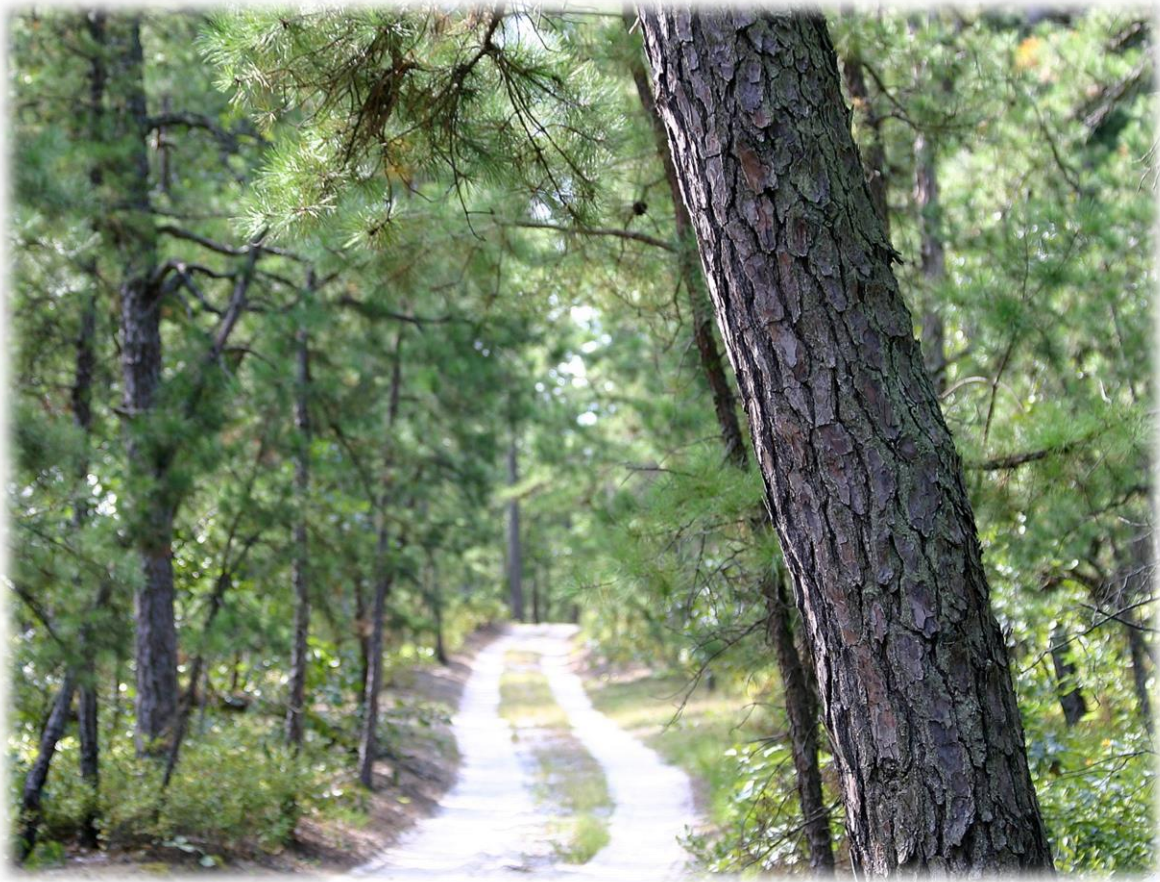




# **NEW JERSEY PINELANDS COMMISSION**

## **MONTHLY MANAGEMENT REPORT**



**DECEMBER 2019**

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# 1 EXECUTIVE OFFICE

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## 1.1 LEGAL AND LEGISLATIVE AFFAIRS

