



NEW JERSEY PINELANDS COMMISSION

MONTHLY MANAGEMENT REPORT



A great blue heron at the Edwin B. Forsythe National Wildlife Refuge in the Pinelands
National Reserve in December

DECEMBER 2022

1 EXECUTIVE OFFICE

1.1 ACTING EXECUTIVE DIRECTOR

1.1A COMMITTEE MEETINGS

- **Personnel & Budget (P&B) Committee:** The Committee did not meet in December.
- **Pinelands Climate Committee:** The Committee did not meet in December.
- **Policy & Implementation (P&I) Committee:** The Committee did not meet in December.

1.1B RULEMAKING

- **Stormwater Management:** Staff members continue to work on a draft model stormwater ordinance to be distributed to Pinelands municipalities for adoption. Completion of the ordinance has been delayed pending the New Jersey Department of Environmental Protection's (NJDEP) proposal of amendments to its stormwater management rules that may need to be incorporated in the Pinelands model stormwater ordinance. NJDEP's proposed inland flooding rules were published in the New Jersey Register on December 5, 2022, with public comment accepted through February 3, 2023.
- **Water Management (Kirkwood-Cohansey):** Staff revised the proposed rule based on recommendations presented to the P&I Committee in November and subsequent discussions with NJDEP and representatives of the resource extraction industry. A notice for re-proposal with substantial change has been prepared. The complete rule proposal package will be submitted to the Governor's office for review and approval prior to proceeding to the full Commission in January to obtain authorization to proceed with rulemaking.
- **Electric Transmission Right of Way (ROW) Maintenance Pilot Program:** Staff continues to work on new rules to permanently implement the requirements of the ROW Maintenance Pilot Program. In addition to continuing to require that spans contained within the 2009 Vegetation Management Plan follow the span specific vegetation management prescription contained within that Plan, the amendments will provide vegetation management prescriptions for ROW spans located in the Pinelands Area, but not included in the 2009 Plan.

1.1C OPEN PUBLIC RECORDS ACT

- A total of 14 Open Public Records Act (OPRA) requests were received in December. Five were provided responsive material, three were advised that there was no responsive material, three were advised to schedule a file review and three will be responded to in January.

1.1D PINELANDS MUNICIPAL COUNCIL

- The Pinelands Municipal Council did not meet in December. The Council's next meeting is scheduled for January 31, 2023 at the Commission's office.

1.1E OTHER

- Jane Jannarone resigned from the Commission, effective December 1, 2022. Cumberland County has not yet notified the Commission about its new appointee.
- An orientation session for new Commissioners is being scheduled for February 2023.

1.2 LEGAL AND LEGISLATIVE AFFAIRS

1.2A LEGISLATION

- **S3250/A4834- Amends lists of environmental infrastructure projects approved for long-term funding by NJDEP; makes various changes to FY2023 environmental infrastructure funding program:** This bill would amend P.L.2022, c.99 to amend the lists of environmental infrastructure projects for which the Legislature has appropriated funds to the NJDEP for State fiscal year 2023 (FY2023) to include new projects, remove projects, modify the priority of certain projects, and modify the loan amounts for certain projects. Projects funded under the Pinelands Infrastructure Trust Fund are included under one of the lists in this bill. The bill would appropriate up to \$2.19 billion to the NJDEP, and any unexpended balances from previous authorizations, to provide loans to project sponsors for a total of 225 eligible environmental infrastructure projects for FY2023. Some of this funding has been allocated to Pinelands municipalities and municipal utility authorities located in the Pinelands Area or that service portions of the Pinelands Area. S3250 was substituted for A4834 and has been passed by both houses.
- **S3338/A4867 – Requires NJDEP to prioritize funding for certain projects for acquisition of lands for recreation and conservation purposes and certain environmental infrastructure projects that include, or allow for, flood mitigation projects:** This bill would direct the NJDEP to provide additional priority points to certain applicants seeking funding for Blue Acres projects and for wastewater and drinking water infrastructure projects. Specifically, under the bill, projects that include, or allow for, a flood mitigation project to occur onsite would receive additional priority points in the ranking for funding pursuant to the respective program. The NJDEP would factor these additional points into its calculations when establishing: (1) the list of projects eligible to receive "Blue Acres funding"; (2) the "clean water project priority list," pursuant to section 20 of P.L.1985, c.334 (C.58:11B-20); and (3) the "drinking water project priority list," pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1) A4867 has been reported out of both the Assembly Environment and Solid Waste Committee and the Assembly Special Committee on Infrastructure and Natural Resources Committee. It is currently on Second Reading in the Assembly.

