 7 (14) surveys reviewed
- d. 0 (0) CAFRA reviews
- e. 0 (0) Preliminary Investigation
- f. 0 (0) site coordination with other agencies/meetings & phone conferences
- g. 0 (0) coordinated reviews w/SHPO
- h. 0 (4) Municipal/consultant inquiries
- i. Data Acquisition Plan: *mapping of designated and eligible sites-ongoing*

3. DEP wastewater planning rules/County implementation:

■ **Background:** Staff met with DEP staff to review the Commission's concerns on the proposed rule amendments several years ago. However, the final rule did not specifically address Pinelands Commission concerns. The issues focused on where sewer service areas should go: sewerable Pineland Management Areas that have already been determined to meet environmental standards versus only those areas that have a new environmental suitability analysis completed and where there are specific plans/facilities to implement sewers. An additional issue was to ensure the water quality plan amendment process was expedited to add sewer facilities such as on-site wastewater treatment to sewer planning areas. As a result of the difference in approaches, the new DEP rules resulted in and continue to result in confusion amongst the counties as to which mapping regulations they should follow (DEP vs. CMP). Subsequently, county plans to implement the new rules have been deferred repeatedly.

■ **Joint Approach:** Early in 2010, DEP agreed to consider a "Pinelands chapter" in the WQMP plans dealing with planned sewer service areas in RGA, Town and Village. Staff drafted the proposed chapter. However, DEP believed that a more formal approach was necessary to meet their rules. Consequently, a MOU to recognize our CMP sewer planning areas has been drafted and submitted to NJ DEP for review.

The DEP is also investigating providing funding to the Commission to prepare the plans for relevant parts of the Pinelands counties.

■ **Future of the Rules:** Concurrently with the discussions with DEP, staff attended DEP stakeholder meetings on the future of the rules. Staff noted our different approach: future sewer planning areas balanced by conservation areas, both as modified/confirmed by work such as the recent Ecological Integrity Assessment. DEP is expected to announce changes, if any, to the rules spring 2011.

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

4. Agricultural Advisory Committee: *Committee met 5/17/11 (no quorum) and staff reviewed the solar rule proposal. New chairman needed to fill vacancy. Next meeting scheduled for 9/27/11.*

5. Richland Village Community Wastewater Treatment System: In 2009, the Township, the ACUA and the Commission executed a memorandum of understanding between the parties to design and construct a community wastewater system to serve portions of Richland Village. Staff received a copy of the completed topographic survey of Richland Village and, pursuant to our MOU with ACUA and Buena Vista Township, authorized reimbursement to ACUA for the completed survey work. Staff met subsequently with the BVT mayor and engineer to discuss the status of the Richland Village wastewater project. The municipal officials indicated that they intended to pursue development of the community wastewater system but at a smaller scale than originally envisioned. The township reported that the wastewater system currently envisioned would serve only commercial development within Richland Village. Staff is awaiting correspondence from BVT to memorialize the change in scope. *No new action.*

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

- a. Accept the likelihood and “memorialize” the zoning for a 1 ½ mile area as was done at Exits 58 and 69;*
- b. Purchase and deed restrict only the larger parcels in the 1 ½ mile area; or*
- c. Provide us with funding (in escrow) to hire a consultant to investigate the scope of any secondary impacts. Then appropriately eliminate the impact other than an expression of “concern”, no alternative has been selected.*

II. DEVELOPMENT APPLICATIONS

A) APPLICATION ACTIVITY

		Jan/Feb March	April/May/June
<i>New applications received for the last two quarters with a comparison to last year:</i>	This year	144	137
	Last year	151	134
<i>Total applications active for the last two quarters with a comparison to last year:</i>	This year	875	796
	Last year	882	952
<i>“No Call-ups” issued for the last two quarters:</i>			
By mail		78	69
By fax		63	61
<i>Certificates of Filing issued for the last two quarters:</i>		52	52
<i>“Call-ups” issued for the last two quarters:</i>		29	41
<i>Streamlined permitting actions taken during the last two quarters: :</i>	LRO	1	9
	MOA	6	12

B) NOTABLE DEVELOPMENT APPLICATIONS

- 1. Sanctuary, Evesham:** A 2005 stipulation of settlement with two of the three developers set the stage for re-design of Georgia O’Keefe Road, protection of 4 lots to complement existing open space, and other measures to reduce impacts to the pine snake population. The principle developer has requested modification to the settlement on several occasions which the staff did not consider because certain obligations of the 2005 settlement have not been fulfilled. More recently, Planland, LLC, a purported contract purchaser, has proposed to eliminate Georgia O’Keefe as a public road. Since this approach is in keeping with the Commission’s original settlement proposal (which was abandoned because of developer, Township and residents’ opposition), the staff is now working with Planland, to address the outstanding settlement obligations and formally consider the new proposal. *On June 2, 2011, the applicant submitted a revised plan proposing the elimination of Georgia O’Keefe Drive and certain previously approved residential development. The Commission staff issued a letter on July 12, 2011 indicating that the submitted plan appeared to be consistent with the terms of a January 19, 2005 Stipulation of Settlement between the property owner and the Commission. The Commission letter asked that the applicant obtain a written determination from the county and municipality that the plan is consistent with the prior county and municipal approvals.*
- 2. Baker Residential (a/k/a Hardings Run), Hamilton (App. No. 1981-0202.002):** This application proposes 135 dwelling units. The application was approved by the municipality as a “Planned Residential Development.” The issue raised by the application is whether the development still qualifies as a “Planned Residential Development.” The applicant submitted information to the Commission to demonstrate that the zoning of the project was “vested” and the Municipal Land Use Law allows for an extension for a “planned development” after the expiration date of a prior municipal development approval. In an attempt to resolve the issue, on November 2, 2007, the Commission staff met with representatives of the applicant to discuss the zoning issue and the resulting PDC obligation. The applicant has indicated that they propose to purchase

PDCs and requested that the matter not be referred to the NJ OAL. On July 31, 2009, staff provided the applicant with revised sample language to be included in an amended municipal resolution of approval. On March 1, 2011, staff received a letter from the applicant requesting an extension of time until August 1, 2011 to transfer the application to NJ OAL. *No new action.*

3. **Oak Crest Estates-Phase 3B Hamilton Township** (App. No.1981-0618.001): This application proposes the development of 42 single family dwellings on a portion of an original 90 acre parcel. The application was approved by the municipality as a "Planned Unit Residential Development." The issue raised by the application is whether the project still qualifies as a "Planned Unit Residential Development." The issues raised relate to whether the proposed development is consistent with the current zoning standards of the Hamilton Township land use ordinance and the CMP. On March 20, 2009, the staff issued a letter to the applicant providing guidance and the staff's position regarding the outstanding issues surrounding the previously granted municipal approvals and the specific number of Pinelands Development Credits required for the proposed development. *The public hearing on the application was rescheduled to October 5, 2011.*
4. **Winzinger Mining Application, Woodland Township** (App. No. 1980-0062.001): On February 13, 2007, the Commission received an application which proposes mining of a site in the Township. By letter dated April 13, 2007, the Commission staff specified the information necessary to complete the application. The concerned application raises the issue of whether the mining use has been "abandoned." On July 20, 2010, the staff received a cultural resource report. On November 15, 2010, we received a copy of a threatened and endangered species survey for the proposed mining operation. That submission also discussed the issue of abandonment. By letter dated December 9, 2010, we responded indicating that the proposed mining operation appeared inconsistent with the threatened and endangered species protection requirements and that it appeared that the mining use had been abandoned, but that a final determination on abandonment could only be made upon completion of an application with the Commission. On March 10, 2011, the applicant submitted information to complete the application. On April 27, 2011, the Commission staff issued a Certificate of Filing for the proposed mining operation. The Certificate of Filing indicated that it has not been demonstrated that the proposed mining use was consistent with the applicable threatened and endangered species standards and that it appeared the proposed mining use constituted a new mine and was therefore not a permitted use in the Pinelands Preservation Area. *No new action.*
5. **Wheaton Mill Site, Hamilton Township** (App. No. 1989-0546.008): On May 8, 9 and 21, 2007, the staff received an application and supplemental information requesting a staff review of the wetland buffer, threatened and endangered species, and cultural resource protection requirements pertaining to future proposed 180 residential dwelling units on the former Wheaton Mill site in Mays Landing. On April 24, 2009, the staff issued a Certificate of Filing for the proposed demolition of seven buildings on the parcel which were previously damaged/destroyed by fire (App. No. 1989-0546.011). On June 22, 2009, the staff received a copy of an Amended Certificate of Appropriateness issued by the Hamilton Township Planning Board authorizing the demolition of all seven of the buildings on the Wheaton Mill site proposed to be demolished in the April 24, 2009 Certificate of Filing (App. No. 1989-0546.011). On August 28, 2009, the staff issued a letter to the applicant advising that the Amended Certificate of Appropriateness issued by the Hamilton Township Planning Board authorizing that the demolition of seven of the buildings on the Wheaton Mill site may take effect. An application was thereafter submitted proposing the development of 173 multi-family residential dwelling units and associated site improvements on a 4.72 acre parcel. On January 25, 2011, the staff sent a letter to the applicant requesting certain information to complete the application. *No new action.*
6. **Hamilton Mall, Hamilton Township** (App. No. 1985-0708.001): On October 23, 2008, the staff received an application for a proposed 138,227 square foot addition to the mall (Application No. 1985-0708.007). Once the application was complete staff issued a Certificate of Filing for the proposed development on August 26, 2010. The Certificate of Filing requires the development and implementation of a stormwater

basin rehabilitation plan for five existing basins, previously approved to serve the Mall, which do not function as originally designed. No further action as of April 20, 2011. *No new action.*

7. **Ancora Landfills, Winslow Township** (App. No. 1981-0656.010): Commission staff provided assistance to the Department of Human Services regarding capping of landfills on the Ancora parcel. Such assistance includes coordination with NJDEP and, on October 8, 2008, providing copies of prior NJDEP required landfill groundwater monitoring data contained in Commission files to Human Services. As part of the application for a sewer extension which is subject of a Commission Public Development Application, on February 5, 2009 the Department of Human Services provided a schedule for the capping of the landfills. *No new action.*
8. **Winslow Township Landfill** (App. No. 1984-1404.004): On January 13, 2009, Commission staff met with a representative of NJDEP and a consultant hired by NJDEP to discuss the capping of the Winslow Township landfill which is located adjacent to the State's Winslow Township Wildlife Management Area. An impermeable cap is proposed. Staff attended a meeting with NJDEP and Winslow Township officials on May 28, 2009 to discuss the use of an alternative capping method for the landfill. On September 11, 2009, the staff issued a letter to the applicant requesting threatened and endangered species surveys for two threatened animal species be performed on the parcel and advised of the current CMP stormwater management requirements that pertain to this application. Information regarding one species of concern, Cooper's hawk, was received by the Commission on May 14, 2010. Staff issued a letter on July 19, 2010 indicating that the staff was in agreement with the negative results of the Cooper's hawk survey. An interim threatened and endangered Pine snake survey report was received by the Commission staff on August 16, 2010 and the staff issued a letter on August 18, 2010 indicating that once the threatened and endangered snake survey has finished, a complete report of findings must be submitted to the Commission. On February 23, 2011, the applicant submitted the completed threatened and endangered species survey. By letter dated March 3, 2011, the staff indicated that they were in agreement with the negative results of the Pine snake survey. *No new action.*
9. **Biodiesel plant, Borough of Woodbine** (App. No. 2007-0353.001): A pre-application meeting was held on October 11, 2007 regarding the development of an ethanol plant on the site of the Borough's existing landfill. The applicant is proposing closure of the existing landfills as part of the application. On December 5, 2008, and February 26, 2009 the applicant submitted the results of the threatened and endangered species survey. On June 4, 2009, staff issued a letter to the applicant advising that the NJDEP was authorized to review and act on approvals for the development. Staff met with the applicant on August 20, 2009 to discuss the project. The applicant indicated that instead of using corn, ethanol will be produced at the proposed facility from algae. On March 11, 2010 the Commission staff met with the applicant to discuss the project, a threatened and endangered species issue regarding Northern pine snake and the capping of the Woodbine Landfill. Northern pine snake had been identified on an adjacent parcel and tracked onto this parcel. The applicant, the applicant's consultants and the Commission staff agreed to jointly conduct site inspections of the parcel to search for the snake species. A schedule for joint site inspections was implemented. A Northern pine snake was found on the parcel. In August of 2010, the staff completed the agreed-upon joint site inspection and is formulating its conclusions to present to the applicant. The staff discussed the status of the pine snake issue with the applicant's consultant. The application raises the issue of pine Snakes, capping of a closed landfill, and subsequent re-development of the site. *No new action.*
10. **Burlington County Route 530** (App. No. 1997-0585.002): Staff met with the applicant on July 30, 2009 to discuss feasible alternatives to proposed road improvements on lands subject to a PDC deed restriction. The road improvements primarily involve stormwater drainage facilities. Commission staff arranged for an NJDOT engineer to review the proposed road design and to assist in determining whether feasible alternatives exist. By letter of November 25, 2009, staff advised the applicant, the PDC Bank and the NJDEP that there did not appear to be a feasible alternative to a proposed road improvement that encroaches

onto the parcel where the PDCs have been severed and a PDC deed restriction imposed. The currently proposed road improvement alternative, which was revised in response to Commission staff review, appears to reduce disturbance to the parcel to the maximum extent practical. On January 4, 2010, the applicant requested guidance on providing a stormwater “offset” for the reduced stormwater management proposed on the PDC deed restricted lands. The applicant was proposing the stormwater offset outside of the Pinelands Area. By letter dated January 7, 2010, the Commission staff requested certain information to complete the application. On February 22, 2011, the applicant submitted additional information. By letter dated March 25, 2011, the Commission staff indicated that the proposed siting of stormwater basins and improvements in wetlands and wetlands buffer was inconsistent with the prior guidance the staff had provided and also inconsistent with applicable wetland protection standards. *No new action.*

