



# NEW JERSEY PINELANDS COMMISSION

## MONTHLY MANAGEMENT REPORT



An orange sulphur butterfly fluttering above blazing star flowers at the Pinelands Commission's headquarters in July

**JULY 2023**

# 1 EXECUTIVE OFFICE

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## 1.1 EXECUTIVE DIRECTOR

### 1.1A COMMITTEE MEETINGS

- **Personnel & Budget (P&B) Committee:** The Committee did not meet in July.
- **Pinelands Climate Committee:** The Committee met on July 19, 2023 and received two presentations on the State's Dual-Use Solar Energy Pilot Program, the first by the New Jersey Board of Public Utilities (NJBPU) and the second from Lightstar Renewables, LLC. Committee members then discussed the Pinelands Comprehensive Management Plan's (CMP) current solar energy facility standards and potential amendments. Finally, staff provided updates on various state and office initiatives.
- **Policy & Implementation (P&I) Committee:** The Committee did not meet in July.

### 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 New Jersey Department of Environmental Protection (NJDEP). As of the end of July, 40 municipalities had submitted to the Commission adopted ordinances that implement the Pinelands stormwater management regulations. Staff anticipates an additional five ordinances will be adopted in the month of August. Staff will continue to do outreach with the remaining Pinelands municipalities that have not adopted the Pinelands model stormwater ordinance.
- **Water Management (Kirkwood-Cohansey):** The draft adoption notice remains under review by the Governor's office. Staff met with representatives of the Governor's office on July 31, 2023 to review the rulemaking process to date. Staff anticipates providing all public comments and the draft adoption notice to the P&I Committee for discussion at its August 25, 2023 meeting, with adoption by the full Commission to follow in September.
- **Fee and Procedural Amendments:** Staff continues to work on drafting Comprehensive Management Plan (CMP) amendment language to address expiration of various types of old approvals and documents as well as revised application fee requirements. These amendments will be combined with others related to Pinelands Development Credits (PDCs), right-of-way vegetation maintenance and protection of the Black Run watershed. On July 21, 2023, staff met with representatives of a homeowners association in Voorhees Township who are concerned that the Black Run watershed rules could lead to development of vacant land across the municipal boundary in Evesham Township.

### 1.1C OPEN PUBLIC RECORDS ACT

- A total of six Open Public Records Act (OPRA) requests were received in July. Three were provided responsive material, and three were advised to schedule a file review.

### 1.1D PINELANDS MUNICIPAL COUNCIL

- The Pinelands Municipal Council did not meet in July.

### 1.1E OTHER

- Commissioner Alan W. Avery was re-elected as Vice Chairman at the Commission's July 14, 2023 meeting.
- The following changes to the Climate Committee were announced at the July 14, 2023 Commission meeting: Commissioners Mark Mauriello and Jonathan Meade are now members of the Committee; Commission Chair Laura E. Matos became an alternate member of the Committee; and Commissioner Avery will no longer be a member of the Committee.

## 1.2 LEGAL AND LEGISLATIVE AFFAIRS

### 1.2A LEGISLATION

- **S3797/A5558 - Appropriates Funds to NJDEP for Environmental Infrastructure Projects for FY 2024** - This bill appropriates certain federal and State monies to the NJDEP for the purpose of implementing the State Fiscal Year 2024 New Jersey Environmental Infrastructure Financing Program (NJEIFP). The bill appropriates these funds for the purpose of making loans to local governments and privately-owned water companies (project sponsors) for a portion of the costs of water infrastructure projects. Projects for which funds have been included in this bill include the four projects approved by the Pinelands Commission to receive funds under the Pinelands Infrastructure Trust Bond Act of 1985. The bill was approved by the Governor and signed into law on July 20, 2023.
- **S3444/A5211 – Allows certain municipal water systems, under certain circumstances, to use lands preserved for recreation and conservation for drinking water wells and associated treatment equipment or facilities** - This bill allows a municipally-owned and operated water utility or authority to use a well for the supply of drinking water and certain associated water treatment equipment or facilities on lands acquired or developed for recreation or conservation purposes by a local government unit, without the additional use being deemed to constitute a disposal or diversion of those lands requiring certain approvals as well as compensation or reimbursement to the State under various laws and regulations implementing the Green Acres Program. This bill is intended to provide municipally-owned water utilities or facilities with the ability to address exceedances of the "Safe Drinking Water Act" standards for certain contaminants, including perfluorooctanic acid detected in pre-existing wells located on such lands. The bill was reported out of the Assembly Environment and Solid Waste Committee and is on second reading in the Assembly. A floor amendment was passed in the Assembly to clarify that the bill applies to a pre-existing wells utilized for drinking water and that the additional use

of the land as authorized under the bill does not substantially impact the use of the lands for recreation and conservation purposes, including public access. The bill was approved by the Governor and signed into law on July 20, 2023.

