



NEW JERSEY PINELANDS COMMISSION

MONTHLY MANAGEMENT REPORT



An American goldfinch munching on seedheads in the Pinelands National Reserve in June

JUNE 2023

1 EXECUTIVE OFFICE

1.1 EXECUTIVE DIRECTOR

1.1A COMMITTEE MEETINGS

- **Personnel & Budget (P&B) Committee:** The Committee met on June 20, 2023 and received several financial updates from the staff. The Committee reinstated a previously deleted fixed asset. The Human Resources Manager provided information on upcoming recruitment efforts and employee actions. The meeting closed with the Fiscal Year 2024 Budget discussions. Staff prepared presentations about the past, present and future of application fees. Preliminary financial projections and initiatives were also presented by staff and discussed in detail with the Committee members. The public did not share comments and there wasn't a need for closed session.
- **Pinelands Climate Committee:** The Committee did not meet in June.
- **Policy & Implementation (P&I) Committee:** The Committee did not meet in June.

1.1B RULEMAKING

- **Stormwater Management:** Staff finalized the Pinelands model stormwater ordinance and distributed it to Pinelands municipalities in January, after tailoring the ordinance to each municipality's code. A copy of the final model ordinance was also shared with the New Jersey Department of Environmental Protection (NJDEP). As of the end of June, 40 municipalities had submitted to the Commission adopted ordinances that implement the Pinelands stormwater management regulations. In July, 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 public comment period on the proposed rule amendment with substantial changes ended on June 2, 2023. Staff subsequently prepared responses to all comments, both from the remaining comments on the original amendment proposal and from the substantial change proposal. The draft adoption notice was submitted to the Governor's office for review and approval on June 23, 2023. The public comments and draft adoption notice will be reviewed with the P&I Committee in late July, with adoption by the full Commission to be scheduled upon receipt of approval from the Governor's office.
- **Fee and Procedural Amendments:** Staff continues to work on drafting Comprehensive Management Plan (CMP) amendment language to address expiration of various types of old approvals and documents as well as revised application fee requirements. These amendments will be combined with others related to Pinelands Development Credits, right-of-way vegetation maintenance and protection of the Black Run watershed.

1.1C OPEN PUBLIC RECORDS ACT

- A total of six Open Public Records Act (OPRA) requests were received in June. Two were provided responsive material, one was advised there was no responsive material and three requests will be responded to in July.

1.1D PINELANDS MUNICIPAL COUNCIL

- The Pinelands Municipal Council did not meet in June. In response to the Pinelands Preservation Alliance's expressed interest in helping to reactivate the Council, staff provided the Council's by-laws and contact information.

1.1E OTHER

- The State's FY2024 Budget was adopted by the Legislature on June 30, 2023 and approved by the Governor on that same date. It does not include the increased appropriation previously requested for purposes of creating and filling three new Commission staff positions.

1.2 LEGAL AND LEGISLATIVE AFFAIRS

1.2A LEGISLATION

- **S4052/A5654 - Appropriates \$9,184,427 to NJDEP from Constitutionally Dedicated CBT Revenues to Certain Nonprofit Entities to Acquire or Develop Lands for Recreation and Conservation Purposes, and for Certain Administrative Expenses** - This bill appropriates funds to be used to provide grants to nonprofit entities to acquire or develop lands for recreation and conservation purposes. The bill also provides that a certain percentage of the funding is to be used to fund stewardship activities undertaken by nonprofit entities. A "stewardship activity" is defined in the "Preserve New Jersey Act" as an activity, which is beyond routine operations and maintenance, undertaken to repair or restore lands acquired or developed for recreation and conservation purposes for the purpose of enhancing or protecting those lands for recreation and conservation purposes. The list of projects for which funding is allocated in the bill includes projects located within the Pinelands Area. The bill passed both houses of the Legislature and was signed into law on June 30, 2023.
- **S4053/A5655 - Appropriates \$87,783,515 from Constitutionally Dedicated CBT revenues and various Green Acres Funds to NJDEP for Local Government Open Space Acquisition and Park Development Projects, and Certain Administrative Expenses** - This bill appropriates \$87,783,515 from constitutionally dedicated corporation business tax (CBT) revenues and various Green Acres funds to the NJDEP. Of the total amount appropriated by the bill, \$83,514,765 would be used by the NJDEP to provide grants or loans to assist counties and municipalities with acquisition or development of lands for recreation and conservation purposes. The remaining \$4,268,750 would be used for the NJDEP's associated administrative costs. The list of projects for which funding is allocated in the bill includes projects located within the Pinelands Area. This bill passed both houses of the Legislature and was subsequently conditionally vetoed by the Governor, revised by the Legislature and signed into law on June 30,

2023. As revised, the bill now includes a section specifying that payments in lieu of taxes (PILOT) shall be provided to municipalities at 83 percent of the amount provided in FY2010, and shall only be provided to municipalities whose FY2010 payments exceeded \$5,000.

