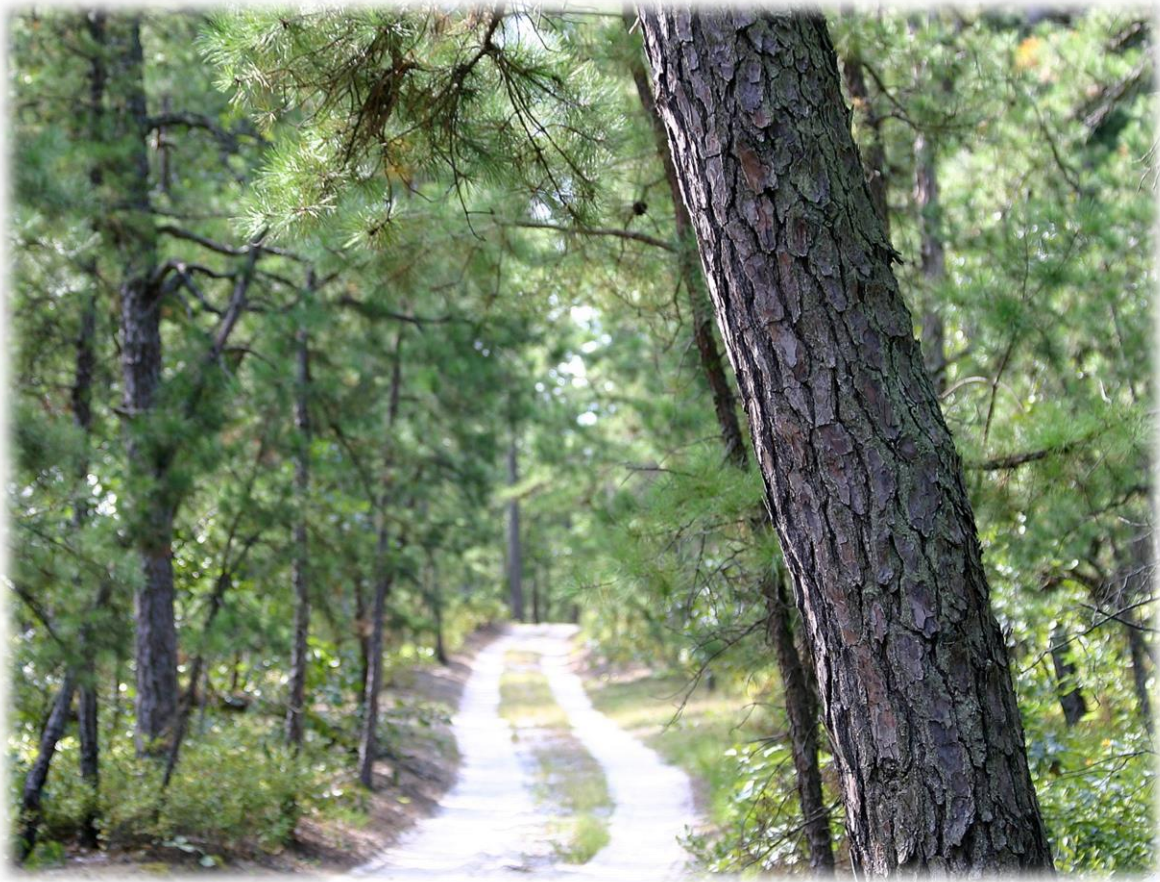




NEW JERSEY PINELANDS COMMISSION

MONTHLY MANAGEMENT REPORT



JANUARY 2020

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1 EXECUTIVE OFFICE

1.1 EXECUTIVE DIRECTOR

1.1A COMMITTEE MEETINGS

- **Policy & Implementation (P&I) Committee:** The Committee met on January 24, 2020 and reviewed Folsom Borough's master plan reexamination report and implementing ordinance. The ordinance creates a new commercial zone in the Rural Development Area and rezones lands between the Forest and Rural Development Areas along the Black Horse Pike. The Committee recommended certification of Folsom's amendments. Staff made a presentation summarizing the findings of the November 2019 Implementation Report on the Pilot Program for Alternate Design Wastewater Treatment Systems. Recommended CMP amendments were also discussed, with specific regulatory language to be drafted in the near future. Staff also updated the Committee on the status of Atlantic County's requested amendment to its Memorandum of Agreement with the Commission concerning development at Atlantic County Park at Lake Lenape. The County is working on the necessary metes and bounds descriptions for specific portions of the property that would be affected by the amendment. The amendment process will include a Commission public hearing, to be held jointly with the hearing required by NJDEP to lift a portion of the existing deed restriction.

1.1B OTHER ITEMS OF INTEREST

- **Section 502 Funding:** On January 7, 2020, a conference call was held with the Governor's Washington Office to discuss the process for obtaining federal Section 502 funds for land acquisition in the Pinelands. Staff will develop a strategy and background materials to use in garnering federal support for obtaining the funds.
- **Off-Road Vehicle (ORV) Meeting:** Staff met with the NJ Department of Environmental Protection (NJDEP) on January 22, 2020 to discuss continued joint efforts to protect ponds from ORVs. The Commission is also participating in NJDEP's social media efforts to raise awareness about forest resources in the Pinelands.

1.2 LEGAL AND LEGISLATIVE AFFAIRS

1.2A LITIGATION (STATE; FEDERAL; OFFICE OF ADMINISTRATIVE LAW; OTHER)

STATE:

NEW JERSEY NATURAL GAS APPEALS

- **In the Matter of New Jersey Pinelands Commission's Approval of New Jersey Natural Gas's Application (No. 2014-0045.001) for the Installation and Operation of the Southern Reliability Link, Docket No. A-001004-17T1:** This is one of a number of appeals that were filed involving the Commission's approval of New Jersey Natural Gas Company's (NJNG) application to construct a portion of its Southern Reliability Link project in the Pinelands. This appeal was filed by PPA on October 26 2017, and is a substantive challenge of the Commission's approval. (There were three additional appeals of the Commission's approval of NJNG application filed by the New Jersey Sierra

