



# **NEW JERSEY PINELANDS COMMISSION**

## **MONTHLY MANAGEMENT REPORT**



Cottony clouds hanging above Whitesbog Village in the New Jersey Pinelands in January

# **JANUARY 2023**

# 1 EXECUTIVE OFFICE

---

## 1.1 ACTING EXECUTIVE DIRECTOR

### 1.1A COMMITTEE MEETINGS

- **Personnel & Budget (P&B) Committee:** The Committee did not meet in January.
- **Pinelands Climate Committee:** The Committee did not meet in January.
- **Policy & Implementation (P&I) Committee:** The Committee met on January 27, 2023. The staff presented its recommendation to approve an amendment to the Commission's 1998 Memorandum of Agreement (MOA) with Atlantic County concerning development at Lake Lenape. The Committee voted to recommend approval of the MOA Amendment by the full Commission. Staff then provided an update on the Commission's Pilot Program for Alternate Design Treatment Systems. Finally, the staff updated the Committee on the status of the proposed revisions to the Kirkwood-Cohansey rules, including meetings that occurred with the New Jersey Department of Environmental Protection (NJDEP) and the resource extraction industry after the Committee's November 2022 meeting.

### 1.1B RULEMAKING

- **Stormwater Management:** Staff finalized the Pinelands model stormwater ordinance and distributed it to Pinelands municipalities, after tailoring the ordinance to each municipality's code. A copy of the final model ordinance was also shared with the NJDEP.
- **Water Management (Kirkwood-Cohansey):** Staff updated the P&I Committee on the status and planned timeline for the Kirkwood-Cohansey rule revisions on January 27, 2023. As of January 31, 2023, the proposed Notice of Substantial Change remains with the Governor's office for review and approval.

### 1.1C OPEN PUBLIC RECORDS ACT

- A total of eight Open Public Records Act (OPRA) requests were received in January. Six were provided responsive material, and two will be responded to in February.

### 1.1D PINELANDS MUNICIPAL COUNCIL

- The Pinelands Municipal Council did not meet in January.

### 1.1E OTHER

- Cumberland County appointed Nicholas Asselta to the Commission on January 24, 2023.
- Davon McCurry resigned from the Commission, effective January 30, 2023.
- An orientation session for new Commissioners is being scheduled for February 2023.
- Mark Mauriello was sworn in as a member of the Pinelands Commission on January 13, 2023.



**Above:** Mark Mauriello was sworn in as a member of the Commission on January 13, 2023.

## 1.2 LEGAL AND LEGISLATIVE AFFAIRS

### 1.2A LEGISLATION

- **S3477 - Makes FY2024 supplemental appropriation of \$17 million for grants for certain lake management activities for recreation and conservation purposes** - This bill makes a one-time supplemental appropriation of \$17 million for Fiscal Year 2024 to NJDEP from the General Fund. The bill directs NJDEP to establish a program to use these funds for grants to assist qualified entities to pay certain costs associated with the management and maintenance of lakes for recreation and conservation purposes. The bill defines “qualified entity” to mean: the Greenwood Lake Commission; the Lake Hopatcong Commission; a local government unit; an entity established pursuant to law or an entity established pursuant to ordinance by the municipalities surrounding a publicly accessible lake for the management of the lake, including, but not limited to, the Deal Lake Commission or the Lake Topanemus Park Commission; or a nonprofit organization that is exempt from federal taxation pursuant to 26 U.S.C. s.501 (c)(3) and whose mission is the management or maintenance of a publicly accessible lake. The bill has been referred to the Senate Environment and Energy Commission.
- **S3489/A5128 - Requires BPU to study and implement methods to allow additional distributed energy sources to interconnect to electrical grid** - This bill would require the Board of Public Utilities (BPU) to conduct a study for the purpose of identifying, researching, and quantifying the effects of short-term solutions that could open segments of the electrical transmission and distribution system that are currently closed to new distributed energy generation sources. S3489 was reported from the Senate Environment and Energy Committee and is on Second Reading in the Senate.
- **S3338/A4867 – Requires NJDEP to prioritize funding for certain projects for acquisition of lands for recreation and conservation purposes and certain environmental infrastructure projects that include, or allow for, flood mitigation projects:** This bill would direct the NJDEP to provide additional priority points to certain applicants seeking funding for Blue Acres projects and for wastewater and drinking water infrastructure projects. Specifically, projects that include, or allow for, a flood mitigation project to occur onsite would receive

additional priority points in the ranking for funding pursuant to the respective program. The NJDEP would factor these additional points into its calculations when establishing: (1) the list of projects eligible to receive “Blue Acres funding”; (2) the “clean water project priority list,” pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20); and (3) the “drinking water project priority list,” pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1) A4867 has been reported out of both the Assembly Environment and Solid Waste Committee and the Assembly Special Committee on Infrastructure and Natural Resources Committee. It is currently on Second Reading in the Assembly.

