



NEW JERSEY PINELANDS COMMISSION

MONTHLY MANAGEMENT REPORT



A serene scene from a kayak trip on the Mullica River in the New Jersey Pinelands in August

AUGUST 2023

1 EXECUTIVE OFFICE

1.1 EXECUTIVE DIRECTOR

1.1A COMMITTEE MEETINGS

- **Personnel & Budget (P&B) Committee:** The Committee met on August 29, 2023 and received various financial updates from the staff. The Committee approved the deletion of a long list of fixed assets. The Executive Director made a presentation on the Commission's draft Fiscal Year 2024 (FY24) budgets and initiatives, after which the Committee voted to recommend adoption of the budgets by the full Commission.
- **Pinelands Climate Committee:** The Committee did not meet in August.
- **Policy & Implementation (P&I) Committee:** During its meeting on August 25, 2023, the Committee reviewed Bass River Township's 2022 Master Plan Reexamination Report and Ordinance 2023-2, discussed the staff's recommendation for certification, and voted to recommend the matter to the full Commission for approval. The Committee also recommended Commission approval of a resolution to grant an additional extension to Atlantic County to facilitate completion of the County's land preservation obligations under the Secondary Impacts Agreement related to Garden State Parkway Interchange 44. Staff made a presentation on the Kirkwood-Cohansey water management rulemaking process, after which the Committee voted to recommend Commission adoption of the CMP amendments. Finally, the Executive Director made a presentation on Fiscal Year 2023 accomplishments and a proposed Committee work plan for FY24.

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 August, 43 municipalities had submitted to the Commission adopted ordinances that implement the Pinelands stormwater management regulations. Staff anticipates an additional four ordinances will be adopted in the month of September. Staff will continue to do outreach with the remaining Pinelands municipalities that have not adopted the Pinelands model stormwater ordinance.
- **Water Management (Kirkwood-Cohansey):** Approval from the Governor's office to move forward with adoption of the Kirkwood-Cohansey CMP amendments was received on August 9, 2023. The draft adoption notice and all comments received during the public comment period were shared and discussed with the P&I Committee on August 25, 2023. The Committee recommended adoption of the amendments by the full Commission at its September 8, 2023 meeting.

1.1C OPEN PUBLIC RECORDS ACT

- A total of seven Open Public Records Act (OPRA) requests were received in August. Three were provided responsive material, one request was advised it was too broad and one was advised they could do a file review, two will be responded to in September and three were advised to schedule a file review.

1.1D PINELANDS MUNICIPAL COUNCIL

- The Pinelands Municipal Council did not meet in August.

1.1E OTHER

- Commissioner Ed Lloyd passed away on August 5, 2023. Commissioner Lohbauer spoke at his memorial service, which was held on August 16, 2023 in Princeton and attended by current and former Commissioners and staff. Information on potential charitable donations in memory of Ed will be provided upon receipt. The Commission adopted a resolution honoring Ed at its August 14, 2023 meeting.

1.2 LEGAL AND LEGISLATIVE AFFAIRS

1.2A LEGISLATION

The Legislature is currently on summer recess.

1.2B INTERGOVERNMENTAL AGREEMENTS

- **Pemberton Township and the NJDEP:** Commission staff continues to work with Pemberton Township and its consultant, the Pinelands Preservation Alliance (PPA), regarding stormwater management and application requirements for the proposed trail project. PPA contacted the Regulatory Programs Office for clarification regarding the applicability of CMP stormwater management rules to the accessibility trail project. Staff advised PPA that the increase in the rate of runoff needed to be addressed. 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. PPA has submitted information to NJDEP's Office of Transactions and Public Land Administration to initiate that review process. Discussions continued between Commission staff and PPA as to the application information that needs to be submitted so that development of a Memorandum of Agreement for the trial project may move forward. Additionally, staff has had a number of discussions with NJDEP as to the status of its review of PPA's application to use land within the Pemberton Lake Wildlife Management Area as part of the trail project and also to confirm the Department's application requirements so that the information requests to the applicant are consistent. PPA submitted stormwater calculations to the Commission in July.

