



NEW JERSEY PINELANDS COMMISSION

MONTHLY MANAGEMENT REPORT



Mountain laurel in bloom

MAY 2020

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1 EXECUTIVE OFFICE

1.1 EXECUTIVE DIRECTOR

During May, all Commission staff continued working from home. Commission, Committee and all internal and external meetings held by staff are being conducted using virtual platforms.

1.1A COMMITTEE MEETINGS

- **Policy & Implementation (P&I) Committee:** The Committee met on May 29, 2020 and recommended that the Commission formally propose amendments to the CMP related to the Pilot Program for Alternate Design Treatment Systems. The Committee began its consideration of CMP amendments related to stormwater management. Staff made a presentation on the history of CMP stormwater management regulations and NJDEP presented on its recently adopted stormwater management amendments. Finally, the Committee continued its discussion of application procedures for public service infrastructure projects that do not obtain municipal approvals.

1.1B RULEMAKING

- **Septic System Pilot Program:** Staff drafted a formal rule proposal and submitted it to the Governor's office for review on May 20, 2020. Comments and suggested minor revisions were received from the Governor's office on May 21, 2020. The P&I Committee reviewed the rule proposal and CMP amendments at its May 29, 2020 meeting and voted to recommend that the Commission begin the formal rulemaking process. The rule proposal will be on the Commission's June 12, 2020 agenda for authorization.
- **Stormwater Management:** Inter-office staff discussions of the NJDEP's recently adopted stormwater regulations and their relationship to CMP stormwater standards continued in May. Staff attended various training sessions on green infrastructure and other aspects of the new NJDEP regulations. Staff also attended a NJDEP stakeholder session on May 27, 2020, at which NJDEP discussed additional amendments it may be considering in the near future. Commission and NJDEP staff briefed the P&I Committee on May 29, 2020 (see above).
- **Kirkwood/Cohansey Water Supply:** Staff continued reviewing a first draft of implementing CMP amendments and worked to identify available training opportunities with respect to MODFLOW, one of the models used in the new rules to evaluate applications for new wells.
- **Procedural "gap" Rules:** After the P&I Committee's April 24, 2020 meeting, at which Committee members indicated an interest in revising public notice and comment time frames and conducting public hearings, staff began conducting research on Municipal Land Use Law procedures, other agency practices and relevant case law. The Committee again discussed possible procedures for "gap" projects on May 29, 2020.

1.2 LEGAL AND LEGISLATIVE AFFAIRS

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

STATE:

SOUTH JERSEY GAS APPEALS

- **In the Matter of the New Jersey Pinelands Commission Resolution PC4-20-03, Docket No. A-002499-19:** On May 18, 2020, Counsel for the Pinelands Preservation Alliance submitted a letter to the Appellate Division case manager for this appeal stating that the Commission had failed to file its Case Information Statement and Statement of Items Comprising the Record on Appeal on March 10, 2020 and March 25, 2020, respectively. Counsel stated that it understood that the missed deadlines were a result of the circumstances surrounding the Covid-19 pandemic. However, it indicated its desire to move the appeal forward to the fullest extent possible. Although the Supreme Court tolled filing deadlines through the issuance of Omnibus Orders, it is anticipated that the Commission's CIS and SICRA will be filed within the next two weeks. On May 28, 2020, Counsel for PPA submitted a request to the Commission for a transcript of the January 20, 2020 meeting. The Commission is working on having the transcript prepared in response to the request.

1.2B OPEN PUBLIC RECORDS ACT

- There were a total of 6 Open Public Records Act (OPRA) requests received in May. Of the 6 requests, two were provided responsive material; and four were advised that staff will provide copies of any paper records once the Commission's Offices reopen.

1.3 HUMAN RESOURCES

- **Mental Health Awareness Month:** Information was provided to staff via different resources, including webinars and tips regarding mental health awareness.
- **Training:** Staff participated in the following webinars: Employee Advisory Service "Overcoming Burnout" and State Health Benefits Program Virtual Health Fair.
- **COVID19:** Staff attended HR/Legal Webinars and weekly internal staff meetings. Staff is researching updated rules/regulations regarding COVID19 (CARES Act, NJ Shared Work Program).
- **Employee Evaluations:** Final Evaluation process has begun. Staff self-evaluations were due to be completed by May 31, 2020.