11. **NJDHS Gas Main to New Lisbon Developmental Center (App. No. 1986-0122.020):** On July 20, 2010, we received information from the New Jersey Department of Human Services proposing approximately 2 miles of a natural gas main in the Routes 70 and 72 rights-of-way for the purpose of servicing the State’s New Lisbon Developmental Center. On August 25, 2010, Commission staff held a pre-application meeting with the applicant to discuss application submission requirements. On October 4, 2010, the Commission received the required application fee for the proposed development. By letter dated October 29, 2010, the Commission staff advised of the information necessary to complete an application. After an exchange of letters and application information, on April 15, 2011 the applicant submitted additional information. On April 20, 2011, the Commission staff issued a report on an Application for Public Development recommending Commission approval of the proposed project. The Commission will be considering the application at it May 13, 2011 meeting. *The application was approved at the Commission’s May 13, 2011 meeting.*
12. **Residential Subdivision (Misty Pines): Hamilton Township (App. No 1981-0755.011).** *This application proposes 57 dwelling units clustered on 436 acres. The applicant has just completed a number of surveys for threatened and endangered species including Northern pine snake and Barred owl. The Commission staff is awaiting receipt of the T&E survey information.*
13. **Weymouth Township, Oaks of Weymouth (App. No.1981-0669.005)** *This application involves the development of 642 mobile home units on a 156 acre parcel. The development was originally approved by the Commission in 1981 in a Commission application for a Waiver of Strict Compliance. The applicant was advised in writing by the Commission staff that the waiver would expire not later than 1996, unless all construction permits were received by that year and no construction permits were allowed to expire. The New Jersey Department of Community Affairs has advised the applicant in writing on at last two occasions that 155 outstanding construction permits issued in 1994 continue to be valid. By letter dated May 5, 2011, the Commission staff advised that, based upon the applicant’s representation that they continued to develop in reliance on the NJDCA written representations and considering the fact that all site improvements have been completed, the placement of the remaining mobile homes could continue provided the concerned construction permits do not expire.*
14. **Egg Harbor City, Residential Subdivision (Egg Harbor City North, (App. No.2003-0530.005)** *This application proposing 103 dwellings on lands owned by the city was filed with the Commission by the City on November 29, 2010. The City has filed the application with the intent of securing all necessary approvals to market the project to a private developer. By letter dated June 3, 2011, the Commission staff requested certain information to complete the application.*
15. **Atlantic County: Fire Road Intersection Improvement (App. No. 2002-0399.002)** *This application proposes improvements to the intersection of Mill Road and Fire Road in Egg Harbor Township. The application was initiated with the Commission by Atlantic County on April 20, 2006. After a period of inactivity, the applicant submitted information on March 22, 2011 proposing to pursue the application and*

requesting a meeting with the Commission staff. The Commission staff issued a letter dated April 13, 2011 which summarized the major issues with the application, primarily meeting applicable stormwater management standards. A meeting was held between Commission staff and representatives of the County on May 11, 201. At that meeting, the Commission staff provided the applicant with a feasible approach to resolving stormwater issues that were related to the presents of wetlands. To facilitate that approach, the Commission staff met with representatives of the County on May 18, 2011 at the site of the proposed improvements.

16. Manchester Township: Residential Subdivision: (App. No. 2009-0073.001) *The staff has been working with an applicant to facilitate the clustering of approximately 45 residential units from approximately 711 acres in the Township's Forest Area to an approximate 90 acre parcel. This development is being undertaken in accordance with the CMP clustering amendment. The staff accepted the negative results of a Northern pine survey submitted by the applicant on the 90 acre parcel. On June 21, 2011, the staff received a report from a neighbor to the project of the siting of a Northern pine snake in the immediate vicinity of the parcel. The staff is evaluating the reported siting.*

17. Waterford and Winslow Township, CCMUA Sanitary Sewer Main: (App. No 2010-0133.001) *This application proposes an approximate 4.5 mile sanitary sewer main to provide additional capacity to convey sanitary sewer to the Camden wastewater treatment plant. It is anticipated that the Commission will be considering this application at its August 2011 meeting.*

C) OFFICE OF ADMINISTRATIVE LAW MATTERS

1. Monthly activity: 0

2. Pending OAL matters:

a. Edgewood Properties, LLC (Timber Glen Phase V) 1981-0852.001 (Hamilton). This application was approved by the municipality as a "Planned Unit Residential Development." The Planned Unit Residential Development provision was amended out of the municipal zoning ordinance in 2001. The issue raised by the application is whether the project still qualifies as a "Planned Unit Residential Development." Specifically, the issue raised relates to whether the proposed development is consistent with the current residential density zoning standards of the Hamilton Township land use ordinance and the CMP. The application proposes to construct 64 townhouse units. There is an issue regarding whether the approvals were properly granted/extended in accordance with the Municipal Land Use Law. Mr. Stokes met with the developer on October 28, 2009 to discuss Pinelands Development Credit obligations for Phase V. As a follow-up to the October 28, 2009 meeting, on November 4, 2009, Mr. Stokes advised the applicant's attorney by telephone that the staff concluded that, based upon the municipal approval history, Phase V of Timber Glen should be subject to the current zoning requirements and stormwater management standards of the Hamilton Township land use ordinance and the CMP. On November 24, 2009, the staff issued a letter to the applicant as a follow up to the November 4, 2009 telephone conversation, reiterating the staff's conclusion regarding Phase V of Timber Glen. On November 30, 2009, the staff received a letter from the applicant's attorney requesting that the matter be transferred to the NJ OAL for a hearing. On December 9, 2009, the staff transferred this matter to NJ OAL. On January 6, 2010, the staff received notice that the case has been filed with the NJ OAL. On March 8, 2010, we received notice that the matter has been scheduled for hearing on September 27, 28 and 30, 2010. The hearing in this matter has been adjourned. Mr. Stokes and the applicant had previously agreed on the PDC obligation and work continues to finalize the stormwater management plans. *A telephone status conference is scheduled for this matter at the end of July.*

b. Schneider v. Pinelands 1985-1104.003 (Shamong Township). The subject lot is 8.76 acres and contains an existing single-family dwelling ("sfd"). Based upon the cultural housing provision, the applicant sought to subdivide the lot and build an additional sfd served by a conventional on-site septic

system. The Pinelands Commission denied the petitioner's application for a waiver of strict compliance with the CMP's minimum depth to high water table requirements. The petitioner sought a hearing in the OAL. The parties have reached a settlement in principle. Under the terms of the proposed settlement, Schneider will make the existing sfd an accessory structure to the newly proposed dwelling. This would involve removing the existing half-bathroom, galley kitchen, and septic tank. The existing home will be used as a storage shed for the new home. *The Commission approved the terms of the Settlement at its May Commission meeting. The Settlement has been executed and the applicant has withdrawn his request for an administrative hearing at the Office of Administrative Law.*

D) VIOLATIONS

1. **Quarterly activity:** 18 reports received; 32 violation letters sent; 14 cases resolved.

2. Notable violations:

a. Commercial Development, Maurice River Township (App. No. 1991-1011.001 & .002): By letter dated November 3, 2008, the Commission staff advised the applicant of existing violations on the parcel, including vegetation clearing and construction of buildings without application to the Commission. A meeting was held with staff, the Township Zoning Officer and the applicant on December 10, 2008. By letter of March 5, 2009 the Commission staff advised the applicant of the additional information necessary to complete the application and resolve the violations. Subsequently, the staff and the applicant exchanged submissions and letters. In response to the submission of information in February of 2011, the staff issued a letter on March 17, 2011 specifying the information necessary to complete an application. On April 7, 2011, the staff met with the application to review the requirements of the March 17, 2011 letter. *No new action.*

b. Shooting Range, Lacey Township (App. No. 1982-3059.002): On November 17, 2008, staff received a report that Lacey Township had relocated and expanded an existing shooting range without application to the Commission. A violation letter was issued on January 5, 2009. On February 9, 2009, a meeting was held with Lacey Township officials regarding the situation. A meeting was held on March 19, 2009 to further discuss resolution of the violation. A site meeting was held on March 31, 2009 to review the submitted wetlands delineation. By letter of July 7, 2009, staff requested information to complete an application and resolve the violation. A meeting was held on August 18, 2009 with municipal officials to further discuss the application requirements. On February 3, 2010, the Township Attorney was advised of the need for the Township to move forward with the application. *No new action.*

c. Commercial Development, Hamilton Township (Application No. 1987-0973.001, .002 & .004): By letter dated October 14, 2008 the staff advised the applicant that there were existing violations that required applications to be submitted to the Commission. A pre-application conference was held on April 1, 2009 with the applicant, lawyer and consulting staff regarding the violations. The applicant submitted an application on December 10, 2009. On February 2, 2010 Commission staff issued a letter requesting information to complete the application. *No new action.*

d. Commercial Development, Waterford Township (App. No. 1987-1138.002): On January 26, 2009, the staff issued a letter regarding a commercial use and clearing violation on this parcel. On March 25, 2009, the staff met with representatives of the Township, including the Mayor, and the individual responsible for the violation to discuss resolution of the violation. The Commission and the Township will be issuing a joint letter providing guidance to resolve the violation. Staff attended a municipal court hearing held on July 30, 2009 regarding the violation. To date, the revegetation plan and necessary applications have not been submitted. Staff issued a letter dated January 6, 2010 requesting that the property owner submit the previously requested revegetation plan. A revegetation plan was received by the Commission on April 14, 2010 Staff issued a letter dated May 6, 2010 indicating that although the proposed revegetation plan is acceptable to the Commission staff, provided it is acceptable to the municipality, the parcel still contained debris, vehicles and equipment that must be removed. *No new action.*

e. Buena Vista Township: The Township initiated an application for improvements to Sawmill Park (Application #2009-0180.001). The Commission staff received a letter from the Buena Vista Township engineer on August 2, 2010, which provided a time line for submission of the information to complete the application. Upon receipt of information on March 10, 2011, the Commission staff issued a letter on April 14, 2011. Staff issued an incomplete letter for the application for improvements to Sawmill. Upon receipt of additional information from the applicant *On June 24, 2011 the Commission staff issued a Report on an Application for Public Development recommending approval of the application. The applicant requested that the application not be considered at the Commission's July 8, 2011 Commission meeting. Public comment was offered on the application at the July 8, 2011 Commission meeting. A revised report on an Application for Public Development will be issued by the staff for consideration by the Commission at its August 12, 2011 meeting.*

By letter to Buena Vista Township dated January 8, 2010 (App. No. 2009-0089.001), Commission staff indicated that an application is required for development that has occurred within the NJ Transit right-of-way and on municipally owned property. A letter from the Buena Vista Township engineer was received on July 30, 2010, which provided a time line for completing an application for the development that has occurred within the railroad right-of-way by April 2011. *By letter dated June 13, 2011, the staff requested information to complete the application.*