- **S3797/A5558 - Appropriates Funds to NJDEP for Environmental Infrastructure Projects for FY 2024** - This bill appropriates certain federal and State monies to the NJDEP for the purpose of implementing the State Fiscal Year 2024 New Jersey Environmental Infrastructure Financing Program (NJEIFP). The bill would appropriate these funds for the purpose of making loans to local governments and privately-owned water companies (project sponsors) for a portion of the costs of water infrastructure projects. Projects for which funds have been included in this bill include the four projects approved by the Pinelands Commission to receive funds under the Pinelands Infrastructure Trust Bond Act of 1985. This bill has passed both houses of the Legislature.
- **S3270/A4729 - Revises Method for Appraisals of Farmland to be Acquired for Farmland Preservation Purposes** - As amended and reported, this bill would establish a new process for the determination of the value of farmland, and development easements on farmland, to be acquired for farmland preservation purposes by the State Agriculture Development Committee (SADC), a local government unit, or a qualifying tax exempt nonprofit organization using, in whole or in part, constitutionally dedicated CBT monies deposited into the Preserve New Jersey Farmland Preservation Fund, the Garden State Farmland Preservation Trust Fund, or any other State monies provided for farmland preservation purposes. For properties in the Pinelands Area, value is currently determined based upon the value of any Pinelands Development Credits allocated to a parcel. Under this bill, that value would now include consideration of the rate of inflation. A landowner would be provided with the values determined pursuant to these different methods and the higher of the values would be used as the basis for negotiation with the landowner with respect to the acquisition price. This bill has passed the Assembly, and is on Second Reading in the Senate, where it has been referred to the Senate Budget and Appropriations Committee.

1.2B INTERGOVERNMENTAL AGREEMENTS

- **Atlantic County Lake Lenape Memorandum of Agreement (MOA):** In 1988, the Commission and Atlantic County entered into an 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 recordation of a Deed of Conservation Restriction. On February 10, 2023, the Commission approved an amendment to the 1998 MOA that allows for reconfiguration and installation of floating docks within a 1.39-acre area adjacent and parallel to an existing boathouse. The amendment also requires the deed restriction of an area of similar size and shape in another portion of the park. The MOA Amendment has been fully executed and posted on the Commission's website. Additionally, Atlantic County has reached out to the NJDEP, Office of Transactions and Public Land Administration, to start the process to amend the Deed of Conservation Restriction at Lake Lenape Park.
- **Pemberton Township and the NJDEP:** Commission staff continues to work with Pemberton Township and its consultant, the Pinelands Preservation Alliance, regarding stormwater

management and application requirements for the proposed trail project. Additionally, because surfacing of trails would occur on a portion of the property owned by the NJDEP, staff was advised that the applicant must complete the Department's review process for use of the Pemberton Lake Wildlife Management Area as part of the project.

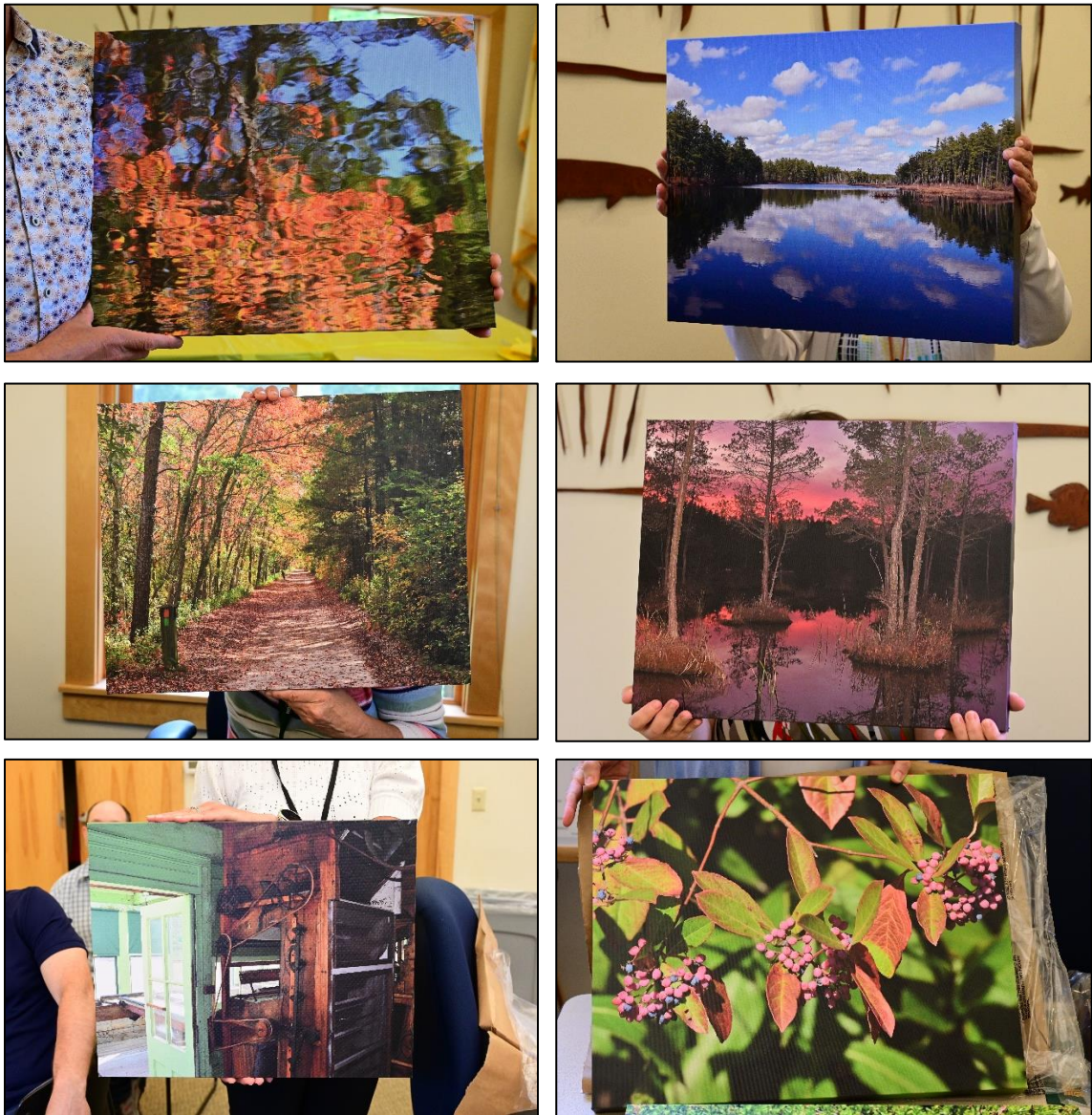
- **Stafford Township:** This proposed MOA would authorize a deviation from CMP wetlands buffer standards to accommodate paving of an existing trail around Forecastle Lake for accessibility purposes. The Township will deliver a presentation at the Pinelands Commission's meeting on July 14, 2023 in order to obtain the Commission's approval for Pinelands Commission staff to begin developing a draft MOA.