- **S3796/A5559 – Authorizes NJ Infrastructure Bank to expend certain sums to make loans for environmental infrastructure projects for FY 2024** - This bill authorizes the New Jersey Infrastructure Bank (NJIB) to expend up to \$1.782 billion to provide loans to local governments and privately-owned water companies (project sponsors) for a portion of the costs of water infrastructure projects, for the purpose of implementing the State fiscal year 2024 New Jersey Environmental Infrastructure Financing Program (NJEIFP). Projects for which funds have been included in this bill include the four projects approved by the Pinelands Commission to receive funds under the Pinelands Infrastructure Trust Bond Act of 1985. The bill was approved by the Governor and signed into law on July 20, 2023.

### 1.2B INTERGOVERNMENTAL AGREEMENTS

- **Pemberton Township and the NJDEP:** Commission staff continues to work with Pemberton Township and its consultant, the Pinelands Preservation Alliance (PPA), regarding stormwater management and application requirements for the proposed trail project. PPA reached out to the Regulatory Programs Office for clarification regarding the applicability of CMP stormwater management rules to the accessibility trail project. Staff advised PPA that the increase in the rate of runoff needed to be addressed. Additionally, because surfacing of trails would occur on a portion of the property owned by the NJDEP, staff was advised that the applicant must complete the Department's review process for use of the Pemberton Lake Wildlife Management Area as part of the project. PPA has submitted information to NJDEP's Office of Transactions and Public Land Administration to initiate that review process.
- **Stafford Township:** This proposed memorandum of agreement (MOA) would authorize a deviation from CMP wetlands buffer standards to accommodate paving of an existing trail around Forecastle Lake for accessibility purposes. The Township delivered a presentation at the Commission's July 14, 2023 meeting regarding the project and the need for a deviation MOA. Following the presentation, the Commission authorized the staff to begin working with Stafford Township to develop the draft MOA.

### 1.3 HUMAN RESOURCES

- **Evaluations:** The 2022-2023 Final Evaluations were due to Human Resources. Objectives for the 2023-24 year were also due.
- **Telework Pilot Program:** In coordination with the Civil Service Commission, the State established a pilot telework program for state employees on April 6, 2022. The pilot program began on July 1, 2022 and has been extended to June 30, 2024. Most Commission staff are now working remotely two days each week in accordance with the pilot program guidelines.

- **Recruitment:** Recruitment continues for the Management Information Systems Specialist 3 and Environmental Technology Coordinator vacancies. The job postings were shared on various websites. The deadlines for applying for both positions have been extended.

