



NEW JERSEY PINELANDS COMMISSION

MONTHLY MANAGEMENT REPORT



An immature, red-shouldered hawk taking flight in the Pinelands in March

MARCH 2023

1 EXECUTIVE OFFICE

1.1 EXECUTIVE DIRECTOR

1.1A COMMITTEE MEETINGS

- **Personnel & Budget (P&B) Committee:** The Committee met on March 21, 2023 and received several financial updates from the staff. The Committee voted to recommend Commission approval of a resolution to create a new bank account to receive on-line payments of application fees. The Committee also agreed to the deletion of certain fixed assets. Staff provided an update on employee actions and upcoming recruitment efforts. Finally, the Commission's consultants, Connolly & Hickey, made a presentation on the nearly completed Fenwick Manor Preservation Plan, focusing on recommended improvements and associated costs. The Committee voted to recommend Commission approval of a resolution to authorize submission of an application to the New Jersey Historic Trust for a matching Capital Grant to fund much of the recommended interior and exterior rehabilitation work.
- **Pinelands Climate Committee:** The Committee did not meet in March.
- **Policy & Implementation (P&I) Committee:** The Committee met on March 31, 2023 and received a presentation from the staff on Waterford Township Ordinances 2023-1 and 2023-2, both of which relate to the municipality's Haines Boulevard Redevelopment Plan. The Committee voted to recommend certification of the two ordinances by the full Commission. The Committee then discussed 2022 state legislation relating to impoundment, forfeiture and disposal of all-terrain vehicles found to be operating illegally on public streets or rights-of-way. The Committee indicated its support for the staff's preparation and distribution of model ordinances necessary to implement the legislation. The staff then provided updates on the Commission's recent Land Preservation Summit and Comprehensive Management Plan (CMP) amendment schedules and priorities.

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 March, 10 municipalities had submitted to the Commission adopted ordinances implementing the Pinelands stormwater management regulations. It is anticipated that a total of 21 municipalities will have adopted their implementing stormwater ordinances by the end of March, with another 18 municipalities scheduled to adopt in April. Staff will continue to do outreach with the remaining Pinelands municipalities that have not provided updates on the adoption status of the Pinelands model stormwater ordinance.
- **Water Management (Kirkwood-Cohansey):** The notice of substantial change upon adoption proposal was submitted to the Office of Administrative Law on March 3, 2023 for publication in the New Jersey Register on April 3, 2023. The substantial changes to the original rule proposed in September 2022 deal with nonconsumptive use of water by resource extraction operations. These changes were discussed with the P&I Committee in November 2022 and with the

Commission in January. A public hearing on the substantial changes to the proposed rule amendments is scheduled for May 3, 2023.

- **Black Run Watershed:** As part of the discussion of CMP amendment schedules and priorities at the March 31, 2023 P&I Committee meeting, staff provided a brief overview of the proposed Black Run watershed management area changes and pilot program. Staff will meet with Evesham Township representatives in early April to discuss the upcoming CMP amendments and the municipality's role in their implementation. A further update will be provided at the P&I Committee's April 28, 2023 meeting.

1.1C OPEN PUBLIC RECORDS ACT

- A total of 10 Open Public Records Act (OPRA) requests were received in March. Seven were provided responsive material, two were advised that a file review could be held and one will be responded to in April.

1.1D PINELANDS MUNICIPAL COUNCIL

- The Pinelands Municipal Council did not meet in March.

1.1E OTHER

- Staff held an orientation session for new Commissioners on March 10, 2023.

1.2 LEGAL AND LEGISLATIVE AFFAIRS

1.2A LEGISLATION

- **S3444/A5211 – Allows certain municipal water systems, under certain circumstances, to use lands preserved for recreation and conservation for drinking water wells and associated treatment equipment or facilities** - This bill would allow a municipally owned and operated water utility or authority to use a well for the supply of drinking water and certain associated water treatment equipment or facilities on lands acquired or developed for recreation or conservation purposes by a local government unit, without the additional use being deemed to constitute a disposal or diversion of those lands requiring certain approvals as well as compensation or reimbursement to the State under various laws and regulations implementing the Green Acres Program. This bill is intended to provide municipally owned water utilities or facilities with the ability to address exceedances of the "Safe Drinking Water Act" standards for certain contaminants, including perfluorooctanic acid detected in pre-existing wells located on such lands. The bill was reported out of the Assembly Environment and Solid Waste Committee and is on second reading in the Assembly. A floor amendment was passed in the Assembly to clarify that the bill applies to a pre-existing well utilized for drinking water and that the additional use of the land as authorized under the bill does not substantially impact the use of the lands for recreation and conservation purposes, including public access.