Club, Chesterfield Township and Bordentown Township, respectively.) PPA also filed an appeal of the process used by the Commission to review this application and the denial of its third-party hearing request. (Three individuals, Daniel and Patricia Caruso and Jean Kovath also filed an appeal challenging the Commission's denial of their third-party hearing requests.)

On December 20, 2019, the Appellate Division denied the Commission's motion to strike PPA's reply brief in PPA's appeal of the Commission's denial of its third-party hearing request. The Court, however, did grant the Commission's motion to file a sur-reply. In its Order, the Court left it to the merits panel to determine, what consideration, if any, should be given to the extra record materials relied upon by PPA (i.e. Resolution PC4-17-49 and the minutes from the Commission's meeting of December 12, 2017.

On January 29, 2020, the Commission filed its response brief in the remaining three substantive challenges to its approval of NJNG's application.

- **Robert T. Winzinger v. NJ Pinelands Commission (Dkt. No. BUR-L-000877-19):** This is an inverse condemnation case that was filed on April 26, 2019 in the Law Division, Burlington County. The case involves a 285 acre parcel located on Lauries Road, Woodlands Township. This matter has an extensive litigation history. The last litigation involved a 2007 application by Winzinger to resume resource extraction operations on 30 acres of the parcel. Following its receipt of an Inconsistent Certificate of Filing because of a failure to demonstrate compliance with the threatened or endangered (T&E) wildlife standards of the CMP, Winzinger applied to the Woodland Township Land Use Board for approval to resume resource extraction on the property and received such approval from the Board by resolution dated February 21, 2012. Such approval was subject to Winzinger's submission to and the Commission's approval of a Northern pine snake habitat protection and management plan. The Woodland approval raised issues with regard to the T&E standard of the Pinelands Comprehensive Management Plan (CMP). During a public "call-up" hearing, Winzinger argued that it did not need to comply with the T&E Wildlife standard of the CMP and never submitted the required habitat protection and management plan. The Commission, subsequently, denied Winzinger's resource extraction application. Winzinger appealed the Commission's decision to the Appellate Division, which held that preexisting resource extraction operations, such as Winzinger, are subject to the T&E species provisions of the plan.