## **2 INTERAGENCY COORDINATION**

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- **Interagency Council on Climate Change (IAC):** A meeting of the Senior Staff representing all agencies on the Council was held on July 11, 2023, at which a delay in producing the Extreme Heat Resilience Action Plan was announced. A new schedule is expected to be provided at the next Senior Staff meeting on August 8, 2023.
- **NJDEP Stormwater Management and Flood Hazard Control Act Rule Amendments** – The NJDEP’s amendments to its Stormwater Management and Flood Hazard Control Act rules were adopted by Commissioner LaTourette on June 2, 2023 and published in the July 17, 2023 New Jersey Register (55 N.J.R. 1385(a)). The rules ensure the use of current precipitation data and reliable climate science to aid New Jersey communities to better prepare to confront climate change induced increases in the intensity of precipitation events and the resulting effects of additional stormwater runoff. These rule amendments went into effect on July 17, 2023. The Amendments to the Stormwater Management rules at N.J.A.C. 7:8-4.6, 5 and 6 were incorporated by reference upon adoption into the stormwater management standards of the Pinelands CMP at 7:50-6.84(a)6. Pinelands municipalities will need to amend their ordinances to incorporate these rule amendments. Staff is in the process of reviewing the amended rules, including various grandfathering provisions, in order to develop a schedule for their implementation in the Pinelands Area.
- **New Jersey Board of Public Utilities (NJBPU), Clean Energy Program – Dual-Use Solar Energy Program** – The NJBPU is in the process of developing a Dual-Use Solar Energy Program, in accordance with P.L. 2021, c. 170. This Dual-Use Solar program would permit the installation of agrivoltaics on unreserved farmland. The Act calls for the creation of a Pilot Program to inform development of a permanent program. There are a number of aspects of a Dual-Use program that may raise issues as to conformance of same with the existing requirements of the Pinelands CMP. The Act prohibits the siting of Dual-Use Solar facilities on lands within the Preservation Area, as defined by the Pinelands Protection Act, and in Forest Areas as designated by the Pinelands CMP. The Act also provides NJBPU with the ability to grant certain waivers. Staff plans to meet with NJBPU staff in August to identify potential issues and discuss ways to afford Pinelands farmers the opportunity to use agrivoltaics. One of the issues to be discussed is the siting waiver process set forth in the Act and the role of the Commission in that process.

### 3 PLANNING

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#### 3.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
<b>Master Plans/Ordinances Received</b>		
Adopted	3	98
Drafted or Introduced	4	54
Total <sup>1</sup>	5	105
Substantial Issue Finding <sup>2</sup>	2	6
No Substantial Issue Finding	5	86
No Issue Finding	2	18
Total	9	110
<b>Finding Letters Issued<sup>3</sup></b>	8	83

#### 3.2 CULTURAL RESOURCE ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Applications Reviewed	16	81
Surveys Required	2	19
Surveys Reviewed	2	8
Certificates of Appropriateness Required	0	0

#### Notable Activity:

- **Fenwick Manor Preservation Plan:** The final site visit by Connolly & Hickey, the Commission's consultants, took place on Wednesday, July 12<sup>th</sup>. The activities included mapping out the building's utilities, including electric, gas, and sewer. The finalized Preservation Plan report is expected in August.

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<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.

- **Lenni Lenape Research Collaboration Project:** Pinelands staff met with the National Park Service’s Tribal Liaison Officer for the Northeast Corridor to discuss a collaborative research initiative between the Pinelands Commission and the Lenni Lenape Tribal Nation.

- **3.3 PINELANDS DEVELOPMENT CREDIT (PDC) PROGRAM**

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	0.50	40.50
PDCs Severed	0	2.75
Acres Protected	0	104
PDCs Extinguished	0	4.35
Acres Protected	0	125.63
PDCs Sold	0	6.75
Average Sales Price per PDC	n/a	\$66,964
Average Sales Price per right	n/a	\$16,741
PDCs Redeemed	0	8.00

**Notable Activity:**

- **PDC Allocations:** 0.25 PDC (1 right) was allocated to an 1.85-acre parcel and 0.25 PDC (1 right) was allocated to a 3.71-acre parcel, both located in Woodland Township’s Preservation Area District.

**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. Upon completion of the bid evaluation process, a contract with the selected consultant (Dr. Bruce Eisenstein and Dr. Leonid Hrebien) was prepared and fully executed on June 8, 2023. An amended comprehensive plan has not yet been submitted to the Commission; however, staff reviewed and provided preliminary feedback on potential sites for new local communications facilities at the end of June.

## 4 REGULATORY PROGRAMS

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### 4.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	3	30
Certificates of Filing	10	106
Public Development Reports	5	16
Forestry Certificates of Filing	0	2
PDC Letters of Interpretation	2	14
Non-PDC Letters of Interpretation	0	2
MOA Consistency Determinations	2	35
Review of Agency Determinations	51	342