1.3 HUMAN RESOURCES

- **Recruitment:** Recruitment continues for the Management Information Systems Specialist 3 and Environmental Technology Coordinator vacancies. The job postings were shared on various websites. The deadlines for applying for both positions have been extended. On June 14th, the Commission's Human Resources Manager participated in the New Jersey Statewide Job Fair sponsored by the NJ Civil Service Commission. Over 50 state agencies and 2000 job seekers participated in the job fair.
- **Employee Recognition Program:** On June 21, 2023, an anniversary recognition breakfast was held to acknowledge all employees who reached their 5, 10, 20, 30 and 40 years of service with the Commission since 2017. The employees had a choice of several gifts, including canvas prints of photos taken by Pinelands Commission staff, plaques, and apparel. Moving forward, employees will be recognized on the month of their anniversary. A yearly recognition ceremony will also be held each June to celebrate all the previous year employees who reached an anniversary milestone.

The following employees were recognized for their years of service:

<i>30 Years of Service</i>	<i>5 Years of Service</i>
Charles Horner	Jessica Lynch
Susan R. Grogan	Brad D. Lanute
Theresa Melodick	Dawn Holgersen
John Bunnell	Evan Bossett
Kim Laidig	Gina Berg
	Timothy Capella
<i>20 Years of Service</i>	Matthew Martin
Keith Carter	
Brian Szura	<i>Interrupted Years of Service</i>
Patricia Spires	Ken Carter – 29 years
Branwen Ellis	Gina Berg – 17 years
Fredrick Seeber	April Field – 21 years
Ernest Deman	
Stacey Roth	



Above: Here is a gallery of canvas prints that were gifted to Pinelands Commission staff members in recognition of their service. The prints feature various Pinelands photos that were taken by staff.

- **Contract Negotiations:** The initial negotiations meeting between management, labor counsel, and union representatives was held on June 13, 2023. The union provided its first draft proposal. Monetary and non-monetary items were discussed and will continue to be negotiated within the following months.
- **Evaluations:** The self-evaluation portion of evaluations was due on May 31, 2023. Final evaluations are due at the end of June 2023.

2 INTERAGENCY COORDINATION

- **Interagency Council on Climate Change (IAC):** During June, the IAC continued to work on its draft Extreme Heat Resilience Action Plan, with the goal of issuing it this summer. Executive Director Grogan provided the IAC with a draft of one potential agency action the Commission might take to address extreme heat. The action relates to use of Pinelands native vegetation for landscaping purposes. A meeting of the Senior Staff representing all agencies on the Council is scheduled for July 11, 2023.
- **Office of Diversity, Equity, Inclusion and Belonging (DEIB):** The Commission's Chief Diversity Officer (Stacey Roth) participated in the first meeting of the DEIB Office's Advisory Council meeting on June 28, 2023. Governor Murphy established the DEIB Office and Advisory Council by Executive Order 265 (2021). The Advisory Council consists of the Chief Diversity Officers (CDOs) for all Departments and agencies of State government. The purpose of this first meeting was to discuss the goals for the Council and the various resources that are available to the CDOs to meet these goals.

3 PLANNING

3.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
Master Plans/Ordinances Received		
Adopted	26	95
Drafted or Introduced	3	50
Total ¹	21	100
Substantial Issue Finding ²	1	4
No Substantial Issue Finding	13	81
No Issue Finding	5	16
Total	19	101

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.

Finding Letters Issued ³	15	75
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3.2 CULTURAL RESOURCE ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Applications Reviewed	19	65
Surveys Required	5	17
Surveys Reviewed	1	6
Certificates of Appropriateness Required	0	0

Notable Activity:

- **Fenwick Manor Preservation Plan:** The Preservation Plan is nearly complete. One additional site visit by the structural engineer is required in order to finalize the Engineering Assessment, which will be included in the Preservation Plan as Attachment A. This final site visit is now scheduled for mid-July.
- **Tabernacle Cemetery Ground Penetrating Radar (GPR) Survey:** A survey of the Tabernacle Cemetery, intended to identify unmarked grave locations, has been started by the Commission's archaeologist as part of the annual projects funded through the National Park Service grant.