- **S3342/A4958 – Appropriates \$17,288,315 from the constitutionally dedicated CBT revenues to the New Jersey Historic Trust for grants for certain historic preservation projects and associated administrative expenses** – The funding in this bill is provided from the constitutionally dedicated corporation business tax (CBT) revenues pursuant to Article VIII, Section II, paragraph 6 of the State Constitution, approved by the voters of the State in November 2014, and implemented through the “Preserve New Jersey Act.” This bill provides funds to the NJ Historic Trust for capital preservation grants to 41 projects totaling \$13,287,314; historic site management grants for 28 projects totaling \$1,281,212 (including the \$31,387 grant awarded to the Commission for Fenwick Manor); funding for two special project initiatives in the amount of \$649,789; and \$1.5 million to the New Jersey Historic Trust for administrative expenses incurred in the implementation of the “Preserve New Jersey Act. A4958 was substituted for S3342 and passed both houses on December 19, 2022. It was signed into law as P.L.2022, c.136 on December 22, 2022.

1.2B INTERGOVERNMENTAL AGREEMENTS

- **Atlantic County Lake Lenape Memorandum of Agreement (MOA):** By letter dated July 28, 2022, Atlantic County requested that efforts to amend the 1998 MOA resume so that the old floating dock at Lake Lenape could be replaced with a new floating dock of a different configuration. The County previously discussed its request with the P&I Committee in August 2019. For the proposed dock replacement project to move forward, the Commission and the County must agree to an amendment of the 1998 MOA that authorized various development activities within the western lake shore of Lake Lenape Park and required the preservation of lands at the park through the filing of a Deed of Conservation Restriction. Staff briefed the P&I Committee at its November 30, 2022 meeting. A public hearing to elicit comments on the proposed amendment to the 1998 MOA is scheduled for January 4, 2023. A report and recommendation on the MOA Amendment is expected to be on the P&I Committee’s January 2023 agenda.
- **South Jersey Transportation Authority MOA:** In early December 2022, the South Jersey Transportation Authority (SJTA) contacted the Commission to discuss future development at the Atlantic City Airport and the potential need for a second amendment to the 2004 MOA between the Commission and SJTA. A meeting was held on December 12, 2022 to identify necessary information and discuss the process for such an MOA amendment.

1.3 HUMAN RESOURCES

- **Return to Office:** In accordance with the Pinelands Commission Return to the Office plan, all staff began reporting to work at the office on a full-time basis starting January 31, 2022, with weekly COVID-19 testing of unvaccinated employees beginning on April 1st. On August 15, 2022, the Governor’s office notified the Commission that as of September 1st, weekly testing would no longer be required. COVID leave guidance remains the same for the month of December.
- **Recruitment:** Interviews were completed and a candidate was selected for the Planning Specialist - Cultural Resources position. The effective start date is January 30, 2023. Recruitment continued for the Information Specialist 3 vacancy. Interviews were held in December and a second interview is scheduled for January. The Research Scientist recruitment is also underway.

Interviews will be scheduled in January. A job announcement for an Environmental Technologies Coordinator was posted in recognition of Ed Wengrowski's retirement, effective March 1, 2023.

- **NJ Employees Charitable Campaign (NJECC):** The 2022/2023 NJECC virtual kickoff was held September 13, 2022. This year's campaign ran from September 2022 and ended in December 2022.
- **Training:** Staff attended the quarterly Agency Training Coordinator meeting hosted virtually by the NJ Civil Service Commission.