### 4.2 NOTABLE APPLICATIONS

- **Criminal Justice Facility at the Ancora Hospital Facility, Winslow Township (Applicant: Camden County, App. No 1981-0656.025):** On July 5, 2023, the Commission staff was contacted by Camden County officials to discuss the siting of a Camden County Criminal Justice Facility (prison) at the Ancora Hospital Facility. The Ancora Hospital Facility parcel is located in a Pinelands Rural Development Area. The prison is proposed to be located in an area previously deed restricted for open space as part of a 2007 Memorandum of Agreement (MOA) between the Commission, the New Jersey Department of Human Services, the NJDEP and the Camden County Municipal Utilities Authority. That MOA provided for the provision of public sanitary sewer to both existing and proposed development at the Ancora Hospital Facility. The County was inquiring as to the process to amend the MOA to allow for the proposed prison. The Commission staff provided guidance to the County regarding the established 13-step process to discuss the potential for entering into or amending an existing MOA with the Pinelands Commission.
- **Juvenile Justice Facility at the Ancora Hospital Facility, Winslow Township (Applicant: New Jersey Juvenile Justice Commission, App. No 1981-0656.024):** Information was submitted to the Commission proposing a juvenile justice facility at the Ancora Hospital Facility. The Ancora Hospital Facility parcel is located in a Pinelands Rural Development Area. On July 18, 2023, the Commission staff conducted a preapplication conference regarding the proposed development. The applicant is proposing to develop the juvenile justice facility in a non-deed restricted area of the Ancora Hospital Facility parcel. However, the applicant is proposing to extend and tie into existing public sanitary sewer infrastructure within an open space area that was deed restricted as part of the 2007 MOA with the Pinelands Commission. Provided certain conditions are met,



the imposed open space deed restriction allows for certain sanitary sewer improvements to occur in the deed restricted area.

- **Landfill Capping, Hamilton Township (Applicant: Hamilton Township, App. No 1984-1306.002):** On May 19, 2023, an application was filed with the Pinelands Commission proposing the soil capping (permeable) of the approximately 17-acre Hamilton Township landfill. The landfill is closed and located in a Pinelands Regional Growth Area. By letter dated July 26, 2023, the Commission staff indicated that the CMP requires that the landfill be capped with an impermeable material unless it is demonstrated that an alternate capping technique will address any public health and ecological risk that may be associated with the landfill. A permeable soil cap is considered an alternative capping technique. After a September 27, 2016 meeting with the Commission staff, the Commission's then Executive Director sent a letter to the Township summarizing the CMP regulations pertaining to capping of the landfill and advising that an escrow fee of \$5,000 was required to permit the Commission staff to undertake a review of information associated with the capping of the municipal landfill, including the hydrologic framework of the landfill and landfill monitoring well data. This review would determine whether an alternate capping technique would address any public health and ecological risk that may be associated with the landfill. The requested escrow fee was not submitted to the Commission. This means that the necessary review has not occurred. By letter dated July 26, 2023, the Commission staff indicated that it remained necessary to submit the \$5,000 escrow fee to allow for Commission staff review of the information associated with the capping of the landfill, including the hydrologic framework of the landfill and landfill monitoring well data. The July 26, 2023 letter also identified the information necessary to complete an application for a soil (permeable) cap if it is demonstrated that a such a cap is consistent with the CMP's landfill capping requirements.
- **Reconstruction of a Single Family Dwelling, Tabernacle Township (Applicant: Kevin Sooy, App. No 1994-0376.002):** Since March 9, 2018, the Commission staff issued nine letters indicating that the reconstruction of a single family dwelling on Block 1805, Lot 2 within five years of its demolition did not require application to the Commission. The lot is located in the Pinelands Preservation Area District. By letter dated January 3, 2020, the Commission staff indicated that the previously existing single family dwelling on the lot must be reconstructed by July 30, 2023. At a July 5, 2023 meeting, the landowner indicated that to date only the foundation of the previously demolished single family dwelling had been reconstructed on the lot. The applicant also indicated that notwithstanding the prior letters, a telephone conversation with a Commission staff member caused them uncertainty regarding what stage of construction must be completed by July 30, 2023. At the meeting, the Commission staff advised that the construction of a foundation on the lot did not constitute reconstruction of the previously demolished single family dwelling. The Commission staff also indicated that the CMP did not provide a basis for granting an extension of the five-year time period. At the meeting, the Commission staff offered to conduct a re-review of all available information contained in Commission records regarding this matter. Based upon that re-review, staff advised that if Tabernacle Township officials were to determine that demolition of the previously existing dwelling was not completed until October 23, 2019, reconstruction of the dwelling would need to be completed by October 23, 2024. The Commission staff's July 10, 2023 letter also indicated that an application must be completed with the Commission for a 6,000 square foot building that was recently developed on the lot prior to completing an application with the Pinelands Commission.