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 was sent to the County for execution on March 17, 2023.
- **Pemberton Township and the New Jersey Department of Environmental Protection:** Daniel Hornickel, Pemberton Township Administrator, and Carleton Montgomery, Executive Director, Pinelands Preservation Alliance, discussed a potential MOA with Chair Matos and Executive Director Grogan in early February. This proposed MOA, if approved by the Commission, would authorize a deviation from the wetland buffer standards of the CMP to permit improvements to an existing 0.65-mile trail along the perimeter of Pemberton Lake in order to make the trail accessible for individuals using wheelchairs and walkers. The trail is located on lands, a portion of which is owned by Pemberton Township and a portion of which is part of the New Jersey Department of Environmental Protection, Division of Fish and Wildlife's Pemberton Lake Wildlife Management Area. In accordance with the Commission's MOA process, Messrs. Hornickel and Montgomery made a presentation to the Commission's CMP Policy and Implementation Committee at its February 24th meeting. The Committee recommended that the proposal move forward to the next step in the process. The full Commission was briefed at its March 10, 2023 meeting and authorized staff to commence drafting an MOA.

1.2C OTHER

- **Outside Labor Counsel:** In preparation for collective bargaining negotiations with the Communication Workers of America, Local 1040, staff reviewed the New Jersey Division of Law's list of approved special labor counsel and distributed emails to eight firms requesting their interest in representing the Commission. After reviewing the responses, staff conducted interviews with three firms at the end of January. Staff identified a firm that it would like to retain but was subsequently advised that said firm was unable to represent the Commission because of a conflict involving another client. Staff interviewed an additional firm in early March but later learned this firm was unwilling to accept the fees that had been negotiated by the State in 2018. Subsequently, staff reached out to the Division of Law to determine whether a new Request For Quotes (RFQ) for outside labor counsel would be issued by the Division in the near term. Staff was advised that a new RFQ would not be issued for many months and that the Commission would need to either choose a firm from the existing list or seek approval from the Governor's Office to use a different firm. Staff intends to reach out to one of the other firms that it interviewed to determine whether it is still interested in representing the Commission in its collective bargaining negotiations.

1.3 HUMAN RESOURCES

- **Recruitment:** Recruitment continued for the Information Specialist 3 and Environmental Technologies Coordinator vacancies. The chosen candidate for the Research Scientist position accepted and will start April 10, 2023.
- **Training/Meetings:** Virtual training for Human Resources (HR) staff was completed. Some topics included Social Security for retirees and The Discipline Process. Staff also attended the NJ agency training coordinator meeting.
- **Employee Recognition Program:** A plan to recognize staff when they achieve certain milestones with the Commission (e.g., 10 years, 20 years, 30 years, 40 years) is nearing completion and will be implemented in June.

2 INTERAGENCY COORDINATION

- **Interagency Council on Climate Change (IAC):** Staff began writing the rough draft of issues and action items to be included in the Commission’s Extreme Heat Resilience Action Plan.
- **Natural and Working Lands Strategy Webinars:** Staff attended online stakeholder meetings led by NJDEP in March. The purpose of these sessions was to obtain input from stakeholders on drafted strategies to increase carbon sequestration under four overarching land use groups: forestry, developed lands, agricultural lands, and wetlands.
- **NJDEP Watershed Restoration Planning Tools:** The NJDEP and Rutgers are collaborating to develop an online tool to help with evaluating water quality and related issues. It is envisioned that the tool will be similar to NJFloodMapper. A visioning meeting was held online and staff provided input on water quality issues and information that would be useful in such an online tool.