2 INTERAGENCY COORDINATION

- **Interagency Council on Climate Change (IAC):** The IAC met on December 13, 2022 with the highest-level member agency executive's attendance requested. The Council received briefings on the recently released addendum to *NJ's Scientific Report on Climate Change* entitled *Climate Change Impacts in Human Health and Communities*. This addendum details the health impacts of extreme weather, diminished air quality, increases in infectious disease transmission patterns and climate change-driven community impacts. The Council was also briefed on the US Army Corp of Engineers (USACE) draft report of the NY/NJ Harbors and Tributaries Study covering the Northern New Jersey Coast and the New York City Area. This report includes the USACE Tentatively Selected Plan for multiple storm surge barriers, additional shore-based measures, nonstructural measures, and natural and nature-based features. The plan is currently in the public comment period.
- **NJDEP Outdoor Recreation Advisory Committee:** On December 13, 2022, staff sent a letter with comments on NJDEP draft principles as that agency completed the initial phase of obtaining input from the Advisory Committee.
- **NJDEP Protecting Against Climate Threats (PACT) Initiative:** NJDEP hosted two virtual webinars for purposes of providing an update on their forthcoming regulatory reform efforts. Regulatory amendments to the NJDEP's Coastal Zone Management Rules, Freshwater Wetlands Rules, Flood Hazard Rules and Stormwater Management Rules are anticipated. Staff attended the December 19, 2022 webinar. The presentation made at that webinar is available on NJDEP's website: <https://dep.nj.gov/wp-content/uploads/njpact/docs/real-webinar-12.19.22.pdf>

3 PLANNING

3.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
Master Plans/Ordinances Received		
Adopted	12	109
Drafted or Introduced	6	86
Total ¹	9	137
Substantial Issue Finding ²	1	8
No Substantial Issue Finding	9	61
No Issue Finding	3	18
Total	13	87
Finding Letters Issued³	9	58

3.2 CULTURAL RESOURCE ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Applications Reviewed	0	106
Surveys Required	0	9
Surveys Reviewed	0	6
Certificates of Appropriateness Required	0	4

3.3 PINELANDS DEVELOPMENT CREDIT (PDC) PROGRAM

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	1.00	15.19

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.

PDCs Severed	0.25	16.25
Acres Protected	20	365.39
PDCs Extinguished	0	0.50
Acres Protected	0	15.82
PDCs Sold	0.25	44.50
Average Sales Price per PDC	\$100,000	\$75,371
Average Sales Price per right	\$25,000	\$18,843
PDCs Redeemed	0	9.25

Notable Activity:

- **PDC Allocations:** 1.00 PDCs (4 rights) were allocated to a 138.3-acre parcel in the Agricultural Production Area in Pemberton Township.
- **PDC Severances:** 0.25 PDCs were severed in Franklin Township, permanently protecting 20 acres in the Agricultural Production Area.

3.4 SPECIAL PROJECTS

- **Stockton University 2020 Facilities Master Plan:** Staff continued to work with Stockton on the development of a map that clarifies the extent of the conservation area on its Galloway campus, while addressing existing infrastructure needs and replacing any areas that will need to be removed from the Deed of Conservation Restriction (DCR) as a result. Additionally, staff requested a letter from Stockton identifying how and when it will address outstanding violations that occurred on the campus as a result the College's infrastructure needs. Staff presented the map that clarifies the areas on the Galloway campus that are subject to the terms of the 2014 DCR at the November 30, 2022 P&I Committee meeting. Going forward, staff will assist Stockton in working with NJDEP to amend the DCR and will schedule a public hearing and proceed with review of the 2020 Facilities Master Plan in early 2023.

4 REGULATORY PROGRAMS

4.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	4	95
Certificates of Filing	14	200
Public Development Reports	3	33
Forestry Certificates of Filing	1	8
PDC Letters of Interpretation	1	14
Non-PDC Letters of Interpretation	2	5
MOA Consistency Determinations	0	42
Review of Agency Determinations	52	678

