



NEW JERSEY PINELANDS COMMISSION

MONTHLY MANAGEMENT REPORT



A native pink lady's slipper orchid blooming in the Pinelands in May

MAY 2023

1 EXECUTIVE OFFICE

1.1 EXECUTIVE DIRECTOR

1.1A COMMITTEE MEETINGS

- **Personnel & Budget (P&B) Committee:** The Committee did not meet in May.
- **Pinelands Climate Committee:** The Committee did not meet in May.
- **Policy & Implementation (P&I) Committee:** The Committee met on May 26, 2023. Staff provided an update on the status of the draft Memorandum of Agreement (MOA) with Pemberton Township and the New Jersey Department of Environmental Protection (NJDEP). Stafford Township representatives made a presentation on a proposed MOA that would allow paving of existing trails within required wetlands buffer areas to facilitate handicapped accessibility. The Committee recommended that the Township's proposal be forwarded to the full Commission for discussion and authorization. Finally, staff presented its draft Long Term Economic Monitoring work plan for federal fiscal year 2023.

1.1B RULEMAKING

- **Stormwater Management:** Staff finalized the Pinelands model stormwater ordinance and distributed it to Pinelands municipalities in January, after tailoring the ordinance to each municipality's code. A copy of the final model ordinance was also shared with the NJDEP. As of the end of May, 38 municipalities had submitted to the Commission adopted ordinances implementing the Pinelands stormwater management regulations. It is anticipated that a total of 42 municipalities will have adopted their implementing stormwater ordinances by the end of June. In June, staff will continue to do outreach with the remaining Pinelands municipalities that have not provided updates on the adoption status of the Pinelands model stormwater ordinance.
- **Water Management (Kirkwood-Cohansey):** A public hearing on substantial changes to the proposed rule amendment was held on May 3, 2023. Two oral comments were received during the public hearing. Both commenters spoke in support of the substantial change to the rule amendment. The public comment period is open until June 2, 2023. In June, staff will prepare responses to all comments, both from the remaining comments on the original amendment proposal and from the substantial change proposal. Staff intends to discuss the comments and the draft adoption notice with the P&I Committee in July and await approval by the Governor's office before bringing the amendment to the full Commission for adoption in August.

1.1C OPEN PUBLIC RECORDS ACT

- A total of seven Open Public Records Act (OPRA) requests were received in May. Five were provided responsive material, one was asked to clarify the request and one was advised to schedule a file review and one request will be responded to in June.

1.1D PINELANDS MUNICIPAL COUNCIL

- The Pinelands Municipal Council did not meet in May.

1.2 LEGAL AND LEGISLATIVE AFFAIRS

1.2A LEGISLATION

- **S3442/A2271 - Designates Cranberry Juice as State Juice** – This bill was inspired by the advocacy of the fourth grade classes in Cinnaminson Township schools. The bill has passed both houses of the Legislature and is awaiting signature by the Governor.
- **S3337/A4866 - Establishes Community Hazard Assistance Mitigation Program in, and authorizes issuance of bonds by, NJ Infrastructure Bank to fund certain hazard mitigation and resilience projects; makes various changes to NJ Infrastructure Bank's enabling act; appropriates \$500,000.** - This bill would establish a Resilient New Jersey Revolving Loan Fund (fund) in the New Jersey Infrastructure Bank (NJIB) and amend the “New Jersey Infrastructure Trust Act,” P.L.1985, c.334 (C.58:11B-1 et seq.) Specifically, the bill directs the State Office of Emergency Management (OEM), in conjunction with the NJIB, to apply to the Federal Emergency Management Agency (FEMA) under the provisions of the “Safeguarding Tomorrow through Ongoing Risk Management Act” or “STORM Act,” Pub.L.116-284, when funding is available, to enter into an agreement to capitalize the fund established by this bill. In addition, the bill authorizes the NJIB to issue bonds for the financing of hazard mitigation and resiliency projects. The bill also expands the authority of the NJIB to include the financing of hazard mitigation and resiliency projects undertaken by State entities, local governments, and nonprofit organizations, in accordance with the provisions of the STORM Act and this bill. Additionally, the bill directs the OEM to develop a priority system for hazard mitigation and resiliency projects and establish the ranking criteria and funding policies for the hazard mitigation and resiliency projects to be financed through the Resilient New Jersey Financing Program established by the bill.
- **S3577/A4035 - Requires Gubernatorial Appointment of State Agricultural Development Committee Executive Director** - This bill would have required the Governor to appoint, with the advice and consent of the Senate, the executive director of the State Agriculture Development Committee (SADC). Currently, the executive director is appointed by the SADC. The bill also established a five year term for the executive director, subject to reappointment. The Governor issued an absolute veto of the bill on May 15, 2023.