3 PLANNING

3.1 CONFORMANCE ACTIVITY

| | Monthly Total | Calendar Year to Date |
|---|---------------|-----------------------|
| Master Plans/Ordinances Received | | |
| Adopted | 13 | 31 |
| Drafted or Introduced | 17 | 31 |
| Total ¹ | 28 | 46 |

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).

| | | |
|---|----|----|
| | | |
| Substantial Issue Finding ² | 1 | 3 |
| No Substantial Issue Finding | 10 | 24 |
| No Issue Finding | 3 | 4 |
| Total | 14 | 31 |
| Finding Letters Issued³ | 7 | 18 |

3.2 CULTURAL RESOURCE ACTIVITY

| Activity | Monthly Total | Calendar Year to Date |
|--|---------------|-----------------------|
| Applications Reviewed | 11 | 30 |
| Surveys Required | 4 | 8 |
| Surveys Reviewed | 1 | 3 |
| Certificates of Appropriateness Required | 0 | 0 |

Notable Activity:

Preservation Plan: In March, Connolly and Hickey Historical Architects provided portions of the Fenwick Manor Preservation Plan for the staff’s review. Connolly and Hickey then made a presentation at the Personnel & Budget Committee meeting on March 21, 2023. Rehabilitation recommendations outlined in the plan include both internal and external repairs to ensure the building’s stability, long-term preservation, and maintenance. The recommendations made in the Preservation Plan are being used to complete a 2023 New Jersey Historic Trust Capital Grant application, which is due in mid-April. Staff secured the owners assurances forms required by the grant application from the Department of Treasury in late March and began soliciting letters of support from various individuals and organizations.

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.

3.3 PINELANDS DEVELOPMENT CREDIT (PDC) PROGRAM

| Activity | Monthly Total | Calendar Year to Date |
|-------------------------------|---------------|-----------------------|
| PDCs Allocated | 0 | 16.75 |
| PDCs Severed | 0 | 0 |
| Acres Protected | 0 | 0 |
| PDCs Extinguished | 0 | 0 |
| Acres Protected | 0 | 0 |
| PDCs Sold | 0.25 | 0.50 |
| Average Sales Price per PDC | \$72,000 | \$66,000 |
| Average Sales Price per right | \$18,000 | \$16,500 |
| PDCs Redeemed | 0 | 7.75 |

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(s) to review an anticipated submission of a new or amended comprehensive plan for local communications facilities. One bid and two “no bids” were submitted by the March 31, 2023 closing date. Staff anticipates completing its evaluation of the submitted bid in early April.
- Land Preservation Summit:** The Commission hosted an in-person conference of land preservation partners in early March. Commission Chair Matos welcomed attendees and ED Grogan laid out the goals for the day. Presentations by NJDEP Green Acres staff, Ocean County staff, and New Jersey Conservation Foundation staff described the objectives of each entity’s land preservation program, plus the successes and challenges to achieving those objectives. Nineteen different organizations were represented and participated in roundtable discussions about the topics of climate change impacts, stewardship, partnership, and economy of open space issues. Participants expressed appreciation for the conference. Staff gained insights into ways of improving participation in the Pinelands Conservation Fund land acquisition grant offerings.
- Pleasantdale Farms:** This farm in Hammonton was preserved with joint funding by the State Agricultural Development Committee (SADC) and by the Pinelands Commission. The SADC has been attempting to resolve a violation of the SADC easement for farmland preservation. The violation resulted from selling an existing single-family dwelling with a five-acre lot to an owner separate from the farm. The entire parcel preserved must remain in common ownership under the SADC easement. In March, the SADC passed a resolution to refer the negotiations to the Deputy Attorney General office. Although this violation of the SADC easement is not a Pinelands requirement, staff monitors the status of the negotiations to support the SADC and to ensure

that Pinelands terms for land preservation are not jeopardized.

- **Winslow Township Water Use Monitoring:** In March, the Township submitted its annual report on water use pursuant to the terms of its amended Memorandum of Understanding (MOU) with the Commission. Staff has begun reviewing the report for consistency with the MOU.

4 REGULATORY PROGRAMS

4.1 APPLICATION ACTIVITY

| Activity | Monthly Total | Calendar Year to Date |
|-----------------------------------|---------------|-----------------------|
| Pre-Application Conferences | 2 | 14 |
| Certificates of Filing | 15 | 49 |
| Public Development Reports | 2 | 7 |
| Forestry Certificates of Filing | 0 | 1 |
| PDC Letters of Interpretation | 0 | 7 |
| Non-PDC Letters of Interpretation | 1 | 1 |
| MOA Consistency Determinations | 5 | 6 |
| Review of Agency Determinations | 55 | 161 |

4.2 NOTABLE APPLICATIONS

- **Residential Development, Jackson Township (Applicant: Yerek Jackson 46, App. No. 1987-1188.002):** This application proposes 46 dwelling units on a 26.27-acre parcel in the 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 Pinelands Development Credits (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 of the current zoning requirement that requires the purchase of PDCs. That information is currently under review.