The staff met with officials from Buena Vista Township on July 27, 2010, regarding the installation of stormwater management swales required for the installation of sidewalks along Route 40 pursuant to the Memorandum of Agreement between Buena Vista Township and the Pinelands Commission App. #2004-0319.001). Information regarding the stormwater management swales was received by the Commission on August 2, 2010. The staff issued a letter dated August 17, 2010 requesting that the municipality submit a proposed approach to resolve the stormwater management issue associated with the sidewalk installation by October 1, 2010. On April 13, 2011, information was submitted for the application. *On May 20, 2011, the staff issued a letter requesting certain information to complete the application.*

f. Jackson Township, Municipal Firing Range (App. No. 2000-0630.002): On October 19, 2009 and November 5, 2009, the Commission received an application and information for the placement of a 1,200 square foot trailer at an existing municipal shooting range. On November 2, 2009, the Commission staff completed a site inspection. During that site inspection it was determined that development had occurred on the site in violation of the application requirements of the Jackson Township land use ordinance and the CMP. On December 4, 2009, the Commission staff issued a letter to the Township notifying the applicant of the existing violations and providing guidance regarding completing the application for the proposed trailer and any other development which was completed without an application with the Commission. On December 9, 2009, the Commission received a request from the Township's attorney for a meeting regarding the issues raised in the Commission's December 4, 2009 letter. A meeting was held on February 3, 2010 to discuss with municipal officials the information necessary to complete the application and resolve the matter. After several exchanges of information, on June 24, 2010, the staff issued a letter requesting additional information necessary to complete the application. *No new action.*

g. Jackson Township, Central Jersey Rifle and Pistol Club (App. No. 1982-2759.009) On December 3, 2009, an application for improvements to the club was initiated with the Commission. It was subsequently determined that certain development had occurred on the parcel without application to the Commission. Thereafter, the Commission and the applicant exchanged multiple submissions and letters. On April 4, 2011, the staff met with the applicant and Assemblyman Dancer to discuss the information necessary to complete the application. On April 4, 2011, the applicant submitted additional information regarding the application. On April 8, 2011, the Commission issued a Certificate of Filing denoting the completion of the application with the Commission. The Certificate of Filing denoted issues with the proposed stormwater management

plan. *The applicant submitted additional information and on June 15, 2011, the Commission issued a letter indicating that the stormwater plan was consistent with standards.*

h. Shamong Township, Solar Facility (App. No. 2005-0189.004) *By letter dated May 17, 2011, the staff advised the property owner of the need to apply to the Commission for a proposed commercial solar facility. On June 1, 2011, the staff met with the applicant to discuss the matter. In response to that meeting, the applicant submitted information in an attempt to demonstrate that the proposed solar facility was exclusively for agricultural purposes and did not require application to the Commission.*

i. Southampton Township, Police Athletic League: *This is a long standing violation concerning the establishment of a commercial equestrian facility in an agricultural zoning district. The Township and the Commission staff have repeatedly attempted to resolve the matter. The Township will be issuing a municipal court summons addressing both CMP and municipal ordinance violations in an effort to resolve the matter.*

j. Egg Harbor City/ Mullica Township, Hotel/Restaurant (App. No. 1996-1407.009) *An application for the establishment of a solar facility on the parcel was received on February 23, 2011. The staff utilized that opportunity to address a number of outstanding wetlands buffer clearing and stormwater management violations on the parcel. The staff met with the owner of the hotel/restaurant on June 20, 2011 to discuss the violations. On June 20, 2011, the applicant signed a proposal to address the violations within a specified time period. By letter dated June 28, 2011, the staff requested certain information to complete the solar facility application.*

E) OTHER NON-APPLICATION REGULATORY PROGRAMS ITEMS

- 1. Local Review Officer Program:** In 2009, staff completed a report on the status and effectiveness of the LRO Program and presented it to the P&G Committee. The Pinelands Municipal Council has also reviewed the report with staff. At the suggestion of the Council, the report was provided to all Mayors with a Local Review Officer for comment. In August 2009, staff updated the P&G Committee regarding comments that were received and staff recommendations. Upon the Commission's adoption of the proposed County public development streamlining MOA, Commission staff will begin contacting certain municipalities about discontinuing the LRO Program and the opportunity to enter into the public development streamlining MOA. This will commence in the second half of 2011. *No new action.*
- 2. Hamilton Stormwater Basins:** The Great Egg Harbor Watershed Association notified the Commission that several stormwater basins in Hamilton Township did not appear to be functioning as designed and was causing downstream flooding of nearby roads and streams. The staff had sent a letter to the Township September 7, 2007 asking for a meeting with the Township to discuss steps that may be taken to address measures that may be taken to remedy these problems. A meeting was held on October 31, 2008 with the Township officials and Fred Akers of the Great Egg Harbor Watershed Assoc. to discuss options to remedy these basins. At that meeting, the attendees prioritized the failing stormwater basins and agreed upon a course of action to systematically address the basins through a variety of approaches. As of April 20, 2011, the Township has approved a plan proposing the remediation of an existing basin serving a retail store (Walmart) in an existing shopping center and for the modification of existing basins serving an existing residential subdivision (Timber Glen Phases III & IV). The staff is currently working with an applicant on a proposed stormwater basin remediation plan for Consumer Square and also to correct stormwater basin problems at the Hamilton Mall. *No new action.*
- 3. Waterford Township:** On April 19, 2011, the staff met with representatives of Waterford Township to discuss prospects for developing a modified permitting process to facilitate development of the Township's designated redevelopment area. The Commission staff will review the issue and within 30 days of receipt of

certain information to be provided by the Township, recommend an approach for a modified permitting process to the Township for its consideration. *No new action.*

4. ***Maurice River Township, Recreational Vehicle Park:*** *In response to a request from the Mayor for assistance with siting an off road recreational vehicle park in the Township, the Commission will be sending a letter outlining a preliminary process for the Township to follow in identifying potential sites for the park.*
5. ***Southern Pine Beetle:*** *By letter dated June 28, 2011, the Commission advised NJDEP that the Commission's Executive Director, in consultation with the Chairperson of the Commission, had determined that a public safety issue was raised by the destruction of pine trees. That letter authorized NJDEP to cut down trees in up to 300 acres in the Pinelands Area through September 30, 2011. Commission staff will continue to work with DEP to implement expedited permitting procedures.*
6. ***Public Comment Process for Public Development Applications:*** *The staff has been developing a revised process to allow for public comment on public development applications. That process will allow for public comment on public development applications at a Commission meeting. Thereafter, at the next Commission meeting, the Commission will vote on the concerned application(s). It is anticipated that the process will be fully operational for any applications to be voted on by the Commission at its September 2011 meeting.*
7. ***Port Republic Council meeting:*** *On June 14, 2011, staff attended the City Council meeting to discuss proposed forestry ordinance amendments. Other issues were raised by the Council including the status of the City landfill and general issues regarding Commission regulations. The staff will respond to these issues by the August City Council meeting.*
8. ***State Soil Conservation Committee:*** *The Commission staff attended a meeting of the SSCC on July 11, 2011. A portion of the meeting concerned amendments to the State's Soil Erosion and Sedimentation Control regulations. The Commission staff was advocating certain changes to the regulations (e.g. native grass seed mix) that would apply only in the Pinelands Area. The SSCC authorized a rule proposal to gather comments on all proposed amendments to the regulations, including those that are only applicable to the Pinelands Area.*
9. ***Electric Transmission ROW Maintenance Plan:*** *The staff is spending significant amounts of time administering the concerned Plan. The utility companies are proposing activities that are not addressed or included in the Plan. This requires the Commission's Executive Director to determine whether each requested variance from the approved plan is a "minor adjustment" or a "substantial change to the Plan." The Commission staff has issued letters on March 21, 2011 and May 19, 2011 to JCP&L and on May 5, 2011, June 15, 2011 and June 15, 2011 to PSE&G addressing requests for variances from the approved Plan.*

III. INTERGOVERNMENTAL MEMORANDA OF AGREEMENT

A) MOAs UNDER REVIEW

1. ***Ancora Wastewater Conveyance MOA:*** *In 2007, the Commission entered into an MOA with the N.J. Department of Human Services(DHS) and the N. J. Department of Environmental Protection to resolve a longstanding wastewater problem at Ancora. The MOA allows the Ancora facility to abandon its onsite wastewater treatment system and connect to the Camden County Municipal Utilities sanitary sewer interceptor. To offset the loss of water from the surficial aquifer, the MOA required that an alternative water supply to the existing onsite Kirkwood-Cohansey wells will be developed. Ultimately, DHS decided*

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to connect to the New Jersey American Water supply wells. The original MOA was amended in June of 2010 to coordinate the timing of the wastewater flow and water supply. An application for the proposed installation of a potable water main to serve Ancora Psychiatric Hospital was received on July 13, 2010. Upon completion of an application for the proposed potable water man, the staff issued a Certificate of Filing on August 27, 2010. Commission staff issuance of that document allowed the sanitary sewer main to connect to the Camden County Municipal Utilities sanitary sewer system. The applicant continues to pursue permits and approvals from other agencies necessary to begin construction of the water main. *A copy of the recorded deed containing the deed restriction required by the MOA and MOA Amendment was received on April 29, 2011. Because the water main is behind schedule, information was received on May 27, 2011 regarding a proposed stormwater conveyance mitigation project required by Item #14 of the MOA. That information is currently under staff review. It is the staff's understanding that construction of the water main commenced on June 27, 2011.*

- 2. Robert Miller Airpark, Ocean County, Berkeley Township:** As a result of threatened and endangered species work conducted at the Robert Miller Airpark by Ocean County, it became apparent that the County's proposed expansion plans for the Airpark would require the execution of a Memorandum of Agreement authorizing a deviation from the threatened and endangered species standards of the Pinelands CMP. On December 9, 2008, the staff received a draft MOA from the County. Commission staff developed a revised draft of the MOA in April 2009. The Federal Aviation Administration raised concerns regarding deed restricting lands at the airport to provide a potential offset for the MOA. A separate issue had also arisen concerning the designation of the totality of the Airport, including areas of Airport operations, on the New Jersey Department of Environmental Protection's open space inventory. Commission staff met with representatives from the FAA, Ocean County and the Department of Transportation, Division of Aeronautics, on May 28, 2009, concerning deed restricting of lands at the Airport. At the conclusion of the meeting, the County, in consultation with FAA, agreed to identify those portions of the airport likely to be needed for future airport safety related activities. The County notified Commission staff via e-mail that portions of the airport not related to future airport safety had already been excluded from the proposed offset area. As a result, the County asked Commission staff to consider revising the terms of the Deed of Conservation easement to address future safety related activities at the Airpark. Staff reviewed safety guidelines and other information submitted by the County to determine whether the terms of the Deed of Conservation easement may be revised to address FAA's concerns. Additionally, Commission staff had a meeting with staff from Green Acres regarding this and other matters. Staff was advised that there seemed to be evidence to support an amendment to the ROSI and that the County must move forward with the required administrative process. Commission staff forwarded a draft Deed of Conservation Restriction to Ocean County on December 24, 2009. The Pinelands Preservation Alliance sent a letter to Green Acres objecting to a ROSI amendment to remove the areas of active airport infrastructure from the ROSI. PPA believed this would require processing of a diversion request. The draft Deed of Conservation Restriction was then reviewed by the Federal Aviation Administration. Commission staff participated in a conference call with representatives of the Federal Aviation Administration and Ocean County to discuss FAA's comments concerning the draft DCR. A subgroup consisting of a representative from each entity was assembled to work together to redraft portions of the DCR to address the FAA's concerns. Commission staff redrafted the DCR and provided it to the other members of the subgroup. Staff participated in a conference call with representatives of the FAA in mid-September, 2010. During this conference call, the FAA suggested another means of achieving the Commission's goals without creating the precedent of having FAA agree to the deed restriction of lands that are part of an active airport. The parties are working to finalize a draft of the MOA and DCR. *In May, the NJDEP(Green Acres) issued a letter approving Ocean County's request for a ROSI amendment. Green Acres was subsequently advised that PPA and NJCF would be filing an appeal of this decision.*
- 3. County/Municipal Permit MOA:** Staff discussed and reviewed the draft MOA with the P&G Committee at multiple meetings in 2008 and Spring 2009. At its July 9, 2010 meeting, the Commission approved the

proposed MOA with the seven Pinelands Area counties. By letter dated August 5, 2010, the Commission staff sent the MOA to each of the seven Pinelands Area counties and requested that the counties sign and return the MOA to the Commission. As of April 20, 2011, the Commission has received signed MOAs from Camden, Burlington and Ocean counties. The staff will now initiate work on pursuing adoption of the MOA by Pinelands Area municipalities. The staff is currently evaluating the most effective means to both implement the MOA with Pinelands municipalities and integrate the roadside management practices included in the seven county MOAs into the municipal MOAs. *On July 8, 2011, the staff received a signed copy of the Atlantic County MOA. Four of the seven Pinelands Counties have now executed the MOA.*