1.2B INTERGOVERNMENTAL AGREEMENTS

- **Atlantic County Lake Lenape Memorandum of Agreement (MOA):** In 1988, the Commission and Atlantic County entered into an MOA that authorized various development activities within the western lake shore of Lake Lenape Park and required the preservation of lands at the park through recordation of a Deed of Conservation Restriction. On February 10, 2023, the Commission approved an amendment to the 1998 MOA that allows for reconfiguration and installation of floating docks within a 1.39-acre area adjacent and parallel to an existing boathouse. The amendment also requires the deed restriction of an area of similar size and shape in another portion of the park. The MOA Amendment was sent to the County for execution on March 17, 2023. Atlantic County has returned fully executed copies of the MOA Amendment and staff is in the process of securing final signatures. Additionally, Atlantic County has reached out to the NJDEP, Office of Transactions and Public Land Administration, to start the process to amend the Deed of Conservation Restriction at Lake Lenape Park.
- **Pemberton Township and the New Jersey Department of Environmental Protection:** Daniel Hornickel, Pemberton Township Administrator, and Carleton Montgomery, Executive Director, Pinelands Preservation Alliance (PPA), discussed a potential MOA with Chair Laura E. Matos and Executive Director Grogan in early February. This proposed MOA, if approved by the Commission, would authorize a deviation from the wetland buffer standards of the CMP to permit improvements to an existing 0.65-mile trail along the perimeter of Pemberton Lake in order to make the trail accessible for individuals using wheelchairs and walkers. The trail is located on lands that are partly owned by Pemberton Township and are a part of the NJDEP, Division of Fish and Wildlife's Pemberton Lake Wildlife Management Area. In accordance with the Commission's MOA process, Messrs. Hornickel and Montgomery made a presentation to the P&I Committee at its February 24th meeting. The Committee recommended that the proposal move forward to the next step in the process. The full Commission was briefed at its March 10, 2023 meeting and authorized staff to commence drafting an MOA. Staff continues to work with Pemberton Township and its consultant, Pinelands Preservation Alliance, to gather the detailed information necessary for the MOA. A meeting was held at the Commission's offices on May 30, 2023 with representatives of the Township and PPA to discuss additional information required to address stormwater and wetland permitting issues associated with the proposed trail enhancement project.
- **Stafford Township:** Chair Matos and Executive Director Grogan met with Matthew von der Hayden, Township Administrator, and Frank Little, Township Engineer, on April 18, 2023 to discuss a potential MOA. This proposed MOA would authorize a deviation from CMP wetlands buffer standards to accommodate paving of an existing trail around Forecastle Lake for handicapped accessibility purposes. The Township made a presentation to the P&I Committee on May 26, 2023, after which the Committee voted to move the matter to the full Commission for discussion and authorization.

1.2C OTHER

Outside Labor Counsel: In preparation for collective bargaining negotiations with the Communication Workers of America, Local 1040, staff reviewed the New Jersey Division of Law's list of approved special labor counsel and distributed emails to eight firms requesting their interest in representing the Commission. After reviewing the responses, staff conducted interviews with four firms. In April, a firm interested in representing the Commission was identified and provided with a retainer prepared by the Division of Law. The firm executed the retainer on April 25, 2023, completing the process to retain Outside Labor Counsel.

1.3 HUMAN RESOURCES

- **Recruitment:** Recruitment continues for the Management Information Systems Specialist 3 and Environmental Technology Coordinator vacancies. The job postings were posted on various websites. The deadlines for applying for both positions have been extended.
- **Employee Recognition Program:** The plan to recognize staff when they achieve certain milestones with the Commission (e.g., 10 years, 20 years, 30 years, 40 years) is continuing and will be implemented beginning June 21st, 2023.
- **Contract Negotiations:** A kick-off meeting with the Commission's new labor council was held on May 23, 2023. Negotiation schedules, processes and possible topics were discussed. The first negotiation session with CWA, Local 1040 has been scheduled for mid-June.
- **Evaluations:** The self-evaluation portion of evaluations was due on May 31, 2023. Final evaluations are due at the end of June.

2 INTERAGENCY COORDINATION

- **Interagency Council on Climate Change (IAC):** Executive Director Grogan attended the Council's May 23, 2023 meeting, which focused on the next steps and agency responsibilities associated with the Extreme Heat Resilience Action Plan.
- **Freshwater Wetlands Field Training:** On May 18, 2023, Regulatory Programs staff attended a wetlands field training day at Assunpink Wildlife Conservation Center in Allentown, New Jersey. The event was hosted by the New Jersey Department of Environmental Protection (NJDEP) and provided staff with the opportunity to train with United States Environmental Protection Agency (EPA) and NJDEP counterparts to gain technical field experience identifying a variety of freshwater wetlands.

3 PLANNING

3.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
Master Plans/Ordinances Received		
Adopted	11	69
Drafted or Introduced	4	47
Total ¹	8	79
Substantial Issue Finding ²	0	3
No Substantial Issue Finding	26	68
No Issue Finding	5	11
Total	31	82
Finding Letters Issued³	25	60

3.2 CULTURAL RESOURCE ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Applications Reviewed	12	46
Surveys Required	3	13
Surveys Reviewed	2	5
Certificates of Appropriateness Required	0	0

Notable Activity:

- **New Jersey Historic Trust Capital Level II Grant:** The application submission process has been completed and the New Jersey Historic Trust confirmed receipt of both the online application and USB attachments on April 19, 2023. On Wednesday May 10, 2023, a representative from the New Jersey Historic Trust visited Fenwick Manor to complete a site visit. The site visit included a

¹The total accounts for unique master plans and ordinances received (i.e., it does not double count drafted, introduced, or adopted submissions for the same ordinance).

² Ordinances and Master Plans that are found to raise substantial issues with respect to the standards of the CMP require formal review and approval by the full Commission.

³ A single finding letter can pertain to multiple master plans/ordinances from the same municipality.

tour of both the exterior and interior of Fenwick Manor to observe and confirm the preservation needs that were described in the grant application.

- **Fenwick Manor Preservation Plan:** The Preservation Plan is nearly complete. One additional site visit by the structural engineer is required in order to finalize the Engineering Assessment, which will be included in the Preservation Plan as Attachment A. This visit will be scheduled for early June.

