



NEW JERSEY PINELANDS COMMISSION

MONTHLY MANAGEMENT REPORT



Cranberries being harvested in the New Jersey Pinelands in September

SEPTEMBER 2023

1 EXECUTIVE OFFICE

1.1 EXECUTIVE DIRECTOR

1.1A COMMITTEE MEETINGS

- **Personnel & Budget (P&B) Committee:** The Committee did not meet in September.
- **Pinelands Climate Committee:** During the Committee's meeting on September 20, 2023, staff made a presentation on the Pinelands management area boundary assessment project, including the next level of analysis to be completed. Staff provided brief updates on state and Pinelands office initiatives. Finally, the Committee discussed its work plan for Fiscal Year 2024.
- **Policy & Implementation (P&I) Committee:** During its meeting on September 29, 2023, the Committee recommended Commission approval of a resolution to grant an additional extension of one of the deadlines associated with the First Amendment to the Memorandum of Agreement between the Commission and the South Jersey Transportation Authority related to the Atlantic City International Airport. Based on the recommended extension, the deadline for recordation of a deed of conservation restriction on the new Grassland Conservation and Management Area would be required by April 16, 2024. Commissioner Mark Lohbauer made a presentation on enduro racing in the Pinelands. Finally, staff presented draft Pinelands Comprehensive Management Plan (CMP) amendments related to application fees and establishment of expiration dates for certain old approvals and documents.

1.1B RULEMAKING

- **Stormwater Management:** Staff finalized the Pinelands model stormwater ordinance and distributed it to Pinelands municipalities in January 2023, 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 September, 45 municipalities had submitted to the Commission adopted ordinances that implement the Pinelands stormwater management regulations. 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 Commission adopted the CMP amendments at its September 8, 2023 meeting. The Governor's veto period for the meeting minutes ends on October 30, 2023. It is anticipated that the amendments will be published in the New Jersey Register and become effective on December 4, 2023.

1.1C OPEN PUBLIC RECORDS ACT

- A total of 12 Open Public Records Act (OPRA) requests were received in September. Seven were provided responsive material, two were advised to schedule a file review and three will be responded to in October.

1.1D PINELANDS MUNICIPAL COUNCIL

- The Pinelands Municipal Council did not meet in September.

1.2 LEGAL AND LEGISLATIVE AFFAIRS

1.2A LEGISLATION

The Legislature is currently on summer recess.

1.2B INTERGOVERNMENTAL AGREEMENTS

- **Pemberton Township and the NJDEP:** This proposed Memorandum of Agreement (MOA) would authorize a deviation from CMP wetlands and wetlands buffer standards to accommodate surfacing of an existing trail at Pemberton Lake for accessibility purposes. At the beginning of September, staff completed its review of a stormwater management proposal submitted by the Pinelands Preservation Alliance (PPA), who is serving as Pemberton Township's consultant on this project. On September 7, 2023, the NJDEP Office of Transactions & Public Land Administration notified PPA that a Right of Entry would be required for any construction or work performed by an entity other than NJDEP in the Pemberton Lake Wildlife Management Area portion of the property. NJDEP requested a scope of work, drawing and design plans and a materials list for the proposed trail improvements. On September 26, 2023, PPA submitted a site plan that provides the details of the proposed trail improvements in wetlands and wetlands buffers as well as two proposed offset areas where revegetation and restoration is proposed. The site plan is currently under review.
- **Stafford Township:** This proposed 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. Commission staff provided Stafford Township with the information that it would need to move the MOA process forward. Stafford is in the process of developing site plans and performing a wetlands delineation to determine the extent of wetlands buffer impacts attributable to the proposed trail project.
- **South Jersey Transportation Authority (SJTA):** The SJTA continues to make progress regarding the creation of the new Grassland Conservation and Management Area (GCMA) in Hamilton Township, Atlantic County, as required by the 2019 Amendment to its MOA with the Commission regarding the Atlantic City International Airport. After receiving all necessary permits, construction of the new GCMA was scheduled to begin in September. Filing of a Deed of Conservation Restriction (DCR) for the new GCMA was required by April 2023 but was delayed because of on-going negotiations with Atlantic City Electric regarding applicability of the DCR to its easement on the property. Atlantic County, on behalf of SJTA, requested a further extension until April 16, 2024 to complete the DCR recordation process. The P&I Committee reviewed the requested extension at its September 29, 2023 meeting and recommended its approval by the full Commission.