- 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 and within the Township’s Haines Boulevard Redevelopment 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 CMP air quality standards and the need for the applicant to redeem 14.25 PDCs for the proposed development. On May 17, 2023, the applicant submitted a list of stormwater management questions for Commission staff review. On June 13, 2023, the Commission staff met with the applicant’s representatives to discuss the submitted stormwater questions. On June 26, 2023, the applicant submitted additional stormwater management information. On July 10, 2023, the Commission staff responded to the stormwater management information submitted on June 26, 2023. On July 13, 2023, the applicant submitted additional stormwater management information. On July 20, 2023, the applicant submitted further stormwater management information. The additional application submissions are under review.
- Residential Development, Woodland Township (Applicant Margarete and Jesse Estlow, App. No. 1992-0327.001):** A threatened and endangered (T&E) species survey was completed in 2005 for this application proposing the development of 12 single family dwellings in the Pinelands Village of Chatsworth. On December 17, 2008, the Commission staff issued a letter indicating that a Woodland Township Land Use Board preliminary and final subdivision approval and a conditional Burlington County Planning Board preliminary subdivision approval for 13 lots and the development of 12 single family dwellings on a 21-acre parcel could take effect. By letter dated May 10, 2022, the Commission staff scheduled a public hearing to review a T&E animal species “substantial issue” raised by final subdivision approvals granted by the Burlington County Planning Board on February 1, 2022 and March 29, 2022. By letter dated June 13, 2022, the Commission staff advised the attorney representing the applicant that since the 2005 T&E species survey, the Commission staff has records of additional T&E animal sightings for a different species in the immediate vicinity of the 21-acre parcel. The letter also advised that Commission issuance of a letter in 2008 indicating that a permit or approval may take effect does not indefinitely protect proposed development that has not occurred from addressing changes in municipal zoning or environmental standards, such as the T&E species protection standard. Since approximately 17 years have passed since the 2005 T&E species survey for this application and the Commission staff has subsequent sightings of a different T&E animal species, an updated T&E species survey was requested. The applicant disagreed with the staff’s request to complete an updated T&E animal species survey. On June 14, 2023, the Commission staff met with the applicant to further discuss the need for an updated T&E species survey. The applicant indicated that the Commission staff’s request for an updated T&E animal species survey was unreasonable. The Commission staff advised that if the applicant disagreed with the staff’s position on the application, the applicant could attend a scheduled Commission staff public hearing on the application. After the public hearing, the application would be brought before the Commission at a regularly scheduled monthly Commission meeting for a review and vote by the Commissioners. By letter dated July 10, 2023, the Commission staff advised that a Commission staff public hearing on the application had previously been scheduled for November 21, 2023 but could be moved to an earlier date if the applicant wished. By letter

dated July 17, 2023, the applicant responded, asserting that the Commission staff made numerous errors in its review and handling of the application. The applicant requested that the July 17, 2023 letter be distributed to all Pinelands Commissioners. The Commission staff is preparing a response to the applicant's July 17, 2023 letter. Upon mailing of the Commission staff response, both letters will be provided to the Commission.