## 1.2B INTERGOVERNMENTAL AGREEMENTS

- **Atlantic County Lake Lenape Memorandum of Agreement (MOA):** By letter dated July 28, 2022, Atlantic County requested that efforts to amend the 1998 MOA resume so that the old floating dock at Lake Lenape could be replaced with a new floating dock of a different configuration. The County previously discussed its request with the P&I Committee in August 2019. For the proposed dock replacement project to move forward, the Commission and the County must agree to an amendment of the 1998 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 the filing of a Deed of Conservation Restriction. Staff briefed the P&I Committee at its November 30, 2022 meeting. A public hearing to elicit comments on the proposed amendment to the 1998 MOA was held on January 4, 2023. Staff presented the Executive Director’s Report and its recommendation for approval of the MOA Amendment at the January 27, 2023 P&I Committee Meeting. The Committee voted to recommend approval of the MOA Amendment by the full Commission, and the matter will be on the February 10, 2023 Commission meeting agenda for consideration.
- **South Jersey Transportation Authority MOA:** In early December 2022, the South Jersey Transportation Authority (SJTA) contacted the Commission to discuss future development at the Atlantic City Airport and the potential need for a second amendment to the 2004 MOA between the Commission and SJTA. A meeting was held on December 12, 2022 to identify necessary information and discuss the process for such an MOA amendment. As of January 31, 2023, the requested information had not been received.

## 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 three firms at the end of January.

## 1.3 HUMAN RESOURCES

- **Recruitment:** Marc Palvaast, the new staff archaeologist, began work on January 30, 2023. Recruitment continued for the Information Specialist 3 and Environmental Technologies vacancies. Interviews for the Research Scientist position were completed.

- **State Health Benefits Program:** All records were updated to reflect the changes in Health & Dental rates for 2023.
- **Leave Records:** All employee leave records were reviewed and adjusted as necessary.
- **FSA Renewal:** Flexible Spending Account renewal for 2023 was processed.
- **Medicare Reimbursements:** Fourth quarter Medicare Part B reimbursements were prepared and submitted to Business Services for payment. Updated information for 2023 was requested of all retirees.

## **2 INTERAGENCY COORDINATION**

- **Interagency Council on Climate Change (IAC):** Staff attended the January 10, 2023 meeting of the IAC. Member agencies were given guidance on the Extreme Heat Resilience Action Plan (RAP) format, content and timelines. Final RAPs will be due in October 2023. Further discussion of the Advisory Groups that will assist the member agencies also took place. Advisory Groups will be comprised of subject matter experts on resilience actions that may be implemented for extreme heat associated with climate change.
- **NJDEP Water Supply Plan Update Stakeholder Meeting:** Staff participated in a stakeholder session hosted by NJDEP. The meeting focused on climate change impacts to water availability. This will be a new section of the statewide water supply plan for the 2023 update.
- **NJDEP Protecting Against Climate Threats (PACT) Initiative:** Staff prepared a letter of support for NJDEP's proposed inland flooding rules. The letter will be submitted prior to the close of the public comment period on February 3, 2023.
- **Barnegat Bay Partnership (BBP) Advisory Committee:** Staff attended the January 10, 2023 meeting of the Barnegat Bay Partnership's Advisory Committee. The BBP was notified that the Pinelands Commission is recruiting for the Environmental Technologies Coordinator position and the job announcement was shared with all member agencies.

### 3 PLANNING

---

#### 3.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
<b>Master Plans/Ordinances Received</b>		
Adopted	6	6
Drafted or Introduced	3	3
Total <sup>1</sup>	3	3
Substantial Issue Finding <sup>2</sup>	0	0
No Substantial Issue Finding	5	5
No Issue Finding	1	1
Total	6	6
<b>Finding Letters Issued<sup>3</sup></b>	6	6

#### Notable Activity:

- A meeting was held with new Pinelands Preservation Alliance staff members on January 25, 2023 to review the Commission's standards and procedures for reviewing municipal master plans and ordinances.

#### 3.2 CULTURAL RESOURCE ACTIVITY

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

---

<sup>1</sup>The 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).