- **Stafford Township:** This proposed memorandum of agreement (MOA) would authorize a deviation from CMP wetlands buffer standards to accommodate paving of an existing trail around Forecastle Lake for accessibility purposes. The Township delivered a presentation at the Commission’s July 14, 2023 meeting regarding the project and the need for a deviation MOA. Following the presentation, the Commission authorized the staff to begin working with Stafford Township to develop the draft MOA. Commission staff provided Stafford Township with the information that it would need to move the MOA process forward. Stafford is in the process of developing site plans and performing a wetlands delineation to determine the extent of wetlands buffer impacts attributable to the proposed trail project.
- **South Jersey Transportation Authority (SJTA):** The SJTA continues to make progress regarding the creation of the new Grassland Conservation and Management Area (GCMA) in Hamilton Township, Atlantic County, as required by the 2019 Amendment to its MOA with the Commission regarding the Atlantic City International Airport. As of the end of July, SJTA has received the required permits from NJDEP (a Flood Hazard Area Individual Permit and Flood Hazard Area Verification and a Conditional Approval from the NJDEP Division of Forestry for No Net Loss Reforestation Act). On August 16, 2023, the Commission staff issued a Freshwater Wetlands General Permit for the project. SJTA’s Board also awarded the contract for the construction of the GCMA in July. Now that the permitting is completed and a contractor retained, SJTA anticipates that construction will commence in September. Staff has also been working with Atlantic County to finalize the language of the Deed of Conservation Restriction (DCR) for the new GCMA property. In accordance with the last deadline extension approved by the Commission, the DCR was to be filed in April 2023. Filing of the DCR has been delayed because of on-going negotiations with Atlantic City Electric regarding applicability of the DCR to its easement on the property and the development of language to address same. Another extension of this deadline will therefore be necessary.
- **Atlantic County Lake Lenape Park:** In March, Atlantic County submitted its request to NJDEP to amend the Deed of Conservation Restriction (DCR) for Lake Lenape as required by the Amended Memorandum of Agreement that was approved by the Commission on February 10, 2023. Since that time, the County has continued to work with staff from NJDEP’s Office of Transactions and Public Lands Administration to move through the Department’s process the amend the DCR and release the restrictions on the portion of the lake proximate to the boathouse on the Western Lakeshore so that it may move forward with its dock project. The County submitted a public development application for its dock project to the Commission at the end of June.
- **Stockton University Deed of Conservation Restriction (DCR):** At the end of June, Stockton University submitted its request to NJDEP to amend the boundaries of the DCR on its Galloway campus in order to recognize areas of existing infrastructure and provide for future improvements. The current DCR, largely encompassing wetlands, buffers and other constrained lands not slated for development, was imposed as part of the Commission’s approval of the University’s 2010 Facilities Master Plan. Stockton continues to work with NJDEP, Office of Transactions and Public Lands Administration regarding its request. The University has also submitted information and is working with Commission staff to complete applications to resolve various violations on the campus, some of which came to light when it was determined that the DCR includes the areas where existing infrastructure is located.

1.3 HUMAN RESOURCES

- **Evaluations:** The 2022-2023 Final Evaluations were due to Human Resources. Objectives for the 2023-24 year were also due.
- **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.