1.3 HUMAN RESOURCES

- **Evaluations:** The 2022-2023 Final Evaluations were due to Human Resources. Objectives for the 2023-24 year were also due.
- **Employee Benefits:** Preparation for Open Enrollment began in September. Open enrollment begins October 1, 2023 and ends October 31, 2023.
- **Recruitment:** Recruitment continues for the following three positions: Management Information Systems Specialist 3, Environmental Technology Coordinator and Applicant Services Representative. The job postings were shared on various websites. The deadlines for applying for all positions have been extended.

2 INTERAGENCY COORDINATION

- **Interagency Council on Climate Change (IAC):** The monthly meeting of the Senior Staff representing all agencies on the Council was held on September 12, 2023. NJDEP staff provided an update on the status of the Extreme Heat Resilience Action Plan. Council members discussed the state's plans to recognize Climate Week later in the month as well as the two-year anniversary of the IAC's release of the state's Climate Change Resilience Strategy.
- **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 Shawn 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 in better preparing 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. In September, Commission staff continued to review and discuss the amended rules, including various grandfathering provisions, with the goal of developing amended model ordinances and a schedule for implementation.
- **New Jersey Office of Public Advocacy (NJOPA) Interagency Workgroup:** Staff participated in an interagency workgroup meeting held on September 5, 2023. The Executive Director of NJOPA discussed the upcoming effort to update the State Development and Redevelopment Plan. NJOPA is responsible for implementing the goals of the State Development and Redevelopment Plan and for coordinating updates to the plan, which was last updated in 2001. Commission staff is participating to ensure that any changes impacting the Pinelands Area are consistent with the CMP. An overview of the update process was provided, which NJOPA is seeking to complete by the end of 2024. Also discussed were recent rule changes to streamline the update process, a stakeholder outreach plan that will be implemented starting in late September, and a revised

Cross-Acceptance Manual. Commission staff will continue to participate in upcoming monthly meetings through the duration of the plan update process.

3 PLANNING

3.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
Master Plans/Ordinances Received		
Adopted	7	112
Drafted or Introduced	3	59
Total ¹	3	114
Substantial Issue Finding ²	0	6
No Substantial Issue Finding	11	98
No Issue Finding	0	19
Total	11	123
Finding Letters Issued³	9	94

3.2 CULTURAL RESOURCE ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Applications Reviewed	7	106
Surveys Required	1	20
Surveys Reviewed	2	12
Certificates of Appropriateness Required	0	1

Notable Activity:

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

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

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

Preserve New Jersey Preservation Grant: The New Jersey Historic Trust announced in a press release on September 27th that they have recommended the Commission be awarded a \$575,000 Capital Level II Grant for the preservation of Fenwick Manor. Their recommendations will be presented to the Garden State Preservation Trust at its next meeting and require a legislative appropriations bill and the Governor’s approval before funds are available.

3.3 PINELANDS DEVELOPMENT CREDIT (PDC) PROGRAM

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	0	40.50
PDCs Severed	2.25	5.00
Acres Protected	43.94	147.94
PDCs Extinguished	3.0	7.35
Acres Protected	62.15	187.78
PDCs Sold	3.75	10.75
Average Sales Price per PDC	\$76,000	\$70,279
Average Sales Price per right	19,000	\$17,570
PDCs Redeemed	0.75	9.25

Notable Activity:

- **PDCs Severed:** 2.25 (9 rights) were severed, permanently protecting 43.94 acres in the Agricultural Production Area in Mullica Township.
- **PDCs Extinguished:** A total of 62.15 acres in the Town of Hammonton were preserved through the State Agricultural Development Committee’s farmland protection program, which automatically extinguished the PDCs associated with the acquired lands in the Agricultural Production Area. 3.0 PDCs (12 rights) were extinguished.
- **PDCs Redeemed:** A total of 0.75 PDCs were redeemed in September for single family dwellings in the Town of Hammonton, Shamong Township and Winslow Township.