<sup>2</sup> 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.

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

### 3.3 PINELANDS DEVELOPMENT CREDIT (PDC) PROGRAM

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	0.50	0.50
PDCs Severed	0	0
Acres Protected	0	0
PDCs Extinguished	0	0
Acres Protected	0	0
PDCs Sold	0	0
Average Sales Price per PDC	n/a	n/a
Average Sales Price per right	n/a	n/a
PDCs Redeemed	0	0

#### Notable Activity:

- PDC Allocations:** 0.25 PDCs (1 right) was allocated to a 8.23-acre parcel in the Preservation Area District in Woodland Township and 0.25 PDCs (1 right) was allocated to a 20-acre parcel in the Preservation Area District in Galloway Township.
- Application for a PDC Letter of Interpretation, Woodland Township (App. No. 1982-3054.046):** An application for a Letter of Interpretation was filed for 98 acres of a 259.8 acre parcel in the Preservation Area District in Woodland Township. The PDCs allocated to the remaining 161.8 acres of the parcel were previously severed, with the required PDC deed restriction imposed. In 1998, the Commission entered into a Memorandum of Agreement (MOA) with the New Jersey Conservation Foundation, the Township of Woodland and the NJDEP. The MOA provided for the operation of an off-road vehicle park for a 10-year period on the portion of the parcel not subject to the above-referenced PDC deed restriction. The MOA provided that after 10 years, the New Jersey Conservation Foundation was required to offer ownership of the entire 259.8-acre parcel to the NJDEP. The MOA further provided that if the NJDEP declined to accept ownership, then the New Jersey Conservation Foundation was required to sever the remaining PDCs from the 98 acres of Block 4209, Lots 1.02 and 1.03 and impose the required PDC deed restriction. By letter dated August 8, 2011, the NJDEP indicated the State was not interested in purchasing the parcel but would accept donation of the parcel. The PDC LOI application is under review.

## 4 REGULATORY PROGRAMS

---

### 4.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	2	2
Certificates of Filing	18	18
Public Development Reports	1	1
Forestry Certificates of Filing	0	0
PDC Letters of Interpretation	2	2
Non-PDC Letters of Interpretation	0	0
MOA Consistency Determinations	0	0
Review of Agency Determinations	48	48

### 4.2 NOTABLE APPLICATIONS

- **Demolition/Reconstruction of a Single Family Dwelling, Evesham Township (App. No. 1989-0719.033):** This application proposes the demolition of an existing single family dwelling and the reconstruction of that dwelling. Approximately 50% of the existing dwelling is located on Block 50, Lot 15 and approximately 50% of the existing dwelling is located on Block 50, Lot 16. The dwelling is proposed to be reconstructed on Lot 16. The two lots are owned by different entities. By letter dated December 22, 2022, the Commission staff requested that recorded deed notices be provided for both Lot 15 and Lot 16, so that current and future owner(s) of Lots 15 and 16 would be aware that the existing single family dwelling previously located on both lots is/was reconstructed on Lot 16. The deed notices would specifically advise current and future owner(s) of the two lots that the development of any future single family dwelling on Lot 15 would not be eligible for the provision in the CMP that exempts the reconstruction of a single family dwelling within five years of its demolition from the need to apply to the Commission. The owner of Lot 15 opposed the deed notice. By letter dated January 25, 2023, the Commission staff reiterated the need for the deed notice on both lots, based upon past experience with a dispute between property owners as to the location of a demolished dwelling and the rights to reconstruct that demolished dwelling without application to the Commission. The January 25, 2023 letter further indicated that the Commission staff was open to suggested language for the deed notice to address the concerns of the owner of Lot 15. By email dated January 25, 2023, the owner of Lot 16 requested relief from the deed notice requirement for the lot they did not own. On January 26, 2023, the owners of both lots separately called the Commission staff to further discuss the deed notice. The owner of Lot 15 indicated they will submit a draft deed notice proposing alternative deed notice language.