During a conference call with Judge Covert conducted on January 16, 2020, Winzinger agreed to withdraw its motion for reconsideration without prejudice.

Judge Covert issued the Order dismissing the motion without prejudice on January 21, 2020.

1.2B LEGISLATION

- The 219th Legislature's First Annual session commenced on January 14, 2020.

1.2C OPEN PUBLIC RECORDS ACT

- There were 5 Open Public Records Act (OPRA) requests received in January. Three of the requestors were advised that the Commission had no material responsive to their requests. The 2 remaining requests were processed and responsive material was sent to the requestors.

1.3 HUMAN RESOURCES

- **Medicare Reimbursements:** Updated information for 2020 was requested of all retirees.
- **Union Negotiations:** Mediation began on January 17th with the assigned PERC Mediator. The next meeting is scheduled for February 3.
- **Health Benefits:** All changes from Aetna to Horizon were confirmed. New 2020 plan rates were implemented for Health and Dental deductions.
- **Leave Records:** All employee leave records were reviewed and adjusted as necessary.
- **NJ Employees Charitable Campaign:** Information was distributed to employees. Pledges were received and processed accordingly.
- **Retirements:** Staff processed one employee retirement.

2 INTERAGENCY COORDINATION

- **Little Egg Harbor Township Plan Endorsement:** Staff attended a January 14, 2020 pre-petition meeting held by the Office of Planning Advocacy (OPA) in Little Egg Harbor Township, along with representatives from the municipality, NJDEP and NJDOT. OPA has determined that the Township will need to go through the State Planning Commission’s plan endorsement process in order to retain its designated centers outside the Pinelands Area. OPA staff explained the steps involved in the plan endorsement process. NJDEP presented its suggestions for reducing the geographic extent of several coastal centers.

3 LAND USE & TECHNOLOGY PROGRAMS

3.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
Ordinances/Master Plans Received	10	10

3.2 CULTURAL RESOURCE ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Applications Reviewed	8	8
Surveys Required	0	0
Surveys Reviewed	0	0
Certificates of Appropriateness Required	0	0

3.3 PINELANDS DEVELOPMENT CREDIT PROGRAM

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	1.03	1.03
PDCs Severed	0	0
Acres Protected	0	0
PDCs Extinguished	1.50	1.50
Acres Protected	95	95
PDCs Sold	0.75	0.75
Average Sales Price per PDC	\$39,333	\$39,333
Average Sales Price per Right	\$9,833	\$9,833
PDCs Redeemed	3.25	3.25

Notable Activity:

- Ninety-five acres in the Special Agricultural Production Area in Tabernacle Township were acquired by NJDEP Green Acres. The 1.50 PDCs previously allocated to these lands were extinguished.
- Two Letters of Interpretation were issued, allocating 1.03 PDCs to 141.5 acres in the Preservation Area District in Woodland Township.
- 2.75 PDCs (11 rights) were redeemed in January 2020 for Phase 1 of a 97-unit residential project in Winslow Township's Regional Growth Area.

3.4 SPECIAL PROJECTS

- **Kirkwood/Cohansey water supply:** Staff held a meeting on January 31, 2020 with stakeholders to discuss the key points of the Commission's draft water management policies and rule changes. The meeting was attended by representatives of the Pinelands Preservation Alliance, the New Jersey Builders Association, the Builders

League of South Jersey, the Atlantic County Utilities Authority, New Jersey American Water Company, A.C. Schultes, Inc. (a private well-drilling company) and retired NJDEP staff. Staff will review the suggestions and questions raised at the meeting and then prepare CMP amendments for review by the P&I Committee.



Above: On January 31, 2020, Commission staff convened a meeting to discuss draft water management policies with various stakeholders.