- **Commission Letter of Interpretation, Buena Vista Township and Borough of Folsom (Applicant: Amkam Adar, App. No. 1986-1221.007):** On March 16, 2023, the Commission staff issued a Letter of Interpretation (LOI) determining the extent of a 38.8-acre parcel that could be used for the processing and storage of vehicles associated with an online automotive auction consistent with the CMP wetlands protection and threatened and endangered (T&E) plant and animal standards. There is an existing concrete pipe manufacturing facility on the parcel. The applicant proposes the storage of approximately 1,830 vehicles on the parcel. The LOI concluded that the storage of vehicles within existing developed portions of the parcel, including cleared and disturbed areas would be consistent with the CMP wetlands protection and the T&E plant and animal standards. The LOI noted that the submitted Conceptual Layout Plan proposed processing and storage of vehicles associated with the online automotive auction use in an approximately one-acre forested area at the southern end of the parcel and an additional approximately one-acre forested area along the southern perimeter of the parcel. It has not been demonstrated that the proposed processing and storage of vehicles in these two areas is consistent with the CMP wetland protection and the T&E plant and animal species protection standards.
- **Cannabis Processing Facility, Winslow Township (Applicant: RGC2, App. No. 1989-0707.004):** On August 10, 2021, the Commission staff issued a Certificate of Filing for a proposed 215,000 square foot addition to an existing 36,700 square foot office/warehouse building in the Rural Development Area. The existing and proposed development was proposed to be serviced by an onsite septic system(s). The Certificate of Filing noted that the proposed development was inconsistent with stormwater management standards. Upon receipt of Township site plan approval, the Commission staff issued a letter scheduling the application for a Commission staff public hearing. The public hearing was necessitated because the proposed development was inconsistent with the stormwater management standard and the groundwater quality (septic dilution) standard. Thereafter, the applicant addressed the stormwater management standard and eliminated the proposed 215,000 square foot addition thereby resolving the groundwater quality (septic dilution) standard. On March 3, 2023, the Commission staff issued a letter indicating that an amended Township site plan approval for use of just the existing 36,700 square foot building for cannabis processing and certain site improvements could take effect.

- New Egypt Speedway, Plumsted Township (Applicant: New Egypt Raceway, Inc, App. No. 1985-0035.012):** On February 23, 2022, the staff received a meeting request from the Township to discuss whether certain development that occurred on the Speedway parcel requires application to the Commission. Two commercial uses not associated with the Speedway have been established on the parcel. In preparation for the meeting, the staff provided Township officials with a copy of a prior Commission letter regarding development activities on the parcel. The staff also provided the Township with aerial photography depicting the historic and current uses and development on the parcel. On March 16, 2022, the Commission staff met with representatives of Plumsted Township and the Ocean County Soil Conservation District to discuss the matter. By letter dated March 24, 2022, the staff sent a letter to the property owner indicating that development had occurred on the parcel without application to, and approval by, Plumsted Township and the Pinelands Commission. The letter asked for the Township's assistance in issuing all appropriate violation notices and municipal court summonses. As of March 2023, the applicant is pursuing multiple required use variances with the Township. By letter dated March 7, 2023, the Commission staff reminded the applicant of the necessity of completing an application with the Commission for the proposed development. On March 16, 2023, the Commission staff met with applicant to further discuss the proposed development.
- Residential/Commercial Development, Manchester Township (Applicant: AASTMA Stavola, App. No. 1981-1470.008 & App. No. 1981-1470.009):** The Commission staff 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's Regional Growth Area. 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. By letter dated February 14, 2023, the applicant expressed concerns with undertaking further T&E species survey work. In lieu of additional T&E survey work, the applicant and the Commission staff are discussing the possible relocation of an existing road (Freemont Avenue) that separates known critical habitat areas on the 225-acre parcel from a larger population of the concerned animal species that are located north of Fremont Avenue.