- **Residential Development, Hamilton Township (App. No 1984-1087.004):** This matter involves two separate residential developments, one existing and one proposed. There is a dispute between the two developers of the residential communities regarding the shared use of a stormwater management basin. 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 townhouses. The owner of Lot 5.03 requested a meeting with the Commission to determine the extent to which proposed development on Lot 5.03 could utilize the fourth large stormwater basin. By letter dated January 26, 2023, the Commission staff indicated that a determination could not be made until an application for modification of the basin is completed. If it is demonstrated that the existing development located on Lot 5.01 meets the stormwater management standards, then the proposed development on Lot 5.03 could use the fourth large stormwater management basin to the extent that it is demonstrated that sufficient volume, in whole or in part, is available in the basin to retain the required amount of stormwater runoff generated by the proposed 56 townhouse dwellings.
- **Landfill Soil Cap, Berkeley Township (App. No. 1986-0127.001):** This application proposes to cap the closed municipal landfill. Two threatened and endangered (T&E) animal species were identified on or in the immediate vicinity of approximately 40 acres of forest proposed to be cleared on the parcel for the proposed landfill soil cap. As originally proposed, the design of the landfill soil cap was inconsistent with CMP T&E species protection standards. The applicant revised the landfill capping design to eliminate the inconsistency with the T&E species protection standards. The landfill cap application was subject to final public comment at the Commission's December 9, 2022 monthly meeting, after which the Commission staff issued a report recommending approval. At the January 13, 2023 monthly Commission meeting, several Commissioners posed questions regarding the application and requested that additional information be incorporated into the public development report. To allow the Commission staff sufficient time to respond to those questions, the applicant granted an extension of time until February 10, 2023 for the Commission to act on the application. The Commission staff issued an Amended Public Development Application Report addressing the questions posed by Commissioners. At a special meeting of the Commission held on January 27, 2023, the application for the proposed soil capping of the landfill was approved.
- **Solar Energy Facility, Berkeley Township (App. No. 1986-0127.015):** This application proposes a solar energy facility to be located on a proposed landfill cap. On November 9, 2022, the Commission issued a Certificate of Filing for the approximately 60-acre solar energy facility. The Certificate of Filing indicated that the proposed solar energy facility was inconsistent with CMP T&E species protection standards. The applicant revised the design of the proposed solar energy facility to eliminate the inconsistency. On December 15, 2022, the Berkeley Township Planning Board approved the proposed solar energy facility. On January 27, 2023, the Commission staff issued a letter scheduling a February 28, 2023 public hearing for review of the Township approval, based upon the existence of multiple Township land development violations on the same parcel as the proposed solar energy facility.

- **Multiple Land Development Violations, Berkeley Township (App. No. 1986-0127.012):** Since 2013, the Commission staff has been writing to the Township regarding multiple land development violations on the same parcel as the Township landfill that is proposed to be capped and a solar energy facility that is proposed to be located on the capped landfill. The parcel also contains the municipal complex and associated Township public works facilities. On January 13, 2023, the Commission staff issued a letter to the Township indicating that the entire municipal complex parcel is located in the Township's Municipal County Facilities zoning district (Pinelands Forest Area and Pinelands Preservation Area District). In this zoning district, the municipal complex is limited to a 50% expansion of the floor area, the area of the municipal complex or the capacity of the municipal complex, whichever is applicable on January 14, 1981. The Commission staff letter indicated that any development that has occurred since 1981 that would be located outside of what qualifies as a 50% expansion must be removed from the parcel. By email dated January 17, 2023, the applicant requested clarification of the Commission staff delineated 50% expansion area. By email dated January 31, 2023, the Township Administrator requested a meeting with the Commission staff to discuss primarily the Township ordinance 50% expansion provision. The meeting has been scheduled for February 6, 2023.
- **Single Family Dwelling, Shamong Township (App. No. 1983-6352.003):** This application is for a Waiver of Strict Compliance for the development of one single family dwelling serviced by an individual on-site septic wastewater treatment system on a 0.89-acre lot. On August 11, 2017, the Commission approved a Waiver for the development of a single family dwelling on the parcel. That waiver expired on August 11, 2022, necessitating the current application for a second Waiver. The CMP requires that all necessary municipal lot area variances have been obtained prior to Commission action on a waiver application. The applicant obtained a municipal lot area variance from the Shamong Township Planning Board on March 21, 2017; however, based on the Planning Board's Resolution, that variance expired after one year. By email dated January 26, 2023, the Commission staff advised the applicant that to complete the Waiver application, either a written determination from an appropriate representative of the Shamong Planning Board must be provided indicating that the prior variance remains valid or a new Township lot area variance must be obtained.
- **Single Family Dwelling, Mullica Township (App. No. 2021-0008.002):** This application is for a Waiver of Strict Compliance to build a single family dwelling on a 10.15 acre parcel. The CMP requires that all land in common ownership as of January 14, 1981 be included in a Waiver application. The CMP also provides that no application to the Commission is required for the division of lands by testamentary (will) or intestate (no will) provisions. The applicant owned an approximately 16-acre parcel on January 14, 1981. The applicant's attorney advised that the applicant passed away on October 6, 1997. The applicant's attorney further indicated that the individual lots now comprising the 16-acre parcel were specifically identified and described in a pre-January 14, 1981 Last Will and Testament as being bequeathed to certain individuals. Based upon those facts, the applicant's attorney argued that the 10.15-acre parcel was not in common ownership with other lots on or after January 14, 1981. Ownership of the lots subject to the Last Will and Testament was transferred to the identified individuals by deeds recorded on May 8, 2000. At least two of the lots that were in common ownership as of January 14, 1981 and were bequeathed to certain individuals and since been sold to other individuals and are not part of the 10.15-acre parcel currently subject of the Waiver application. By letter dated January 26, 2023, the Commission staff indicated that the 10.15-acre parcel subject of the Waiver