4. Wastewater Recharge Facility, Buena Borough MUA: Commission staff enlisted assistance from USGS under our Joint Funding Agreement in the review of two engineering reports (geotechnical and geohydrologic) prepared by the BBMUA's engineering consultants. In those reports, the MUA's engineers reported that their investigations confirmed the suitability of the proposed land application site for recharge of up to 600,000 gpd. Upon examination, USGS identified fatal flaws in the engineering consultant's methodology (including erroneous modeling of approximately 60,000 gpd loading versus the proposed 600,000 gpd loading) and concluded that the site was likely to experience hydraulic failure under proposed operating conditions. BBMUA's consultant's were notified of the findings and have requested that the MOA be amended to permit continued stream discharge from the sewage treatment plant. At their March 21, 2011 meeting, the Pinelands P&G Committee was briefed on the latest findings. The Committee directed staff to develop proposed draft amendments to the MOA, including mandatory, state of the art upgrades to the existing wastewater treatment plant. The USDA Rural Development office has indicated a tentative willingness to provide funding for the proposed sewage treatment plant upgrades in lieu of funding the proposed land application facility. *Commission staff finalized the First Amendment to the March 27, 2007 MOA amongst the New Jersey Pinelands Commission, the Buena Borough Municipal Utilities Authority (BBMUA), and the Township of Buena Vista (BVT) on May 26, 2011. The Commission approved the First Amendment at a special meeting held on May 27, 2011. In recognition of severe hydrogeologic limitations negatively impacting land application of BBMUA's treated wastewater, the First Amendment authorizes the BBMUA to retain its effluent discharge to the Deep Run provided the existing sewage treatment plant is upgraded with Membrane Bioreactor (MBR) Technology, and BVT takes steps to eliminate specific sources of non-point source pollution impacting the Deep Run. The First Amendment authorizes the BBMUA to increase its discharge from 0.4 MGD to 0.6 MGD provided the MBR technology attains compliance with enhanced wastewater discharge parameters for a minimum of 24 consecutive months. The First Amendment preserves the BBMUA's access to nearly \$4 million in (USDA) Federal stimulus funds, and reduces nutrient discharges to the Deep Run. Commission staff, NJDEP and the BBMUA's engineering consultants are working cooperatively to ensure that the USDA project completion deadlines are met.*

5. Joint Base McGuire Dix Lakehurst: The Commission received a request on December 2, 2008 for a streamlining MOA. The Commission staff sent a letter in late February acknowledging the request and advising that it would be seeking to schedule a meeting in late Spring. A meeting was held with representatives of Fort Dix, McGuire Air Force Base and Navy Lakehurst on Wednesday, June 3, 2009, to discuss the need for and objectives to be achieved by a streamlining MOA. Model streamlining MOA documents were e-mailed to the Joint Base McGuire/Dix/Lakehurst's attorney and additional information concerning environmental conditions at the three bases was provided to Commission staff. Staff is in the process of reviewing these materials. Staff has examined the existing pattern of development at the Base in order to categorize potential areas of development on the site. In January 2011, staff became aware that the Joint Base had retained a consultant to assist it developing a new Master Plan for the Joint Base. Staff has had both a conference call and in person meeting with the consultant to explain the environmental and regulatory constraints at the base. It is staff's intention to address issues concerning conformance of future development projects at the base with the requirements of the Pinelands CMP through the Master Plan process. *No new action.*

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

2. **Woodbine Port Authority:** In 2003, the Woodbine Port Authority initiated discussions with the Commission for certain improvements, including a 1,700 linear foot runway extension, at the Woodbine Airport. Thereafter, the Port Authority undertook threatened and endangered species surveys at the airport that documented the presence of threatened and endangered plant and animal species on the airport parcel. Over the ensuing years, the Commission and the Port Authority exchanged information. In the late Fall of 2010, the Port Authority submitted the final report regarding Northern pine snake. In January of 2011, the Port Authority began discussions with the Commission staff regarding what portions of the Airport parcel could be developed without an MOA . The Commission staff completed a review of all T&E information and delineated an area that the staff believed could be developed consistent with T&E protection standards and not require an MOA. The staff met with representatives of the Port Authority on Feb. 28, 2011 to discuss the areas on the Airport parcel that could be developed without an MOA. At that meeting the Port Authority asked that the Commission staff consider inclusion of certain additional areas into the delineated area that could be developed absent an MOA. On March 10, 2011, the staff met with a State intergovernmental group to discuss all State permitting and approvals (e.g. NJDOT, NJDEP) required for development of the airport. By letter dated March, 31, 2011, the staff responded to the revisions requested by the Port Authority. The Port Authority indicated a possible long term interest in a future MOA for the originally proposed 1,700 linear foot runway extension. *No new action.*

3. **NJDOT:** The Commission received a request in November 2008 for a Permit Streamlining MOA. The staff asked NJDOT to identify the classes of projects that could potentially be subject of the MOA. Staff met with NJDOT on March 11, 2009 to discuss the potential MOA. NJDOT provided information for Commission staff to review. NJDOT was advised that significant changes to the submitted information were required. On March 30, 2011, the staff met with representatives of NJDOT to further discuss a proposed permit expediting MOA. NJDOT was encouraged to pattern the MOA after the existing County permit expedition MOAs that the Commission recently approved. *No new action.*

4. **NJDEP, Forestry:** The NJDEP is pursuing an MOA with the Commission to streamline review of forestry activities on public and private lands. At its September 10, 2010 meeting, the Commission voted to approve the proposed MOA. By letter dated October 7, 2010, the Commission staff provided the approved MOA to NJDEP for signing. On October 13, 2010, the Commission staff attended a meeting with representatives of NJDEP. At that meeting, NJDEP expressed conceptual concerns with the Commission adopted MOA. On November 22, 2010, NJDEP provided a significantly revised draft of the MOA to the Commission for review. NJDEP has advised that they would like to meet with the Commission staff after January 1, 2011 to discuss the MOA. On February 24, 2011 and March 23, 2011, the staff met with representatives of NJDEP to further discuss possible revisions to the MOA. *No new action.*

5. **Ocean Township, Solar facility at Landfill:** The Township has requested an MOA to permit solar energy facilities at the Southern Ocean Landfill. The request is under staff review. On October 23, 2009, the staff met with representatives of the Township and Ocean County to discuss preliminary information to be provided to the Commission regarding the proposal. On February 9, 2010, the staff discussed the status of the potential MOA with the Mayor of Ocean Township. By letter dated February 26, 2010, the staff outlined the status of the MOA and confirmed the previously discussed information that must be provided by the Township. A meeting has been scheduled for May 9, 2011 with the Township to discuss a number of matters including the status of the MOA. *The staff met with representatives of the County and municipality to discuss the proposed project. It appeared to be the consensus of that meeting that the applicant would await the proposed solar amendments to the CMP rather than pursuing an MOA*

IV. SCIENCE

A) KIRKWOOD-COHANSEY STUDY

1. *Provided technical assistance to a Princeton University graduate student regarding conservation needs of *Helonias bullata* (swamp pink).*
2. *Provided supplemental information to Rick Lathrop of Rutgers University for the development of confidence intervals associated with the application of the vegetation models.*
3. *Reviewed the draft hydrologic modeling report and provided technical-review comments to USGS.*
4. *Received the draft evapotranspiration report from the USGS.*
5. *PPA is planning a conference late in the year to provide policy direction to decision makers*

B) ENVIRONMENTAL MONITORING

1. **CAMCO monitoring:** *The annual streamflow trend memo was distributed to Commissioners and the first of two streamflow measurements for the study streams was received from USGS.*
2. **Monroe monitoring:** *The annual streamflow trend memo was distributed to Commissioners and the first of two streamflow measurements for the study streams was received from USGS.*
3. **Forest-Plot and Intermittent-Pond Monitoring:** *The April, May, and June rounds of forest-plot water-level measurements and pond-water level measurements were completed. Data were successfully downloaded and processed from the three ponds that contain continuous water-level recorders.*
4. **Long-term anuran surveys:** *The April, May, and June rounds of frog and toad vocalization surveys were completed at the 20 ponds.*
5. **Pinelands-wide water quality monitoring:** *The April, May, and June rounds of Pinelands-wide water-quality sampling was completed.*
6. **Barnegat Bay Watershed Surveys:** *The April, May, and June rounds of Barnegat Bay Watershed water-quality sampling was completed. Frog and toad vocalization surveys were completed. Vegetation and fish surveys were initiated.*
7. **Miscellaneous monitoring:** *No new action.*

C) OTHER SCIENCE PROJECTS

1. **Wetland Buffer Project:** *Staff determined the presence or absence of each of the study ponds in the 1930 aerial photography.*
2. **Forest Characterization Project:** *No new action.*
3. **Science Advisory Committee:** *No new action.*
4. **Commission P&I Committee:** *No new action.*
5. **Right-of-way Vegetation Monitoring:** *Vegetation-monitoring plots were established in 24 ROW spans. The collection of vegetation composition and cover data was initiated.*
6. **Miscellaneous accomplishments:**
 - a. *Updated the Ecological Integrity Assessment based on the 2007 land-use/land cover data and provided the GIS data to the Planning Staff.*
 - b. *Contributed the location of 295 monitoring sites and 11,880 data points to NJDEPs Water Quality Data Exchange database. The data were collected as part of the Commission's ongoing long-term environmental-monitoring program and span from 1999 through 2010.*
 - c. *Received recognition as a certified laboratory by the DEP for the measurements of pH, specific conductance, temperature, and dissolved oxygen.*
 - d. *Partnered with the DEP to monitor two sites in the Barnegat Bay Watershed as part of the Governor's comprehensive action plan to address the health of the Bay. Staff attended training by DEP staff and conducted water-quality sampling in June.*

- e. *Attended a Science and Technical Advisory Committee meeting of the Barnegat Bay Partnership as an interested party.*
- f. *Attended a meeting of the Burlington County College Geospatial Technology Advisory Committee.*
- g. *Attended and gave a presentation at the "State of the Bay" conference hosted by the Barnegat Bay Partnership.*
- h. *Provided technical assistance to Planning staff regarding the Buena STP MOA, including field reconnaissance of the Deep Run watershed.*
- i. *Provided technical assistance to USFWS regarding the Forsythe National Wildlife Refuge habitat management plan.*
- j. *Met with Drs. Alex Vagelli and John Dighton regarding research on snakehead fish in the Pinelands.*
- k. *Science staff reviewed the plans for the interpretive center and met with Public Programs staff and the consultants about the displays.*
- l. *Provided technical assistance to Regulatory Programs staff on pine snake issues for the Misty Pines development application.*
- m. *Reviewed a manuscript on frog invasion for the Canadian Journal of Zoology.*
- n. *Reviewed and provided technical assistance to Regulatory Programs staff for the Stockton College aquifer thermal energy storage vegetation monitoring report.*
- o. *Met with Planning staff and Gordian Dahl of the South Jersey Economic Development District regarding the use of unmanned aerial vehicle opportunities in the Pinelands.*
- p. *Led a fish-sampling field trip for a Drexel University Pinelands Ecology class taught by Dr. Walt Bien.*
- q. *Participated in two-day NJDEP workshop on southern pine beetles and attended a meeting at DEP.*

V. LITIGATION

A) STATE COURT CASES

1. **D.D. Residential v. Pinelands (Hamilton Township), Appellate Division.** The Hamilton Township Planning Board granted final approval and an extension of zoning protection to an amended site plan that D.D. Residential submitted for phases IV and V of its proposed Planned Unit Residential Development ("PURD") called Hamilton Greene. The Pinelands Commission ("Commission") issued a call-up letter, questioning whether the proposed development qualified as a PURD and whether it was consistent with the overall density requirements in a Regional Growth Area. D.D. Residential requested that the matter be transferred to the OAL for a hearing. After a hearing, the Administrative Law Judge ("ALJ") issued a decision in favor of the Pinelands. Both parties filed exceptions to this decision. On October 8, 2010, the Pinelands Commission passed a resolution adopting a 47-page Final Decision that affirmed the Commission's action in calling up the Township's approval of D.D. Residential's application for an amended final site plan approval and an extension of the period of zoning protection. The Final Decision further affirmed the Commission's action in finding the Township's approval to be inconsistent with the CMP and the Township's certified land use ordinance. The Final Decision, however, modified the ALJ's decision in that the Final Decision provided different bases for the affirmance. D.D. Residential appealed. The Appellate Division has yet to set a briefing schedule. DAG Conklin is handling the appeal. The appellant submitted a motion to the Commission to settle the record on appeal. *The Commission denied this motion at its June meeting. The appellant has appealed this denial. A letter brief in opposition to appellant's motion has been filed on behalf of the Commission.*
2. **DeMesquita v. Pinelands (Shamong Township), Law Division.** The subject property consists of 5.4 acres in an Agricultural Production Area of the Pinelands. DeMesquita filed a complaint in the Law Division, asserting that the Pinelands Commission's ("Commission") denial of his application to

construct a single family dwelling amounts to a taking. During a status conference call with the Judge on 8 November 2010, the parties agreed to attempt to reach a settlement under N.J.A.C. 7:50-4.62(d)(2), which provides that any parcel for which an extraordinary hardship exists, but which is otherwise precluded from development, shall receive an additional use right of PDCs based on the fair market value of the parcel. DeMesquita instructed to submit to the Commission by January 7, 2011 an appraisal of the fair market value of the property. During a subsequent conference call conducted with the Judge on February 12, 2011, the plaintiff, who had not obtained the required appraisal, was instructed to provide same to the Commission within 30 days. A conference call was conducted by the Judge on this matter on April 13, 2011. Again, plaintiff had failed to obtain the required appraisal. Judge Bookbinder has given plaintiff until May 27, 2011 to obtain the appraisal. *Plaintiff provided his appraisal at the end of June. The appraisal, however, failed to value the property based on existing zoning. During the last conference call with Judge Bookbinder, plaintiff's counsel was instructed to pursue the possibility of a rezoning with the Township. Another status conference will be conducted with the Judge on July 26.*

B) FEDERAL COURT

None

C) OTHER LITIGATION MATTERS OF INTEREST

None

VI. LEGISLATION

A) NOTABLE BILLS:

S2047/A4015 - An Act Concerning the Extension for Two Years of Certain Permits and Approvals Affecting the Physical Development of Property Located within the State of New Jersey, and Amending P.L.2008, c.78. - Under this bill, the "extension period," as defined in the "Permit Extension Act of 2008," P.L.2008, c.78 (C.40:55D-136.1 et seq.), would be extended until December 31, 2014, rather than ending on December 31, 2012, as provided for under current law.