3.4 SPECIAL PROJECTS

- **Permanent Land Protection Stewardship:** As part of the continuing effort to address stewardship needs for permanently protected lands, staff shared information with non-profit partners about a United States Department of Agriculture – Natural Resources Conservation Service (USDA-NRCS) funding opportunity for mitigation of tree mortality. Non-profit organizations with tree mortality problems on preserved lands may apply for funding to assist with replacing trees damaged by pests, disease, saltwater intrusion, or extreme weather events.

Government agencies do not qualify for this funding program. The USDA-NRCS is accepting applications until October 20, 2023.

4 REGULATORY PROGRAMS

4.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	5	40
Certificates of Filing	16	149
Public Development Reports	0	23
Forestry Certificates of Filing	0	3
PDC Letters of Interpretation	0	14
Non-PDC Letters of Interpretation	1	3
MOA Consistency Determinations	3	40
Review of Agency Determinations	53	467

4.2 NOTABLE APPLICATIONS

- Recreational Trails and Parking Areas, Evesham Township (Applicant: Evesham Township, App. No. 1993-0341.008):** By letter dated September 27, 2023, the Commission staff wrote to Evesham Township regarding the establishment of hiking trails, pedestrian structures and parking areas within the Black Run Preserve located on an approximately 703-acre parcel. The parcel is located in a Pinelands Rural Development Area. The Commission staff letter advised the Township of the need to complete an application with the Pinelands Commission for the various recreational improvements that had occurred on the parcel. There are extensive wetlands on the parcel. In addition, there are known threatened and endangered (T&E) animal species on the parcel. The letter also provided guidance to the Township regarding areas of the Black Run Preserve that may not be suitable for proposed trails based upon the known presence of these species.
- Forestry, Lacey and Ocean Townships (Applicant: Ocean County, App. No. 1983-4180.005):** By letter dated September 22, 2023, the Commission staff advised Ocean County of the information necessary to complete the application proposing forestry on an approximately 12,500-acre parcel commonly referred to as the Forked River Mountain Wilderness Area. The parcel is located in a Pinelands Forest Area and the Pinelands Preservation Area District. The application proposes approximately 1,500 acres of forestry and the creation of a forest fire fuel break.

- **Residential Development, Hammonton (Applicant: West End Development Associates, App. No. 1983-6280.006):** On September 27, 2023, the Commission staff issued a Certificate of Filing for this application proposing the development of 59 dwelling units on a 6.43-acre parcel. The parcel is located in the Pinelands Town of Hammonton and within a redevelopment area. The Certificate of Filing noted the need for the proposed residential development to acquire and redeem 3.0 Pinelands Development Credits.
- **Lake Herbiciding, Hammonton (Applicant: Town of Hammonton, App. No. 1989-0573.006):** This application proposes the herbiciding of Hammonton Lake. The lake is located in the Pinelands Town of Hammonton. By letter dated May 22, 2023, the Commission staff advised the applicant of the potential presence of certain T&E plants species in Hammonton Lake. The Commission staff letter required the applicant to complete a T&E plant species survey to determine whether the concerned T&E plant species were present in Hammonton Lake. Alternatively, the applicant could provide information demonstrating that even if the T&E plants species were present in the lake, the proposed herbiciding would not have an irreversible, adverse impact on any local populations of the concerned T&E plants. On September 19, 2023, the applicant submitted a T&E plant species survey. The survey confirmed the presence of T&E plant species in Hammonton Lake. The Commission staff is currently reviewing the submitted survey.
- **Communications Tower, Washington Township (Applicant: Lower Bank Volunteer Fire Company, App. No. 2022-0069.001):** On May 3, 2022, an application was initiated with the Commission for the proposed installation of a communications tower on a parcel containing the Lower Bank Volunteer Fire Company. The proposed tower is located in the Pinelands Village of Lower Bank. The application appeared to propose a tower for an AT&T FirstNet antenna. At that time, it was unclear whether the tower was proposed as an accessory use to the existing firehouse or as a principal use. On June 15, 2022, the Commission staff issued a letter to the applicant requesting information to complete the application. On March 24, 2023, information responding to the staff's June 15, 2022 letter was submitted. By letter dated May 22, 2023, the Commission staff advised of the information necessary to complete the application, including two of the items originally requested in the staff's June 15, 2022 letter. On July 20, 2023, the applicant submitted additional information regarding the application. On September 11, 2023, the Commission issued a Certificate of Filing for the proposed installation of a communications tower accessory to the Lower Bank Volunteer Fire Company.
- **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. The regulations in the CMP require 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. In 2016, the Commission met with the Township regarding the proposed soil capping of the landfill. After that meeting, 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 proposed soil (permeable) capping of the municipal landfill, including the hydrologic framework of the landfill and landfill monitoring well data. This review would determine whether a soil (permeable) cap would address any public health and ecological risk