application was in common ownership with the balance of the approximately 16-acre parcel. For reasons specified in the Commission staff's letter, the applicant was advised that it was unlikely that a Waiver application could be approved unless all lots in common ownership were included in the application.

- **Brewery, Plumsted Township (App. No. 1985-0035.013):** The Commission issued a Certificate of Filing on February 18, 2022 for the establishment of a brewery in an existing building (barn). The Certificate of Filing contained a condition that the installation of a new septic system to service the proposed brewery required a separate application to the Pinelands Commission. On December 16, 2022, the Commission staff received an Ocean County Health Department septic permit for the brewery. By letter dated December 28, 2022, the Commission staff scheduled a public hearing for February 1, 2023 indicating that the septic permit raised a substantial issue with the minimum standards of the Plumsted Township land use ordinance and the CMP. The Commission's December 28, 2022 letter indicated the substantial issue was resolvable if an application was completed with the Commission for the installation of a new septic system. On December 29, 2022, an application was filed with the Commission for the proposed septic system. On January 10, 2023, the Commission staff issued a Certificate of Filing for the new septic system. No Township site plan approval was submitted to the Commission. Thereafter, the Commission staff engaged in discussions with the Township, the State Agricultural Development Committee, and the Ocean County Agricultural Development Board regarding the State's Right to Farm Act and the need to secure a Township site plan approval. Those three agencies advised that Township site plan approval could not be required. On January 11, 2023 and January 18, 2023, the Commission staff issued letters allowing the Ocean County Health Department septic system permit and a Township construction permit to take effect.
- **Landfill Capping (App. No. 1986-0257.003), Borough of Woodbine:** An application was filed with the Commission for the soil capping of the Borough's landfill. The CMP requires an impermeable landfill cap unless it is demonstrated that an alternate capping technique will address any ecological risk that may be associated with the landfill. By letter dated December 21, 2021, the Commission staff requested information necessary to demonstrate consistency of the proposed landfill cap with CMP T&E species protection standards. On August 17, 2022, the Commission staff received the requested T&E species information. By letter dated September 28, 2022, the Commission staff advised the applicant that the negative T&E survey results were accepted. The September 28, 2022 letter also indicated that specific geohydrologic landfill information requested at a January 2022 meeting with Commission staff had not yet been submitted. On December 23, 2022, the Commission staff received geohydrologic and other information regarding the application. By email dated January 26, 2023, the Commission staff advised that the submitted geohydrologic landfill information was under review and that the staff anticipate completion of that review by late February 2023. By email dated January 27, 2023, the Commission staff advised that, pending the review of the submitted geohydrologic landfill information and a determination of whether the proposed soil cap was consistent with CMP landfill capping requirements, the balance of the landfill capping application was completed.
- **Solar Energy Facility (App. No. 1986-0257.002), Borough of Woodbine:** An application was filed with the Commission for a solar energy facility to be located on a proposed cap for the Borough's landfill. On January 27, 2022, the Commission issued a Certificate of Filing for the

proposed solar energy facility. The Certificate of Filing indicated that, prior to development of the solar energy facility, it must be demonstrated that the proposed landfill cap is consistent with CMP T&E species protection standards. By letter dated December 21, 2021, the Commission staff requested information necessary to demonstrate consistency with CMP T&E species protection standards. On August 17, 2022, the Commission staff received the requested T&E species information. By letter dated September 28, 2022, the Commission staff advised the applicant that the negative T&E survey results were accepted. No municipal or county permits or approvals have been submitted to the Commission for the proposed solar energy facility.