3.3 PINELANDS DEVELOPMENT CREDIT (PDC) PROGRAM

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	1.25	40
PDCs Severed	2.75	2.75
Acres Protected	104	104
PDCs Extinguished	0.10	4.35
Acres Protected	20	125.63
PDCs Sold	5.75	6.75
Average Sales Price per PDC	\$66,260	\$66,964
Average Sales Price per right	\$16,565	\$16,741
PDCs Redeemed	0.25	8.00

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

Notable Activity:

- **PDC Allocations:** 1.0 PDC (4 rights) was allocated to an 80.5-acre parcel in Woodland Township's Preservation Area District and 0.25 PDC (1 right) was allocated to a 32.22-acre parcel in Woodland's Special Agricultural Production Area.
- **PDC Severances:** 0.25 PDCs were severed in the Town of Hammonton, permanently protecting 6 acres in the Agricultural Production Area. 2.5 PDC's were severed in Woodland Township, permanently protecting 98 acres in the Preservation Area District.
- **PDCs Extinguished:** A 20-acre parcel in Galloway Township's Preservation Area District was acquired and preserved by NJDEP, resulting in extinguishment of the previously allocated 0.10 PDCs.
- **PDC Redemptions:** 0.25 PDCs were redeemed for the development of a nonresidential use in Waterford Township.

3.4 SPECIAL PROJECTS

- **Local Communications Facilities:** A Request For Proposals was issued on March 1, 2023 to solicit the services of a professional radio frequency (RF) engineering expert to review an anticipated submission of a new or amended comprehensive plan for local communications facilities. Upon completion of the bid evaluation process, a contract with the selected consultant (Dr. Bruce Eisenstein and Dr. Leonid Hrebien) was prepared and fully executed on June 8, 2023.
- **Pinelands Management Area Boundary Assessment:** In June, staff continued its review of potential climate change impacts on growth-oriented management areas by digitally mapping areas where hazards may be most acute.
- **Long Term Monitoring (National Park Service Funding):** The National Park Service (NPS) began its review of the Pinelands Commission's work plan submitted in May. Staff continues to collaborate with NPS to finalize the work plan and budget. Staff received and distributed new Pinelands National Reserve NPS passport stampers to eight locations during June.



Above: Staff distributed new Pinelands National Reserve NPS passport stampers at eight locations in the Pinelands in June.

4 REGULATORY PROGRAMS

4.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	5	27
Certificates of Filing	19	96
Public Development Reports	3	16
Forestry Certificates of Filing	0	2
PDC Letters of Interpretation	2	12
Non-PDC Letters of Interpretation	0	2
MOA Consistency Determinations	7	33
Review of Agency Determinations	61	291

4.2 NOTABLE APPLICATIONS

- **Municipal Landfill Capping and Solar Energy Facility, Manchester Township (Applicant: Manchester Township, App No. 1981-2232.001 and App. No. 1981-2232.004):** The applicant submitted a threatened and endangered (T&E) animal species survey for the proposed soil capping of an approximately 32-acre landfill. The landfill is located on a 98.6 acre parcel in the Pinelands Preservation Area District. The T&E species survey only appears to address the approximately 14.5-acre portion of the existing 32-acre landfill upon which the solar energy facility is proposed. By letter dated June 23, 2023, the Commission staff advised that the T&E survey must address the entire 32 acres that will be subject of the proposed soil capping.
- **Commercial Development, Waterford Township (Applicant: Capital Floors, App. No. 1985-0038.003):** This project is located in a Pinelands Regional Growth Area and within the Township's Haines Boulevard Redevelopment Area. By letter dated June 23, 2023, the Commission staff advised that a Township preliminary and final site plan approval for the proposed development of a 14,960-square-foot commercial building on a 3.59-acre parcel could take effect. Consistent with the requirements of the Commission certified (approved) Haines Boulevard Redevelopment Plan, the proposed development required the redemption of 0.25 Pinelands Development Credits (PDCs).
- **Warehouses, Waterford Township (Applicant: AASMWF Property, App. No. 1987-0886.005):** This application proposes the development of 955,514 square feet of warehouse space on a 59.1-acre parcel located in a Pinelands Regional Growth Area and within the Township's Haines Boulevard Redevelopment Area. By letter dated April 28, 2023, the Commission staff first advised the applicant that a December 2022 Township final site plan approval for the proposed development raised substantial issues with the minimum standards of the Waterford Township land use ordinance and the CMP and scheduled a Commission staff public hearing on the

application. The substantial issues raised were with the proposed stormwater management design, consistency with the air quality standard and the need for the applicant to redeem 14.25 PDCs for the proposed development. On May 17, 2023, the applicant submitted a list of stormwater management questions for Commission staff review. On June 13, 2023, the Commission staff met with the applicant's representatives to discuss the submitted stormwater questions. On June 26, 2023, the applicant submitted certain stormwater management information. That information is currently under review.

- **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. 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 has 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 disagrees 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.
- **Residential Development, Winslow Township (Applicant: Junction Square, App. No. 1983-0820.005):** On April 28, 2015, the Commission staff issued a Certificate of Filing for the development of 20 single family dwellings on a 19.1-acre parcel in the Regional Growth Area. In 2023, the applicant received a New Jersey Municipal Land Use Law (NJ MLUL) extension of an amended Township subdivision approval. On June 20, 2023, the Commission staff issued a letter scheduling a Commission staff public hearing on the Township approval for August 17, 2023. The parcel is located in the Township's PR-2 zoning district. The Commission staff letter indicated that a zoning change certified (approved) by the Commission on May 13, 2022 requires that PDCs be purchased and redeemed for 25 percent of the 20 single family dwellings proposed in the application. However, the Township resolution approving the extension found that the application was protected from the rezoning based upon the provisions of the NJ MLUL and the New Jersey Covid Extension Act. After its review of the Township resolution of approval, the Commission staff believes that the proposed development is not protected by the NJ MLUL or

the New Jersey Covid Extension Act. Based upon the prior zoning of the parcel, the proposed development required the purchase of 2.25 PDCs. Based upon the current zoning, the proposed development requires the purchase of 0.75 PDC. However, if the proposed development is not protected from the zoning change, the applicant must address the current Township and CMP stormwater management standards.