- **Public Service Infrastructure, Southampton (Applicant: BEMS Southampton Solar Farm, App. No. 1981-1601.009):** On October 19, 2022, the Commission staff issued a Certificate of Filing for the installation of 4,147 linear feet of underground electric conduit within the residential community of Leisuretowne. The proposed electric conduit will connect a solar energy facility developed on the nearby former Big Hill Landfill in Southampton Township to a public utility company's electric transmission line located along Retreat Road. On February 13, 2023, the Commission staff issued a letter indicating that a Township approval for a road opening permit for the proposed electric conduit could take effect. A majority of the electric conduit is located under existing paved roads in Leisuretowne. The proposed development includes an above ground "switch box" located with a grass portion of a cul-de-sac type island in Leisuretowne. The installation of the switch box has generated significant public comment. The Commission staff is working with the Township and the applicant to determine whether there are feasible alternative locations to relocate the switch box. Alternative locations are somewhat limited by the extensive presence of wetlands in the area. On June 23, 2023, information was submitted to the Commission by the applicant identifying several possible alternative locations for the switch box. By letter dated July 11, 2023, the Commission staff responded to the applicant identified alternatives and identified two possible feasible alternative sites for the proposed switch box. On July 17, 2023, the Commission staff attended a meeting at the Township municipal building with Township officials, the applicant and a representative of PSE&G to discuss the feasibility of relocating the switch box.
- **Singer House, a Designated Cultural Resource, Medford Township (Applicant: Affordable Homes Group, App. No. 1987-0055.009):** On November 21, 1991, the Commission approved a Certificate of Appropriateness with specific conditions that required the preservation in place of a significant historic resource known as the Singer House. On January 3, 1992, the Pinelands Commission approved a Report on an Application for Public Development for the development of the Medford Township Public Safety Building. That Commission approval reiterated the conditions of the Certificate of Appropriateness requiring the stabilization and preservation in place of the Singer House. The conditions for the stabilization and preservation in place of the Singer House have not been met. On June 8, 2023, the Commission staff received a request from the current owner of the Singer House to meet and discuss the proposed demolition of the house. On June 28, 2023, the Commission staff met with the current owner. The current owner represented that the Singer House has deteriorated to the point where preservation in place is no longer feasible. The owner was advised at that meeting of the need to apply to the Commission for the proposed demolition of the Singer House. As part of that application, it must be demonstrated why the requirements of the November 21, 1991 Certificate of Appropriateness were not met and why the Singer House cannot be rehabilitated and preserved in place. On July 7, 2023, the Commission received an application proposing the demolition of the Singer House. The Commission staff is currently reviewing the extensive background history of the Commission's designation of the Singer House. This review is necessary to advise the applicant of the information that must be submitted to demonstrate why the continued

preservation in place of the Singer House is not the appropriate treatment of this Pinelands designated cultural resource.

- **Commercial Development, Southampton Township (Applicant: Red Lion Circle Partners, App. No. 1988-1007.005):** An application was filed with the Commission 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. The parcel is 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. On June 5, 2023, the Commission staff issued a letter requesting certain information to complete the application. In response, on June 29, 2023, the applicant submitted information to the Commission. On July 14, 2023, the Commission staff met with the applicant's representatives on the parcel to conduct soil testing relative to the depth to the seasonal high water table throughout the parcel. This seasonal high water table information is necessary for both the design of the replacement onsite septic system and the stormwater management measures for the proposed commercial development. On July 21, 2023, the applicant submitted the results of the soil testing. That information is under review.
- **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. On June 23, 2023, the applicant submitted a request to meet and further discuss the additional T&E animal surveys. By letter dated June 29, 2023, the staff advised the applicant that their request for an extension of time until January 2, 2024 for the Pinelands Commission to forward the application to the NJ OAL for a hearing on the substantial issues was granted. In response to the applicant's request to meet and discuss multiple aspects of the proposed development, including the additional T&E species surveys, the Commission staff advised by letter dated July 17, 2023 of the need to post an application review escrow for the Commission staff to review

the additional T&E species survey work. On July 18, 2023 and July 21, 2023, the applicant submitted questions regarding the required additional T&E species survey work. On July 24, 2023, the applicant posted an application review escrow with the Commission. On July 25, 2023, the Commission staff met with the applicant. On July 26, 2023, the applicant submitted additional T&E species survey information to the Commission. That information is currently under review.

- **Hammonton Elementary School, Hammonton (Applicant: Hammonton Board of Education (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 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. The May 31, 2023 letter requested information from the applicant to better understand the basis for separating the applications. By letters dated June 2, 2023 and June 21, 2023, the BOE provided information further explaining the need to separate the two concerned applications. By email dated June 24, 2023, the applicant’s engineering company inquired as to the status of the Commission staff review and response to the June 2, 2023 and June 21, 2023 BOE letters. By letter dated June 27, 2023, the Commission staff advised that based upon the submitted information and the pending grant funding, the Commission staff would recommend approval of the application for the proposed 11,987-square-foot addition at the August 11, 2023 Pinelands Commission monthly meeting provided one condition was met. The one condition is that the information necessary to substantively complete the application for the addition to the school that was constructed beyond that which was approved by the Commission on July 14, 2000 is submitted to the Commission by August 10, 2023. On July 21, 2023, the Commission staff issued a “Report on an Application for Public Development” recommending approval of the proposed 11,987-square-foot addition to the existing public school conditioned upon the applicant submitting the information to the Commission necessary to substantively complete the application for the development that occurred on the parcel without Commission approval by August 10, 2023.
- **Cannabis Facility, Hamilton Township (Applicant: Fresh Cut Cannabis, App. No. 1987-0444.006):** On April 20, 2023, the Commission received the required application fee that enabled the staff to review this application proposing the development of a 47,630-square-foot cannabis cultivation and processing facility on a 10.44-acre parcel. The parcel is located in a Pinelands Regional Growth Area and within the Hamilton Township Industrial Park. By letter dated June 27, 2023, the Commission staff advised the applicant of the information necessary to complete the application. On July 17, 2023, the applicant submitted a required T&E species