3.3 PINELANDS DEVELOPMENT CREDIT (PDC) PROGRAM

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	19.5	38.75
PDCs Severed	0	0
Acres Protected	0	0
PDCs Extinguished	4.25	4.25
Acres Protected	105.63	105.63
PDCs Sold	0	1.00
Average Sales Price per PDC	n/a	\$71,000
Average Sales Price per right	n/a	\$17,750
PDCs Redeemed	0	7.75

Notable Activity:

- **PDC Allocations:** A total of 19.5 PDCs (78 rights) were allocated to 403.93 acres in Bass River’s Special Agricultural Production Area.
- **PDCs Extinguished:** A total of 4.25 PDCs (17 rights) allocated to 105.63 acres in the Agricultural Production Area of Tabernacle Township were extinguished by a farmland preservation easement recorded in February 2023 by Burlington County and entered into the Commission’s Permanent Land Protection system in May.
- **PDC Bank Annual Report:** Staff held a kickoff meeting on May 18, 2023 to plan for the development of the 2023 PDC Bank Annual Report, which is due to be published on or before August 28, 2023. A preliminary schedule was created, including timetables for the completion of text, maps, photos, and other components. Analysis of data will be completed following the end of the current fiscal year on June 30, 2023.

3.4 SPECIAL PROJECTS

- Local Communications Facilities:** A Request For Proposals was issued on March 1, 2023 to solicit the services of a professional radio frequency (RF) engineering expert to review an anticipated submission of a new or amended comprehensive plan for local communications facilities. One bid and two “no bids” were submitted by the March 31, 2023 closing date. Staff completed its evaluation of the one complete bid package and recommended contract award. A contract was drafted and executed by the consultant and the Executive Director in May.
- Pinelands Management Area Boundary Assessment:** In May, staff continued its review of potential climate change impacts on growth-oriented management areas. Since presenting its GIS data inputs and proposed methodology at the Climate Committee meeting on April 19, 2023, staff have been further refining its methodology to identify areas for possible management area redesignation. Initial results and recommendations will be presented at the September 20, 2023 meeting of the committee.
- Long Term Monitoring (National Park Service Funding):** Staff prepared and submitted a proposed work plan for projects funded through an agreement with the National Park Service (NPS) in the long-term monitoring program. The work plan proposed funding for continuation of six environmental monitoring projects. Those projects are: water quality monitoring, forest and pond water level monitoring, annual anuran surveys, rare snake monitoring, snake fungal and adenovirus monitoring, and the box turtle study. On the economic monitoring side of the work plan, projects involve the second year of a two-year project to produce an updated economic monitoring report covering the years 2018 through 2022, the second year of another two-year project to understand and report on the economic impacts or benefits of land preservation and public open space in the Pinelands Area. In addition, the work plan proposes to initiate creation of a system that will integrate software applications used in the local conformance process to allow more workflow efficiency and advanced reporting and analytical tools. Finally, several projects related to cultural resources and education and outreach are also proposed in the work plan. The cultural resources and education and outreach activities proposed include: ongoing support for the annual meeting of the Pinelands Byway committee, production of the annual Pinelands calendar, continuation of support for GPR survey at an historic cemetery, and the launch of a project to investigate a native American site.

4 REGULATORY PROGRAMS

4.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	5	22
Certificates of Filing	17	77
Public Development Reports	1	13
Forestry Certificates of Filing	0	2

PDC Letters of Interpretation	1	10
Non-PDC Letters of Interpretation	1	2
MOA Consistency Determinations	8	26
Review of Agency Determinations	43	230

4.2 NOTABLE APPLICATIONS

- New Municipal Building, Tabernacle Township (Applicant: Tabernacle Township, App. No. 1993-0010.003):** On May 1, 2023, the Commission staff conducted a pre-application conference with representatives of the Township in anticipation of the Township’s application to develop a new municipal building on a 20 acre parcel fronting on Carranza Road. The parcel is located in the Pinelands Village of Tabernacle.
- Commercial Development, Southampton Township (Applicant: Red Lion Circle Partners, App. No. 1998-1007.00):** The Commission staff is currently reviewing an application proposing the demolition of an existing diner, the construction of a 5,585 square foot convenience store with 16 fueling stations, two 5,000 square foot restaurants with drive-thrus, and a 9,000 square foot retail building on a 21-acre parcel located at the intersection of State Highways Route 70 and Route 206. The proposed development is located in a Pinelands Rural Development Area and within the Township’s Red Lion Diner Redevelopment Area.
- Residential Development, Hamilton Township (Applicant: CDR Investments, App. No. 2004-0351.002):** On September 11, 2009, the Commission issued a Certificate of Filing for the development of 608 dwelling units on a 111.7-acre parcel located in a Pinelands Regional Growth Area. No development has occurred to date. Information was submitted to the Commission office on March 21, 2023 proposing to relocate a proposed access road to service the proposed development. The proposed access road would create a four-way intersection with State Route 40 and New York Avenue. The information was submitted to demonstrate consistency of the proposed access road with the wetlands protection and threatened and endangered (T&E) species protection standards. The submitted information included a proposed access road plan, a T&E plant survey, a T&E species animal survey and a traffic analysis. The traffic analysis addressed the reasons why the proposed access road to the parcel must tie into the existing intersection of State Route 40 and New York Avenue. Locating the proposed access road at the existing intersection of Route 40 and New York Avenue necessitates crossing two isolated pockets of wetlands. The Township land use ordinance and the Pinelands Comprehensive Management Plan (CMP) permit linear development, including roads, in wetlands and the required buffer to wetlands provided certain conditions are met. Those conditions include consideration of traffic/public safety and the quality of the wetland. To determine whether the proposed access road would be a permitted use in wetlands and the required buffer to wetlands based upon the linear development standard, the Commission staff first needed to determine whether the proposed access road met the T&E animal and plant species protection standards. By letter dated May 11, 2023, the staff advised the applicant that based upon the negative results of the T&E plant and animal surveys, review of the submitted

information and provided Hamilton Township was in agreement, the proposed access road would be a permitted use in wetlands and the required buffer to wetlands.