2 INTERAGENCY COORDINATION

- **Interagency Council on Climate Change (IAC):** The monthly meeting of the Senior Staff representing all agencies on the Council was held on August 8, 2023. NJDEP staff provided a revised schedule for completion of the Extreme Heat Resilience Action Plan by spring 2024. The new schedule includes enhanced efforts to engage and survey the needs of extreme heat-impacted populations; a consultant will be engaged to assist with this part of the project. Finally, ways to recognize the upcoming two-year anniversary of the IAC's release of the state's Climate Change Resilience Strategy were discussed. All agencies have been asked to draft descriptions of recent actions taken related to the Climate Change Resilience Strategy so that a document highlighting the collective accomplishments of IAC members can be released.
- **New Jersey Highlands Council:** Commission staff met with the Highlands Council Executive Director and staff and the Executive Director of the Highlands Coalition on August 15, 2023. The meeting was organized by Pinelands Preservation Alliance Assistant Executive Director Jaclyn Rhoads, who was joined by several other PPA staff members. Discussion topics included affordable housing, stormwater management grant funding, municipal resiliency plans, forestry and warehouses, as well as future webinars, training and communication efforts.
- **NJDEP Stormwater Management and Flood Hazard Control Act Rule Amendments –** The NJDEP's amendments to its Stormwater Management and Flood Hazard Control Act rules were adopted by Commissioner LaTourette on June 2, 2023 and published in the July 17, 2023 New Jersey Register (55 N.J.R. 1385(a)). The rules ensure the use of current precipitation data and reliable climate science to aid New Jersey communities in better preparing to confront climate change-induced increases in the intensity of precipitation events and the resulting effects of additional stormwater runoff. These rule amendments went into effect on July 17, 2023. The Amendments to the Stormwater Management rules at N.J.A.C. 7:8-4.6, 5 and 6 were incorporated by reference upon adoption into the stormwater management standards of the Pinelands CMP at 7:50-6.84(a)6. Pinelands municipalities will need to amend their ordinances to incorporate these rule amendments. Staff is in the process of reviewing the amended rules, including various grandfathering provisions, in order to develop a schedule for their implementation in the Pinelands Area.
- **New Jersey Board of Public Utilities (NJBPU), Clean Energy Program – Dual-Use Solar Energy Program –** The NJBPU is in the process of developing a Dual-Use Solar Energy Program, in accordance with P.L. 2021, c. 170. This Dual-Use Solar program would permit the installation of agrivoltaics on unpreserved farmland. The Act calls for the creation of a Pilot Program to inform

the development of a permanent program. NJBPU staff made a presentation to the Climate Committee in July. The Executive Director met with NJBPU staff on August 29, 2023 to discuss a variety of matters, including the NJBPU’s community solar pilot program, permanent community solar program, competitive solar program and upcoming dual use solar pilot program. The Executive Director provided an overview of Pinelands standards and application procedures and suggested ways in which Commission staff could assist the NJBPU with its review of solar applications in the Pinelands Area and help to inform their upcoming dual use solar pilot program straw proposal.

3 PLANNING

3.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
Master Plans/Ordinances Received		
Adopted	7	105
Drafted or Introduced	2	56
Total ¹	6	111
Substantial Issue Finding ²	0	6
No Substantial Issue Finding	1	87
No Issue Finding	1	19
Total	2	112
Finding Letters Issued³	2	85

3.2 CULTURAL RESOURCE ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Applications Reviewed	18	99
Surveys Required	0	19

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

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

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

Surveys Reviewed	2	10
Certificates of Appropriateness Required	1	1

Notable Activity:

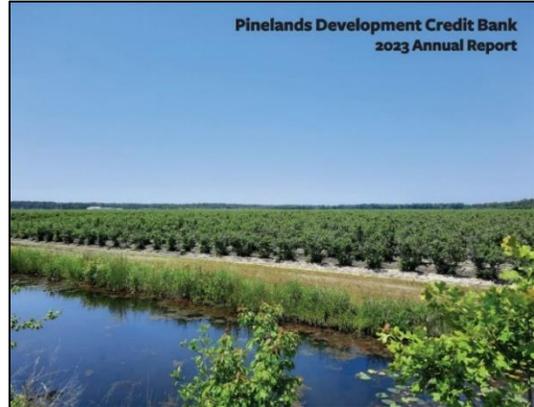
Fenwick Manor Preservation Plan: The final draft of the Preservation Plan report has been received and is currently under review by the New Jersey Historic Trust. The Historic Preservation Plan for Fenwick Manor is a preservation planning document that will serve the Commission in planning future preservation and repair work at the building in order to ensure its long-term use as an office space and historic architectural resource of the Pinelands.