- **657 Residential Dwelling Units, Egg Harbor Township (Applicant: Horton Homes, 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 in the Township's Regional Growth Area. 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, and 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 also cites the New Jersey Permit Extension Act. At the time of the final municipal subdivision approval in 2007, the proposed residential development was located in the Township's RG-5 zoning district. At that time, the residential density of the proposed development did not trigger the need for the 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. On March 21, 2023, the Commission staff met with the applicant and their representatives to further discuss the PDC and stormwater management issues raised by the application. The Commission staff continues to discuss with the applicant the need for the proposed development to purchase PDCs and address the January 2022 CMP stormwater management amendments.
- **Cannabis Processing Facility, Hamilton Township (Applicant: Paul and Caroline Giblin, App. No 1987-0444.005):** On March 8, 2023, an application was initiated for a 43,500 square foot cannabis processing building in an industrial zone in a Regional Growth Area. The application is under review.
- **School Bus Parking and Driveway, Buena Vista Township (Applicant: Buena Regional Board of Education, App. No 1991-1291.002):** This application proposes a parking area for 10 school buses and a circular driveway at the Milanese Elementary School. The applicant and the Commission staff have been working to address a wetlands buffer issue associated with the proposed development. The CMP allows for driveway improvements in the required buffer to wetlands provided certain conditions are met. One of those conditions is if an applicant demonstrates that the need for development overrides the importance of protecting the wetlands. The applicant has represented that the lack of a school bus parking area and driveway

is endangering public safety. The application is scheduled for final public comment at the Commission's April 14, 2023 monthly meeting.

- **Cannabis Processing Facility, Hamilton Township (Applicant: Ryan Atkinson, Atkinson Law, App. No. 1985-0522.022):** On March 15, 2023, an application was initiated for a 35,000 square foot cannabis processing building and a 150,000 square foot cannabis processing building on the same parcel. The parcel is located in the Township's industrial business park in a Regional Growth Area. That application is currently under review.
- **Cannabis Processing Facility, Bass River Township (Applicant: Joseph Mauro, App. No. 2022-0133.001):** On March 20, 2023, an application was initiated to use an existing 1,920 square foot building for cannabis processing and construct a proposed 1,000 square foot cannabis processing building in the Pinelands Village of New Gretna. That application is currently under review.
- **Cannabis Processing Facility, Galloway Township (Applicant: RGC2, App. No. 1985-0666.020):** On March 17, 2023, the Commission staff issued a Certificate of Filing for the development of a 205,000 square cannabis processing building in a Regional Growth Area.
- **Capping of the Whiting Landfill, Manchester Township (Applicant: Manchester Township, App. No 1981-2232.001):** An application has been filed with the Commission proposing soil capping of the Township's landfill. 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. Based upon submitted information, the Commission staff agrees that the proposed soil capping of the landfill will address any ecological risk that may be associated with the landfill. The applicant completed a T&E species survey that documented the presence of a threatened animal species on the parcel. The Commission staff is currently completing its review of the T&E species survey. Preliminary discussions have occurred with the Township regarding the proposed development of an 11.4-acre solar energy facility on the landfill.
- **Municipal Land Development Violations, South Toms River Borough (Applicant: South Toms River Borough, App. No. 2005-0232.006):** By letter dated February 3, 2023, the Commission staff advised the Borough of the information required to complete an application for certain development, including a building addition and a parking lot expansion, that had occurred without application to the Commission on a 42.15-acre parcel. The Borough's uncapped municipal landfill is located on the same 42.15-acre parcel. The required information was submitted, and the application will be considered by the Commission at its April 14, 2023 monthly meeting.
- **Residential Development/Forest Fire Fuel Break, Barnegat Township (Applicant: Barnegat Township, App. No. 1995-1772.001):** The Township wrote to the Commission regarding an existing 200-foot perimeter forest fire fuel break located on a residentially developed 116-acre parcel in a Regional Growth Area. An application for the development of 247 single family

dwelling on the parcel was previously approved by the Commission. Both the Township land use ordinance and the CMP require that all residential development of 100 or more dwelling units in high or extreme high forest fire hazard areas to have a 200-foot perimeter forest fire fuel break between all structures and the “forest.” The Township requested a meeting with the Commission staff to discuss the potential to lift portions of the 200-foot perimeter forest fire fuel break easement. When the residential development was approved in 2006 and 2008, there was undeveloped “forest” to the north, west and south of the parcel. During the intervening years, some of that “forest” has been cleared and developed consistent with the CMP. By letter dated March 3, 2023, the Commission staff advised the Township that to the extent the Township concludes that areas surrounding the 116-acre parcel no longer constitute a “forest,” the Township can determine that the concerned area(s) no longer require a 200 foot perimeter forest fire fuel break. By letter dated March 6, 2023, the Township Attorney advised that the Township Planning or Zoning Board would be reviewing the matter.