- **Public Service Infrastructure, Southampton (Applicant: BEMS Southampton Solar Farm, App. No. 1981-1601.009):** On October 19, 2022, the Commission staff issued a Certificate of Filing for the installation of 4,147 linear feet of underground electric conduit within the residential community of Leisuretowne. The proposed electric conduit will connect a solar energy facility developed on the nearby former Big Hill Landfill in Southampton Township to a public utility company's electric transmission line located along Retreat Road. On February 13, 2023, the Commission staff issued a letter indicating that a Township approval for a road opening permit for the proposed electric conduit could take effect. A majority of the electric conduit is located under existing paved roads in Leisuretowne. The proposed development includes an above ground "switch box" located with a grass portion of a cul-de-sac type island in Leisuretowne. The installation of the switch box has generated significant public comment. The Commission staff is working with the Township and the applicant to determine whether there are feasible alternative locations to relocate the switch box. Alternative locations are somewhat limited by the extensive presence of wetlands in the area. On June 23, 2023, information was submitted to the Commission by the applicant identifying several possible alternative locations. That information is currently under review.
- **Singer House, a Designated Cultural Resource, Medford Township (Applicant: Affordable Homes Group, App. No. 1987-0055.005):** On November 21, 1991, the Commission approved a Certificate of Appropriateness with specific conditions that required the preservation in place of a significant historic resource known as the Singer House. On January 3, 1992, the Pinelands Commission approved a Report on an Application for Public Development for the development of the Medford Township Public Safety Building. That Commission approval reiterated the conditions of the Certificate of Appropriateness requiring the stabilization and preservation in place of the Singer House. The conditions for the stabilization and preservation in place of the Singer House have not been met. On June 8, 2023, the Commission staff received a request from the current owner of the Singer House to meet and discuss the proposed demolition of the structure. On June 28, 2023, the Commission staff met with the current owner. The current owner represented that the Singer House has deteriorated to the point where preservation in place is no longer feasible. The owner was advised at that meeting of the need to apply to the Commission for the proposed demolition of the Singer House. As part of that application, it must be demonstrated why the requirements of the November 21, 1991 Certificate of Appropriateness were not met and why the Singer House cannot be rehabilitated and preserved in place.
- **Commercial Development, Southampton Township (Applicant: Red Lion Circle Partners, App. No. 1988-1007.005):** An application was filed with the Commission proposing the demolition of an existing diner, the construction of a 5,585-square-foot convenience store with 16 fueling stations, two 5,000-square-foot restaurants with drive-thrus, and a 9,000-square-foot retail building on a 21-acre parcel. The parcel is located at the intersection of State Highways Route 70 and Route 206. The proposed development is located in a Pinelands Rural Development Area and within the Township's Red Lion Diner Redevelopment Area. On June 5, 2023, the

Commission staff issued a letter requesting certain information to complete the application. In response, on June 29, 2023 the applicant submitted information to the Commission. That information is currently under review.

- **Residential Development, Pemberton Township (Applicant: Equity Enterprises, App. No. 1981-0640.001):** This application proposes 578 dwelling units on an approximately 678-acre parcel. The development is proposed on the 322-acre portion of the parcel located in a Pinelands Regional Growth Area. The balance of the acreage of the parcel is located in a Pinelands Forest Area. The application received a Certificate of Filing on June 27, 2005. On July 7, 2007, the applicant received a 12-year Township General Development Plan approval. On December 6, 2018, the Township approved an extension of its General Development Plan approval until June 7, 2027. By letter dated February 23, 2023, the Commission staff advised the applicant that both General Development Plan approvals, somewhat equivalent to a preliminary approval, raise substantial issues with the minimum standards of the CMP. The staff letter indicated that the applicant's request for an extension of time until June 30, 2023 for the Pinelands Commission to forward the application to the New Jersey Office of Administrative Law (NJ OAL) for a hearing on the substantial issues was granted. The letter further indicated that no further extension of time would be granted beyond December 31, 2023. The letter also indicated that additional T&E species survey work would be necessary to address the current consistency of the proposed development with the T&E species protection standards. On May 3, 2023, the Commission staff met with the applicant to discuss the currently proposed Phase 1 of the development. Phase 1 of the development contains 89 dwelling units. Among other topics, the applicant discussed with the Commission staff the need to provide updated T&E animal species surveys, secondary access alternatives and the Pinelands Development Credit obligation for the proposed development. Thereafter, the staff responded to several email inquiries from the applicant including whether a 200-foot perimeter forest fire fuel break was required for Phase I. On June 23, 2023, the applicant submitted a request to meet and further discuss the necessary T&E animal surveys. The staff is currently scheduling that meeting. 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.
- **Resource Extraction, Maurice River Township (Applicant: Whibco, App. No. 1981-0606.008):** By letter dated May 19, 2023, the Commission staff advised that a Township resource extraction approval authorizing the mining of 207.8 acres raised substantial issues with the T&E animal species protection standard and the resource extraction standards contained in the Township land use ordinance and the CMP. The 1,826-acre parcel subject of the application is located partially in a Pinelands Rural Development Area and partially in a Pinelands Forest Area. The proposed resource extraction will occur in both Pinelands management areas. The Commission staff's May 19, 2023 letter scheduled a public hearing for June 20, 2023 to review the substantial issues. Specifically, the issue of consistency with the T&E animal species protection standard was raised because the Township's resolution also approved the clearing of 135 acres of the 1,826-acre parcel for agricultural purposes. Although clearing for agricultural purposes does not require application to the Commission, it must be undertaken consistent with the T&E animal protection standards. Information available to the Commission staff documents the presence of T&E animal species in the vicinity of the 135 acres to be cleared for agricultural purposes. In addition, the Township land use ordinance and the CMP limit resource extraction excavation to 65 feet below the natural surface of the ground existing prior to excavation unless

it can be demonstrated that such mining will result in no significant, adverse impact relative to the proposed final use or on off-site areas. It has not been demonstrated that the proposed extraction activities will meet this maximum mining depth standard. By letter dated June 13, 2023, the applicant submitted information addressing the substantial issues identified in the Commission's May 19, 2023 letter. That information is currently under review. By letter dated June 21, 2023, the Commission staff rescheduled the public hearing to August 21, 2023.