- **Residential Development, Pemberton Township (Applicant: Equity Enterprises, App. No. 1981-0640.001):** This application proposes 578 dwelling units on an approximately 678-acre parcel. The development is proposed on the 322-acre portion of the parcel located in a Pinelands Regional Growth Area. The balance of the acreage of the parcel is located in a Pinelands Forest Area. The application received a Certificate of Filing on June 27, 2005. On July 7, 2007, the applicant received a 12-year Township General Development Plan approval. On December 6, 2018, the Township approved an extension of its General Development Plan approval until June 7, 2027. By letter dated February 23, 2023, the Commission staff advised the applicant that both General Development Plan approvals, somewhat equivalent to a preliminary approval, raise substantial issues with the minimum standards of the CMP. The staff letter indicated that the applicant's request for an extension of time until June 30, 2023 for the Pinelands Commission to forward the application to the New Jersey Office of Administrative Law (NJ OAL) for a hearing on the substantial issues was granted. The letter further indicated that no further extension of time would be granted beyond December 31, 2023. The letter also indicated that additional T&E species survey work would be necessary to address the current consistency of the proposed development with the T&E species protection standards. On May 3, 2023, the Commission staff met with the applicant to discuss the currently proposed Phase 1 of the development. Phase 1 of the development contains 89 dwelling units. Among other topics, the applicant discussed with the Commission staff the need to provide updated T&E animal species surveys, secondary access alternatives and the Pinelands Development Credit obligation for the proposed development. Thereafter, the staff responded to several email inquiries from the applicant including whether a 200-foot perimeter forest fire fuel break was required for Phase I.
- **Pond Herbiciding, Evesham Township (Applicant: Jim Guerrini, App. No. 1992-0365.001):** This application proposes the herbiciding of Lost Lake to control aquatic vegetation. The pond is located in a Pinelands Rural Development Area. The applicant submitted a T&E species survey demonstrating the absence of a wetlands associated T&E animal species of concern in Lost Lake. By letter dated October 4, 2021, the Commission staff indicated that it remained necessary to address whether the herbicide(s) could migrate to an immediate downstream water body and impact the wetland associated T&E animal species of concern. By letter dated February 17, 2023, the Commission staff advised the applicant that it may be possible to demonstrate consistency with the T&E animal species protection standards if it is proposed to lower the surface water level of Lost Lake to below the invert of the outfall to an adjacent downstream water body and then apply the herbicide(s). The letter asked that the applicant determine what would be the residual concentration, if any, of herbicides released to the downstream water body if the surface water level of Lost Lake was lowered for X number of days (to be determined by the applicant) after application of the herbicide(s) and then Lost Lake was refilled. The letter also asked whether any such residual concentration of herbicides would result in an irreversible adverse impact on habitat critical to the survival of the wetlands associated T&E animal species of concern. In response to the Commission staff's February 17, 2023 letter, information was submitted to the Commission office on April 17, 2023. By letter dated May 31, 2023, the Commission staff advised that the submitted information did not address all of the information requested in our February 17, 2023 letter. Specifically, the April 17, 2023 information indicates that, after treatment of Lost Lake with herbicides, "no overflow is predicted for 48 hours" to the downstream water body. However, no information was provided addressing the residual

concentration of the herbicides that may migrate to the downstream water body 48 hours after application of the herbicides. In addition, no information was provided addressing whether any such residual concentration of herbicide could avoid an irreversible, adverse impact on habitat critical to the survival of wetlands associated T&E animal species of concern.

- **Lake Herbiciding, Hammonton (Applicant: Town of Hammonton, App. No. 1989-0573.006):** This application proposes the herbiciding of Hammonton Lake. The Lake is located in the Pinelands Town of Hammonton. By letter dated May 22, 2023, the Commission staff advised the applicant of the potential presence of three T&E plants species in Hammonton Lake. The Commission staff letter indicated that a T&E plant species survey must be submitted to the Commission demonstrating that the concerned T&E plant species are not present in Hammonton Lake. Alternatively, if present, information must be provided demonstrating that the proposed herbiciding will not have an irreversible, adverse impact on any local populations of the plants.
- **Communications Tower, Washington Township (Applicant: Lower Bank Volunteer Fire Company, App. No. 2022-0069.001):** On May 3, 2022, an application was initiated with the Commission for a proposed communications tower at the Lower Bank Volunteer Fire Company. The proposed tower is located in the Pinelands Village of Lower Bank. The application appeared to propose a tower for an AT&T FirstNet antenna. At that time, it was unclear whether the tower was proposed as an accessory use to the existing firehouse or as a principal use. On June 15, 2022, the Commission staff issued a letter to the applicant requesting information to complete the application. On March 24, 2023, information responding to the staff's June 15, 2022 letter was submitted to the Commission. By letter dated May 22, 2023, the Commission staff advised of the information to complete the application, including two of the items originally requested in the staff's June 15, 2022 letter.
- **Resource Extraction, Maurice River Township (Applicant: Whibco, App. No. 1981-0606.008)** By letter dated May 19, 2023, the Commission staff advised that a Township resource extraction approval authorizing the mining of 207.8 acres raised substantial issues with the T&E animal species protection standard and the resource extraction standards contained in the Township land use ordinance and the CMP. The 1,826-acre parcel subject of the application is located partially in a Pinelands Rural Development Area and partially in a Pinelands Forest Area. The proposed resource extraction will occur in both Pinelands management areas. The Commission staff's May 19, 2023 letter scheduled a public hearing for June 20, 2023 to review the substantial issues. Specifically, the issue of consistency with the T&E animal species protection standard was raised because the Township's resolution also approved the clearing of 135 acres of the 1,826-acre parcel for agricultural purposes. Although clearing for agricultural purposes does not require application to the Commission, it must be undertaken consistent with the T&E animal protection standards. Information available to the Commission staff documents the presence of T&E animal species in the vicinity of the 135 acres to be cleared for agricultural purposes. In addition, the Township land use ordinance and the CMP limit resource extraction excavation to 65 feet below the natural surface of the ground existing prior to excavation unless it can be demonstrated that such mining will result in no significant, adverse impact relative to the proposed final use or on off-site areas. It has not been demonstrated that the proposed extraction activities will meet this maximum mining depth standard.