- **Pinelands Infrastructure Trust Fund (PITF):** Winslow Township notified the Commission that it was withdrawing its application for PITF funds. In October 2019, the Commission awarded Winslow \$1,410,562 in PITF funding for its Route 73 Redevelopment Area water and sanitary sewer main extensions. The Township indicated that “evaluation of the cost analysis, along with review of the timeframe to begin the project versus the timeline of the PITF appear to not coincide at this time”.
- **Pine Barrens Byway:** As part of the Commission’s new role as the managing entity for the Pine Barrens Byway, staff completed the required Annual Benefits Review document and submitted it to NJDOT. NJDOT notified the Commission that nominations for National Scenic Byways Program (NSBP) designation, administered by the Federal Highway Administration (FHWA), will be accepted beginning in mid-February. National status could provide future opportunities for federal grants to enhance and promote the experience of the Pine Barrens Byways for both visitors and residents. Staff will prepare the application, which is due May 15, 2020.

4 INFORMATION SYSTEMS

- **Pinelands Commission Information System Upgrades:** Weekly internal meetings were held to discuss Regulatory Programs processes to identify areas for improvement. Enhancements included more intuitive ways to enter data and new solar data collection for improved reporting on proposed solar development in the Pinelands.
- **Office 365 Migration:** Staff began testing of Office365 and OneDrive for Business to prepare for roll out to the entire staff.
- **Annual Report Preparation:** Staff provided reports, charts and maps for the Pinelands Commission Annual Report.
- **Transition Coordination:** Staff worked to document the processes and procedures that were the responsibility of the Deputy Director to guarantee a smooth transition upon her retirement.

5 REGULATORY PROGRAMS

5.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	17	17
Certificates of Filing	12	12
Public Development Reports	2	2
Forestry Certificates of Filing	1	1
PDC Letters of Interpretation	2	2
MOA Consistency Determinations	2	2
Review of Agency Determinations	63	63

5.2 NOTABLE APPLICATIONS

- **App. No. 1980-0016.004:** On January 27, 2020, staff received an application for the construction of a 6,000 square foot building addition to an existing commercial boat building business in Mullica Township. The addition is proposed to be located in an area that was rezoned as a result of efforts of the Commission staff and the Township to provide the opportunity to expand the longstanding commercial use. As part of that effort, on June 8, 2018, the Commission certified a change to the Village of Weekstown zoning district to allow for the commercial expansion.
- **App. No. 1982-3514.004:** On January 21, 2020, staff had a teleconference with Pemberton Township regarding revisions to proposed development at West End Park. The Township had initially proposed approximately 4,000 linear feet of paved pedestrian trail in wetlands which was inconsistent with wetlands protection standards. As a result of coordination between the Township and Commission staff, the Township has proposed an elevated boardwalk as an alternative to the trail in wetlands to meet wetland standards.
- **App. No. 1982-4112.006:** On January 21, 2020, staff issued a Certificate of Filing for the establishment of a soccer field sports use in a Pinelands Agricultural Area in Shamong Township. The Pinelands Protection Act was amended in 2016 to define field sports in an Agricultural Production Area as a permitted low intensity recreational land use provided no permanent structures are proposed. As noted in the Certificate of Filing, the parcel is subject of a deed of easement in favor of the Burlington County Board of Chosen Freeholders/ State Agricultural Development Committee that expressly prohibits athletic fields. The proposal was subject to discussion at a January 21, 2020 Township Land Use Board meeting. It has been reported that the property owner subsequently withdrew the proposal from the Township.