3.3 PINELANDS DEVELOPMENT CREDIT (PDC) PROGRAM

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	0	40.50
PDCs Severed	0	2.75
Acres Protected	0	104
PDCs Extinguished	0	4.35
Acres Protected	0	125.63
PDCs Sold	0.25	7.00
Average Sales Price per PDC	\$74,000	\$67,216
Average Sales Price per right	18,500	\$16,804
PDCs Redeemed	0.50	8.50

Notable Activity:

- **PDC Bank Annual Report:** The Pinelands Development Credit Bank 2023 Annual Report was completed, posted, and disseminated on August 24, 2023. The report contains data and analyses of allocations, severances, transactions, redemptions, and other aspects of the PDC program during Fiscal Year 2023. It is available for download by clicking [here](#).
- **PDC Redemptions:** A total of 0.50 PDCs were redeemed in August, 0.25 PDCs for a single family dwelling in Monroe Township and 0.25 PDCs for a single family dwelling in Lacey Township.



4 REGULATORY PROGRAMS

4.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	5	35
Certificates of Filing	27	133
Public Development Reports	2	23
Forestry Certificates of Filing	0	3
PDC Letters of Interpretation	0	14
Non-PDC Letters of Interpretation	0	2
MOA Consistency Determinations	2	37
Review of Agency Determinations	72	414

4.2 NOTABLE APPLICATIONS

- **Atco Raceway, Insurance Auto Auction (Waterford Township, App. No. 1987-1183.015):** On November 6, 2020, the Commission issued a Certificate of Filing for a change of use of an existing raceway to an automobile auction facility and the construction of a 9,750 square foot commercial building on the existing Atco raceway parcel. The parcel is located in a Pinelands Rural Development Area. It is the staff’s understanding that the proposed development was not

approved by the municipality. No additional information has been submitted to the Commission regarding the proposed auto auction use. Based upon newspaper reports, the raceway closed in July of 2023. Based upon available public information, the raceway was sold to Black Horse, LLC. Throughout July 2023 and August 2023, the Commission staff has received numerous inquiries regarding the future use of the raceway and whether an application has been initiated with the Commission for a future use of the raceway. To date, no inquiries regarding the future uses of the raceway or applications proposing a future use of the raceway have been submitted to the Commission.