### 1.1A LITIGATION (STATE; FEDERAL; OFFICE OF ADMINISTRATIVE LAW; OTHER)

#### STATE:

##### New Jersey Natural Gas Appeals

- **In the Matter of New Jersey Pinelands Commission’s Approval of New Jersey Natural Gas’s Application (No. 2014-0045.001) for the Installation and Operation of the Southern Reliability Link, Docket No. A-001004-17T1:** This is one of a number of appeals that were filed involving the Commission’s approval of New Jersey Natural Gas Company’s application to construct a portion of its Southern Reliability Link project in the Pinelands. This appeal was filed by PPA on October 26, 2017, and is a substantive challenge of the Commission’s approval. (There were three additional appeals of the Commission’s approval of NJNG application filed by the New Jersey Sierra Club, Chesterfield Township and Bordentown Township, respectively.) PPA also filed an appeal of the process used by the Commission to review this application and the denial of its third-party hearing request. (Three individuals, Daniel and Patricia Caruso and Jean Kovath also filed an appeal challenging the Commission’s denial of their third-party hearing requests.)
  - On December 3, 2019 the Commission filed a motion to strike PPA’s reply brief or in the alternative for leave to file a sur-reply in the appeal of the Commission’s denial of PPA’s adjudicatory hearing request. The basis for this motion was PPA’s reliance on documents outside of the record in support of the arguments presented in its reply brief.
  - PPA filed Opposition to the Commission’s motion to strike and a cross motion to supplement the record on December 12, 2019.
  - On December 23, 2019 the Commission filed its opposition to PPA’s cross motion to supplement the record.
- **Robert T. Winzinger v. NJ Pinelands Commission (Dkt. No. BUR-L-000877-19):** This is an inverse condemnation case that was filed on April 26, 2019 in the Law Division, Burlington County. The case involves a 285 acre parcel located on Lauries Road, Woodlands Township. This matter has an extensive litigation history. The last litigation involved a 2007 application by Winzinger to resume resource extraction operations on 30 acres of the parcel. Following its receipt of a Certificate of Filing – Inconsistent, because of a failure to demonstrate compliance with the threatened or endangered wildlife standards of the CMP, Winzinger applied to the Woodland Township Land Use Board for approval to resume resource extraction on the property and received such approval from the Board by resolution dated February 21, 2012. Such approval was subject to Winzinger’s submission to and the Commission’s approval of a northern pine snake habitat protection and management plan. The Commission called up the Woodland approval. During the call up hearing, Winzinger argued that it did not need to comply with the T&E Wildlife standard of the CMP and never submitted the required

habitat protection and management plan. The Commission, subsequently, denied Winzinger's resource extraction application. Winzinger appealed the Commission's decision to the Appellate Division, which held that preexisting resource extraction operations, such as Winzinger, are subject to the threatened and endangered species provisions of the plan.

On November 14, 2019, the Commission filed opposition to Winzinger's motion for reconsideration of the denial of its inverse condemnation claim for failure to exhaust administrative remedies.

Oral argument was scheduled for December 19, 2019, but was postponed until January in order to permit Winzinger to request and participate in a pre-application conference with the Commission's Regulatory Program Office staff.

### **1.1B OPEN PUBLIC RECORDS ACT**

- There were 3 Open Public Records Act (OPRA) requests received in December. One of those was received in the last week of December and will be responded to in January. The other 2 requests were determined to be file reviews. There were 3 OPRA requests from November that were responded to in December. All 3 of the requestors were advised that the Commission had no responsive material.

## **1.2 HUMAN RESOURCES**

- **Employee Advisory Service:** Staff participated in the following EAS Webinars: "How to Respond Effectively to Difficult Employees"
- **Flexible Spending Account (FSA) Renewal:** FSA renewal for 2020 was processed.
- **Medicare Reimbursements:** Fourth quarter Medicare Part B reimbursements were prepared and submitted to Business Services for payment.
- **Cookie Swap & Holiday Luncheon:** The annual Cookie Swap was held on December 9, 2019, and the annual staff holiday pot luck was held on December 16, 2019. Both events were organized by the staff.
- **Union Negotiations:** Notice of Impasse was filed with the NJ Public Employment Relations Commission.
- **Interim Evaluations:** The 2019-2020 Interim Evaluations are due to Human Resources by December 31, 2019.
- **State Health Benefits Program:** All records were updated to reflect the changes in Health & Dental rates for 2020.

## 2 INTERAGENCY COORDINATION

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- NJ Department of Environmental Protection (NJDEP):** NJDEP expressed an interest in meeting with Commission staff and developing a closer working relationship between the two agencies. To begin that process, staff met NJDEP representatives on December 20, 2019 to discuss general issues and coordination mechanisms.
- Galloway Township Plan Endorsement:** Staff attended a December 17, 2019 pre-petition meeting held by the Office of Planning Advocacy (OPA) in Galloway Township, along with representatives from the municipality, NJDEP, the NJ Department of Transportation and Atlantic County. OPA has determined that the Township will need to go through the State Planning Commission’s plan endorsement process in order to retain its designated centers outside the Pinelands Area and explained the steps involved in the process. The Township identified several areas of concern, including extension of sewer service to existing development along Route 9 and removal of the municipal building property from the NJDEP’s Recreation and Open Space Inventory (ROSI) in order to facilitate future redevelopment. The Township is also interested in improving the existing interchange at Garden State Parkway Exit 40 (Route 30) from a partial to a full interchange.
- Joint Base McGuire-Dix-Lakehurst :** The Joint Base requested the Commission’s participation in stakeholder input sessions for their upcoming Air Installation Compatibility Use Zone (AICUZ) Study. The goal of the AICUZ Study is to promote compatible land use and development in areas surrounding the Joint Base in order to preserve the overall mission of the Base. The updated Study will take into consideration the new aircraft that will be phased in at the Joint Base over the next 10 years. Staff conducted a conference call on December 12, 2019 with Joint Base representatives and their newly hired contractor.