S2887/A3992 - *Revises standards for wind generation facilities on Farmland - This bill would establish a new category of wind energy generation projects on farms that require no regulatory review other than limited minor site plan approval. In addition, the bill supplements the Municipal Land Use Law to provide that such a project would be deemed a permitted use and application for its development would be a minor site plan under the law and the requirements of notice and public hearing would be waived. The scope of the review of the minor site plan would be limited to the same six criteria listed in the bill.*

B) BILL TRACKING: *See attachment 2 for all bills being tracked*

VII. PUBLIC PROGRAMS

A) COMMUNICATION

1. Web site: *The Home page was the most viewed page of the Commission's Web site during the April, May and June monitoring period. The page recorded 3,772 hits (or views) in April, 4,837 hits in May and 6,436 hits in June. Other pages are the Pinelands National Reserve page (703 hits in April; 690 hits in May; and 852 hits in June), the Pinelands Comprehensive Management Plan page (610, 618 and 748 hits), the Land Use and Planning page (454, 460 and 587 hits), the Applicant Services page (451, 477 and 687 hits), the Visiting & Recreation page (322, 373 and 472 hits), the Information Center page (423, 425 and 542 hits), the About the Commission page (384, 441 and 507 hits), the Pinelands Image Library (277, 324 and 416 hits), the Educational Resources page (903, 1,082 and 1,193 hits), the Science office page (298, 340 and 418 hits), and*

the Pinelands Municipal Council page (299, 307 and 423 hits). The online Manual for Identifying and Delineating Pinelands Area Wetlands (1,571 hits in April), the Pinelands Wetlands Buffer Delineation Model (2,816 hits in May) and the presentation about Southern Pine Beetles (5,356 hits in June) also recorded very high numbers.

2. Press releases this quarter: A press release was issued on June 14 to announce the Commission's new public comment procedures. A release was issued on June 23 during a press conference in which Executive Director Nancy Wittenberg highlighted the Commission's successful efforts in Fiscal Year 2010. The releases generated media coverage in the Asbury Park Press, Burlington County Times, Courier Post, Bergen Record, the Pemberton Voice and the Tri-Town News.

3. Inquiries this quarter: A total of 30 media inquiries and 208 general inquiries were handled in April, May and June. Of the general inquiries, 90 inquiries came via e-mail, 13 came via mail and 105 came by telephone. Most of the inquiries pertained to various Commission projects, followed by general information about the Pinelands, and questions about recreational opportunities.

4. Open Public Records Act this quarter: A total of seven requests for government records were received and processed under the Open Public Records Act in April, May and June.

B) PUBLICATIONS

1. Pinelander: The Summer Pinelander, the Commission's official newsletter, is being written and designed and will be issued in late July or early August.

2. Annual Report: The 2010 Annual Report is being drafted.

C) EVENTS AND OUTREACH

1. Pinelands Short Course: No new action.

2. Local Officials Seminar: The annual Pinelands Orientation for Newly Elected Officials was held on May 25 as part of a joint meeting with the Pinelands Municipal Council. The meeting attracted more than 50 municipal officials, which is a record turnout. The Orientation also featured a presentation on the recently proposed solar rules.

3. Meetings:

a. Staff delivered three Pinelands presentations to a total of approximately 325 students during April, May and June.

D) INTERPRETIVE PROGRAM

1. PNR brochure: As a result of a planned closure of the National Parks Service's New Jersey Coastal Heritage Trail and Pinelands Interpretive Office in Cumberland County, the Commission has been picking up the remaining supplies of Pinelands National Reserve brochures, wayside panels, sign posts and other items. Thus far, the Commission has picked up approximately 52,000 brochures, which are now being stored in the Commission's offices, as well as 48,000 brochures that were subsequently dropped off at the Wharton State Forest's dry storage facility.

2. Pinelands Summer Speaker Series: The Commission will host a presentation about black bears at 2 p.m. on July 21, and a presentation about Southern Pine Beetles at 2 p.m. on August 18. Both presentations are free and open to the public, and they will be held in the conference room of the Richard J. Sullivan Center.

3. Exhibits in the Pinelands Technical Center: Since being hired in February, Content Design Collaborative LLC of Scituate, MA, has made significant progress in completing the planning and design process for proposed Pinelands-themed exhibits in the Richard J. Sullivan Center. Ed Malouf of Content Design Collaborative delivered a presentation on the firm's proposed concepts for the exhibits during the Public and

VIII. INFORMATION MANAGEMENT

A) GEOGRAPHIC INFORMATION SYSTEM

1. System planning and development: Completed QA/QC work on Management Area layer and Zoning layer updated both layers to the State's 2010 Composite Parcel layer. Regenerated the Land Capability Map and posted these datasets on the Commission website and distributed to outside agencies that had requested them. Developed a new methodology for maintaining and generating the report and map regarding Permanent Land Protection. The new method uses the data in the deed restrictions table in PCIS and links into the parcel layer in GIS instead of maintaining protected lands as a separate layer.

2. Programming: Scenario 1 is being re-generated using the recently updated Zoning and PMA layers. QA/QC work on the preliminary results for Scenario 2 identified an error in the algorithm that calculates residential units for that scenario. MIS is currently correcting the algorithm and will re-generate the results. Work will continue through the end of July and is currently projected to be completed in August.

3. Maps/analyses: Produced draft map of Permanently Protected Land in preparation for updated report.

4. Data : Downloaded the following data layers:

National Hydrography Dataset (NHD) Streams 2002
National Hydrography Dataset (NHD) Waterbody 2002
NJ Pollution Discharge Elimination System (NJPDES) Regulated Discharge to Groundwater Facility Locations
NJDEP Ambient Air Quality Monitors
NJDEP Archaeological Site Grid of New Jersey, Edition 2010
NJDEP Classification Exception Areas Well Restriction Areas Polygon Maps for New Jersey Version 201011
NJDEP Fish Index of Biotic Integrity Monitoring Network (2000-2006)
NJDEP Historic Districts of New Jersey, Edition 2010
NJDEP Historic Properties of New Jersey, Edition 2010
NJDEP Place Name Locations in the State of New Jersey
NJDEP State Owned, Protected Open Space and Recreation Areas in New Jersey
NJDEP Stream Network
NJDEP Supplemental Ambient Surfacewater Monitoring Network (SASMN)
NJDEP Surface Water Quality Standards of New Jersey (Version 201012)
NJPDES Surface Water Discharges in New Jersey (112,000) Version 201011
Well Program Atlas Sheet Grid 2x2m (2 minute by 2 minute) for New Jersey, Version 2004

5. LOIs for PDCs: Ten applications were analyzed involving 180 lots.

6. New Map Data Access Program: No updates.

7. Threatened & Endangered Species Data: 37 T&E Reports Completed.

8. Zoning Changes Completed: Egg Harbor City Ordinance - 06-2011 EHNRA (involved approximately 100 parcels) and Egg Harbor City Ordinance - 15-09 GRRA .

B) MANAGEMENT INFORMATION SYSTEM

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1. System planning and development:

- a. **PCIS:** *Fixed a bug in the transaction report and fixed problem with a combo-box on the T&E form. Also added code to make sure all the proper data is cleared when the selection is changed in the "Survey Required" field.*

Added code to automatically generate all Callup letters. Users are able to select the type of Callup (e.g. New, Rescheduled, Modified or Preliminary - Needs to Request OAL Hearing) and enter a hearing date and the system automatically generates the Callup letter.

Added code to allow reviewers to send emails to applicants from within PCIS. The system will save the e-mail inside the PCIS data tables and generate an "E-mail sent" transaction. The e-mails are able to be viewed on the transactions screen. Future programming enhancements will allow the reviewer to attach documents to the e-mail.

Added a "Meeting Held" transaction to the "Action" menu.

Added a "Meeting Requested" and "File Review Requested" to the "Received" menu.

Created a new category in the Mailing List System for members of the public who are interested in staying abreast of Public Development applications and Waivers. Linked the "Application is complete for public review" button in PCIS to this new category in the Mailing List System so that an e-mail is automatically sent to the people on that list when the button is clicked. The e-mail message contains summary information and a message stating that the application is available for public review and is substantively complete.

- b. **Database QA/QC:** *Performed extensive research and updates to the deed restriction table in preparation for generating an updated Permanent Land Protection report. This included reviewing information on NJ Parcel Map for all lots in the Pinelands National Reserve that were marked as "publicly owned".*
- c. **Document Imaging:** *No updates.*
- d. **Project Tracking System:** *No updates.*

IX. OPERATIONS

A) FACILITIES

- 1. **Maintenance:** *The annual tests on the fire alarm, elevator, and sprinkler systems were performed. The fire alarm system showed some issues which have been corrected.*

B) FINANCIAL MANAGEMENT

- 1. **Application fees:** FY 2011 budget amount \$450,000; received through June \$440,805.12.

- 2. **Audit/Accounting:**

The post audit conference for FY2010 was held on June 15. One finding regarding under-collateralized bank balances was discussed. A new procedure has been implemented to avoid this situation in the future. Staff has begun work on closing FY2011.

3. Budget: *The Personnel and Budget Committee discussed the proposed FY2012 Budgets for the Operating Fund, the Kirkwood-Cohansey Aquifer Assessment Study Fund, the Pinelands Conservation Fund and the Pinelands Development Credit Purchase Program Fund and recommended Commission approval.*

4. Procurement: *6 general RFQs were issued*

5. Miscellaneous: *Fixed assets (capitalized equipment) totaling \$116,744.76 was approved for deletion by the Personnel and Budget Committee on June 27, 2011.*

C) HUMAN RESOURCES: *See Attachment 3 for employee notes*

1. Benefits:

a. A representative from Prudential was here on June 30, 2011 to review the new Roth 457 benefit.

2. Miscellaneous:

a. Mark Ruderman will no longer be the labor attorney for the Commission.

b. Information was sent to CWA for negotiations. CWA has requested dates for planning the first negotiation meeting.

c. The Performance Evaluation process for staff is underway.

d. An internal recruitment for the Executive Assistant, which is a combination of the Legal Assistant, Secretary to the Executive Director, and Executive Assistant to the Commission positions, will be completed shortly.

e. The Flexible Summer Schedule Program has begun.

f. Training opportunities are being reviewed.

g. New staff id cards will be issued once BCC is ready to print them.

h. An unpaid intern began in Land Use & Technology.