- **Commercial Development, Winslow Township (Applicant: Quad Partners, App. No. 2001-0354.002):** An application was completed with the Commission for the proposed construction of a 280,800 square foot commercial building on a 24.79-acre parcel. The Certificate of Filing for the proposed development indicated that the proposed 60-foot height of the building was inconsistent with the 35 foot height limitation for a building in a Pinelands Village. The CMP requires that the character and magnitude of development in a Pinelands Village be compatible with existing uses and structure in the Village. The proposed development is located in the Township’s Village Industrial-2 zoning district. In response to a Winslow Township Zoning Board of Adjustment approval for the proposed development, the Commission staff advised that the proposed development raised a substantial issue with the maximum height standard of the Township land use ordinance and the CMP and scheduled a Commission staff public hearing to review the issue. The CMP provides that in a Pinelands Village, no building (structure) shall exceed a height of 35 feet from grade. Based upon a review of the information submitted by the applicant, the height of the proposed building, when viewed from the existing grade on adjacent Route 73, will be 45 feet.
- **Landfill Soil Cap, Berkeley Township (Applicant: Berkeley Township, c/o Eagle Solar I and Eagle Solar II, App. No. 1986-0127.001):** At a special meeting of the Commission held on January 27, 2023, the application for the proposed soil capping of the landfill was approved. By letter dated March 6, 2023, the NJDEP approved the proposed soil capping of the existing landfill.
- **Multiple Land Development Violations, Berkeley Township (Applicant: Berkeley Township, App. No. 1986-0127.012):** Since 2013, the Commission staff has been writing to the Township regarding multiple land development violations on the same parcel as the Township’s uncapped landfill where a solar energy facility is proposed to developed. The parcel also contains the municipal complex and associated Township public works facilities. On January 13, 2023, the Commission staff issued a letter to the Township indicating that the entire municipal complex parcel is located in the Township’s Municipal County Facilities zoning district (Pinelands Forest Area and Pinelands Preservation Area District). In this zoning district, the municipal complex is limited to a 50% expansion of the floor area, the area of the municipal complex or the capacity

of the municipal complex, whichever is applicable on January 14, 1981. The Commission staff letter indicated that any development that has occurred on the parcel since 1981 that would be located outside of the area that qualifies for a 50% expansion must be removed from the parcel. A meeting was held on February 6, 2023 to discuss the matter. Based upon the guidance provided at that meeting by the Commission staff, the applicant made six submissions of information addressing the 50% expansion provision during February of 2023. In late February, the applicant and the Commission staff reached agreement regarding the area of the municipal complex that existed on January 14, 1981. The applicant is finalizing the development plan to resolve the multiple land development violations for submission to the Commission. It is anticipated that the application will be subject to final public comment at the May 2023 Commission monthly meeting and voted on at the June 9, 2023 Commission monthly meeting.

- **Single Family Dwelling, Mullica Township (Applicant Name: Frank and Judith Vogal, App. No. 2021-0008.002):** This application is for a Waiver of Strict Compliance to build a single-family dwelling on a 10.15-acre parcel in the Pinelands Village of Sweetwater. The CMP requires that all land in common ownership as of January 14, 1981 be included in a Waiver application. The CMP also provides that no application to the Commission is required for the division of lands by testamentary (will) provisions. The 16-acre parcel was owned by Raymond P. Brown, Sr. on January 14, 1981. The applicant's attorney advised that the then owner passed away on October 6, 1997. The applicant's attorney further indicated that the individual lots comprising the 16 acre parcel were specifically identified and described in a pre-January 14, 1981 Last Will and Testament as being bequeathed to certain individuals. Based upon those facts, the applicant's attorney argues that the 10.15-acre parcel subject of the Waiver application was not in common ownership with the other lands that comprise the 16-acre parcel on or after January 14, 1981. Ownership of the lots subject to the Last Will and Testament was transferred to the identified individuals by deeds recorded on May 8, 2000. By letter dated January 26, 2023, the Commission staff indicated that the 10.15-acre parcel subject of the Waiver application was in common ownership with the balance of the approximately 16-acre parcel. By letter dated February 8, 2023, the applicant's attorney responded to the Commission staff letter with a legal analysis distinguishing between legal ownership of land and beneficial/equitable ownership of land. By letter dated March 20, 2023, the Commission staff advised that it was not in agreement with the submitted legal analysis and continued to believe that the concerned lands were in common ownership on and after January 14, 1981. The applicant reserves the right to complete the Waiver application with the Commission. If, upon completion of the Waiver application, the applicant disagrees with the recommendation of the Commission staff to the Commission, the applicant can request a hearing before the New Jersey Office of Administrative Law.
- **Landfill Capping, Borough of Woodbine (Applicant: Borough of Woodbine, App. No. 1986-0257.003):** An application was filed with the Commission for the soil capping of the Borough's landfill. 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. On March 24, 2023, the applicant was advised that the Commission staff agreed with the submitted information demonstrating that the proposed soil capping will address any