4.2 NOTABLE APPLICATIONS

- **Placement of Dredge Spoils, Corbin City (App. No 2019-0152.003):** By email dated November 7, 2022, the NJDEP requested the Commission staff's review and comments regarding the proposed placement of 15,554 cubic yards of dredged material on 95.78-acre Block 301, Lot 17 in Corbin City. The material is from a dredging project located outside of both the Pinelands Area and the Pinelands National Reserve (PNR). While Block 301, Lot 17 in Corbin City is not located in the Pinelands Area, it is located within the PNR. The proposed placement of dredge material on the parcel is subject to the New Jersey Coastal Area Facility Review Act regulations, which require that coastal development be consistent with the intent, policies and objectives of the National Parks and Recreation Act of 1978 creating the PNR and the State of New Jersey Pinelands Protection Act of 1979 creating the Pinelands Area. In February of 1988, the Commission entered into an MOA with the NJDEP to formalize a framework for coordinating the activities of NJDEP's Coastal Management Program and the Pinelands Comprehensive Management Plan (CMP) in those portions of the PNR located in the Coastal Zone. That MOA provides that NJDEP will implement the CMP within the Coastal Zone and consider comments submitted by the Pinelands Commission on applications for development in the PNR. Submitted test results indicate that the dredge material contains contaminants. By letter dated December 21, 2022, the Commission staff provided comments to NJDEP indicating that the proposed placement of dredged material containing contaminants on Block 301, Lot 17 in Corbin City is inconsistent with the CMP standards that prohibit development, including filling, that degrades surface or groundwater quality or which establishes new points of pollution. In addition, the CMP also prohibits hazardous or toxic substances from being stored, transferred, processed, discharged, disposed of, or otherwise used within the Pinelands.

- **Communications Tower, Washington Township (App. No. 2022-0069.001):** On May 3, 2022, an application was initiated with the Commission for a proposed communications tower at the Lower Bank Volunteer Fire Company. The application appears to propose a tower for AT&T FirstNet antenna. It is currently unclear whether the tower is 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. An inquiry was made at the Commission's December 9, 2022 monthly meeting regarding the status of the application. As of December 30, 2022, the Commission has not received a response to the June 15, 2022 letter.
- **Brewery, Plumsted Township (App. No. 1985-0035.013):** The Commission issued a Certificate of Filing on February 18, 2022 for the establishment of a brewery in an existing building (barn). The Certificate of Filing contained a condition that the installation of a new septic system to service the proposed brewery required a separate application to the Pinelands Commission. This condition was included in the Certificate of Filing based upon a February 4, 2022 email from the applicant indicating that the proposed brewery will not be utilizing a septic system and that an existing septic system servicing an existing dwelling on the parcel would not be utilized by the brewery. On December 16, 2022, the Commission staff received an Ocean County Health Department septic permit for the brewery. The septic permit proposed to service the brewery with a new septic system and partially utilize the existing septic system servicing the existing dwelling. By letter dated December 28, 2022, the Commission staff scheduled a public hearing for February 1, 2023 indicating that the septic permit raised a substantial issue with the minimum standards of the Plumsted Township land use ordinance and the CMP. The Commission's December 28, 2022 letter indicated the substantial issue was resolvable if an application was completed with the Commission for the installation of a new septic system. On December 29, 2022, an application was filed with the Commission for the proposed septic system. That application is currently under review.
- **Commercial Warehouse /Manufacturing Building, Waterford Township (App. No. 1985-0038.003):** On November 12, 2022, the Commission staff issued a letter scheduling a public hearing to review the substantial issues raised by a major site plan approval granted by the Waterford Township Planning Board for a proposed 14,960 square foot commercial building containing 8,500 square feet of warehouse space and 6,460 square feet of manufacturing space. The proposed development is located in the Township's RD-2 (Residential) zoning district in the Haines Boulevard Redevelopment Area. The proposed commercial warehouse/manufacturing building is not a permitted use in the RD-2 zoning district and, therefore, requires the redemption of 0.75 PDCs. The Township Attorney sent a December 1, 2022 email to the Commission, requesting reconsideration of the requirement to redeem 0.75 PDCs for the proposed development. By letter dated December 29, 2022, the Commission staff indicated while the Haines Boulevard Redevelopment Plan was intended to provide some flexibility in terms of permitted uses and site design, the use of PDCs is the mechanism by which such flexibility can be implemented in a manner consistent with the CMP. The Township and Commission staff are currently discussing amendments to the Haines Boulevard Redevelopment Plan to address a number of permitted use issues and PDC obligations on specific properties, including the parcel subject of this application.
- **Landfill Capping/Solar Energy Facility, Borough of Woodbine (App. No. 1986-0257.003 App. No. 1986-0257.002):** An application has been filed with the Commission for the capping of the