- **Single Family Dwelling, Estell Manor (App. No 1985-0577.001):** On January 16, 1987, the Commission approved a Waiver of Strict Compliance to develop a dwelling on a 4.64-acre lot. Based upon the presence of wetlands, the Waiver included a condition that all development must be located within 100 feet of Maple Avenue. By email dated October 14, 2022, an attorney representing the property owner requested a meeting to discuss relief from that condition of the Waiver. The applicant's attorney indicated that Estell Manor City was concerned with all development being located within 100 feet of Maple Avenue. By email dated October 31, 2022, the Commission staff advised that the staff cannot grant relief from the conditions of a Waiver because they were imposed by a vote of the Commissioners. The Commission staff email also indicated that if the applicant could not otherwise resolve the issue, an amended Waiver application must be completed with the Commission. The email further advised that a Waiver can only provide the minimum relief necessary from CMP wetlands protection standards. On November 23, 2022, the Commission staff met with the applicant's attorney and the Estell Manor Planning/Zoning Board attorney to discuss the application. On December 13, 2022, the Commission staff received a Resolution of the City Planning/Zoning Board approving a settlement agreement with the applicant. That settlement agreement approved locating all development within 150 feet of Maple Avenue. By letter dated December 22, 2022, the Commission staff advised Estell Manor that the approval to locate all development within 150 feet of Maple Avenue required an amended Commission Waiver. By email dated December 28, 2022, the applicant's attorney posed additional questions to the Commission staff regarding the application. By email dated January 9, 2023, the Estell Manor City Planning/Zoning Board attorney indicated that the settlement agreement effectively constituted a Township approval of the variance and that the approval of all development within 150 feet of Maple Avenue would have no impact on wetlands. On January 18, 2023, the Commission staff issued a letter scheduling a Public Hearing on February 21, 2023 for the Township Planning/Zoning Board approval. On January 30, 2023, an application was filed with the Commission for an Amended Waiver. That application is under review.
- **115 Residential Dwelling Units, Hamilton Township (App. No. 1989-0546.017):** This application proposes the redevelopment of an existing three-story textile manufacturing building on a 5.2-acre parcel in the Mays Landing area. The application proposes a three-story addition to the existing manufacturing building to accommodate 115 residential apartments. The existing building is commonly referred to as the "Cotton Mill." By letter dated November 10, 2022, the Commission staff advised of the information necessary to complete the application, including a cultural resource survey. On January 23, 2023, the applicant met with the Commission staff to discuss the required cultural resource survey. The applicant indicated that the cultural resource survey work had been undertaken in approximately 2011, but the results of that survey were not available. The applicant proposed that, in lieu of a cultural resource survey, an archaeologist would be present on the parcel during construction. The Commission staff indicated that such

an approach raised many issues. Additional discussion occurred about the information that was available from the 2011 cultural resource survey work. It was agreed that the applicant would submit a detailed certification from the supervising archaeologist outlining the findings and results of the 2011 survey work along with whatever supporting information was available from that survey work. On January 22, 2023, the certification was submitted. The information is currently under review.

- **657 Residential Dwelling Units, Egg Harbor Township (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. 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. 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 2008, the proposed residential development was located in the Township's RG-5 zoning district. At that time, the proposed residential density of the development did not trigger the need to purchase 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. All 657 proposed dwelling units are market rate. A fourth Township Planning Board extension of the final approval was granted on December 19, 2022. The Commission staff reviewed the four Township Planning Board extensions to determine the need for the proposed development to purchase PDCs. The applicant's attorney submitted legal arguments addressing why the proposed development should not be subject to a 25% PDC requirement. The applicant's attorney raised the issue of protection from rezoning based upon the NJ MLUL and the New Jersey Permit Extension Acts. On December 22, 2022, the applicant submitted information addressing a possible approach to resolving the PDC requirement issue. The Commission staff issued a letter on January 3, 2023 indicating that the Commission staff was not in agreement that the NJ MLUL, the New Jersey Permit Extension Act and the New Jersey Permit Extension Act of 2020 (COVID-19 Extension) provide a continuous uninterrupted period of NJ MLUL protection from zoning changes, including the PDC obligation of Township Ordinance No. 12-2018. The letter further indicated that the Commission staff could determine that a Township Planning Board extension of the final subdivision and site plan approval and the resulting protection from zoning changes accompanying such an extension would not raise a "substantial issue" with the Commission's regulations provided certain conditions were included in the Township Planning Board extension. One of those conditions addressed the need to purchase PDCs for any homes constructed after March 2027. By letter dated January 9, 2023, the Commission staff advised the applicant of the need for the proposed development to address the 2022 CMP stormwater management standards.
- **Single Family Dwelling, Lacey Township (App. No. 2021-0038.001):** This application proposes the development of one single family dwelling on a 1.75-acre lot. A T&E animal species survey was completed and submitted to the Commission. The survey identified the presence of a threatened animal species on the lot. On September 26, 2022, the Commission staff issued an Inconsistent Certificate of Filing for the proposed development. The Certificate of Filing indicated that receipt of any county or municipal permits or approvals for the proposed dwelling would probably result in the Commission staff scheduling a public hearing to review the