that may be associated with the landfill. The requested escrow fee was never submitted to the Commission. 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 permeable soil cap if it is demonstrated that a such a cap is consistent with the CMP's landfill capping requirements. The \$5,000 escrow fee was received on August 8, 2023. The landfill monitoring well data is under review. Commission staff conducted a site visit on September 27, 2023. On September 21, 2023, the Commission received a request for a meeting from a new civil engineering consultant for the project. By email dated September 25, 2023, the Commission staff confirmed a meeting to discuss the civil engineering aspects of the project for October 5, 2023.

- **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 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 26, 2023, the applicant submitted the results of the soil testing. By letter dated August 8, 2023, the Commission staff advised the applicant of the information that must be submitted to complete the application with the Commission. The Commission staff met with the applicant on August 30, 2023 to review and discuss the requirements of the Commission staff's August 8, 2023 letter. On September 15, 2023, the applicant submitted information regarding the application. That information is currently under review.
- **Hammonton Elementary School, Hammonton (Applicant: Hammonton Board of Education (BOE), App. No. 1988- 1286.002):** In 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 school is located in a Pinelands Town. By letter dated April 25, 2023, the Commission staff advised of the information required to complete an after-the-fact application for the additional development that occurred beyond that which was approved by the Commission on July 14, 2000. The applicant has submitted the required information to complete the application. The application is scheduled for final public comment at the Commission's October 13, 2023 monthly meeting.
- **Multiple Land Development Violations, Berkeley Township (Applicant: 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's uncapped landfill where a solar energy facility is proposed to be developed. 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 on the parcel since 1981 that would be located outside of the area that qualifies for a 50% expansion must be removed from the parcel. A meeting was held on February 6, 2023 to discuss the matter. Based upon the guidance provided at that meeting by the Commission staff, the applicant made six submissions of information addressing the 50% expansion provision during February of 2023. In late February, the applicant and the Commission staff reached agreement regarding the area of the municipal complex that existed on January 14, 1981. The applicant then finalized the development plan to resolve the multiple land development violations and submitted it to the Commission. The application was approved at the Commission's September 8, 2023 monthly meeting.