2 LAND USE & TECHNOLOGY PROGRAMS

2.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
Ordinances/Master Plans Received	8	35

Notable Ordinances:

- **Barneгат Township Ordinance 2020-5:** The Township adopted and submitted an ordinance that revises standards for condominium developments in the CN (Neighborhood Commercial) Zone, within the Pinelands Regional Growth Area. Among these standards is an affordable housing set-aside requirement of up to 20 percent. The ordinance exempts required affordable housing units from the mandatory PDC obligation. Staff notified the Township that Ordinance 2020-5 requires formal review and approval by the Commission and scheduled a public hearing for June 10, 2020.
- **Woodland Township Ordinance 2020-3:** The Township drafted and introduced an ordinance to extend the duration of resource extraction permits from two to five years. Staff provided comments and suggested revisions to ensure the ordinance will comply with the CMP's extended resource extraction permit requirements (see N.J.A.C. 7:50-6.64).

2.2 CULTURAL RESOURCE ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Applications Reviewed	6	36
Surveys Required	0	2
Surveys Reviewed	1	2
Certificates of Appropriateness Required	0	2

2.3 PINELANDS DEVELOPMENT CREDIT PROGRAM

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	4.00	8.03
PDCs Severed	0	0
Acres Protected	0	0
PDCs Extinguished	0	1.50
Acres Protected	0	95
PDCs Sold	0	8.00
Average Sales Price per PDC	n/a	\$39,375
Average Sales Price per Right	n/a	\$9,844
PDCs Redeemed	1.25	6.75

Notable Activity:

- 4.00 (16 rights) were allocated to a 152 acre parcel in the Preservation Area District in Woodland Township.
- 1.25 PDCs (5 rights) were redeemed in May 2020 for a residential project (expansion of an existing mobile/manufactured home park) in Monroe Township.

2.4 SPECIAL PROJECTS

- **New Jersey Historic Trust Fund application:** Staff completed preparation of an application for a Preserve New Jersey/Historic Preservation Fund Capital Level I matching grant for the exterior preservation of historic Fenwick Manor.
- **Pine Barrens Byway:** Staff completed and submitted an application for Federal Byway Nomination on April 30, 2020. Following detailed review by the NJ Department of Transportation (NJDOT), staff revised the route description and byway map accompanying the application and resubmitted a final version to NJDOT in late May. The application has since been formally submitted to the Federal Highway Administration.
- **Application fees:** Staff began evaluation of application fee revenue, linked with Long-Term Economic Monitoring Program data and development application activity by municipality and management area, to determine appropriate fee projections for budgeting purposes in future fiscal years.
- **Cape May Landfill:** Staff coordinated a response to the Cape May County Municipal Utilities Authority (CMCMUA) in a letter outlining mutual understanding of the schedule for CMCMUA's reporting of landfilled waste, projected annual waste tonnage and the end of the required monitoring period in 2034.

3 INFORMATION SYSTEMS

- **Governor Murphy’s stay-at-home Executive Order:** Staff provided internal support to facilitate uninterrupted technology services while working from home.
- **Hosting Electronic Meetings:** Staff coordinated internally to support monthly Policy and Implementation and Commission meetings completely online, including live streaming and public comment.
- **Pinelands Commission Information System Upgrades:** Staff implemented enhancements and bug as needed to enable uninterrupted operation.
- **Windows 10 and Office 365 Migration:** Staff continued deployed of Windows 10 desktops and rolled out Office365 and Microsoft Teams to entire staff to support collaboration and document sharing while working from home.
- **Permanent Land Protection (PLP) Data System:** Staff developing a new PLP database to improve tracking, reporting, and mapping of permanently protected lands in the Pinelands. Staff continued research into recent parcel transactions.
- **Document Management:** Staff continued scanning of legacy paper documents to electronic document repository to be located via the Pinelands Commission Information System.

4 REGULATORY PROGRAMS

4.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	13	60
Certificates of Filing	13	76
Public Development Reports	3	11
Forestry Certificates of Filing	3	14
PDC Letters of Interpretation	2	5
MOA Consistency Determinations	4	23
Review of Agency Determinations	60	313

4.2 NOTABLE APPLICATIONS

- **App. No. 1985-0104.015:** On May 12, 2020, staff conducted a meeting with an applicant regarding the relocation of a proposed electrical conduit that will service a proposed

solar energy facility on a capped landfill in Evesham Township. After securing the necessary municipal approval, the applicant is proposing to horizontally directionally drill (HDD) the proposed electrical conduit for approximately 1,000 linear feet under a wetland and a required buffer to wetlands. Staff is requesting certain information from the applicant regarding the specifics of the HDD.