consistency of the proposed development with CMP T&E animal species protection standards. On November 18, 2022, the Commission staff received notice from the Ocean County Health Department of its intent to issue a septic permit for the proposed dwelling. By letter dated November 22, 2022, the Commission staff advised that the septic permit raised a substantial issue with CMP T&E animal species protection standards and scheduled a public hearing to review that substantial issue. On January 4, 2023, the public hearing was opened and continued until January 12, 2023. At the January 12, 2023 public hearing, the Commission staff reviewed why, in their opinion, the application raised a substantial issue. The applicant's consultant presented information addressing why, in his opinion, the proposed development did not raise a substantial issue with the T&E animal species protection standard. The Commission's Acting Executive Director served as the Commission Hearing Officer. At the conclusion of the public hearing, the Commission Hearing Officer advised that a recommendation on the application would be submitted to the Commission by the Acting Executive Director, probably at the Commission's March 2023 monthly meeting.

- **Residential Development, Jackson Township (App. No. 1983-5386.002):** This application proposes 457 dwelling units and a 24,500 square foot private school. The proposed development received both preliminary and final approval by a Consent Order issued by the United States District Court, District of New Jersey. After review of the court-ordered development approval, the Commission staff issued a letter on May 16, 2022, scheduling a public hearing to review the "substantial issues" raised by the proposed development with the stormwater management standard and the 200-foot-wide perimeter forest fire fuel break standard. The Commission staff letter also indicated that the proposed development raised a substantial issue with the residential density standard because notice of the redemption of the required 27.5 Pinelands Development Credits had not yet been submitted to the Commission. On July 8, 2022, the applicant submitted information to address the stormwater management standards. On July 25, 2022, the applicant submitted information to address the 200-foot-wide perimeter forest fire fuel break standard. By letter dated September 1, 2022, the Commission staff indicated that the only remaining issue with the application was resolvable if 27.5 PDCs were acquired and submitted to the PDC Bank. The PDC Bank would then issue a "pending redemption" notice to the Pinelands Commission. Upon receipt of that notice, the Commission would issue a letter of no further review allowing the concerned approvals to take effect. The September 1, 2022 letter also indicated that alternatively, the issue could be resolved if all 27.5 required PDCs are acquired and submitted to the PDC Bank, with a request that the PDCs be redeemed on a phase by phase basis, as approved final development plans are recorded with Ocean County for each phase of the development. By letter dated January 13, 2023, the Pinelands Development Credit Bank advised the Commission that 27.5 PDCs had been provided to the Bank and were pending redemption, with official redemption to occur in phases when approved final development plans are recorded with Ocean County for each phase of the development. The Commission staff is completing its review of the first final section of the proposed development.

## 5 SCIENCE

---

### 5.1 ENVIRONMENTAL MONITORING

- **Water Level Monitoring:** In January, 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. Water level data was downloaded from the continuous data loggers installed in five of the seven ponds and the single forest plot. Data loggers from two ponds stopped working in the fall and the replacement data loggers have been delayed by supply shortages and have not yet arrived.
- **Rare Snake Monitoring:** Science staff continued to check radio-tracked pine snakes, corn snakes, and hognose snakes to determine if any movements or late-season den switching occurred. One corn snake moved approximately 20 meters in January. The remaining snakes are hibernating. Staff continued to place artificial cover at shed, nest, and hibernation sites to help recapture tagged snakes as well as new snakes in the future. Staff began to proof the 2022 rare snake capture data and began cleaning up other related data sets for eventual analysis. Staff submitted the location information for a series of new dens to the NJDEP for approval so that the dens can be corralled for future snake monitoring.