Borough of Woodbine municipal landfill with a permeable soil cap. The CMP requires an impermeable landfill cap unless it is demonstrated that an alternate capping technique will address any ecological risk that may be associated with the landfill. If it is demonstrated that an impermeable cap is not required, it must then be determined what specific alternate capping technique will be required to address any ecological risk that may be associated with the Woodbine landfill. On January 27, 2022, the Commission issued a Certificate of Filing for a proposed solar energy facility to be located on the proposed landfill cap. The Certificate of Filing indicated that, prior to development of the solar energy facility, it must be demonstrated that the proposed landfill cap is consistent with the threatened and endangered (T&E) species protection standards. By letter dated December 21, 2021, the Commission staff requested T&E species information necessary to demonstrate consistency with the T&E species protection standards. On August 17, 2022, the Commission staff received the requested T&E species information. By letter dated September 28, 2022, the Commission staff advised the applicant that the negative T&E survey results were accepted. The September 28, 2022 letter also indicated that the specific geohydrologic landfill information requested in January 2022 had not yet been submitted. On December 23, 2022, the Commission staff received geohydrologic and other information regarding the application. That information is currently under review.

- **Residential/Commercial Development, Manchester Township (App. No. 1981-1470.008 & App. No. 1981-1470.009):** The Commission staff has met with an applicant to discuss both the proposed development of 1.6 million square feet of office warehouse space and, alternatively, the development of 367 dwelling units on a 225-acre parcel in Manchester Township. A portion of the 225-acre parcel was previously disturbed as part of a resource extraction operation. The primary issue raised by the proposed development on the parcel is consistency with CMP T&E plant and animal species protection standards. By letter dated August 23, 2021, the applicant submitted a summary of multiple T&E species surveys that had previously been completed on the parcel and on adjacent parcels. A threatened animal species was previously identified on the parcel. The concerned animal species was primarily utilizing adjacent parcels. A threatened plant species was also identified on the parcel. After review of the multiple prior T&E surveys, a site inspection and review of the applicant's August 23, 2021 letter summarizing the multiple prior T&E surveys, the Commission staff advised by letter dated November 19, 2021 that a follow up one-season, drift fence survey and visual investigation must be completed on the parcel. The results of the one-season drift fence survey were submitted to the Commission on December 14, 2021. Based upon the results of the drift fence survey identifying the possible presence of a threatened animal species, the Commission staff required a spring/summer shelter board and visual survey on the parcel for the concerned animal species. On November 16, 2022, the Commission received the results of the spring/summer shelter board and visual survey for the threatened animal species. The survey indicated that the threatened animal species was observed on the parcel. On December 16, 2022, the Commission staff met with the applicant and the applicant's representatives to discuss the results of the survey and the applicant's proposed residential development plan. The proposed development plan reserves an area of the parcel as critical habitat for the concerned threatened animal species. At that meeting, the staff advised the applicant that based upon the location of the observed threatened animal species and the known critical habitat for the species on adjacent parcels, additional survey work was required to determine whether the areas reserved for development by the proposed development plan would protect critical habitat for the concerned animal species on the parcel. That additional survey work will be undertaken in the spring of 2023.