- **Hammonton Elementary School, Hammonton (Applicant: Hammonton Board of Education (BOE), App. No. 1988- 1286.006):** An application for a proposed 11,987-square-foot addition to an existing public school was initiated with the Commission. The school is located in a Pinelands Town. By letter dated April 25, 2023, the Commission staff advised of the information required to complete the application. The April 25, 2023 letter indicated that on July 14, 2000, the Commission approved the development of a 25,050-square-foot addition to the existing school and a 42-car parking lot. However, a 35,613-square-foot addition to the existing school and a 115-space parking lot were constructed instead of the development approved by the Commission. The April 25, 2023, Commission staff letter indicated that the additional development that occurred beyond that which was approved by the Pinelands Commission required the completion of an application with the Commission. By letter dated May 11, 2023, the Hammonton BOE requested that to meet a construction grant funding deadline, the Commission first approve the proposed 11,987-square-foot school addition. Thereafter, the BOE would complete the application for the development that occurred without application to the Commission. By letter dated May 31, 2023, the Commission staff has offered to assist the BOE with securing approval for the proposed 11,987-square-foot addition in a timely manner so as to not jeopardize the grant funding. The May 31, 2023 letter requested information from the applicant to better understand the basis for separating the applications. By letters dated June 2, 2023 and June 21, 2023, the BOE provided information further explaining the need to separate the two concerned applications. By email dated June 24, 2023, the applicant's engineering company inquired as to the status of the Commission staff review and response to the June 2, 2023 and June 21, 2023 BOE letters. By letter dated June 27, 2023, the Commission staff advised that based upon the submitted information and the pending grant funding, the Commission staff would recommend approval of the application for the proposed 11,987-square-foot addition at the August 11, 2023 Pinelands Commission monthly meeting provided one condition was met. The one condition is that the information necessary to substantively complete the application for the addition to the school that was constructed beyond that which was approved by the Commission on July 14, 2000 is submitted to the Commission by August 10, 2023.
- **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. That information is currently under review.

- **Residential Development, Jackson Township (Applicant: Yerek Jackson 46, App. No. 1987-1188.002):** This application proposes 44 dwelling units on a 26.27-acre parcel in a Pinelands Regional Growth Area. The Township granted preliminary subdivision approval for this application in June of 2006. At the time of the Township preliminary subdivision approval, the parcel was located in the Township's RG-2 zoning district and the proposed development met the "by right" residential density in that zoning district. The "by right" residential density is the density permitted without the use of PDCs. The Township granted final subdivision approval for this application in June of 2016. At the time of the Township final approval, the proposed development continued to meet the "by right" residential density in the Township's RG-2 zoning district. On February 9, 2018, the Pinelands Commission certified (approved) a zoning change requiring the use of PDCs for 30% of the proposed dwellings in specified developments, including this one, in the Township's RG-2 zoning district. By letter dated November 9, 2021 letter, the Commission staff advised the applicant that based upon the New Jersey Municipal Land Use Law and the multiple State of New Jersey Permit Extension Acts, the period of protection offered from zoning changes for this application was extended until August of 2022. Based upon a February 3, 2023 site inspection, site improvements associated with the proposed residential development had occurred on the parcel. However, other than approximately 17 single family dwelling foundations that have been constructed, no single family dwelling had been framed. Municipal construction permits for certain proposed dwellings in the development were received by the Commission in February and March of 2023. By letter dated March 30, 2023, the Commission staff scheduled a public hearing to review whether the proposed development was consistent with the current zoning requirement that PDCs be acquired and redeemed for 30% of the proposed dwellings that received construction permits after August of 2022. In March of 2023, the applicant submitted Township building permit records in an attempt to demonstrate that the proposed development is not subject to the current zoning requirement that requires the purchase of PDCs. The Commission staff reviewed the over 100 Township construction permit documents that were submitted. By letter dated April 27, 2023, the Commission staff advised the applicant that no PDCs were required for the 22 dwelling units that received a municipal construction permit prior to September 1, 2022. The letter further advised the applicant that 1.75 PDCs were required for the 22 dwelling units that did not receive municipal construction permits prior to September 1, 2022. On May 22, 2023, the Commission staff met with the applicant to further discuss the PDC requirement. By letter dated June 21, 2023, the applicant provided the reasons why they continued to believe that PDCs were not required for the proposed development. That letter also proposed the purchase of PDCs for two of the proposed dwelling units to resolve the substantial issue raised by the municipal construction permits. That information is currently under review.
- **Cannabis Facility, Hamilton Township (Applicant: Fresh Cut Cannabis, App. No. 1987-0444.006):** On April 20, 2023, the Commission received the required application fee that enabled the staff to review this application proposing the development of a 47,630-square-foot cannabis cultivation and processing facility on a 10.44-acre parcel. The parcel is located in a Pinelands Regional Growth Area and within the Hamilton Township Industrial Park. By letter dated June 27, 2023, the Commission staff advised the applicant of the information necessary to complete the application.