- **Hammonton Elementary School, Hammonton (Applicant: Hammonton BOE, App. No. 1988-1286.006):** An application for a proposed 11,987 square foot addition to an existing public school was initiated with the Commission. The school is located in a Pinelands Town. By letter dated April 25, 2023, the Commission staff advised of the information required to complete the application. The April 25, 2023 letter indicated that on July 14, 2000, the Commission approved the development of a 25,050 square foot addition to the existing school and a 42 car parking lot. However, a 35,613 square foot addition to the existing school and a 115-space parking lot were constructed instead of the development approved by the Commission. The April 25, 2023, Commission staff letter indicated that the additional development that occurred beyond that which was approved by the Pinelands Commission required the completion of an application with the Commission. By letter dated May 11, 2023, the Hammonton BOE requested that to meet a construction grant funding deadline, the Commission first approve the proposed 11,987 square foot school addition. Thereafter, the BOE would complete the application for the development that occurred without application to the Commission. By letter dated May 31, 2023, the Commission staff has offered to assist the BOE with securing approval for the proposed 11,987 square foot addition in a timely manner so as to not jeopardize the grant funding and requested information from the applicant to better understand the basis for separating the applications.
- **Residential Development, Hamilton Township (Applicant: Harding Housing Associates, App. No. 1984-1087.010):** This matter involves two separate residential communities, one existing and one proposed. There is a disagreement between the two developers of the residential communities regarding the shared use of a stormwater management basin(s). Lot 5.01 contains 99 existing dwelling units. Lot 5.01 also contains three existing stormwater management basins and a portion of a fourth large existing stormwater management basin. The other portion of the large existing stormwater basin is located on adjacent vacant Lot 5.03. All four stormwater management basins have been constructed; however, none are functioning as designed. The owner of Lot 5.03 is proposing to develop 56 townhouse dwellings. An application was filed with the Commission to demonstrate that proposed modifications of two of the existing infiltration basins to “wet basins” would enable both the existing residential development on Lot 5.01 and the proposed residential development on Lot 5.03 to utilize the two concerned basins to demonstrate consistency with the stormwater management standards. By letter dated May 25, 2023, the Commission staff advised of the information necessary to complete the application.
- **Cannabis Growing and Processing Facility, Shamong Township (Applicant: Pure Cultivations; App. No. 1987-1156.018):** By letter dated May 24, 2023, the Commission staff advised of the information necessary to complete an application for the proposed development of a 68,125 square foot cannabis cultivation and processing facility serviced by an alternate design onsite septic system on a 10.75-acre parcel. The parcel is located in an industrial zone within the Pinelands Village of Indian Mills. The primary issue raised by the application is that the square footage of the proposed building and the number of proposed employees requires the use of an alternate design onsite septic system. To use such a septic system, certain information must be provided to the Commission demonstrating the ability of the proposed alternate design septic system to treat the type and volume of wastewater to be generated by the cannabis use and meet the groundwater quality (septic dilution) standard. The Commission staff discussed the requirements to utilize an alternate design septic system with the applicant’s attorney and

provided suggested alternative development options that may allow for the use of a standard septic system.