- Single Family Dwelling, Estell Manor (App. No 1985-0577.001):** On January 16, 1987, the Commission approved a Waiver of Strict Compliance to develop a dwelling on a 4.64-acre lot. Based upon the presence of wetlands, the Waiver included a condition that all development must be located within 100 feet of Maple Avenue. By email dated October 14, 2022, an attorney representing the property owner requested a meeting to discuss relief from that condition of the Waiver. The applicant's attorney indicated that Estell Manor City was concerned about the setback of all proposed development within 100 feet of Maple Avenue. By email dated October 31, 2022, the Commission staff advised that the staff cannot grant relief from the conditions of a Waiver because they were imposed by a vote of the Commissioners. The Commission staff email indicated that if the applicant could not otherwise resolve the issue, an amended Waiver application must be completed with the Commission. The email further advised that a Commission Waiver can only provide the minimum relief necessary from the wetland protection standard. On November 23, 2022, the Commission staff met with the applicant's attorney and the Estell Manor Planning/Zoning Board attorney to discuss the application. It is anticipated that an amended application for a Waiver will be filed with the Commission. On December 13, 2022, the Commission staff received a Resolution approved by the City Planning/Zoning Board approving a settlement agreement with the applicant. That settlement agreement approved a setback locating all development within 150 feet of Maple Avenue. By letter dated December 22, 2022, the Commission staff advised the City that the approved 150-foot setback required an amended Commission Waiver. By email dated December 28, 2022, the applicant's attorney posed additional questions to the Commission staff regarding the application. That email is under review.
- Landfill Soil Cap and Solar Energy Facility, Berkeley Township (App. No. 1986-0127.001 & App. No. 1986-0127.015):** Two T&E animal species were identified on or in the immediate vicinity of approximately 40 acres of forest proposed to be cleared on a parcel for a proposed landfill soil cap. By letter dated September 30, 2022, the Commission staff advised that, as currently designed, both the landfill soil cap and the solar energy facility projects were inconsistent with the T&E species protection standards. The Commission staff letter provided guidance regarding how the two proposed projects could be revised to maintain consistency with the T&E species protection standards. On November 9, 2022, the Commission issued a Certificate of Filing for an approximately 60-acre solar energy facility at the site of the closed Berkeley Township landfill. The proposed solar energy facility will be located on the proposed landfill soil cap. The Certificate of Filing indicated that the proposed solar energy facility was inconsistent with the T&E species protection standards. On November 23, 2022, the applicant submitted information to complete the application for the proposed soil capping of Berkeley Township's closed landfill, including a revised landfill closure design intended to eliminate inconsistencies with the T&E species protection standards. It is anticipated that the design of the proposed solar energy facility will be similarly modified prior to the applicant's obtaining municipal approval. The landfill cap application was subject to final public comment at the Commission's December 9, 2022 monthly meeting. On December 23, 2022, the Commission staff issued a Public Development Application Report recommending approval of the proposed soil capping of the landfill at the Commission's January 13, 2023 monthly meeting.
- 115 Residential Dwelling Units, Hamilton Township (App. No. 1989-0546.017):** This application proposes the redevelopment of an existing three-story textile manufacturing building on a 5.2-acre parcel in a Pinelands Regional Growth Area. The application proposes a three-story addition to the existing manufacturing building in order to accommodate 115 apartments. The existing

building is commonly referred to as the “Cotton Mill” and is located in the Township’s Mill Complex Redevelopment Area. By letter dated November 10, 2022, the Commission staff advised of the information necessary to complete the application. In response to that letter, on December 23, 2022, information was submitted to the Commission. That information is currently under review.

- **657 Residential Dwelling Units, Egg Harbor Township (App. No. 1985-1320.004):** On June 14, 2006, the Commission staff issued a Certificate of Filing for the development of 657 dwelling units on a 273.6-acre parcel. On October 8, 2009, the Commission staff issued a letter indicating that a 2007 Township Planning Board final approval for the proposed development of 657 dwelling units could take effect. The project did not proceed. No further information was submitted to the Commission regarding the proposed development until a general inquiry was received in July of 2022. By letter dated October 14, 2022, the Commission staff was advised that the Township Planning Board had granted a third extension of the 2007 Township Planning Board final approval. The resolution approving the third extension cites the New Jersey Permit Extension Act. Subsequently, the Commission staff received copies of the first and second extensions granted by the Township Planning Board. At the time of the final municipal subdivision approval in 2008, the proposed residential development was located in the Township’s RG-5 zoning district. At that time, the proposed residential density of the development did not trigger the need to purchase of PDCs. In 2018, the Commission certified an amendment to the Township land use ordinance requiring that proposed residential development in the Township’s RG-5 zoning district redeem PDCs for 25% of all proposed market rate dwelling units. All 657 proposed dwelling units are market rate. A fourth Township Planning Board extension of the final approval was granted on December 19, 2022. The Commission staff is currently reviewing the four Township Planning Board extensions to determine the need for the proposed development to purchase PDCs. By emails and letters dated November 2, 2022, November 3, 2022, November 8, 2022, November 27, 2022 and November 29, 2022, the applicant’s attorney submitted legal arguments addressing why the proposed development should not be subject to a 25% PDC requirement. The applicant’s attorney raised the issue of protection from rezoning based upon the New Jersey Municipal Land Use Law and the New Jersey Permit Extension Acts. The attorney’s position was that based upon the Township extensions of the prior approvals and provided that construction commenced prior to expiration of the Township extensions of the prior approvals, the proposed development would not have a PDC obligation. On December 22, 2022, the applicant submitted information addressing a possible approach to resolving the PDC requirement issue. That information is currently under review.
- **Change in Use, Manchester Township (App. No. 2003-0047.002):** On May 5, 2022, the Commission staff issued an inconsistent Certificate of Filing for a proposed change in use of a portion of an existing restaurant to a retail commercial use and a food bank. The existing and proposed development on the 1.9-acre parcel will be serviced by an existing onsite conventional septic system. The Certificate of Filing indicated that the proposed development was inconsistent with the CMP groundwater quality (septic dilution) standard. The issue is resolvable by either servicing the existing building with public sanitary sewer or replacing the existing onsite conventional septic system with an onsite wastewater treatment septic system. On August 9, 2022, the Commission staff issued a letter scheduling a public hearing for November 9, 2022 to review the substantial issue raised by a Township site plan approval granted on June 6, 2022 for the proposed change of use. By email dated October 21, 2022, the applicant proposed