- **Commercial Warehouses, Egg Harbor Township, (HHI Associates, App. No. 1984-1285.002):** On March 28, 2023, the Commission staff issued a Certificate of Filing for the proposed development of two 4,800 square foot commercial warehouses. The proposed development is located in a Pinelands Regional Growth Area. Because wetlands that were located on an adjacent parcel had not been accurately mapped, the Certificate of Filing noted that the applicant had not demonstrated that the proposed development was consistent with CMP wetlands protection standards. By email dated May 9, 2023, the applicant requested guidance regarding how to accurately delineate wetlands on the adjacent parcel since the concerned property owner would not grant permission to allow such a delineation. By email dated June 8, 2023, the Commission staff suggested that the applicant may wish to prepare a wetlands buffer model to demonstrate that assuming an exaggerated limit of wetlands located on the adjacent parcel, a reduced buffer to that wetland for the proposed commercial warehouse would meet the wetlands protection standards. By email dated August 8, 2023, the applicant requested a meeting with the Commission staff to discuss their inability to accurately map wetlands on the adjacent parcel. By letter dated August 23, 2023, the Commission staff advised that it remains an applicant's obligation to accurately map wetlands on or within 300 feet of a parcel proposed for development. Our letter also indicated that the Commission staff recognized that permission to access lands owned by others may be problematic. However, this would not relieve an applicant of their obligation to provide accurate wetlands mapping information for all wetlands on and within 300 feet of a parcel proposed for development. Our letter advised that providing accurate wetlands mapping on land owned by others and for which permission cannot be obtained requires alternative approaches to provide such accurate mapping. To assist, the Commission staff provided an aerial photograph from approximately 1987 that identified, but did not delineate, the wetlands located on the adjacent parcel. Our letter further indicated that the applicant may wish to utilize the aerial photograph along with a site inspection from available vantage points to visually confirm the location of the wetland located on the adjacent parcel. Once that visual inspection has been completed, the approximate location of the wetlands could be delineated on a plan utilizing the aerial photograph and the results of the site inspection. Our letter also provided guidance regarding how the buffer model could be completed without an actual site inspection of the wetland located on the adjacent parcel.
- **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 Pinelands Comprehensive Management Plan (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. By letter dated August 18, 2023, the Commission staff public hearing was rescheduled to October 23, 2023. Based upon discussions with the applicant's attorney, the applicant may seek modification of the language contained in the Township's resolution regarding the clearing of 135 acres of the parcel for agricultural purposes. With respect to the proposed mining depth, the Commission staff is compiling a series of clarifying questions, the answers to which will hopefully indicate whether mining greater than 65 feet below the natural ground surface existing prior to excavation will result in a significant adverse impact relative to the proposed final use or on off-site areas. The series of questions are intended to clarify certain information submitted to the Commission that was prepared by hydrogeologic consultants retained by both the Township and the applicant.

- **Commercial Development, Galloway Township (Black Lagoon, Renault App. No. 1996-1407.013):** By most recent letter dated March 23, 2023, the Commission staff reminded the owner of the Renault Winery Resort that development had occurred on the resort parcel without application to the Commission. That development included two prefabricated buildings (a 464 square foot food preparation/kitchen building, and a 360 square foot bathroom building), a 7,800 square foot concrete patio, wastewater holding tanks, a gravel driveway and a parking area). The concerned development is located in a Pinelands Town, within the Township's Resort Development Area overlay zone. On August 7, 2023, the Commission staff met with representatives and the owner of the resort to discuss the requirements for completing an application with the Commission. The property owner represented that an application would be completed with the Commission for the development that had occurred on the parcel without application to the Commission and for the additional proposed development. The Commission staff is awaiting receipt of that application. Development on the parcel is subject to the provisions of the Commission's Pilot Off-Site Clustering Program.
- **Two Lot Subdivision, Southampton Township (Applicant: Craig Mehler, Rancocas Cranberry Co. App. No. 2004-0048.005):** This application proposes a two lot subdivision and no further development of a 229-acre parcel. The subdivision proposes a 32.9-acre lot to contain two existing dwellings and an active cranberry agricultural operation. The subdivision also proposes a 182.9-acre vacant lot. The parcel is located primarily in a Pinelands Agricultural Production Area (221 acres). The purpose of the subdivision is to allow the continued farming of the proposed 32.9-acre lot and the possible acquisition of the 182.9-acre vacant lot by the New Jersey Conservation Foundation. By letter dated April 13, 2023, the Commission staff advised of the information necessary to complete the application. On June 7, 2023, the applicant submitted information regarding the application. By letter dated July 6, 2023, the Commission staff advised of the remaining information necessary to complete the application. On August 16, 2023, the applicant submitted a copy of a Township determination that the proposed two lot subdivision qualified as an "agricultural subdivision" based upon the provisions of the New Jersey Municipal