- **Cannabis Growing and Processing Facility, Shamong Township (Applicant: Pure Cultivations; App. No. 1987-1156.018):** By letter dated May 24, 2023, the Commission staff advised of the information necessary to complete an application for the proposed development of a 68,125-square-foot cannabis cultivation and processing facility serviced by an alternate design onsite septic system on a 10.75-acre parcel. The parcel is located in an industrial zone within the Pinelands Village of Indian Mills. The primary issue raised by the application is that the square footage of the proposed building and the number of proposed employees requires the use of an alternate design onsite septic system. To use such a septic system, certain information must be provided to the Commission demonstrating the ability of the proposed alternate design septic system to treat the type and volume of wastewater to be generated by the cannabis use and meet the groundwater quality (septic dilution) standard. The Commission staff discussed the requirements to utilize an alternate design septic system with the applicant's attorney and provided suggested alternative development options that may allow for the use of a standard septic system. In response to the Commission staff letter, on June 28, 2023, the applicant submitted additional information. The application is now proposing a standard septic system. By letter dated September 27, 2023, the Commission staff advised of the remaining information necessary 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. By letter dated August 8, 2023, information was submitted confirming that the proposed building height had been reduced to 37.75 feet. On September 28, 2023, the Commission staff issued a letter indicating that the municipal site plan approval for a 37.75-foot-high commercial building no longer raised a substantial issue with the minimum standards of the Township land use ordinance and the CMP and that the site plan approval could take effect.

- **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 24, 2023, the applicant posted an application review escrow with the Commission. On July 25, 2023, the Commission staff met with the applicant primary to discuss T&E animal species survey requirements. On July 26, 2023, the applicant submitted a proposed T&E species survey protocol to the Commission. By emails dated September 5, 2023 and September 6, 2023, the Commission staff provided comments on the proposed T &E animal species protocol. On September 6, 2023, the Commission staff met with the applicant to further discuss the required T&E animal species survey work. On September 11, 2023, the applicant submitted a revised T&E animal species survey protocol. By email dated September 19, 2023, the Commission staff provided comments on the revised T&E animal species survey protocol.

- **Residential Development, Woodland Township (Applicant Margarete and Jesse Estlow, App. No. 1992-0327.001):** A 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. By letter dated August 16, 2023, the Commission staff issued a letter responding to the applicant’s concerns. The Commission staff provided a copy of the applicant’s July 17, 2023 email and the Commission staff’s August 16, 2023 letter to the Commissioners. The Commission staff also issued a letter on August 17, 2023, rescheduling the Commission staff public hearing regarding the application to May 21, 2024. By email dated August 28, 2023, the applicant reiterated their dissatisfaction with the Commission staff processing of their applications and requested that the Commission’s Executive Director review the matter. The Executive Director has reviewed the matter and will respond in writing to the applicant.

5 SCIENCE

5.1 ENVIRONMENTAL MONITORING

- **Water Level Monitoring:** In September, Communications staff measured water levels at 43 forest plots and 30 ponds in the Commission network of long-term monitoring sites. This work is completed each month with assistance from the Communications Office. Only one pond contained water, which reflects the ongoing, low groundwater levels throughout the region.

Science staff also downloaded water level data collected from continuous water level recorders installed in seven ponds and one forest plot.

- **Rare Snake Monitoring:** Science staff continued to check on radio-tracked snakes in September to locate important shed sites and nest sites and to find new snakes. Nine clutches of corn snake eggs that were incubated in the lab hatched in September, yielding from five to 12 hatchlings per clutch. The hatchlings were weighed, measured, and pit tagged for permanent identification prior to being released at nest sites. Recapturing tagged hatchlings in the future can provide information on dispersal distances and survivorship.