- **App. No. 1987-0411.010:** On January 27, 2020, staff met with Pemberton Township and the Township Board of Education regarding the proposed installation of a public sanitary sewer main to service two existing schools, the Helen Fort Middle School and the Marcus Newcomb School, located on Ft Dix Road. The schools are currently serviced by an existing on-site wastewater treatment system that discharges to a stream. The proposal would require the installation of approximately 1.4 miles of sanitary sewer main within a Pinelands Agricultural Production Area and a Pinelands Rural Development Area. The CMP only permits public sanitary sewer in these Pinelands Areas to service an identified public health problem. In addition, only the existing schools could tie into the proposed sanitary sewer main and most future expansion of the schools would be prohibited. At the meeting, staff explained these requirements and indicated that new development along the route of the main would be prohibited from connecting to the sewer main. The Township is considering how they would like to proceed.
- **App. No. 1993-0285.002:** On January 22, 2020, the Commission staff conducted a teleconference with representatives of Woodland Township, including the Mayor. The purpose of the teleconference was to continue discussions regarding economic development opportunities for a 123 acre Township owned parcel that fronts on Route 72.

6 SCIENCE

6.1 ENVIRONMENTAL MONITORING

- **Water-level Monitoring:** Staff collected the January round of water level data for the Forest Plot and Pond Monitoring network and downloaded water level data from the continuous recorders installed at two ponds and one forest plot. Staff was unable to download data from the recorders in the remaining five ponds because a software problem with the reader was discovered and required some time to solve. If the weather cooperates, the data from the remaining ponds will be downloaded in February.

6.2 LONG TERM STUDIES

- **Kingsnake Study:** Commission, Herpetological Associates, and The College of New Jersey scientists met to discuss equipment and supplies needed and responsibilities for the upcoming field season. The New Jersey Department of Environmental Protection approved the Commission proposal to corral the dens of the 12 kingsnakes that were tracked in 2019. Approval was also given to corral several new corn snake dens discovered in 2019. All of these dens are located on state owned land. The corrals provide a means to recapture each tracked snake when they emerge in the spring and to capture any new snakes that emerge from the same den.



Above: A typical four foot high hardware cloth corral constructed around a snake den.

7 COMMUNICATIONS

7.1 COMMUNICATIONS & PUBLICATIONS

- **Website Activity:** The Pinelands Commission's website received a total of 13,861 page views in January 2020.
- **Inquiries/Correspondence:** The Communications Office received and responded to 111 inquiries from the public, including phone calls, e-mails, media inquiries and questions posed by visitors.

7.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **Pinelands Short Course:** Registration for the 31st annual event was opened in early January. Staff issued a press release to announce the lineup of presentations on January 13, 2020. The event will be held at Stockton University on March 14, 2020, and it will feature a total of 42 presentations, including seven that will focus on issues related to climate change. Thus far, the event has garnered positive publicity in the Burlington County Times, the Sandpaper and Press of Atlantic City.

- **2019 Annual Report:** Staff is writing and designing the Commission's 2019 Annual Report.
- **Road Sign Replacement:** In January, staff distributed two Pinelands National Reserve road signs to the South Jersey Transportation Authority (SJTA). The SJTA will install the signs on the Atlantic City Expressway.
- **Educational Programs:** Staff delivered three Pinelands-themed education programs in January. A total of 270 people attended.
- **Pinelands Speaker Series:** Staff is organizing the next round of presentations that will be delivered as part of the Pinelands Speaker Series. The first presentation in the next round of talks will be held in April.
- **Free Education Programs for Groups:** In January, the Commission began offering group education programs at the Richard J. Sullivan Center. The programs are being offered at no cost, and they will maximize the use of the Candace McKee Ashmun Pinelands Education Exhibit.



Above: In January of 2020, the Commission distributed two Pinelands National Reserve road signs that will be installed on the Atlantic City Expressway.

8 BUSINESS OFFICE

8.1 FACILITIES

- Fire Alarm Systems (Smoke detectors, horns and strobe lights) were tested and inspected.
- The retention basin drainage was corrected. The drain blockage was cleared and the drainage path was redirected.

8.2 FINANCIAL MANAGEMENT

- Application Fees Net Total: \$34,775.25 ; Year to Date Total: \$ 226,265.05
- The Audit contract was rebid according to the MOO (Method of Operation) from NJ State Contract T2458 - Auditing Services: Financial Auditing Firms for Using Agencies and NJDEP. Staff is currently reviewing the offers that were received.