## 3 LAND USE & TECHNOLOGY PROGRAMS

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### 3.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
Ordinances/Master Plans Received	10	118

#### Notable Ordinances:

- Folsom Borough:** The Borough adopted and submitted Ordinance 7-2019, which adopts a revised zoning map to implement recommendations made in the municipality’s recent Master Plan Reexamination Report prepared by the NJ Department of Community Affairs, Local Planning Services. The Ordinance rezones three lots located on the Black Horse Pike from Forest Area to a newly created commercial zone in the Rural Development Area. The ordinance also rezones numerous publicly owned and environmentally constrained lots from the Rural Development Area to the Forest Area.

A public hearing on the Borough’s master plan and ordinance has been scheduled for January 8, 2020.

- **Redevelopment Designations:** Several Pinelands municipalities are pursuing redevelopment designations and/or the adoption of redevelopment plans, including Egg Harbor City and Galloway Township (Renault Winery), Manchester Township (the municipal landfill in the Preservation Area District) and Winslow Township (an assisted and independent living facility in the Regional Growth Area).

### 3.2 CULTURAL RESOURCE ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Applications Reviewed	10	98
Surveys Required	0	7
Surveys Reviewed	0	6
Certificates of Appropriateness Required	0	1

### 3.3 PINELANDS DEVELOPMENT CREDIT PROGRAM

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	0.25	96.50
PDCs Severed	0	69.75
Acres Protected	0	3,046
PDCs Extinguished	0	2
Acres Protected	0	158
PDCs Sold	3.5	16
Average Sales Price per PDC	\$37,457	\$38,138
Average Sales Price per Right	\$9,364	\$9,534
PDCs Redeemed	0.25	69.25

**Notable Activity:**

- 0.25 PDCs were allocated in December 2019 to 30 acres in the Preservation Area District in Woodland Township.
- 3.50 PDCs (14 rights) were purchased in December 2019 for use in a residential project in Jackson Township.

- 0.25 PDCs were redeemed in December 2019 for a residential project (194 units) in Egg Harbor Township.

### 3.4 SPECIAL PROJECTS

- **Kirkwood/Cohansey water supply:** Staff scheduled a meeting with stakeholders to discuss the key points of the Commission's draft water management policies and rule changes. Invitations to the January 31, 2020 meeting were sent to approximately 35 stakeholders, including water purveyors, non-governmental organizations, municipal and county representatives and members of the public.

## 4 INFORMATION SYSTEMS

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- **Density Transfer GIS Project:** Staff continued an ongoing effort to map Density Transfer partial deed restrictions. To date, about thirty percent of existing applications matching this category has been completed.
- **Pinelands Commission Information System Upgrades:** Weekly internal meetings were held to discuss Regulatory Programs processes to identify areas for improvement. Enhancements include more robust editing features.
- **Office 365 Migration:** Staff attended a meeting at the New Jersey Office of Information Technology (OIT) on December 19, 2019, focusing on Microsoft Teams, OneDrive, and SharePoint. Limited testing was started at the Pinelands Commission to demonstrate how these technologies will enhance existing workflows.
- **Windows 10 Desktop Migration:** The Windows 10 desktop migration continued with the roll out of three more desktops and the user acceptance testing for PCIS.
- **Network upgrades:** Configuration upgrades were performed on several online tools, including Constant Contact to comply with OIT cyber security standards.

## 5 REGULATORY PROGRAMS

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### 5.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	12	77
Certificates of Filing	10	152
Public Development Reports	4	34
Forestry Certificates of Filing	1	12
PDC Letters of Interpretation	1	21
MOA Consistency Determinations	1	44
Review of Agency Determinations	55	657

### 5.2 NOTABLE APPLICATIONS

- **App. No. 1983-5386.002:** The Commission staff issued a Certificate of Filing on April 5, 2019 for the construction of 457 dwelling units and a 24,500 square foot house of worship on a 129 acre parcel, commonly referred to “Jackson Trails”, in Jackson Township. Commission staff issued a letter indicating that the Ocean County Planning Board final major subdivision and final major site approvals for the proposed project raised issues with regard to the proposed discharge of stormwater to wetlands. The Jackson Township Planning Board failed to approve the proposed project in the Fall of 2019.
- **App. No. 1992-1019.002:** On December 20, 2019, staff held a pre-application meeting with the owner of a 2,140 acre parcel in a Pinelands Forest Management Area in the City of Estell Manor. Staff and the property owner discussed permitted land uses, the City’s zoning density of one dwelling per 25 acres, the requirement to cluster proposed dwellings on 1 acre lots and relevant environmental standards. If a residential cluster application is pursued, it would result in the largest parcel in the Pinelands Area ever subject of residential clustering. Staff and the owner also discussed possible acquisition of the parcel by the New Jersey Department of Environmental Protection, Green Acres Program.
- **App. No. 2006-0168.004:** On December 23, 2019, staff issued a letter indicating that the installation of four metal guardrail structures in Lacey Township did not require an application to the Commission. The guardrails will be located within the State of New Jersey Forked River Wildlife Management Area and a Jersey Central Power and Light right-of-way. This is the second instance of a third party proposing to install guardrail structures within an electric utility right-of-way on State owned lands in an effort to control recreational vehicle use.