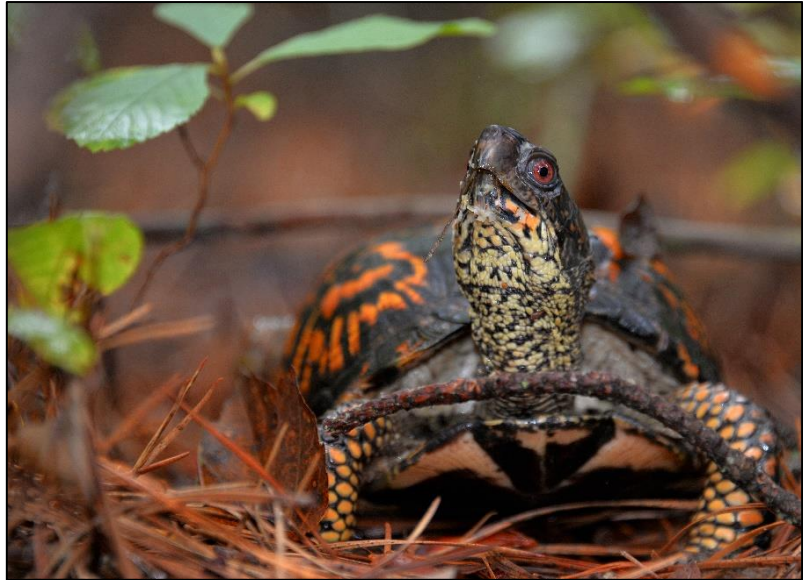


Above: A clutch of hatchling corn snakes that are ready to be released.

5.2 LONG TERM STUDIES

- **King Snake Study:** In September, staff finalized proofing all field data and continued to investigate methods and software for data analysis. 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 September. A few new box turtles were collected and outfitted with transmitters for radio-tracking. Staff also affixed ibuttons to a subset of turtles to collect temperature data before, during, and after the hibernation period. One staff member attended the North American Box Turtle Conservation Workshop to discuss current research and conservation challenges faced by this species.



Above: Male box turtle foraging in the early morning.

- **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

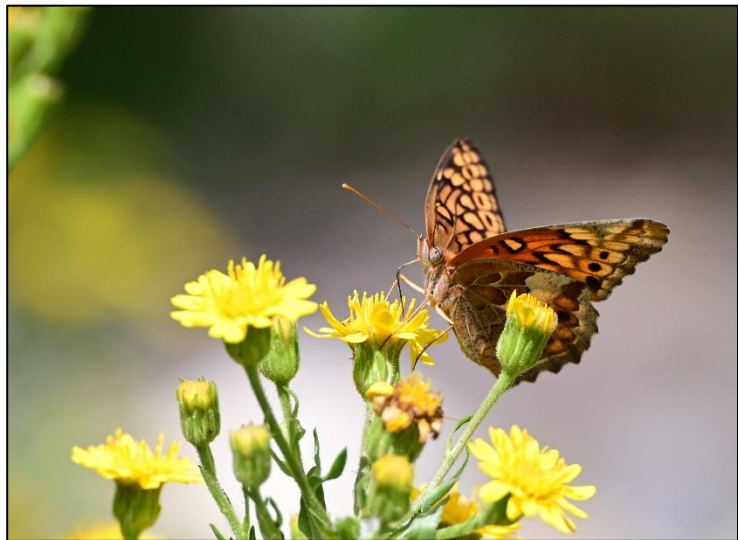
6.1 COMMUNICATIONS & PUBLICATIONS

- **Inquiries/Correspondence:** The Communications Office received and responded to approximately 67 inquiries from the public in September, including phone calls, e-mails, and media inquiries.
- **Website:** Commission staff made routine edits to the website in September and updated and posted the Commission's three primary, fillable application forms, wrote and shared a public notice, and incorporated numerous other website changes that support the new system to submit online payment for development applications.

- Social Media Enhancements:** In September, staff shared 193 photos and 16 videos on the Commission’s Instagram site and 56 tweets/retweets on X (formerly known as Twitter).
- Pinelands-themed Merchandise:** In September, the Commission launched the agency’s online store, which is powered by Square and is linked on the Home page of the Commission’s website. The online store was heavily promoted on social media. Staff has been processing sales of Pinelands-themed merchandise via the online store and at the agency’s office. The items include three Pinelands-themed mugs, Pinelands notecards and Jersey Devil-themed reusable grocery tote bags. A total of \$476.15 in net sales were recorded in September, with the Jersey Devil mug being the most popular item. 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.



Above: The Commission shared 193 photos on Instagram in September, including this photo of a red spotted purple butterfly sipping nectar from a fallen pawpaw fruit at agency’s headquarters.



Above: The Commission shared 56 tweets/retweets on its X account in September, including this closeup of a variegated fritillary butterfly that visited the agency’s rain garden.