to deed restrict contiguous acreage to enable the proposed change in use to meet the groundwater quality (septic dilution) standard. By letter dated October 28, 2022, the Commission staff confirmed that deed restricting 3.52 contiguous acres would enable the proposed change in use to meet the groundwater quality (septic dilution) standard. The scheduled November 9, 2022 public hearing was opened and, at the applicant's request, continued until November 29, 2022 so that the applicant could pursue the deed restriction of contiguous acreage. On November 28, 2022, the applicant submitted additional information indicating that they were pursuing the deed restriction of a different contiguous parcel. The November 29, 2022 public hearing was again opened and, at the applicant's request, continued until December 21, 2022. On December 7, 2022, the applicant submitted a draft deed restriction for Commission staff review. The December 21, 2022 public hearing was opened and, at the applicant's request, again continued to a future date. After Commission staff review and comment, the applicant submitted a recorded deed restriction on December 21, 2022. On December 23, 2022, the Commission staff issued a letter indicating that the Township site plan approval for the proposed change of use could take effect.

- **Single Family Dwelling, Lacey Township (App. No. 2021-0038.001):** This application proposes the development of one single family dwelling on a 1.75-acre lot. A T&E animal species survey was completed and submitted to the Commission on August 10, 2022. The survey identified the presence of a threatened animal species on the lot. After completion of that review, on September 12, 2022, the Commission staff issued a letter indicating that the proposed development was inconsistent with CMP T&E species protection standards. The letter further indicated that the proposed development would require a Waiver of Strict Compliance. At the request of the applicant, on September 26, 2022, the Commission staff issued an Inconsistent Certificate of Filing for the proposed development. The Certificate of Filing indicated that receipt of any county or municipal permits or approvals for the proposed dwelling would probably result in the Commission staff scheduling a public hearing to review the consistency of the proposed development with the T&E species protection standard. On September 22, 2022, the applicant's consultant submitted additional T&E species information. Upon review of that information, the Commission staff issued a letter on October 26, 2022 indicating that it remained the Commission staff's opinion that it had not been demonstrated that the proposed development was consistent with the T&E animal species protection standard. On November 18, 2022, the Commission staff received notice from the Ocean County Health Department of its intent to issue a septic permit for the proposed dwelling. By letter dated November 22, 2022, the Commission staff advised that the septic permit raised a substantial issue with the T&E species standard and scheduled a public hearing on January 4, 2023 to review that substantial issue. On December 4, 2022, the applicant's consultant submitted additional T&E species information. That information is currently under review. On December 30, 2022, the applicant submitted the public notice requirements (newspaper and adjacent property owners within 200 feet of the lot) for the public hearing scheduled for January 4, 2023.

5 SCIENCE

5.1 ENVIRONMENTAL MONITORING

- **Water Level Monitoring:** In December, 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. Science staff downloaded water level data from five ponds and one forest plot outfitted with continuous water level recorders.
- **Rare Snake Monitoring:** Science staff continued to check radio-tracked pine snakes, corn snakes, and hognose snakes to note if any movements or den switching occurred. Staff began placing artificial cover at shed, nest, and hibernation sites to help recapture tagged snakes as well as new snakes in the future. The data for all 2021 rare snakes that are no longer being radio-tracked was completed and submitted to NJDEP to satisfy snake permit requirements. Staff also finished entering all 2022 rare snake capture data.