ecological risk that may be associated with the landfill. The application will be subject to final public comment at the Commission's April 14, 2023 monthly meeting.

4.3 OFF-ROAD VEHICLE EVENT APPROVALS

- **Application # 1988-0071.042**
South Jersey Enduro Riders, Inc.
Approval Issued: 3/1/2023
Event Name: Curly Fern Enduro
Event Date: March 19, 2023
Municipality: Shamong Township, Washington Township
Lands Utilized: Wharton State Forest
Route Length: 84 miles
- **Application # 1988-0757.070**
Tri-County Sportsmen Motorcycle Club, Inc.
Approval Issued: 3/7/2023
Event Name: Greenbrier Enduro
Event Date: March 12, 2023
Municipality: Dennis Township, Maurice River Township
Lands Utilized: Belleplain State Forest, US Silica
Route Length: 48 miles
- **Application # 1987-1127.047**
Meteor Motorcycle Club
Approval Issued: 3/16/2023
Event Name: Sandy Lane Enduro
Event Date: March 26, 2023
Municipality: Bass River Township, Washington Township, Woodland Township
Lands Utilized: Wharton, Penn & Bass River State Forests
Route Length: 77 miles
- **Application # 1988-0272.037**
Central Jersey Competition Riders
Approval Issued: 3/21/2023
Event Name: Pine Hill Enduro
Event Date: April 2, 2023
Municipality: Manchester Township, Pemberton Township, Woodland Township
Lands Utilized: Brendan T. Byrne State Forest
Route Length: 75 miles

5 SCIENCE

5.1 ENVIRONMENTAL MONITORING

- **Water Level Monitoring:** In March, 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. Staff also downloaded water level data from data loggers that are installed in seven ponds.
- **Rare Snake Monitoring:** In March, Science staff continued to check radio-tracked pine snakes, corn snakes, and hognose snakes to determine if any snakes had emerged from hibernation. Data for all snake captures from 2022 have been entered and are in the process of being proofed. The NJDEP approved a request to build corrals around new snake dens found on state land in 2022 and Science and Communications staff built the corrals. Several corn snakes, pine snakes, king snakes, and black racers emerged from hibernation in March and were captured to weigh, measure, swab for the presence of adenovirus, and assess for possible snake fungal disease. Snakes were released back into their den corrals because of the cold weather. When they emerge again in April, snakes will be released outside their corrals.

5.2 LONG TERM STUDIES

- **King Snake Study:** In March, staff checked on the 22 radio-tracked king snakes in their winter dens. One king snake had left its den and moved to another nearby location. Data collected during the radio tracking of king snakes in 2019-2022 have been entered but not yet proofed.

- **Joint Corn Snake Study:** Science staff completed entering the 2022 capture data associated with the drift fence array. Data analysis will begin after the data is proofed. Staff also continued to re-distribute the artificial cover previously associated with the drift fence to other areas of study.

- **Box Turtle Study:** In March, staff sent the draft box turtle agreement to the NJDEP for review. Science staff partly exposed the 36 radio tracked box turtles in their overwintering locations to measure the thickness of the leaf litter, thickness of the partially decomposed organic layer, depth to the sand, and depth of the hibernating turtles. Radio-tracked turtles spent the winter several inches below the surface within the moist organic layer at or near the sand layer.



Above: An Eastern box turtle in a pitch pine lowland forest exposed during hibernation to measure the litter depth, thickness of the soil layers, and the depth of the turtle.