- **App. No. 2004-0335.005:** On May 8, 2020, staff issued a letter to an applicant proposing the construction of nine single family dwellings in Woodland Township fronting on certain municipal road right-of-ways. The applicant had previously cleared the forest from the unimproved rights-of-way and represented that the clearing was undertaken to construct a firebreak. Subsequently, an application was filed to develop nine single family dwellings.
- **App. No. 2005-0232.006:** On May 7, 2020, staff issued a letter to the Borough of South Toms River requesting additional information to complete an application for a proposed public works building and additional development that had occurred on the parcel prior to the completion of an application with the Commission. The Borough's closed, but uncapped, landfill is located on the parcel. Staff agreed to allow the Borough to proceed with the public works building application provided the Borough agreed to certain conditions detailed in the letter, including proceeding with initial testing to determine the type of capping required for the landfill.
- **App. No. 1982-2787.003:** On May 5, 2020, staff issued a letter addressing Monroe Township's concerns regarding timing issues for the construction of an addition to an existing firehouse. The Township proposes to demolish a portion of the existing firehouse, renovate the remaining portion of the firehouse and construct a new 4,550 square foot addition to the firehouse. The demolition and renovation of the remaining portion of the existing firehouse do not require application to the Commission. The new addition to the firehouse requires application to the Commission. The staff advised that the work that did not require application to the Commission could proceed while the Township completed its application for the proposed addition.
- **App. No. 2003-0457.001:** This application concerns the proposed development of 180 dwellings units on a 136.5 acre parcel in Jackson Township. Staff is currently reviewing municipal preliminary and final subdivision approvals and extensions of both those approvals to determine whether the concerned municipal approvals provide protection from a municipal zoning change that occur in 2018 requiring the proposed development to purchase PDCs for 30% of the proposed number of market rate dwelling units.
- **App. No. 2001-0630.001 and App. No 2000-0173.001:** Staff continue to review permits associated with two separate residential subdivision applications in Jackson Township. App. No. 2001-0630.001 proposes the development of 12 single family dwellings on an 18.6 acre parcel. App. No. 2000-0173.001 proposes the development of 16 single family dwellings on a 43.7 acre parcel. The two parcels were rezoned from a Pinelands Village to Pinelands Forest Area in 2005. Through a combination of the New Jersey Municipal Land Use Law and the New Jersey Permit Extension Act, the applications were protected from the zoning change until 2018. Staff is reviewing construction permits and septic

permits for the two applications to determine consistency of those permits with the current zoning.

5 SCIENCE

5.1 ENVIRONMENTAL MONITORING

- **Water-level and Water-quality Monitoring:** In May, staff collected water quality data at study ponds throughout the Pinelands and measured water levels at forest plots and ponds. Staff also downloaded hourly water level data from data loggers that are installed in a forest plot and several ponds.

5.2 LONG TERM STUDIES

- **Corn Snake Study and Kingsnake Study:** Since all corn snakes and kingsnakes have emerged from overwintering dens, Commission scientists and Herpetological Associates staff are now regularly radio tracking snakes with implanted transmitters. While seeking mating opportunities, radio tracked snakes have already led researchers to new snakes to include in the study.



Above: Kingsnakes are often below the surface or partially hidden by the shrub leaf canopy, unlike this male basking on a rotten log.