Land Use Law and that no formal Township subdivision approval is required. Based upon the presence of wetlands, it is unlikely that it can be demonstrated that the proposed 182.9-acre vacant lot meets the applicable environmental standards of the Township land use ordinance and the CMP and is a “developable lot.” The applicant is requesting that the Commission staff not require a Commission conservation deed restriction be imposed on the 182.9-acre parcel because the parcel already contains an existing Burlington County conservation restriction, will contain a proposed New Jersey Department of Environmental Protection conservation deed restriction and will contain a proposed United States Fish and Wildlife (USF&W) conservation deed restriction. Each of the three noted conservation deed restrictions either contain a provision that authorizes development on the 182.9-acre lot that is inconsistent with the provisions of the Township land use ordinance and the CMP or may authorize development that is inconsistent with the provisions of the Township land use ordinance and the CMP. For example, the Burlington County deed restriction permits the development of a dwelling on the parcel. The applicant has indicated that NJDEP and the USF&W cannot amend the required conservation deed restriction language to address the Commission’s concerns. In an effort to resolve the issue, the Commission staff is providing a draft deed notice to the applicant that hopefully will reconcile the issues raised by the existing Burlington County conservation restriction and the proposed NJDEP and USF&W conservation deed restrictions. The draft deed notice will provide notice within the proposed deed to the 182.9-acre lot that notwithstanding the provision of any existing or future conservation deed restrictions that may be imposed on the parcel, it has not been demonstrated that the proposed 182.9-acre lot meets the environmental standards or the permitted land use standards of the Township land use ordinance and the CMP. The deed notice would further indicate that an application for any such future development of the 182.9-acre lot must be approved in accordance with the provisions of the Township land use ordinance and the CMP.

- **Landfill Capping, Hamilton Township (Applicant: Hamilton Township, App. No. 1984-1306.002):** On May 19, 2023, an application was filed with the Pinelands Commission proposing the soil capping (permeable) of the approximately 17-acre Hamilton Township landfill. The landfill is closed and located in a Pinelands Regional Growth Area. By letter dated July 26, 2023, the Commission staff indicated that the CMP requires that the landfill be capped with an impermeable material unless it is demonstrated that an alternate capping technique will address any public health and ecological risk that may be associated with the landfill. A permeable soil cap is considered an alternative capping technique. After a September 27, 2016 meeting with the Commission staff, the Commission’s then Executive Director sent a letter to the Township summarizing the CMP regulations pertaining to capping of the landfill and advising that an escrow fee of \$5,000 was required to permit the Commission staff to undertake a review of information associated with the capping of the municipal landfill, including the hydrologic framework of the landfill and landfill monitoring well data. This review would determine whether an alternate capping technique would address any public health and ecological risk that may be associated with the landfill. The requested escrow fee was not submitted to the Commission. This means that the necessary review has not occurred. By letter dated July 26, 2023, the Commission staff indicated that it remained necessary to submit the \$5,000 escrow fee to allow for Commission staff review of the information associated with the capping of the landfill, including the hydrologic framework of the landfill and landfill monitoring well data. The July 26, 2023 letter also identified the information necessary to complete an application for a soil (permeable) cap if it is demonstrated that a such a cap is consistent with the CMP’s landfill capping requirements. By email dated July 27, 2023, the applicant posed several questions

regarding the Commission's July 26, 2023 letter. By email dated July 28, 2023, the Commission staff responded to the applicant's questions. The \$5,000 escrow fee was received on August 8, 2023. By email dated August 11, 2023, the applicant requested a meeting to assist the Commission staff with a review of the previously submitted landfill monitoring well data. By email dated August 14, 2023, the Commission staff advised that after the Commission staff completes its review of the submitted information, we would be happy to meet.