- **Snake Fungal Disease Monitoring:** Science staff assisted Rutgers University and Herpetological Associates researchers with the excavation of a series of pine snake hibernacula. The annual excavations are part of a long-term pine snake population monitoring program. Pine snakes, black racers, and timber rattlesnakes were found in the dens. All snakes except for rattlesnakes were swabbed for snake fungal disease and adenoviruses, observed for strike behavior, weighed and measured, and released back into their rebuilt hibernacula.
- **Adenovirus Study:** In collaboration with Rutgers University researchers, Science staff continued to collect swab samples for adenovirus from snakes.

6 COMMUNICATIONS

6.1 COMMUNICATIONS & PUBLICATIONS

- **Inquiries/Correspondence:** The Communications Office received and responded to 63 inquiries from the public in March, including phone calls, e-mails, and media inquiries.
- **Website:** Commission staff made routine edits to the website throughout March and drafted a new Cultural Resources webpage that will be launched in April.
- **Annual Report:** The Commission adopted the agency's 30-page 2022 Annual Report on March 10, 2023. The report has been posted on the Commission's website and was promoted on social media.
- **Social Media Enhancements:** In February, staff shared 135 photos and 21 videos on the Commission's Instagram site and 68 tweets on Twitter.



Above: The Commission shared 135 photos on Instagram in March, including this photo of a chickadee at Whitesbog.

6.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **Pinelands Short Course:** More than 430 people attended the 34th annual event on March 11, 2023. The event was held at Stockton University's main campus in Galloway Township, and it featured 28 presentations, including 21 new programs. Ninety-eight percent of the event evaluation respondents rated the event as either excellent or great.



Above: Otis the Box Turtle was one of the star attractions at the Pinelands Short Course and wowed attendees with his inquisitive personality.

Staff is finalizing the lineup of presentations for the Pinelands Summer Short Course, which will be held at Kramer Hall in Hammonton on June 23, 2023.

- **Education Programs:** Staff is planning several Pinelands Speaker Series presentations that will be delivered at the Commission's headquarters this summer. A Communications Office staff member delivered educational presentations on March 21 and March 29, 2023.
- **Science Office Assistance:** A member of the Communications Office helped the Science Office with snake corrals on March 1 and 6 and measured water levels and ponds and wells on March 8 and 9, 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 bug fixes. Enhancements were made to the internal fee and refund report. Staff implemented changes to several PCIS document templates and is testing improved email address filtering.
- **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 is coordinating with NJCCIC staff to install ZScaler monitoring software in the Pinelands environment. Staff is concurrently working with OIT to pilot a new hashing scheme for

Microsoft Active Directory.

- **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 is working to enhance this log by adding new search capabilities, simpler references to applications, and digitizing older paper records. Links were added to a large number of newly digitized documents.
- **Ad Hoc Reporting:** Staff assist the Pinelands Commission by generating reports to provide insight into relevant topics of interest. In March, staff ran four reports for the Regulatory Programs office. These reports were a summary of public development applications that were active, meaning they had an incoming or outgoing interaction with the applicant or representative, a list of public development applications that were approved, a summary of total incoming paper mail by month, and a summary of incoming electronic mail by month.
- **Technology Enhancements:** Staff members continually evaluate emerging technologies for how they can impact or enhance the office environment. Staff worked with the New Jersey Office of Information Technology to configure and deploy Teams Voice software to all staff. Teams Voice is being leveraged as a solution for remote and field staff to stay connected with applicants and the public as an improvement over landline and cell phones. Each employee now has a single, unified number no matter where they are. Staff privacy is ensured as they can use this while at home or at meetings or site visits.
- **On-Line Payment of Application Fees:** After establishment of a new, separate bank account to accept on-line application fee payments, staff will work with Edmunds GovTech to complete this project. Edmunds will provide a Go Live date and staff will make the necessary updates to the Commission's website to notify the public that on-line payments will be accepted. Staff anticipates launching on-line payment capabilities by the end of the fiscal year.

8 BUSINESS OFFICE

8.1 FINANCIAL MANAGEMENT

- **Application Fees:** March 2023, Net Total: \$137,262.00 Fiscal Year to Date Total: \$907,581.38. This represents 139.63% of the anticipated budget total for Fiscal Year 2023.
- An RFQ for two new electric or hybrid field vehicles was drafted for posting in early April.