### 5.2 LONG TERM STUDIES

- **King Snake Study:** A total of 22 king snakes are currently hibernating in their winter dens. Science staff continued to enter king snake tracking data from 2022 into the king snake database.
- **Joint Corn Snake Study:** In January, Science staff began proofing the 2022 capture data associated with the drift fence array. Staff also began to re-distribute the artificial cover previously associated with the drift fence to other areas of study. Staff began to analyze data on head started and cold released hatchlings to present preliminary results at the February Commission meeting.
- **Box Turtle Study:** In January, Science staff learned that the NJDEP funding for this study has been approved and allocated. Commission and NJDEP legal staff are working to craft an agreement for the study. The target start date for the study is March 1<sup>st</sup>.
- **Adenovirus Study:** In collaboration with Rutgers University researchers, Science staff continued to collect swab samples for adenovirus from snakes coming into their dens for the winter.

## 6 COMMUNICATIONS

---

### 6.1 COMMUNICATIONS & PUBLICATIONS

- **Inquiries/Correspondence:** The Communications Office received and responded to 52 inquiries from the public in January, including phone calls, e-mails, and media inquiries.

- **Website:** Commission staff made routine edits to the website throughout January.

- **Press Releases:** The Commission issued a press release to promote the 34<sup>th</sup> annual Pinelands Short Course on January 5, 2023. It also issued a press release to announce the swearing in of Mark Mauriello on January 13, 2023.



- **Annual Report:** Staff gathered information for the 2022 Annual Report throughout January.

- **Social Media Enhancements:** In January, staff shared 109 photos and five videos on the Commission's Instagram site and 53 tweets on Twitter. Five of the Commission's photos were featured on other Instagram sites in January, reaching more than 54,000 additional accounts.

**Above:** The Commission shared 109 photos on Instagram in January, including this photo of a hermit thrush in Wharton State Forest.

## 6.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **Pinelands Short Course:** Registration for the 34th annual Pinelands Short Course opened in early January. The event will be held at Stockton University's main campus in Galloway Township on March 11, 2023, and it will feature 28 presentations, including 21 programs. Event brochures were mailed out, and staff has been promoting the event heavily on social media. Staff is also planning the Summer Short Course, which will be held on June 23, 2023.
- **Pinelands Speaker Series Webinars:** Staff is working on the lineup of presentations for 2023.
- **Education Programs:** On January 13, 2023, a member of the Communications Office delivered an educational presentation to approximately 60 students at Pinelands Regional High School.
- **Barnegat Bay Partnership:** A member of the Communications Office participated in the Partnership's Communication and Education Committee meeting on January 30, 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. Staff worked on tools to streamline the creation of the monthly Commission packet as well as the well as the Public Comments report. A new feature was added to PCIS to simplify the processing of refund checks.
- **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 made requested changes to the Active Directory environment to enhance security. Staff began planning for participation in the pilot of new software to network visibility known as RunZero.
- **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.
- **Pinelands Development Credit Bank:** The Pinelands Development Credit (PDC) Bank utilizes custom software to manage all operations including tracking data and issuing certificates. Staff supports the PDC Bank in utilizing the system.
- **Ad Hoc Reporting:** Staff assist the Pinelands Commission by generating reports to provide insight into relevant topics of interest. Staff modified the Annual Report logic to include all Completeness Documents for necessary reports in the 2022 calendar year. Staff also began requirements gathering for a dashboard report for Regulatory Programs to help visualize internal workload.
- **Technology Enhancements:** Staff members continually evaluate emerging technologies for how they can impact or enhance the office environment. A Wireless Access Point (WAP) was deployed to support WiFi communication in the Science offices. Staff purchased additional laptops to support the New Jersey Telework Pilot Program. Staff installed BlueBeam Revu software on staff workstations to continue evaluation of the software to assist with day-to-day operations. Staff worked on new features in SharePoint, OneDrive, and Teams to evaluate new features that may become part of the standard desktop deployment.

## 8 BUSINESS OFFICE

---

### 8.1 FINANCIAL MANAGEMENT

- **Application Fees:** January 2023, Net Total: \$20,953.95 Fiscal Year to Date Total: \$614,090.22. This represents 94.48% of the anticipated budget total for Fiscal Year 2023.

### 8.2 FACILITIES

- **Fenwick Manor Preservation Plan** – Several members from Connolly & Hickey Historical Architects, LLC performed a site visit of Fenwick Manor on January 18, 2023. Engineers inspected the Manor’s structural liabilities from the attic to basement crawl space. Their focus was on the structural deficiencies of the addition that added the front office and conference room. The layered fireplaces are also a topic of concern in the front office of both floors. Other members of Connolly & Hickey’s staff documented and took pictures of the interior and exterior of the building. A follow-up visit is planned for February to further inspect the structural condition of the fireplaces.