D) OTHER OPERATIONAL ITEMS

1. Records Management: *No new action.*

X. PINELANDS MUNICIPAL COUNCIL

A) MEETINGS

1. Last meeting: *The Council meeting was held at the Commission headquarters on May 25, 2011 in conjunction with the Pinelands Orientation.*

2. Upcoming meeting: *The next meeting date of the Council is July 26, 2011 in Weymouth Township.*

XI. MISCELLANEOUS

1. Ms. Grogan continues to represent the Commission on the DEP's Interagency State Land Lease Work Group. This special panel was formed by DEP Commissioner Martin and is charged with examining the current structure of lease arrangements and making recommendations to overhaul the States process of leasing property to private companies for various projects (pipelines, cables, electric lines, towers, etc.). Ms. Grogan is participating in two newly formed focus groups: (1) environmental enhancements for pipelines and powerlines (including mitigation); and (2) regulatory process streamlining for pipelines and powerlines (including public notice). She attended the first meetings of both focus groups on March 23. *No new action.*

ATTACHMENT #1

ONGOING CONFORMANCE ACTIVITY

April- June 2011

MUNICIPALITY	TOPIC
Barnegat	<p>1. Letter received from mayor requesting consideration of zoning changes (expansion of RGA; rezoning from RL/AC – residential – to commercial zone; sewer service for existing mobile home parks); meeting held 3/9/05. Met with new master plan subcommittee on 3/3/06. Meeting held on 3/31/08 at Township's request to discuss extension of sewer to existing mobile home parks and increased commercial development opportunities, potentially through a Pinelands Village designation. Request for another meeting on the same issues received 10/23/08. Staff met with Township representatives on 12/10/08 to discuss these rezonings as well as the EIA management area changes.</p> <p>2. Rezoning of lots from RC (Conservation) to RH (Residential High), within the RGA: Ordinance 2010-5 received on 3/19/10. Staff is reviewing the ordinance and gathering data on development in Ocean Acres approved since August 2005. Staff attended a joint meeting of the Township Council and Planning Board on April 22, 2010. Following a public hearing, the Township Council did not adopt the rezoning.</p>
Berlin Township	<p>1. Request to redesignate remaining RDA to RGA to facilitate nonresidential development and extension of sanitary sewer: letter received from Township in October 2005. Met with municipal representatives to discuss potential rezonings, water supply issues, residential zoning capacity and PDC opportunities on November 28, 2005. Contacted Township in early July 2009 to discuss potential rezonings involving several existing uses in the RDA. Subsequently provided Township with two options for consideration. The Township submitted a proposal in 2010; staff comments provided 5/4/10. In October, 2010, the Township adopted an ordinance amending its Zoning Map. A meeting with Township representatives to resolve questions with the map was held on December 16, 2010. <i>The Township has requested and been granted two extensions of the Commission's review period until October 24, 2011.</i></p>
Buena Vista	<p>1. Comar Redevelopment Area: met with Township redevelopment planner on 4/25/07 to discuss concept plans for new redevelopment area incorporating the Wilmad and Comar facilities (approximately 170 acres in the Rural Development Area). Copy of Redevelopment Plan received on 12/9/08; notice of adoption received 1/14/09. Issues identified with maximum permitted height and impervious coverage, given location of Redevelopment Area in a Rural Development Area. Township has requested and been granted several extensions of the Commission's review period in order to adopt an amending ordinance. A meeting was held with the mayor to discuss this and other rezoning matters on May 5, 2009. Various information related to Comar was provided to the Township's new planner in September 2010. Awaiting Township's adoption of amendments to the Redevelopment Plan.</p>
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. <i>Request for management area change (40 acres from Forest to Pinelands Town) received on 4/21/11. Response provided</i></p>

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	<p>6/14/11, indicating that the proposed management area change is inappropriate.</p> <p>3. Egg Harbor North Rehabilitation Area: discussed and reviewed Town's proposal to reduce lot size requirements and allow noncontiguous lands to be counted for purposes of density. Comments provided on draft ordinance 2/17/11. <i>The City adopted Ordinance 6-2011, reducing minimum lot size requirements for residential development in the Rehabilitation Area. No substantial issue finding letter sent 4/14/11.</i></p> <p>4. Recreation complex: request for change in management area designations received 4/14/11. City is proposing to redesignate 30 acres from Forest to Pinelands Town along Philadelphia Avenue. Offsetting management area change also proposed. Response provided 6/14/11, indicating that staff would support the proposed redesignation, with exact boundaries of offset area still to be determined.</p>
Egg Harbor Township	<p>1. Builders remedy litigation: the owners of a parcel in the RG-1 Zone have filed a builders remedy lawsuit against the Township. Staff met with both parties and the master appointed by the Court on 11/21/08 to discuss zoning, PDC and affordable housing issues. Information on potential zoning solutions provided to court master on 12/11/08. Reviewed draft implementing ordinance at request of court master and provided comments on 6/17/10. Copy of Ordinance 32-1010 received on 11/17/10, with notice of public hearing scheduled for 12/8/10. Comments provided to Township and court master re: PDC issue on 11/17/10.</p> <p>2. Affordable housing: draft ordinance implementing the 20% set aside required in A-500 received 7/16/09. Meeting held with Township representatives on 9/24/09 to discuss implications for PDC program and density. Township will provide a list of affordable housing projects under consideration so that staff can prepare options (densities; required PDC %'s; ordinance amendments) for the Township's review. This information from Township was received on 10/27/09. Court master requested meeting with staff and the Township be held by 4/1/11; no date scheduled as yet.</p>
Galloway	<p>1. Redevelopment designation for White Horse Pike Corridor Phase II, Pomona Road - Determination of Need report received on 1/6/11.</p> <p>2. <i>Management area redesignations: met with Township Planner in June 2011 to discuss extension of sewer to recreation areas now in RDA, along with other adjustments from RDA to RGA.</i></p>
Hamilton	<p>1. Draft redevelopment plan for Landfill Redevelopment Area (within RGA/Industrial Business Park) received on 11/15/10; comments provided 11/19/10. Adopted ordinance (1680-2010) received 12/23/10. No substantial issue finding letter sent 12/29/10.</p> <p>2. Draft redevelopment plan for Atlantic City Race Course Redevelopment Area (within RGA) received on 2/14/11; comments provided 2/14/11. Adopted ordinance (1688-2011) received on 3/30/11 and under review. <i>No substantial issue finding letter sent 4/14/11.</i></p>
Hammonton	<p>1. In lieu recreation fees: ordinance adopted in August 2006 but not submitted to Commission until 1/22/07. \$5,000 per lot fee under review; awaiting supporting analysis from Town. Town has since indicated it will be making additional revisions to the ordinance. Provided Town with sample ordinances of other municipalities to use in developing a new ordinance 3/23/07. Multiple extensions requested by the Town and granted, most recently through 10/29/08. Awaiting adoption of revised ordinance.</p> <p>3. Builders remedy litigation involving parcels in Redevelopment Area within Pinelands Town: concept plans provided 5/23/08 and to be reviewed for potential Pinelands issues prior to mediation session with the parties. Comments provided to court master; concerns with wastewater discussed. Court master conducted meeting of all parties on 7/31/08; Ms. Grogan attended on behalf of the Commission. Concerns with wastewater and water supply again discussed with court master in light of draft settlement agreement on 12/10/09. In mid-December, 2010, staff was informed that the development proposal has been significantly reduced in terms of the number of units. Comments provided to court master and interested parties on 1/5/11.</p> <p>3. Draft of solar and wind energy ordinance received 3/9/11, with adoption</p>

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	<p>scheduled for 3/26/11. <i>Adopted ordinance (004-2011) received. No substantial issue finding letter sent 5/19/11.</i></p> <p>4. Downtown Area Plan: met with Town consultants on 1/5/11 to discuss development of a form-based code for the Downtown Area (within Pinelands Town), including establishment of multiple new zoning districts, a sign code and other ordinance changes. Drafts of master plan and ordinance amendments received 1/5/11. Comments and suggested revisions provided to the Town on 3/17/11.</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&I Committee on 4/24/09. The Committee asked for additional information and consideration of other options which staff will pursue. The Township's draft master plan was received on May 22, 2009, together with a notice indicating it may be adopted by the Planning Board on June 1, 2009. Revised draft of master plan received 7/22/09. Adopted master plan received 8/31/09. Finding letter sent 9/29/09. A meeting with Township representatives was scheduled for November 4, 2009 but was postponed at the Township's request. In January, the Township requested a February meeting. Commission staff agreed via email to meet in February but the Township never responded. Commission staff attempted to schedule the meeting in early February but again the Township never responded. In lieu of a meeting with Township representatives, Commission staff prepared and sent a letter in April 2010 which comprehensively addressed the Township's 2009 Master Plan. No response from the Township as of 9/24/10. After learning that the Township's Planning Board may be in the process of reviewing ordinances intended to implement the 2009 Master Plan, Staff requested the opportunity to review and comment upon the same prior to their adoption. The Township never responded to staff's request to be permitted to comment prior to adoption. Instead, the Township adopted a series of implementing ordinances in November. Staff requested a copy of the Township's Zoning Map as revised by the implementing ordinances but never received one. A letter determining that, without a revised Zoning Map, the implementing ordinances were incomplete for purposes of the Commission's review was issued on December 1, 2010. Two meetings with Township representatives were held, the first on December 22, 2010 and the second on February 8, 2011. Subsequently, three Finding Letters were sent to the Township. One of which determined that nine of the Township's implementing ordinances presented no issues with respect to CMP standards; another determined that six of the Township's implementing ordinances presented no substantial issue with respect to CMP standards; and, the third determined that a Township ordinance eliminating all conditional uses, including PDC use and higher density residential development, within the RG-2 and RG-3 Regional Growth Zones presented a substantial issue with respect to CMP standards. The Township has requested and been granted an extension of the Commission's review period for the final ordinance mentioned above until July 31, 2011. In the interim, the Township is expected to adopt an ordinance which will designate all, or most of, the RG-2 and RG-3 Regional Growth Zones as commercial zoning districts, which will include a PDC-use obligation.</p>
Lakehurst	<p>1. <i>By way of letter, dated June 3, 2011, the Township notified the Commission that it is expected to adopt an ordinance implementing the Commission's forestry and wetlands management rules in mid-July. To accommodate the Township's schedule, it was granted an extension of the deadline to adopt such ordinances</i></p>

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	<i>until August 5, 2011.</i>
Manchester	<p>1. Expansion of Whiting (Pinelands Town): draft ordinance rezoning six lots from Forest to Town received 10/1/04; potential t&e issues identified and under review; adopted ordinances received 2/7/05 and 3/8/05. Discussed t&e concerns and possible alternatives to rezoning with Mayor 8/31/05. Letter sent 10/3/05. Staff has researched and drafted comments regarding the Township's proposal to implement cluster development or a density transfer plan to facilitate limited amount of development in the area. Maps and receiving area recommendations (including elimination of one or more existing receiving areas, expansion of others) were provided to the Township in May, 2006. Discussed with new Township Administrator and resent maps and recommendations mid-November. Draft master plan amendment received 11/21/06. Adopted master plan received 1/29/07. Draft ordinance received 11/21/2007; comments provided 12/6/07. Letter from PPA/Herpetological Associates raising issues received 12/13/07. Met with Township on 5/7/10 to discuss FA density transfer program, designation of new receiving areas and mandatory clustering. Draft ordinance, including FA/PT rezonings, received 6/22/10. Comments/questions provided to the Township re: zoning map revisions. Revised clustering/density transfer ordinance provided to the Township on 3/7/11, along with suggested revisions to zoning map changes.</p> <p>2. Township initiated discussion of expanding affordable housing opportunities in Beckerville Village. Met with Township and applicant 12/6/06 to discuss zoning and water quality issues. Draft ordinance received on 11/21/07 which would add age-restricted affordable apartments as a permitted use in Beckerville at a density of 5 units per acre. Response sent to Township 12/6/07 reiterating that water quality/wastewater treatment issues must be addressed first. Issue raised again by Township on 2/15/11; staff reiterated the need for a solution to the wastewater issue before proceeding with any zoning changes for Beckerville.</p>
Maurice River	<p>1. <i>Economic development: met with Township representatives on 6/7/11 to discuss development standards in various commercial zones, possibility of redevelopment designations, streamlined permitting, etc.</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>
Ocean	<p>1. Landfill Redevelopment Plan – adopted ordinance (2011-1) received on 2/28/11. Redevelopment Plan allows for solar energy facilities to be developed at the Southern Ocean Landfill site, within a Pinelands Forest Area. Extension requested by the Township until such time as the Commission adopts the recently proposed solar facility amendments to the CMP. Extension granted on 3/15/11.</p> <p>2. Solar facilities ordinance (2010-8) received 1/20/11. Finding letter issued on 2/22/11, indicating ordinance was not consistent with the CMP because it permitted solar facilities as a principal use in the Preservation and Forest Areas. Township requested and was granted an extension of the Commission's review period until 7/15/11 in order to provide an opportunity for adoption of amendments. <i>Township has since repealed Ordinance 2010-8.</i></p>
Pemberton	<p>1. Browns Mills Redevelopment/Revitalization Study: Township has received a</p>