- Pinelands National Reserve Wall Calendar:** Communications Office staff reviewed and edited the draft 2024 Pinelands National Reserve Wall Calendar working file to ensure the accuracy of meetings, holidays, and other dates of significance. The 2024 wall calendar will be funded by the National Park Service, and it will feature a theme of “Winged Wonders of the Pinelands.” Throughout September, staff compiled, categorized, and continued to capture photos for the calendar. Staff will continue to work on the project throughout October.

6.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **Pinelands Short Course:** In September, Commission staff continued to secure presenters for the 35th annual Pinelands Short Course. The event will be held at Stockton's main campus on March 9, 2024.
- **Pinelands Education Programs:** A member of the Communications Office educated approximately 40 students during a program at the Cape May Court House on September 20, 2023.

- **Pinelands Speaker Series:** On September 21, 2023, the Commission hosted a presentation that highlighted the benefits of planting native trees and shrubs. More than 30 people attended the event, which included free samples of pawpaw fruits, free pawpaw seeds for planting and guided tours of the Commission's rain garden, bog garden and pawpaw grove.



Above: More than 30 people attended the Commission's presentation on native trees and shrubs on September 21, 2023. The event included free samples of pawpaw fruit that was grown at the agency's headquarters.

- **Pinelands Themed World Water Monitoring Challenge:** Staff continued to plan for this year's event, which will be held at Batsto Lake in Wharton State Forest on October 20, 2023.
- **Barnegat Bay Partnership:** A member of the Communications Office participated in a Barnegat Bay Partnership Advisory Committee meeting on September 12, 2023.
- **Ed Lloyd Memorial Tree Planting:** Throughout September, staff worked to identify, source, and buy an appropriate tree species to plant in memory of the late Commissioner Ed Lloyd. The staff also designed and purchased an exterior sign that will be unveiled during a tree planting ceremony that is scheduled for October 13, 2023 (following the Commission meeting).
- **Science Office Assistance:** A member of the Communications Office assisted the Science Office by measuring ponds and wells on September 6 and 7, 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 completed all high priority items identified during a July interoffice meeting. Newly added logging confirmed successful implementation of these critical changes. Staff updated all official documents to reflect the new Lieutenant Governor's name, as well as improving the template management system to make such changes faster in the future. Staff updated the PCIS autoreply to include more relevant information including links to online mapping.
- **Geographic Information Systems:** Geographic Information Systems (GIS) allow the Pinelands Commission to manage, analyze, and map relevant data. Staff completed the implementation of the new internal GIS server and the migration of all existing Pinelands data.
- **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 implemented changes in the Zscaler monitoring software to allow access to several websites via a whitelist.
- **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.
- **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 and validating preliminary numbers for the annual update.
- **Resolution Log:** The Pinelands Commission keeps a detailed internal log of all resolutions that were adopted by the Commission. Staff completed importing all legacy resolutions. Staff also completed the interface for adding new resolutions and will begin utilizing this new feature for any resolutions adopted at the October meeting.
- **Technology Enhancements:** Staff members continually evaluate emerging technologies for how they can impact or enhance the office environment. Staff continued with the phased rollout of Teams Voice. An employee in Regulatory Programs was trained and began using the feature prior to its being released to the entire office. Staff also continued the required migration of legacy data and Oracle database to new servers.

8 BUSINESS OFFICE

8.1 FINANCIAL MANAGEMENT

- **Application Fees:** September 2023, Net Total: \$86,861.35, Fiscal Year to Date Total: \$259,388.10. This is 37.06% of the FY2024 anticipated fee revenue of \$700,000.
- **Online Fee Payment:** The Pinelands Commission began accepting online payment of application fees and escrows in early September. The Business, Information Systems, Communications and Regulatory Programs offices coordinated to design and release a revised webpage and application form to facilitate online payments by making all relevant information on the new process easily accessible. A simple online portal is now available to complete all aspects of the transaction online.