survey to the Pinelands Commission. By letter dated July 21, 2023, the Commission staff indicated agreement with the negative results of the submitted T&E species survey and reiterated the remaining information required to complete the application.

- **Cannabis Facility, Hamilton Township (Applicant: Paul and Caroline Giblin, App. No. 1987-0444.005):** On March 13, 2023, the Commission received an application proposing the development of a 43,530-square-foot cannabis cultivation and processing facility on a 4.07-acre parcel. The parcel is located in a Pinelands Regional Growth Area and within the Hamilton Township Industrial Park. By letter dated June 1, 2023, the Commission staff advised the applicant of the information necessary to complete the application. On June 8, 2023, the applicant submitted information responding to the Commission's June 1, 2023 letter. By letter dated July 11, 2023, the Commission staff advised of the information necessary to complete the application. On July 14, 2023, the applicant submitted the required T&E species survey to the Pinelands Commission. By letter dated July 21, 2023, the Commission staff indicated agreement with the negative results of the submitted T&E species survey and reiterated the remaining information required to complete the application.
- **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 structures 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 was 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 was further reduced to 45 feet and additional landscaping and earthen berming was 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. By letter dated June 21, 2023, the Commission staff rescheduled the Commission staff public hearing for August 14, 2023. On July 5, 2023, information was submitted by the Township

addressing its interpretation of the height of the proposed warehouse building. By letter dated July 17, 2023, the Commission staff advised the applicant that, provided certain information was submitted to the Commission staff verifying the staff's understanding of the currently proposed building height, the substantial issue raised by the proposed height of the building that necessitated the scheduling of the public hearing would be resolved.

## 5 SCIENCE

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### 5.1 ENVIRONMENTAL MONITORING

- **Water Level Monitoring:** In July, 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. Over half of the ponds were dry in July, which reflects the relatively low rainfall occurring in recent months.

- **Rare Snake Monitoring:** Science staff continued to check on radio-tracked snakes in July to locate important shed sites and nest sites, and to find new snakes. New female snakes that are gravid, or pregnant, are kept in captivity until they lay their eggs. In July, egg clutches were deposited from seven corn snakes, two pine snakes, and one hognose snake. After these eggs hatch, the young snakes will be pit tagged and released. Two staff members attended the Northeastern Partners for Amphibian and Reptile Conservation (NEPARC) annual meeting to discuss current issues in reptile and amphibian conservation and listen to presentations on reptile and amphibian research that is occurring in the northeast USA.



**Above:** A post-partum eastern hognose that is being radio tracked to find her den.

### 5.2 LONG TERM STUDIES

- **King Snake Study:** Except for the characterization of the dens identified during the study, the field work portion of the study has been completed. In July, staff prepared a list of the 53 den sites used by the king snakes and the various habitat features that will be measured. Field work for the den characterization will be completed in August. Staff are seeking supplemental funding from the Environmental Protection Agency and a one-year extension to the project.



- **Box Turtle Study:** Staff continued to track box turtles in July. Several female turtles made large movements to and from areas with little tree canopy and shrub cover, which is a good indication that nesting occurred. Identifying turtle nesting habitats is one of the goals of the study. At the annual NEPARC meeting mentioned in the Rare Snake Monitoring update, staff met with other turtle researchers from the northeast to discuss turtle research needs and how to obtain additional funding for box turtle research in the Pinelands, Pennsylvania, and Massachusetts.