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	<p>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. <i>Meeting held with the Township, at Mayor's request, on 4/14/11.</i></p> <p>2. 2009 Master Plan: draft of new master plan received 6/9/09. Meeting held with planning consultants on 6/18/09 to review proposed zoning and management area changes and affordable housing issues. Drafts of implementing ordinances received, including rezonings and management area changes within the Pinelands area, on 11/10/09. Draft of amended zoning map received 12/9/09 and under review. Adopted ordinances received 1/15/10. Adopted Master Plan received 2/25/10. All adopted documents under review. More detail on rezoning boundaries requested and received 3/22/10. List of issues identified for the Township and under discussion.</p>
Southampton	<p>1. Solar/Wind ordinance (2010-11) received on 8/20/10. Letter emailed to Township on 9/20/10 indicating concerns with applicability of ordinance in APA and RDA. <i>Solar/Wind ordinance (2011-7) again received from the Township. Letter sent 5/19/11 identifying concerns with applicability of the ordinance in APA and RDA, discussing the Commission's proposed solar rules and requesting the Township delay adoption.</i></p>
Upper	<p>1. 2011 Master Plan Reexamination Report and Conservation Plan Update: received 2/28/11 and under review.</p>
Waterford	<p>1. Draft 2010 Master Plan received and under review (includes proposed zoning and management area changes).</p> <p>2. <i>C. William Haines Redevelopment Area: Redevelopment Plan and adopting ordinance (2001-30) received. No substantial issue finding letter sent 6/15/11. Discussions ongoing with Township re: streamlined permitting for nonresidential development within the redevelopment area.</i></p>
Weymouth	<p>1. Draft ordinance (472-2008) requiring use of contiguous commonly owned lands prior to use of noncontiguous lands under the Forest Area density transfer program received 3/24/08. Comments provided to Township solicitor on 4/30. Discussed in detail with Planning Board Engineer on 5/8. Adopted ordinance received 6/12. Finding letter issued on 7/7/08 indicating ordinance raises a substantial issue requiring Commission's formal review and approval. Meeting with Township representatives to discuss purpose of ordinance and its implications to be scheduled. Township has since repealed the ordinance and will reconsider the issue as part of an upcoming master plan review.</p> <p>3. 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>
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</p>

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PINELANDS-SPECIFIC LEGISLATION

<u>Bill No.(s)</u>	<u>Prime Sponsor(s)</u>	<u>Synopsis</u>	<u>Current Status</u>
A278	Russo	Limits political contributions by certain government contractors; revises disclosure standards applicable to State officials; expands disclosure for lobbyists; prohibits certain types of dual office holding	Introduced, Referred to Assembly State Government Committee
A283	Russo	Establishes certain ethical standards and financial control requirements for State authorities.	Introduced, Referred to the Assembly State Government Committee
A501	Polistina/Amodeo	Prohibits Pinelands Commission from altering pinelands management area boundaries	Introduced, Referred to Assembly Environment and Solid Waste Committee
A524	Handlin/Angelini/Rible	Requires All Elected Officials and Candidates and Certain Other Public Officials to File Financial Disclosure Statement	Introduced, Referred to Assembly State Government Committee
A674	Greenstein/Handlin	Amends "State Transfer of Development Rights Act," and provides for impact fees and other incentives for establishment of transfer of development rights programs.	Introduced, Referred to Assembly Environment and Solid Waste Committee
A737	DiMaio	Requires State compensation of property owners for certain property devalued due to certain environmental laws; and requires State agencies to evaluate proposed administrative rules for potential to constitute taking of real property	Introduced, Referred to Assembly State Government Committee
A960	Johnson	Revises scope of P.L.2004, c.89, expediting certain State permits in smart growth areas	Introduced, Referred to Assembly Environment and Solid Waste Committee
A1049	Malone/Dancer	Authorizes Council on Affordable Housing to enter into memoranda of understanding with certain planning entities; establishes	Introduced, Referred to Assembly Housing and Local Government

		presumption of compliance with council's regulations; establishes moratorium on builder's remedy	Committee
A1163	Rible/Rumana	Revises laws governing provision of affordable housing; reestablishes regional contribution agreement as method of meeting affordable housing obligation; repeals Statewide non-residential development fee	Introduced, Referred to Assembly Housing and Local Government Committee
S244	Bateman/Haines	Identical to A1163	Introduced in the Senate, Referred to Senate Community and Urban Affairs
A1474	Wisniewski	Makes various changes to current system for approval, issuance, administration and discontinuance of various types of special license plates	Introduced, Referred to Assembly Transportation, Public Works and Independent Authorities Committee
A2057	Rible	Reforms procedures concerning provision of affordable housing; abolishes COAH	<i>Substituted by S1</i>
S1	Lesniak	Identical to A2057	<i>Conditional Veto, Received in Senate, Subsequently Withdrawn from Consideration</i>
A2424	Albano/Milam	Permits members of the Pinelands Commission to approve revisions to the CMP	Introduced, Referred to Assembly Environment and Solid Waste Committee
S1123	VanDrew	Identical to A2424	Reported from Senate Committee with Amendments, 2nd Reading
A2478	Moriarty/Riley/ Burzichelli/Fuentes/ Wilson	Requires all public officers and employees to reside in State	Introduced, Referred to Assembly State Government Committee
S1730	Norcross/O'Toole/Sacco	Identical to A2478	Received in the Assembly; Referred to the Assembly State Government Committee
A2515	Angelini	Requires display of State vehicle abuse hotline bumper stickers on all State vehicles	Introduced, Referred to Assembly State Government Committee

S1495	Bucco/Goodwin	Identical to A2515	Passed by the Senate; Received in the Assembly; Referred to Assembly State Government Committee
A2526	Casagrande	Requires posting on State and local government websites information concerning assignments and use of vehicles	Introduced, Referred to Assembly State Government Committee
S1722	Codey/Pennacchio	Identical to A2526	Introduced in the Senate, Referred to Senate State Government, Wagering, Tourism & Historic Preservation Committee
A2535	Conaway	Authorizes set-asides, and fees in-lieu thereof, for open space and recreation purposes as conditions to approvals under the MLUL	Introduced, Referred to Assembly Housing and Local Government Committee
A2540	DeCroce/Coyle	Provides that certain permits and approvals for critical infrastructure projects must be acted upon within 45 days	Introduced, Referred to Assembly Housing and Local Government Committee
A2617	Amodeo	Prohibits Pinelands Commission from requiring pinelands development credits for the construction of development projects that includes affordable housing	Introduced, Referred to Assembly Environment and Solid Waste Committee
S1235	Ciesla	Identical to A2617	Introduced in the Senate, Referred to Senate Environment and Energy Committee
A2768	Cryan/Chivukula	Establishes deadlines for filing financial disclosure statements with Senate Ethics Commission	Passed Senate (Passed both Houses) (38-1)
S2074	Vitale	Identical to A2768	Substituted by A2768
A2925	Riley/Chivukula	Concerns "Freshwater Wetlands Protection Act" general permit for expansion of cranberry bogs in pinelands area	Passed by Assembly, Received in the Senate, Referred to Senate Economic Growth

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S2804	Van Drew	Identical to A2925	Introduced in the Senate, Referred to Senate Environment and Energy Committee
A3295	<i>Coutinho, Quigley, Wagner, Watson Coleman</i>	<i>Expands availability of general development plan approvals and long-term vesting of preliminary and final site plan approvals in Smart Growth areas</i>	<i>Substituted by S483</i>
S483	Lesniak	Identical to A3295	<i>Approved P.L.2011, c.86.</i>
A3992	<i>Chivukula</i>	<i>Revises standards for wind generation facilities on farmland</i>	<i>Reported out of Asm. Comm. with Amendments, and Referred to Assembly Housing and Local Government Committee</i>
S2887	<i>Smith</i>	<i>Identical to A3992</i>	<i>Introduced in the Senate, Referred to Senate Environment and Energy Committee</i>
A4015	<i>Milam</i>	<i>Extends for two years expiration date of certain permits pursuant to "Permit Extension Act of 2008."</i>	<i>Introduced, Referred to Assembly House and Local Government Committee</i>
S2847	Van Drew	Identical to A4015	<i>Introduced in the Senate, Referred to Senate Economic Growth Committee</i>
A4161	<i>Coutinho/Greenwald</i>	<i>Makes various changes to urban transit hub tax credit program concerning mixed use projects, in-State job relocation, tax credit and investment criteria, and affordable housing; makes certain NJ Meadowlands area properties eligible for incentive grants</i>	<i>Substituted by S2972</i>
S2972	<i>Lesniak/Norcross/Coutinoho/Greenwald</i>	<i>Identical to A4161</i>	<i>Passed Both Houses</i>
S1551	Haines	Eliminates development review fees charged by Pinelands Commission	Introduced in the Senate, Referred to Senate Environment and Energy Committee

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S1826	Haines	Prohibits State from exporting water from the Pinelands	Introduced; Referred to Senate Environment and Energy Committee
S1939	Goodwin	Requires all elected officials and candidates and certain other public officials to file financial disclosure statement	Introduced in the Senate; Referred to Senate State Government, Wagering, Tourism & Historic Preservation Committee
S1954	Smith/Bateman	Establishes forest harvest demonstration project in Pinelands; establishes forest harvest program on State-owned land	Reported from Senate Committee with Amendments, 2 nd Reading
S3017	Whelan	<i>Designates Atlantic City and Pleasantville, Atlantic County, as areas eligible for redemption of pinelands development credits</i>	<i>Introduced</i>
ACR114	Polistina	Urges Congress to advance construction of Aviation Research and Technology Park in Egg Harbor Twp., NJ	Introduced, Referred to Assembly Transportation, Public Works and Independent Authorities
SCR15	Whelan/Van Drew	Identical to ACR114	Introduced, Referred to Senate Transportation Committee

SELECTED PINELANDS RELATED LEGISLATION

<u>Bill No.(s)</u>	<u>Prime Sponsor(s)</u>	<u>Synopsis</u>	<u>Current Status</u>
A132	Biondi/Bucco	Abolishes Council on Affordable Housing for failure to comply with legislative directives	Introduced, Referred to Assembly Housing and Local Government Committee
A156	McHose/Chiusano	Revises "Administrative Procedure Act" concerning socio-economic impact statements for proposed rule-making	Introduced, Referred to Assembly State Government Committee
S343	Oroho/Sweeney	Identical to A156	Introduced, Referred to Senate State Government, Wagering, Tourism & Historic Preservation Committee
A295	Rumpf/Gove	Appropriates \$26,140,000 for dredging projects and dredged material disposal projects related to navigational waterways	Introduced, Referred to Assembly Environment and Solid Waste Committee
S1031	Connors	Identical to A295	Introduced, Referred to Senate Environment and Energy Committee
A296	Rumpf/Gove	Establishes a New Jersey Coordinating Council on the Decommissioning of Nuclear Power Generating Facilities	Introduced, Referred to Assembly Telecommunications and Utilities Committee
A437	Green/McHose/Vandervalk	Modifies rule governing decisions under the Municipal Land Use Law	Substituted by S82
S82	Rice/Van Drew/Greene/McHose/Vandervalk	Identical to A437	Approved P.L.2010, c.9
A560	Cryan/Greenwald/Moriarty/Evans	Allows State agencies, counties and municipalities to comply with certain publication requirements by means of Internet	Referred to Assembly Commerce and Economic Development Committee
S1787	Cardinale	Identical to A560	Introduced, Referred to Senate Community and Urban Affairs Committee

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A602	Peterson/McKeon	Authorizes any municipality outside Highlands Region to establish receiving zones for Highlands transfer of development rights program.	Approved P.L.2010, c.7
S80	Smith/Bateman/Gordon/Beck/Beach	Identical to A602	Substituted by A602
A858	Milam/Albano	Creates "Task Force on the Extension of Route 55"	Introduced, Referred to Assembly Transportation, Public Works and Independent Authorities Committee
S1132	VanDrew	Identical to A858	Introduced, Referred to Senate Transportation Committee
A859	Milam/Albano	Directs DOT Commissioner to allocate Transportation Trust Fund monies for concept development and design of Route 55 extension	Introduced, Referred to Assembly Transportation, Public Works and Independent Authorities Committee
S1131	VanDrew	Identical to A859	Introduced, Referred to Senate Transportation Committee
A904	Chivulka/Greenstein/Lampitt/Egan	Establishes innovation zone program to stimulate technology industry clusters around New Jersey's research universities, colleges or research hospitals	Reported and Referred to Assembly Appropriations Committee
S1442	Baroni	Identical to A904	Introduced, Referred to Senate Economic Growth Committee
A1055	Gusciora/Handlin	Authorizes Assessment of Development Impact Fees by Municipalities	Introduced, Referred to Assembly Housing and Local Government Committee
A1219	Rudder/Addiego	Protects municipalities that have complied with affordable housing obligation from being required to provide more than their fair share	Introduced, Referred to Assembly Housing and Local Government Committee