- **Warehouses, Waterford Township (Applicant: AASMWF Property, App. No. 1987-0886.005):** This application proposes the development of 955,514 square feet of warehouse space on a 59.1-acre parcel located in a Pinelands Regional Growth Area. By letter dated April 28, 2023, the Commission staff first advised the applicant that a December 2022 Township final site plan approval for the proposed development raised substantial issues with the minimum standards of the Waterford Township land use ordinance and the CMP and scheduled a Commission staff public hearing on the application. The substantial issues raised were with the proposed stormwater management design, consistency with the air quality standard and the need for the applicant to redeem 14.25 Pinelands Development Credits. On May 17, 2023, the applicant submitted a list of stormwater management questions for Commission staff review. That list of questions is currently under review.
- **Residential Development, Jackson Township (Applicant: Yerek Jackson 46, App. No. 1987-1188.002):** This application proposes 46 dwelling units on a 26.27-acre parcel in a Pinelands Regional Growth Area. The Township granted preliminary subdivision approval for this application in June of 2006. At the time of the Township preliminary subdivision approval, the parcel was located in the Township's RG-2 zoning district and the proposed development met the "by right" residential density in that zoning district. The "by right" residential density is the density permitted without the use of Pinelands Development Credits (PDCs). The Township granted final subdivision approval for this application in June of 2016. At the time of the Township final approval, the proposed development continued to meet the "by right" residential density in the Township's RG-2 zoning district. On February 9, 2018, the Pinelands Commission certified (approved) a zoning change requiring the use of PDCs for 30% of the proposed dwellings in specified developments, including this one, in the Township's RG-2 zoning district. By letter dated November 9, 2021 letter, the Commission staff advised the applicant that based upon the New Jersey Municipal Land Use Law and the multiple State of New Jersey Permit Extension Acts, the period of protection offered from zoning changes for this application was extended until August of 2022. Based upon a February 3, 2023 site inspection, site improvements associated with the proposed residential development had occurred on the parcel. However, other than approximately 17 single family dwelling foundations that have been constructed, no single family dwelling had been framed. Municipal construction permits for certain proposed dwellings in the development were received by the Commission in February and March of 2023. By letter dated March 30, 2023, the Commission staff scheduled a public hearing to review whether the proposed development was consistent with the current zoning requirement that PDCs be acquired and redeemed for 30% of the proposed dwellings that received construction permits after August of 2022. In March of 2023, the applicant submitted Township building permit records in an attempt to demonstrate that the proposed development is not subject to the current zoning requirement that requires the purchase of PDCs. The Commission staff reviewed the over 100 Township construction permit documents that were submitted. By letter dated April 27, 2023, the Commission staff advised the applicant that no PDCs were required for the 27 dwelling units that received a municipal construction permit prior to September 1, 2022. The letter further advised the applicant that 1.75 PDCs were required for the 22 dwelling units that did not receive municipal construction permits prior to September 1, 2022. On May 22, 2023, the Commission staff met with the applicant to further discuss the PDC requirement.

- 657 Residential Dwelling Units, Egg Harbor Township (Applicant: Horton Homes, App. No. 1985-1320.004):** On June 14, 2006, the Commission staff issued a Certificate of Filing for the development of 657 dwelling units on a 273.6-acre parcel in a Pinelands Regional Growth Area. On October 8, 2009, the Commission staff issued a letter indicating that a 2007 Township Planning Board final approval for the proposed development of 657 dwelling units could take effect. The project did not proceed, and no further information was submitted to the Commission regarding the proposed development until a general inquiry was received in July of 2022. By letter dated October 14, 2022, the Commission staff was advised that the Township Planning Board had granted a third New Jersey Municipal Land Use Law (NJ MLUL) extension of the 2007 Township Planning Board final approval. The Resolution approving the third extension also cites the New Jersey Permit Extension Act. At the time of the final municipal subdivision approval in 2007, the proposed residential development was located in the Township's RG-5 zoning district. At that time, the residential density of the proposed development did not trigger the need for the purchase of PDCs. In 2018, the Commission certified an amendment to the Township land use ordinance requiring that proposed residential development in the Township's RG-5 zoning district redeem PDCs for 25% of all proposed market rate dwelling units. On March 21, 2023, the Commission staff met with the applicant and their representatives to discuss the PDC and current stormwater management issues raised by the application. The Commission staff has historically recognized the protection from a zoning change that is conferred upon municipal preliminary and final development approvals by the NJ MLUL. It is the applicant's contention that, taking into consideration certain NJ MLUL specified factors, a municipality can grant an extension of a prior approval and therefore protection from zoning changes for a development of greater than 100 dwelling units for whatever time the Planning Board deems reasonable. For this application, the municipality granted such an approval extending the period of protection from zoning changes until March 18, 2027. In April 2023, the Commission staff continued to discuss with the applicant potential resolution of the substantial issues raised with the PDC requirements and stormwater management standards. By letter dated May 2, 2023, the Commission staff advised that the multiple Township-approved NJ MLUL extensions of the 2007 final subdivision approval could take effect. The Commission staff letter indicated that PDCs were required for 12.5% of the proposed 657 dwelling units and that, in addition to the proposed stormwater management facilities required by the 2007 final municipal subdivision approval, stormwater management facilities are also required to retain the required volume of stormwater runoff from the roof area of each of the 657 proposed dwelling units.
- Commercial Development, Winslow Township (Applicant: Quad Partners, App. No. 2001-0354.002):** An application was completed with the Commission for the proposed construction of a 280,800-square-foot commercial building on a 24.79-acre parcel. The Certificate of Filing for the proposed development indicated that the proposed 60-foot height of the building was inconsistent with the 35-foot height limitation for a building in a Pinelands Village. The CMP requires that the character and magnitude of development in a Pinelands Village be compatible with existing uses and structure in the Village. The proposed development is located in the Township's Village Industrial-2 zoning district. In response to a Winslow Township Zoning Board of Adjustment approval for the proposed development, the Commission staff advised that the proposed development raised a substantial issue with the maximum height standard of the Township land use ordinance and the CMP and scheduled a Commission staff public hearing to review the issue. The CMP provides that in a Pinelands Village, no building (structure) shall

exceed a height of 35 feet from grade. The applicant submitted additional information reducing the proposed height of the building to 50 feet. Based upon a review of that information, the height of the proposed building, when viewed from the existing grade on adjacent Route 73, will be approximately 35 feet in height. However, based on the approved grading plan when viewed from certain surrounding areas, including adjacent Waterford Road, the building will exceed a height of 50 feet. By letter dated April 12, 2023, the Commission staff advised that the proposed building height continued to raise a substantial issue and rescheduled a Commission staff public hearing to review the issue. That letter advised that the issue is resolvable by reducing the height of the proposed building to 35 feet or potentially resolvable by revising the grading plan and proposing landscaping and earthen berming so that when viewed from the surrounding area, the building will appear to be approximately 35 feet in height above existing grade. On April 19, 2023 and April 25, 2023, the applicant submitted additional information addressing the proposed height of the building. The building height has been further reduced to 45 feet and additional landscaping and earthen berming is now proposed. The Commission staff advised the applicant that the revised 45 foot height of the building remained inconsistent with the 35-foot height limitation for a building in a Pinelands Village. On May 26, 2023, the applicant submitted additional information revising the design of a portion of the roof of the proposed building. That information is currently under review.