5.2 LONG TERM STUDIES

- **King Snake Study:** Since all king snakes are inside their winter dens, Science staff continued to enter king snake tracking data from 2022 into the king snake database and to address NJDEP permit requirements.
- **Joint Corn Snake Study:** In December, Science staff entered all 2022 capture data associated with the drift fence array.
- **Box Turtle Study:** In December, Science staff entered all 2022 data for radio-tracked box turtles.
- **Adenovirus Study:** In collaboration with Rutgers University researchers, Science staff continued to collect swab samples for adenovirus detection from snakes coming into their dens for the winter.

6 COMMUNICATIONS

6.1 COMMUNICATIONS & PUBLICATIONS

- **Inquiries/Correspondence:**

The Communications Office received and responded to 63 inquiries from the public in December, including phone calls, e-mails, and media inquiries.

- **Pinelands National Reserve Wall Calendar:**

In early December, Commission staff picked up 800 copies of the 2023 Pinelands National Reserve wall calendar from Rowan College at Burlington County, then divided and dropped the calendars off at six distribution sites. The calendars are being distributed free-of-charge at Bass River State Forest, the Batsto Visitor Center, Belleplain State Forest, Brendan T. Byrne State Forest, the Richard J. Sullivan Center, and the General Store at Whitesbog Village.

- **Website:** Commission staff made routine edits to the website throughout December, including posting the full schedule of Commission and Committee meeting dates for 2023, and continued to work on a new Cultural Resources webpage.

- **Social Media**

Enhancements: In December, staff shared 81 photos on the Commission's Instagram site and 33 tweets on Twitter. Two of the Commission's photos were featured on other Instagram sites in



Above: Copies of the 2023 Pinelands National Reserve wall calendar were dropped off for distribution at Bass River State Forest and five other locations in the Pinelands.



Above: The Commission shared 81 photos on Instagram in December, including this photo of a golden-crowned kinglet at the Black Run Preserve in the Pinelands.

December. Both sites were used extensively to promote job opportunities at the Commission. The Commission's YouTube Channel garnered more than 26,800 views in 2022, and viewers watched more than 226,300 minutes on the channel during the year.

6.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **Pinelands Short Course:** Staff continues to plan the 34th annual Pinelands Short Course, which will be held at Stockton University's main campus in Galloway Township on March 11, 2023. Staff finalized the registration brochure in December. The event will feature 28 presentations, including 21 programs. Event registration will open in early January 2023.
- **Pinelands Speaker Series Webinars:** Staff is working on the lineup of presentations for 2023.
- **Wayside Panels:** In December, staff distributed four interpretative, wayside panels to Wharton State Forest. The panels will be installed at two new hiking trails.

7 INFORMATION SYSTEMS

- **Pinelands Commission Information System Upgrades:** The Pinelands Commission Information System (PCIS) is the internal system of record for all applications to the Pinelands and associated transactions. Staff provided desktop support, implemented enhancements and bug fixes.
- **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 began transitioning all Commission data housed on the Network Attached Storage (NAS) device to decommission the older hardware. Staff worked with representatives of OIT to configure cloud based backups.
- **Permanent Land Protection (PLP) Data System:** The PLP system manages the data related to all the preserved land in the Pinelands National Reserve. Staff supported the Planning Office in maintaining PLP records.
- **Pinelands Development Credit Bank:** The Pinelands Development Credit (PDC) Bank utilizes custom software to manage all operations including tracking data and issuing certificates. Staff supports the PDC Bank in utilizing the system.
- **Technology Enhancements:** Staff members continually evaluate emerging technologies for how they can impact or enhance the office environment. A Wireless Access Point (WAP) was purchased to support WiFi communication in the Science offices. Staff are working with Dell to quote laptops for the remainder of employees to support the New Jersey Telework Pilot Program.

8 BUSINESS OFFICE

8.1 FINANCIAL MANAGEMENT

- **Application Fees:** December 2022, Net Total: \$68,205.92 Fiscal Year to Date Total: \$593,136.27. This represents 91% of the anticipated budget total for Fiscal Year 2023.