- **Cannabis Facility, Hamilton Township (Applicant: Atkinson Law, App. No. 1985-0522.022):** On May 19, 2023, the Commission received an application proposing the construction of five buildings, totaling 184,475 square feet, and associated site improvements to establish a cannabis cultivation and processing facility on a 13.24-acre parcel. The parcel is located in a Pinelands Regional Growth Area and within the Hamilton Township Industrial Park. By letter dated July 3, 2023, the Commission staff advised the applicant of the information necessary to complete the application.
- **Cannabis Facility, Hamilton Township (Applicant: Paul and Caroline Giblin, App. No. 1987-0444.005):** On March 13, 2023, we received an application proposing the development of a 43,530 square foot cannabis cultivation and processing facility on a 4.07 acre parcel. The parcel is located in a Pinelands Regional Growth Area and within the Hamilton Township Industrial Park. By letter dated June 1, 2023, the Commission staff advised the applicant of the information necessary to complete the application.

OTHER ITEMS OF INTEREST

On June 29, 2023, the Commission staff received a request from Hamilton Township for a pre-application conference regarding approximately 49 lots in the Hamilton Industrial Park. The Township would like to know what application requirements such as wetlands, required buffers to wetlands, the necessity of T&E species surveys and cultural resource surveys that will apply to the lots. The Commission staff will review the matter and then schedule a meeting with the Township.

5 SCIENCE

5.1 ENVIRONMENTAL MONITORING

- **Water Level Monitoring:** In June, 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.
- **Annual Frog and Toad Surveys:** Science staff continued to conduct annual nighttime frog and toad vocalization surveys at 22 ponds in June. Some surveys completed during the extended early June dry spell were repeated after receiving adequate rain. All species heard calling at each pond are identified and counted. These surveys are completed each spring to monitor temporal trends in calling frogs and toads in Pinelands ponds.
- **Rare Snake Monitoring:** Science staff continued to check on radio-tracked snakes in June. Any snake with a transmitter about to expire was brought back to Commission headquarters, the transmitter was removed, and the snake was released. Science staff found several new corn snakes and pine snakes to implant with radio transmitters. New female snakes that are gravid, or pregnant, are kept in captivity until they lay their eggs. The eggs are then incubated until they hatch. The new snake is then implanted with a radio transmitter to track. New snakes will be tracked all year to locate important shed sites, nest sites, and hibernation sites. All transmitter implantation and removal surgeries are now completed by Science staff, who have been trained by the appropriate professionals and approved by the New Jersey Department of Environmental Protection Endangered and Nongame Species Program staff.



Above: A fresh nest excavated by a northern pine snake.

5.2 LONG TERM STUDIES

- **King Snake Study:** All king snakes tracked as part of the study have been recovered and the transmitters have been removed. Except for completing a characterization of the dens identified during the study, the field work portion of the study has been completed. Staff are revising the budget for the study and preparing forms to be submitted to the Environmental Protection Agency to receive supplemental funding for the study. The study will be extended an additional

year to accommodate analyzing the data and writing a final report, which will be submitted as a grant deliverable.

- **Box Turtle Study:** Staff continued to track box turtles in June. Several new turtles were found in existing study areas near other turtles as well as in new areas of the Pinelands. New turtles were measured and weighed and radio transmitters were glued on their shells to track them as part of the study. Staff captured several tracked turtles to replace their transmitters before the expiration date. The Commission and NJDEP legal staff have almost completed a final agreement for funding for the study.



Above: A male box turtle that is being tracked as part of the study.

- **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.



Above: Commission scientists processing a northern pine snake for snake fungal disease and adenovirus.

6 COMMUNICATIONS

6.1 COMMUNICATIONS & PUBLICATIONS

- **Inquiries/Correspondence:** The Communications Office received and responded to 43 inquiries from the public in June, including phone calls, e-mails, and media inquiries.
- **Website:** Commission staff made routine edits to the website in June.
- **Social Media Enhancements:** In June, staff shared 171 photos and 14 videos on the Commission's Instagram site and 84 tweets/retweets on Twitter.



Above: The Commission shared 171 photos on Instagram in June, including this photo of freshly picked blueberries in the Pinelands.

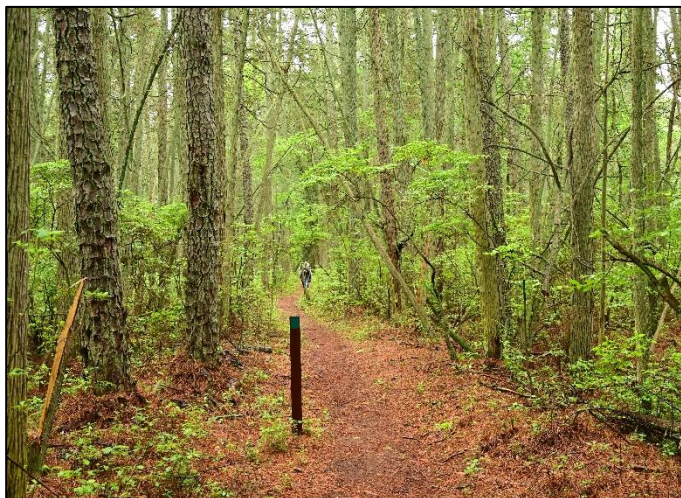
- **Pinelands-themed Merchandise:** In June, the Commission ordered and received three new Pinelands-themed mugs that will be sold at the agency's office and via a new online, Pinelands Commission store. The mugs are 100% made in the USA and feature Commission photos of a Pine Barrens treefrog, a Pine Barren Gentian and the Jersey Devil, along with information about each. The Commission has also ordered new Pinelands-themed grocery/tote bags, which will be made of cotton and will be 100% made in the USA. 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.