- **App. No. 2006-0248.001:** On December 3, 2019, an applicant submitted information regarding the proposed reconstruction of an existing restaurant/bar building located at the intersection of Route 9 and Route 679 in Bass River Township. The applicant proposes to reconstruct the restaurant/bar building and use the building as a bar/liquor store. The Commission is seeking guidance from the Township as to whether the proposed development constitutes a change of use. If the proposed use constitutes a change in use, an application for that change of use must be completed with the Commission. If the proposed use does not constitute a change of use, the applicant may utilize a previously issued Certificate of Filing for the proposed development.
- **App. No. 2010-0010.010:** On December 4, 2019, staff met with representatives of Public Service Enterprise Group. The purpose of the meeting was to discuss PSE&G concerns regarding monthly timing restrictions imposed on vegetation management by both NJDEP and the Commission as part of the New Jersey Electric-Transmission Right-of-Way Vegetation Management Plan. The monthly timing restrictions were imposed to protect threatened and endangered plant and animal species.

## 6 SCIENCE

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### 6.1 ENVIRONMENTAL MONITORING

- Due to precipitation events, frozen ponds, and firearm season, staff was unable to collect water level data for the Forest Plot and Pond Monitoring network for December.

### 6.2 LONG TERM STUDIES

- **Joint Corn Snake Radio Tracking and Drift Fence Study:** Commission, Herpetological Associates, and The College of New Jersey scientists completed the radio tracking of corn snakes for 2019 and telemetry data has been sent to The College of New Jersey scientists for analysis. One male corn snake continues to be active on the surface.



**Above:** A male corn snake basking near his den on December 26, 2019.

- **Kingsnake Study:** Twelve kingsnakes were radio tracked to 12 separate dens where they will spend the winter. A proposal has been submitted to the New Jersey Department of Environmental Protection to corral the kingsnake dens as well as several new corn snake dens discovered in 2019. The corrals provide a means to recover each snake upon spring emergence in case the transmitter battery fails before that time.

### 6.3 OTHER ITEMS OF INTEREST

- On three December nights, staff visited an excavated pond on state land to determine if tiger salamanders use the pond for breeding. No salamanders were found during the first visit and the pond was almost dry. After a warm rain, the pond was visited a second time and a single salamander was found. After more rain, the pond was surveyed a third time and 13 salamanders were observed. The excavated pond is heavily impacted by small and large off-road vehicles and will be placed on a list of ponds for increased protection through the installation of barriers.



**Above:** A male tiger salamander found at a breeding site on December 14, 2019.

## 7 COMMUNICATIONS

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### 7.1 COMMUNICATIONS & PUBLICATIONS

- **Website Activity:** The Pinelands Commission's website received a total of 4,306 page views in December 2019.
- **Inquiries/Correspondence:** The Communications Office received and responded to 85 inquiries from the public, including phone calls, e-mails, media inquiries and questions posed by visitors.

## 7.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **Pinelands Speaker Series:** The Commission hosted the third and last educational program in the latest round of the “Pinelands Speaker Series.” The presentation, “Head of the River Cemetery and the Methodists of Old Tuckahoe: A History in Stone,” was delivered by Tony McNichol, a Cultural Resource Planner with the Commission. Approximately 25 people attended the talk. The Commission will host a new round of educational presentations in April 2020.



**Above:** In December, the Commission hosted a presentation that delved into the history of the Head of the River Cemetery in Estell Manor.

- **Pinelands Short Course:** Staff finalized the lineup of presentations for the 31<sup>st</sup> annual event, which will be held at Stockton University on March 14, 2020. The event will feature 42 presentations that explore the history, ecology and culture of the Pinelands. Registration will be open by early January 2020.
- **Educational Program:** On December 19, 2020, staff guided a Pinelands Revolutionary War field trip for a New Jersey History class from Barnegat High School. Approximately 20 students attended.

## 8 BUSINESS OFFICE

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### 8.1 FINANCIAL MANAGEMENT

- Application Fees Net Total: \$ 22,514.93; Year to Date Total: \$ 191,491.80