4.3 OFF-ROAD VEHICLE EVENT APPROVALS

- Application # 2005-0459.037
CDRMC
Approval Issued: 5/3/2023
Event Name: Ormand Farm Hare Scramble
Event Date: May 6 and 7, 2023
Municipality: Maurice River Township
Lands Utilized: Ormond Farms located on Hesstown Road
Route Length: 10 miles

5 SCIENCE

5.1 ENVIRONMENTAL MONITORING

- **Water Level Monitoring:** In May, Communications staff measured water levels at forest plots and ponds in the Commission network of long-term monitoring sites. This work is completed each month with assistance from the Communications Office.
- **Pond Water Quality Monitoring:** With help from the Communications staff, Science staff completed the May round of measuring pH and specific conductance at the 37 ponds in the Commission network of long-term monitoring sites. This work is completed annually in April and May to monitor temporal trends in these two parameters in Pinelands ponds.
- **Annual Frog and Toad Surveys:** Science staff continued to conduct annual nighttime frog and toad vocalization surveys at 22 ponds. All species heard calling at each pond are identified and counted. These surveys are completed each spring to monitor temporal trends in calling frogs and toads in Pinelands ponds.
- **Rare Snake Monitoring:** In May, Science staff continued to check radio-tracked snakes for emergence from hibernation and found several new snakes to implant with radio transmitters. New snakes will be tracked all year to locate important shed sites, nest sites, and hibernation sites.



Above: Eastern spadefoot toads emerged from underground to lay eggs in breeding sites formed by heavy rains that occurred in May.

5.2 LONG TERM STUDIES

- **King Snake Study:** One king snake that was radio tracked as part of the study remained inaccessible after emergence from hibernation and avoided being recaptured. However, in May, Science staff were successful in capturing the snake to have its transmitter removed. Two additional king snakes that use mostly upland habitats have yet to be recaptured to have their transmitters removed. Except for characterizing the dens identified during the study this June, most of the field work portion of the study has been completed.

- **Joint Corn Snake Study:** Science staff finalized the 2022 animal capture data associated with the drift fence array. Data analysis will begin in 2023. Staff continued to re-distribute the artificial cover previously associated with the drift fence to other areas of study.

- **Box Turtle Study:** By the end of May, all of the box turtles in the study had emerged from hibernation and started to move around. Some turtles made large movements in May. Several new turtles were found in existing study areas near other turtles. New turtles were measured and weighed, and radio transmitters were glued on their shells to track them as part of the study. The Commission and NJDEP legal staff continue to work on the agreement for funding of the study.



Above: A female box turtle in Wharton State Forest that is being radio tracked as part of the Box Turtle Study.

- **Snake Fungal Disease Monitoring:** In May, as part of a collaboration with Virginia Tech researchers, Science staff continued to swab Pinelands snakes for snake fungal disease.
- **Adenovirus Study:** In May, as part of a collaboration with Rutgers University researchers, Science staff continued to swab Pinelands snakes for adenovirus.

6 COMMUNICATIONS

6.1 COMMUNICATIONS & PUBLICATIONS

- **Inquiries/Correspondence:** The Communications Office received and responded to 54 inquiries from the public in May, including phone calls, e-mails, and media inquiries.
- **Website:** Commission staff made routine edits to the website in May.
- **Press Releases:** Staff issued a press release regarding the late Robert C. Shinn Jr. on May 9, 2023 and a press release to announce the lineup for the seventh annual Pinelands Summer Short Course on May 17, 2023.

- Pinelands-themed Merchandise:** In May, staff finalized the designs and signed off on the proofs for three new Pinelands-themed mugs that will be sold at the agency's office and via a new online, Pinelands Commission store. The mugs are 100% made in the USA and feature Commission photos of a Pine Barrens treefrog, a Pine Barren Gentian and the Jersey Devil, along with information about each. Staff is also working with a vendor that will create new Pinelands-themed grocery/tote bags, which will be made of cotton and will be 100% made in the USA. All of the proceeds from sales will go toward the Kathleen M. Lynch-Van de Sande Fund for the Reforestation of the New Jersey Pinelands. The fund was established in memory of Ms. Lynch-van de Sande, a Pinelands Commission Environmental Specialist who died in a car accident in June 1989. It funds projects that support or promote the use of native plants.



Above: Here is a design for one of three new Pinelands-themed mugs that will be sold at the Commission's headquarters and via a new online Pinelands Commission store, with proceeds supporting the Kathleen M. Lynch-Van de Sande Fund for the Reforestation of the New Jersey Pinelands.



Above: The Commission shared 129 photos on Instagram in May, including this photo of a little blue heron that was foraging in a bog in the Pinelands.

- Social Media Enhancements:** In May, staff shared 129 photos and nine videos on the Commission's Instagram site and 64 tweets on Twitter.

6.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **Pinelands Summer Short Course:** Registration for the seventh annual Pineland Summer Short Course opened in May. The event will be held at Kramer Hall in Hammonton on June 23, 2023, and it will feature 12 in-class presentations at Kramer Hall and guided field trips at the 1808 Trail in Wharton State Forest, a walking tour of Batsto Village and a kayak trip on the Mullica River.



Above: The seventh annual Pinelands Summer Short Course will feature three field trips, including a guided walking tour at historic Batsto Village.