6 COMMUNICATIONS

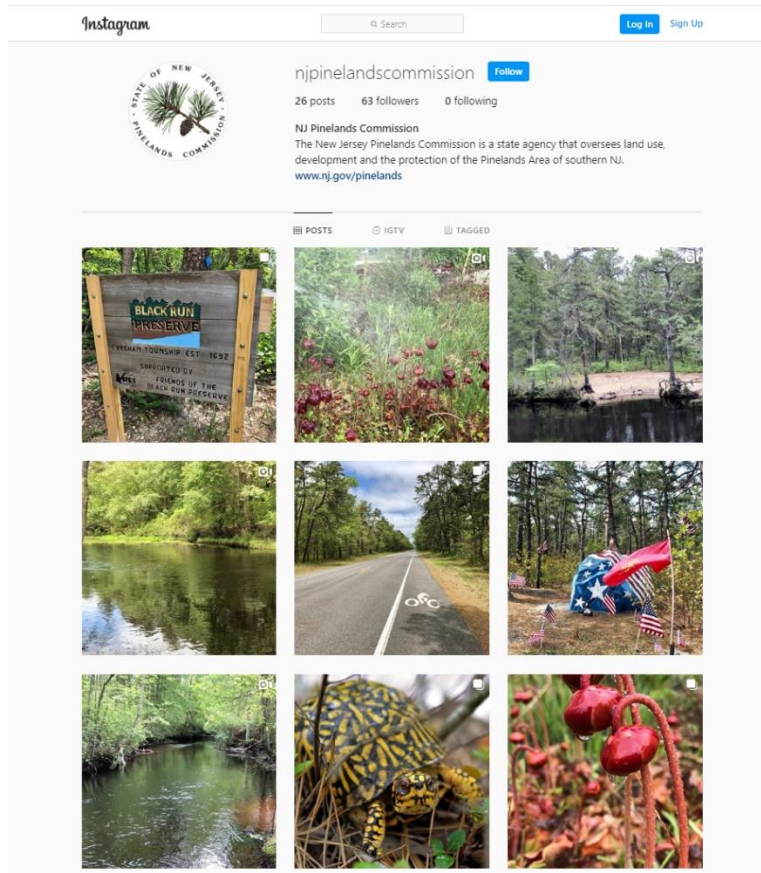
6.1 COMMUNICATIONS & PUBLICATIONS

- **Website Activity:** The Pinelands Commission's website received a total of 10,740 page views in May 2020.
- **Inquiries/Correspondence:** The Communications Office received and responded to 160 inquiries from the public, including phone calls, e-mails, media inquiries and questions posed by visitors.

6.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **2019 Annual Report:** The Commission adopted a resolution approving the 2019 report during its May 8, 2020 meeting. The report has since been posted on the Commission’s website and Facebook page.

- **Website Edits and Enhancements:** Staff continued to enhance the Commission’s website in May 2020. This includes filming, posting and sharing 11 new videos and creating an icon for the Commission’s newly created Instagram site. In May, staff took and posted 134 photos on the Commission’s Facebook page. Staff also filmed and shared new videos of Brendan Byrne State Forest, Batsto, the Commission’s bog garden, Commission’s exhibits, the Great Egg Harbor River, Makepeace Lake, the Mullica River, the Wading River, and the Winslow Wildlife Management Area.



Above: In May 2020, staff created and posted 75 photos and numerous videos on the Commission’s new Instagram site.

All of the videos have been uploaded to the Commission’s YouTube channel, which jumped from 30 followers in February to its current total of 187 followers. A total of 75 photos were posted on the Instagram site in May 2020.

- **Pinelands Speaker Series Webinars:** In May 2020, staff arranged for nine upcoming webinars that will be offered free of charge, beginning on June 4th. Staff issued a press release to promote the webinars, which have garnered positive publicity in the Philadelphia Inquirer and Press of Atlantic City.
- **Statement on the Passing of Candace McKee Ashmun:** In May, staff wrote and distributed a statement on the passing of Commissioner Candace McKee Ashmun. The two-page document summarized some of Ms. Ashmun’s contributions to the Commission during her 40-year tenure as a Commissioner.

- **New Educational Videos:** In May 2020, staff used Adobe Spark software to create and share a video that features photos, videos and details about timber rattlesnakes in the Pinelands. Staff also created a video that charts the origins and importance of the blueberry industry in the Pinelands. Both have been uploaded to the Commission’s YouTube account and posted on the Commission’s website and Facebook page.



Above: In May 2020, staff created two new educational videos, including “Blue Jersey: Blueberries in the NJ Pinelands.”

- **Pine Barrens Byway Support:** Communications Office staff provided substantial support for the application to designate the Pine Barrens Byway as a National Scenic Byway. This includes formatting additional materials for the application and reviewing and providing suggestions for several brochures that a consultant has drafted for the Byway.
- **Science Office Fieldwork:** Communications Office staff collected pond and well monitoring data for the Science Office on May 2-3, 2020.
- **Fenwick Manor Painting:** Staff reviewed and evaluated bids for painting Fenwick Manor.

8 BUSINESS OFFICE

8.1 FACILITIES

- Staff continued to clean all buildings during office closure.
- Personal protective equipment items (masks and gloves) have been purchased for office reopening.

8.2 FINANCIAL MANAGEMENT

- Application Fees May Net Total: \$39,606.49;
Fiscal Year to Date Total: \$ 316,467.33.



Above: Staff continues to maintain the Commission’s bog garden.