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A1279	Holzapel/Wolfe	Requires water purveyors and licensed operators to notify municipalities they service regarding water supply and water quality issues	Introduced, Referred to Assembly Environmental and Solid Waste Committee
A1569	Scalera/Quigley	Authorizes creation of urban enterprise zones in Garfield, Harrison, Keansburg and two joint urban enterprise zones, one in Cliffside Park and Fairview, and one in Buena Vista Township and Buena Borough.	Reviewed by the Sales Tax Review Commission Recommend to not enact
A1688	Burzichelli	Authorizes municipality to request DEP to require additional remediation of certain landfill sites	Introduced, Referred to Assembly Environment and Solid Waste Committee
A1697	Burzichelli	Makes various technical and procedural amendments to the "Municipal Land Use Law."	Introduced, Referred to Assembly Housing and Local Government Committee
S1585	Oroho/Weinberg	Identical to A1697	Introduced, Referred to Senate Community and Urban Affairs Committee
A1842	Polistina/Amodeo	Establishes innovation zone program and creates innovation zone around Aviation Research and Technology Park in Atlantic County	Introduced, Referred to Assembly Commerce and Economic Development Committee
S542	Whelan/Kean	Identical to A1942	Introduced, Referred to Senate Economic Growth Committee
A1847	Chiusano/Rudder/McKeon	Appropriates \$17.45 million in 1992 and 2003 bond act monies for loans to fund dam restoration projects	Substituted by S922
A2126	Chivukula	Identical to A1847; adds \$1.371 million in 1992 bond act monies to fund state dam restoration projects	Introduced, Referred to Assembly Environment and Solid Waste Committee
S922	Kean/Turner/Chiusano/Rudder/McKeon	Identical to A1847 & A2126	Approved P.L.2010, c.16
A1851	Gusciora/Greenstein /Jasey/ Spencer/DeAngelo/Wisniewski	Historic Property Reinvestment Act	Substituted by S659

S659	Buono	Identical to A1851	<i>Passed Both Houses, Absolute Veto, Received in the Assembly</i>
A2114	Moriarty	Makes certain changes to public access of government records	Introduced, Referred to Assembly State Government Committee
S1691	Madden	Identical to A2114	Introduced, Referred to Senate State Government, Wagering, Tourism & Historic Preservation Committee
A2155	Albano	Designates portion of US Route no. 40 in Buena Borough, Atlantic County as "Peter 'Pete' Dandrea" section of the Harding Highway"	Introduced, Referred to Assembly Transportation, Public Works and Independent Authorities Committee
A2170	Vainieri/Huttle	Makes certain changes to open public records act; formally names open public records act "Martin O'Shea Open Public Records Act."	Introduced, Referred to Assembly State Government, Committee
A2321	Johnson	Identical to A2170	Introduced, Referred to Assembly State Government, Committee
S1352	Weinberg	Identical to A2170	Introduced, Referred to Senate State Government, Wagering, Tourism & Historic Preservation Committee
A2212	McKeon	Extends expiration date of special appraisal process for Green Acres and farmland preservation programs from 2009 to 2014	Introduced, Referred to Assembly Environment and Solid Waste Committee
S1338	Sarlo/Oroho	Identical to A2212	Introduced, Referred to Senate Environment and Energy Committee
A2229	McKeon	Water Supply Open Space, Farmland and Historic Preservation Trust Fund Act	Introduced, Referred to Assembly Environment and Solid Waste Committee

S457	Smith	Identical to A2229	Introduced, Referred to Senate Environmental and Energy Committee
A2234	McKeon	Water Resources Lands Protection Act	Introduced, Referred to Assembly Environment and Solid Waste Committee
A2276	Munoz	Establishes cross-acceptance of local master plans; intermunicipal review of certain development applications.	Introduced, Referred to Assembly Housing and Local Government Committee
A2289	Chivukula/Quijano	Exempts solar panels from impervious surface or impervious cover designation	Substituted by S921
S921	Smith/Beck	Identical to A2289	Passed Assembly (Passed Both Houses)(75-0-0); Approved P.L.2010, c.4.
A2322	Johnson	Revises law concerning meetings of public bodies to provide greater access to meetings and information about meetings	Introduced, Referred to Assembly State Government Committee
S1351	Weinberg	Identical to A2322	Introduced, Referred to Senate State Government, Wagering, Tourism & Historic Preservation Committee
A2453	Vainieri Huttie	Strengthens public disclosure and monitoring requirements of "Open Public Meetings Act"	Introduced, Referred to Assembly State Government Committee
S164	Gill/Weinberg	Identical to A2453	Introduced, Referred to Senate State Government, Wagering, Tourism & Historic Preservation Committee
A2577	McKeon/Barnes	Ocean County Stormwater Management System Demonstration Act	Reported out of Assembly Comm. with Amendments, 2nd Reading

S1815	Smith	Identical to A2577	Referred to Senate Budget and Appropriations Committee
A2606	McKeon/Barnes	Authorizes measures by Ocean County Planning Board for control of stormwater runoff and nonpoint source pollution	Reported out of Assembly Comm. with Amendments, 2nd Reading
S1856	Smith	Identical to A2606	Referred to Senate Budget and Appropriations Committee
A2719	Bucco	Clarifies fee schedule for duplication of government records	Introduced, Referred to Assembly Housing and Local Government Committee
A2720	Burzichelli/Rumana	Establishes new procedure in “Administrative Procedure Act” to allow substantial changes to agency rule-making upon adoption	Reported out of Assembly Committee with Amendments, 2 nd Reading
A2721	Burzichelli/Rumana	Changes five year chapter expiration date for rules to seven years; changes procedures for readoption of rules	Introduced, Referred to Assembly Regulatory Oversight and Gaming Committee
S2014	Oroho	Identical to A2721	Introduced, Referred to Senate State Government, Wagering, Tourism & Historic Preservation Committee
A2799	Rumana	Limits copy fees for OPRA requests	Introduced, Referred to Assembly State Government Committee
A2873	Chivukula/Burzichelli	The “Offshore Wind Economic Development Act.”	Substituted by S2036
S2036	Sweeny/Kean	Identical to A2873	Passed Assembly (Passed both Houses)(71-6-1)
A2922	Burzichelli	Revises “Administrative Procedure Act” concerning conflicts between rules of different State agencies	Reported out of Assembly Committee with Amendments, 2 nd Reading

S2126	Whelan/Haines	Permits development of solar and wind facilities and structures on landfills and quarries	Conditional Veto, received in the Senate. Second Reading in the Senate on Concurrence with the Governor's Recommendations
A3139	Quaijano/DeAngelo/Ramos/Wagner	Permits development of solar and photovoltaic energy facilities and structures over landfills and quarries.	Substituted by S2129
A3816	Coutinho/Deangelo	Amends provisions NJ Economic Stimulus Act of 2009 concerning Economic Redevelopment and Growth Grant program of EDA	Introduced, Referred to Assembly Commerce and Economic Development Committee
ACR37	Polistina/Amodeo	Urges Governor to declare aviation a critical industry of NJ and make available NJ government resources to promote and assist development of aviation in NJ	Introduced, Referred to Assembly Commerce and Economic Development Committee
A3935	Dancer/Conaway	<i>Authorizes prescribed burning in certain circumstances</i>	<i>Introduced, Referred to Assembly Agriculture and Natural Resources Committee</i>
S2169	Beach/Singer	Identical to A3935	<i>Reported from Senate Committee with Amendments, 2nd Reading, Referred to Senate Budget and Appropriations Committee</i>
SCR39	Kean	Identical to ACR37	Introduced in the Senate, Referred to Senate Economic Growth Committee
S54	Cardinale	Changes restrictions on certain county or municipal stream cleaning activities	Introduced, Referred to Senate Environment and Energy Committee
S866	Connors	Established a NJ Coordinating Council on the Decommissioning of Nuclear Power Generating Facilities	Introduced, Referred to Senate Environment and Energy Committee

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S879	Connors	Converts loan awarded to Barnegat Bay Decoy and Baymen's Museum from loan to grant	Introduced, Referred to Senate State Government, Wagering, Tourism & Historic Preservation Committee
S1451	Rice	Revises laws concerning local redevelopment, relocation assistance and eminent domain	Introduced, Referred to Senate Community and Urban Affairs Committee
S1553	Haines	Allows certain owners of preserved farmland to reacquire development rights for land underlying and next to farm buildings or structures	Introduced, Referred to Senate Economic Growth Committee
S1706	Turner	Provides that preserved farmland may be sold by the State or a local government unit only to established farmers and restricts size of farmer residence which may be built	Introduced, Referred to Senate Economic Growth Committee
S1756	Turner	Authorizes municipal assessment of development impact fees following State guidelines and makes an appropriation	Introduced , Referred to Senate Community and Urban Affairs Committee
S1913	Kyrillos	Establishes "Garden State Growth Zone" program within NJEDA	Introduced in the Senate, Referred to Senate Economic Growth Committee
S1954	Smith/Bateman	Establishes forest harvest program on State-owned land	Recommitted to Senate Budget and Appropriations Committee
S2006	Smith/Bateman	Prohibits municipal zoning ordinances from barring solar panels under certain circumstances	For Preliminary Committee Action
S2224	Haines	Renames quail management area within Greenwood Forest Wildlife Management Area as "Dr. A. Hunter Wilcox Field Trial Grounds	Introduced, Referred to Senate Environment and Energy Committee
S2275	Smith/Bateman	Directs DOT to study stormwater basins in Barnegat Bay watershed	Introduced, Referred to Senate Environment and Energy Committee

SCR15	Whelan/Van Drew	Urges Congress to advance construction of Aviation Research and Technology Park in Egg Harbor Township, N.J.	Introduced, Referred to Senate Transportation Committee
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EMPLOYEE ACTIONS

May 2011

A. DEPARTING EMPLOYEE(S)

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

Title	Office	Status
Legal Assistant	Executive	Recalled/Declined/ Interviews Completed for Executive Assistant (combination of Legal Assistant, Exec. Asst. to Commission and Secretary to Executive Director)
Executive Assistant to Commission	Executive	Position combined with Legal Asst.
Secretary to Executive Director	Executive	Position combined with Legal Asst.
Director Special Programs	Executive	Not Budgeted
Community Planner*	Executive	Not Budgeted
GIS Administrator	Land Use/Tech. Prgms.	Discussing options
Planner - Economic	Land Use/Tech. Prgms.	Not Budgeted
Resource Planner	Land Use/Tech. Prgms.	Not Budgeted
Office Assistant (part time)	Land Use/Tech. Prgms.	Not Budgeted
Planning Assistant (part-time/Econo. Monit. Prgm.)	Land Use/Tech. Prgms.	Not Budgeted
Environmental. Specialist	Regulatory Programs	Not Budgeted
Environmental Specialist	Regulatory Programs	Not Budgeted
Environmental Specialist	Regulatory Programs	Not Budgeted
Environmental Specialist	Regulatory Programs	Not Budgeted
Coordinator of Environmental Services	Regulatory Programs	Replacement not budgeted
Research Scientist	Science	Not Budgeted
Research Scientist	Science	Not Budgeted
Research Scientist*	Science	Not Budgeted
GIS Specialist*	Science	Not Budgeted
Research Technician	Science	Not Budgeted
Business Specialist	Business Services	Not Budgeted
Principal Office Assistant	Business Services	Not Budgeted
Undetermined (part time)	Unassigned	Not Budgeted

*Funded by the Pinelands Conservation Fund

C. OTHER NOTES

Name	Title	Office	Notes
Michelle Russell	Human Resources Specialist	Executive	Working a part-time schedule
Barry Brady	Planner 1-Cultural Resource	Land Use & Tech. Pgms.	Working a part-time schedule
John Repa	Project Support Assistant	Regulatory Programs	Working a part-time schedule
Stacey Roth	Senior Counselor	Executive	Donated Leave and Family Leave
Theresa Melodick	Princ. Clerical Assistant	Business Services	Intermittent Family Leave
Kate Gower	Principal Applicant Svs. Rep	Regulatory Programs	Unpaid LOA until July 21, 2011
Andrew McGowan	Unpaid Intern	Land Use & Tech. Pgms.	June 1-August 31, 2011
Tomasz Drapala	Unpaid Intern	Land Use & Tech. Pgms.	June 1-August 31, 2011