- **Pinelands Speaker Series:** Staff continues to plan for the summer lineup of presentations. They will include a presentation on Turtles of the Pinelands (tentatively set for July 20, 2023) and Hand Printing from Nature (set for August 3, 2023). The presentations will be held at the Commission's headquarters.
- **Education Programs:** A Communications Office staff member delivered educational presentations on May 10, May 12, May 19 and May 24, 2023.
- **Science Office Assistance:** A member of the Communications Office assisted the Science Office by measuring ponds and wells on May 9, 10 and May 11, 2023.

7 INFORMATION SYSTEMS

- **Pinelands Commission Information System Upgrades:** The Pinelands Commission Information System (PCIS) is the internal system of record for all applications to the Pinelands and associated transactions. Staff provided desktop support, implemented enhancements and bug fixes. Several enhancements were made to improve the clarity of outgoing documents including altering the wording used in outgoing paper documents, as well as automatically directing PDC Bank related documents to appropriate staff. Staff is also working to improve the mailing list database to reduce the number of undeliverable emails that are sent.
- **Geographic Information Systems:** Geographic Information Systems (GIS) allow the Pinelands Commission to manage, analyze, and map relevant data. Staff engaged with the Department of Environmental Protection to ensure the receipt of the most recent Threatened and Endangered animal species data and the inclusion of the Northern Long-eared bat data. Staff continued the development of an application focused interactive map based upon feedback from Regulatory Programs. Staff continued to work on a cultural resources GIS layer by consolidating existing

data sets and refining attributes that are included.

- **Cybersecurity:** Vigilance to protect the internal networks, hardware, and data of the Pinelands Commission is critical in today's networked world. The Information Systems office participated in the monthly call hosted by the New Jersey Cybersecurity & Communications Integration Cell (NJCCIC). Staff completed half the ZScaler monitoring software installations in the Pinelands environment. Staff completed the roll out of Microsoft Password Hash in coordinating with the New Jersey Office of Information Technology.
- **Pinelands Development Credit Bank:** The Pinelands Development Credit (PDC) Bank is the processing agency for the Pinelands Development Credit Program, one of the oldest and most successful transfer of development rights (TDR) programs in the world. The Information System staff provides operational support and reporting to the PDC Bank. Staff participated in a meeting to assign responsibilities and deadlines related to the creation and distribution of the PDC Bank Annual Report.
- **Permanent Land Protection (PLP) Data System:** The PLP system manages the data related to all the preserved land in the Pinelands National Reserve. Staff supported the Planning Office in maintaining PLP records. Staff developed a new workflow for extinguishing PDCs from within the PLP system and began developing the enhancement.
- **Resolution Log:** The Pinelands Commission keeps a detailed internal log of all resolutions that were adopted by the Commission. Staff completed and is testing new capabilities allowing the direct input of new resolutions into the Resolution Log system so the older tracking process can be retired. Staff continues to collaborate with other offices to complete scanning and linking all resolutions in the log.
- **Ad Hoc Reporting:** Staff assist the Pinelands Commission by generating reports to provide insight into relevant topics of interest. A report was developed for tracking Extinguished PDCs. Staff also received and implemented improvements to the New Applications report that displays a summary of all new applications the Commission has received for a given time period.
- **Technology Enhancements:** Staff members continually evaluate emerging technologies for how they can impact or enhance the office environment. Staff is coordinating with the New Jersey Office of Information Technology to finalize Caller ID settings prior to releasing the technology for use by the staff. Teams Voice is being leveraged as a solution for remote and field staff to stay connected with applicants and the public as an improvement over landline and cell phones.
- **On-Line Payment of Application Fees:** Staff coordinated with Business Services and Edmunds GovTech to complete steps necessary to enable financial transactions necessary for online payment. Staff is waiting for Edmunds and their vendors to finalize this phase of the project and anticipates launching on-line payment capabilities by the end of the fiscal year.
- **Information Systems Internship:** In partnership with the Rutgers Summer Service Internship (RSSI) Program, the Pinelands Commission Information Systems office recruited a qualified applicant to intern for the summer of 2023. Staff prepared a workstation and developed a schedule to introduce the intern to all aspects of the Commission's mission while also

contributing to critical projects and learning valuable skills.

8 BUSINESS OFFICE

8.1 FINANCIAL MANAGEMENT

- **Application Fees:** May 2023, Net Total: \$91,418.35, Fiscal Year to Date Total: \$1,077,325.23. This represents 165.74% of the anticipated budget total for Fiscal Year 2023.
- The revised Vehicle Request For Quotes (RFQ) was posted on May 1, 2023, with a response deadline of May 26, 2023. This RFQ yielded one quote for two Jeep 4xe Hybrid vehicles.
- A secondary bank account was established to create a depository to accept online application fees, thereby safeguarding the Commission's existing operating account.
- The Commission applied to the New Jersey Board of Public Utilities for a MHD (Medium to Heavy Duty) Electric Vehicle Charging Program Grant. The grant would provide funding for two DC Fast Chargers through the RGGI (Regional Greenhouse Gas Initiative) program.
- In addition to applying for the Charging Station Grant, staff began an inquiry regarding the assessment of the office's electric capabilities and Jersey Central Power & Light (JCP&L) coordination. Staff contacted NJDEP's Drive Green staff and JCP&L for guidance with the needed installation specifications and maintenance of Charging Stations.
- The Fiscal Year 2024 Budget process has begun. The Department heads are preparing their annual requests that will be incorporated in the draft budgets that are submitted to the P&B Committee for review, before being forwarded to the Commission for final approval.