Above: In June, the Commission ordered and received three new, Pinelands-themed mugs that will be sold at the agency's office and via a new online store, with all proceeds sales going toward the Kathleen M. Lynch-Van de Sande Fund for the Reforestation of the New Jersey Pinelands.

6.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **Pinelands Summer Short Course:** More than 120 people attended the seventh annual Pinelands Summer Short Course. The event was held at Kramer Hall in Hammonton on June 23, 2023, and it featured 12 in-class presentations at Kramer Hall and guided field trips at the 1808 Trail in Wharton State Forest, a walking tour of Batsto Village and a kayak trip on the Mullica River.



Above: The seventh annual Pinelands Summer Short Course featured three field trips, including a guided hike of the 1808 Trail in Wharton State Forest.

- **Pinelands Speaker Series:** Staff continues to plan for the summer lineup of presentations. They will include a presentation on Turtles of the Pinelands (set for July 20, 2023) and Hand Printing from Nature (set for August 3, 2023). The presentations will be held at the Commission's headquarters.
- **Education Programs:** A Communications Office staff member delivered educational presentations on June 21, at the Summer Short Course on June 23 and on June 26, 2023.
- **Science Office Assistance:** A member of the Communications Office assisted the Science Office by measuring ponds and wells on June 14 and 15, 2023.

7 INFORMATION SYSTEMS

- **Pinelands Commission Information System Upgrades:** The Pinelands Commission Information System (PCIS) is the internal system of record for all applications to the Pinelands and associated transactions. Staff provided desktop support, implemented enhancements and made bug fixes. A new report was developed to show the monthly progress of the legacy document scanning project. A meeting was held with Regulatory Programs staff to discuss changes to the online fee calculator to make the output more user-friendly. An intranet site was created to track and distribute adopted municipal stormwater ordinances to assist with application review.
- **Geographic Information Systems:** Geographic Information Systems (GIS) allow the Pinelands Commission to manage, analyze, and map relevant data. A meeting was held with Planning and Regulatory Programs staff to finalize changes prior to deployment of a new interactive, "property lookup" map. Staff continued to work on a cultural resources GIS layer by consolidating existing data sets and refining attributes that are included.
- **Cybersecurity:** Vigilance to protect the internal networks, hardware, and data of the Pinelands Commission is critical in today's networked world. The Information Systems office participated in the monthly call hosted by the New Jersey Cybersecurity & Communications Integration Cell

(NJCCIC). Staff completed the ZScaler monitoring software installations in the Pinelands environment and decommissioned all CISCO Umbrella clients as required by NJCCIC.

- **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 operational support and reporting to the PDC Bank. Staff is assisting, as needed, with data necessary for the PDC Bank Annual Report.
- **Permanent Land Protection (PLP) Data System:** The PLP system manages the data related to all the preserved land in the Pinelands National Reserve. Staff supported the Planning Office in maintaining PLP records.
- **Resolution Log:** The Pinelands Commission keeps a detailed internal log of all resolutions that were adopted by the Commission. Staff continues to collaborate with other offices to complete scanning and linking all resolutions in the log.
- **Ad Hoc Reporting:** Staff assist the Pinelands Commission by generating reports to provide insight into relevant topics of interest. Routine maintenance was conducted on the “Payments and Refunds” report and the “Documents Sent” report which tracks all communications sent by staff. A new report was created to track all new incoming documents and which reviewers they were assigned to.
- **Technology Enhancements:** Staff members continually evaluate emerging technologies for how they can impact or enhance the office environment. Staff prepared a draft budget for Fiscal Year 2024 including suggestions from all offices for new software and hardware which could be of benefit for future use. Staff met with the Communications and Human Resources offices to train them on the use of the new large format printer for the production of a recruitment poster for job fairs. New laptops were ordered for the office meeting rooms that would allow staff to conduct and participate in online webinars. Staff implemented a new print server to provide better support and tracking of internal printer resources. Staff coordinated with Business Services to prepare more outdated hardware for fixed asset deletion at the next Personnel & Budget Committee meeting.
- **Information Systems Internship:** In partnership with the Rutgers Summer Service Internship (RSSI) Program, the Pinelands Commission Information Systems office recruited a qualified applicant to intern for the summer of 2023. The intern is being mentored by staff on industry standard web development technologies as well as learning about the operations of the Pinelands Commission. She was introduced to the Commission in June and will be making a presentation on her work at the Commission’s August meeting.

8 BUSINESS OFFICE

8.1 FINANCIAL MANAGEMENT

- **Application Fees:** June 2023, Net Total: \$27,087.68, Fiscal Year to Date Total: \$1,104,412.91. This represents 169.91% of the anticipated budget total for Fiscal Year 2023.
- The Commission purchased and has received two Jeep hybrid field vehicles. The 2023 Jeep 4xe's can run in Hybrid, Fully Electric or Fuel Mode. One Jeep is a replacement for the Commission's 2008 Toyota Prius.
- The electric lawn mower was purchased and delivered. All gas-powered landscaping tools have been upgraded to the electric equivalent.
- The secondary HVAC unit in the MIS MDF (Main Distribution Frame) was replaced. This provides the MDF with redundant ability to control the room temperature in the server room located on the 2nd floor of the RJS building within the Human Resources office.