**Above:** A male box turtle that spends most of his time in a cedar swamp.

- **Snake Fungal Disease Monitoring:** As part of a collaboration with Virginia Tech researchers, Science staff continued to swab Pinelands snakes for snake fungal disease.
- **Adenovirus Study:** 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 approximately 70 inquiries from the public in July, including phone calls, e-mails, and media inquiries.
- **Website:** Commission staff made routine edits to the website in July, along with changes to support the new Pinelands Property Lookup Map. Staff also drafted changes to support the new system to submit online payment for development applications. Lastly, Communications and Information



**Above:** The Commission shared 193 photos on Instagram in July, including this photo of a prairie warbler at Whitesbog.



Systems staff held a virtual meeting with the state Office of Information Technology (OIT) to discuss “Siteimprove,” which is a new tool that OIT will be adding to our website to check for accessibility, analytics, links and spelling. Commission staff and OIT staff also discussed the possibility of redesigning the Commission’s website to take advantage of new design options and other features, potentially in mid- to late-2024.

- **Social Media Enhancements:** In July, staff shared 193 photos and eight videos on the Commission’s Instagram site and 65 tweets/retweets on Twitter.



- **Pinelands-themed Merchandise:** In July, Commission staff made significant progress on a project to sell Pinelands-themed merchandise at the agency’s office and via a new online,

**Above:** In July, the Commission received new, reusable grocery tote bags that will be sold online and at the agency’s headquarters.

Pinelands Commission store. Staff received and installed a new, glass case for displaying the items in the Richard J. Sullivan (RJS) Center lobby. Visitors will be able to see the merchandise and then use a QR code to complete purchases. The items include three Pinelands-themed mugs, Pinelands note cards and new Jersey Devil-themed reusable grocery tote bags that were delivered in late July. 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 in the Pinelands.

## 6.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **Pinelands Short Course:** In July, Commission staff reviewed Stockton University’s draft Save the Date flyers for the 35<sup>th</sup> annual Pinelands Short Course, which will be held at Stockton’s main campus on March 9, 2024.

- Pinelands Speaker Series:** More than 40 people attended the Turtles of the Pinelands presentation at the Commission's headquarters on July 20, 2023. The presentation featured numerous live turtle species. The Commission will host a hands-on workshop on Hand Printing from Nature in the RJS Center on August 3, 2023.



**Above:** Otis the Box Turtle was one of several live turtle species that were featured at a Turtles of the Pinelands presentation at the Commission's headquarters on July 20, 2023.

- Science Office Assistance:** A member of the Communications Office assisted the Science Office by measuring ponds and wells on July 24 and 25, 2023.

## **7 INFORMATION SYSTEMS**

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- 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 made bug fixes. A meeting was held with Regulatory Programs staff to discuss and prioritize software changes that will improve the flow of applications. Staff completed work to improve how fees and refunds are tracked. Staff also implemented a new process for handling general email inquiries to better distribute workload and improve response time.
- Geographic Information Systems:** Geographic Information Systems (GIS) allow the Pinelands Commission to manage, analyze, and map relevant data. A meeting was held to highlight and release the new interactive, "Property Lookup" map. Staff created maps identifying application-related information for multiple lots in the Hamilton Industrial Park in response to a preapplication request. 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 monitored the ZScaler environment to ensure it was not causing any issues for

users.

- **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 ongoing operational support to the PDC Bank. During July, staff provided critical support in the creation of all the summary tables, charts, and maps to be used in 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 prepared draft reports and maps for the annual preserved land update.
- **Resolution Log:** The Pinelands Commission keeps a detailed internal log of all resolutions that were adopted by the Commission. 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. Staff is working with Regulatory Programs to add new management reports to monitor the processing of applications. Staff developed new reports on Certificates of Filing, Certificates of Completeness and Notices of Filing that will provide data to inform a rule proposal now being drafted by staff.
- **Technology Enhancements:** Staff members continually evaluate emerging technologies for how they can impact or enhance the office environment. Staff coordinated with Business Services to walk through the Commission offices and identify all outdated hardware for fixed asset deletion at the next Personnel & Budget Committee meeting. A survey was also conducted to assess how satisfied staff are with the remote work policy and any technology-related challenges they may be encountering.
- **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 continued to mentor the intern and provide opportunities for her to enhance the Pinelands Commission's internal systems while learning critical coding skills.

## **8 BUSINESS OFFICE**

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### **8.1 FINANCIAL MANAGEMENT**

- **Application Fees:** July 2023, Net Total: \$99,308.80, Fiscal Year to Date Total: \$99,308.80.