- **Residential Development, Woodland Township (Applicant Margarete and Jesse Estlow, App. No. 1992-0327.001):** A threatened and endangered (T&E) species survey was completed in 2005 for this application proposing the development of 12 single family dwellings in the Pinelands Village of Chatsworth. On December 17, 2008, the Commission staff issued a letter indicating that a Woodland Township Land Use Board preliminary and final subdivision approval and a conditional Burlington County Planning Board preliminary subdivision approval for 13 lots and the development of 12 single family dwellings on a 21-acre parcel could take effect. By letter dated May 10, 2022, the Commission staff scheduled a public hearing to review a T&E animal species "substantial issue" raised by final subdivision approvals granted by the Burlington County Planning Board on February 1, 2022 and March 29, 2022. By letter dated June 13, 2022, the Commission staff advised the attorney representing the applicant that since the 2005 T&E species survey, the Commission staff has records of additional T&E animal sightings for a different species in the immediate vicinity of the 21-acre parcel. The letter also advised that Commission issuance of a letter in 2008 indicating that a permit or approval may take effect does not indefinitely protect proposed development that has not occurred from addressing changes in municipal zoning or environmental standards, such as the T&E species protection standard. Since approximately 17 years have passed since the 2005 T&E species survey for this application and the Commission staff has subsequent sightings of a different T&E animal species, an updated T&E species survey was requested. The applicant disagreed with the staff's request to complete an updated T&E animal species survey. On June 14, 2023, the Commission staff met with the applicant to further discuss the need for an updated T&E species survey. The applicant indicated that the Commission staff's request for an updated T&E animal species survey was unreasonable. The Commission staff advised that if the applicant disagreed with the staff's position on the application, the applicant could attend a scheduled Commission staff public hearing on the application. After the public hearing, the application would be brought before the Commission at a regularly scheduled monthly Commission meeting for a review and vote by the Commissioners. By letter dated July 10, 2023, the Commission staff advised that a Commission staff public hearing on the application had previously been scheduled for November 21, 2023 but could be moved to an earlier date if the applicant wished. By letter dated July 17, 2023, the applicant responded, asserting that the Commission staff made numerous errors in its review and handling of the application. The applicant requested that the July 17, 2023 letter be distributed to all Pinelands Commissioners. By letter dated August 16, 2023, the Commission staff issued a letter responding to the applicant's concerns. The Commission staff also issued a letter on August 17, 2023, rescheduling the Commission staff public hearing regarding the application to May 21, 2024. By email dated August 28, 2023, the applicant again expressed their dissatisfaction with the Commission staff's processing of the application. The Commission staff has provided a copy of the applicant's July 17, 2023 email and the Commission staff's August 16, 2023 letter to the Commissioners.
- **Singer House, a Designated Cultural Resource, Medford Township (Applicant: Affordable Homes Group, App. No. 1987-0055.009):** 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 house. 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. On July 7, 2023, the Commission received an application proposing the demolition of the Singer House. The Commission staff is currently reviewing the extensive background history of the Commission's designation of the Singer House. This review is necessary to advise the applicant of the information that must be submitted to demonstrate why the continued preservation in place of the Singer House is not the appropriate treatment of this Pinelands designated cultural resource. By letter dated August 18, 2023, the Commission staff advised the current owner of the Singer House of the information necessary to complete an application for the demolition of the structure, including the provision of construction cost estimates to rehabilitate it.

- **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. On July 14, 2023, the Commission staff met with the applicant's representatives on the parcel to conduct soil testing relative to the depth to the seasonal high water table throughout the parcel. This seasonal high water table information is necessary for both the design of the replacement onsite septic system and the stormwater management measures for the proposed commercial development. On July 26, 2023, the applicant submitted the results of the soil testing. By letter dated August 8, 2023, the Commission staff advised the applicant of the information that must be submitted to complete the application with the Commission.
- **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 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. On July 21, 2023, the Commission staff issued a "Report on an Application for Public Development" recommending approval of the proposed 11,987-square-foot addition to the existing public school. The recommended approval was conditioned upon the applicant submitting the information to the Commission necessary to substantively complete the application for the development that occurred on the parcel without Commission approval by August 10, 2023. Based upon the submission of the information necessary to substantively complete the application for the development that occurred on the parcel without Commission approval by August 10, 2023, the application for the proposed 11,987-square-foot addition was approved at the Commission's August 11, 2023 monthly meeting.

- **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. On July 17, 2023, the applicant submitted a required T&E species survey to the Pinelands Commission. By letter dated July 21, 2023, the Commission staff indicated agreement with the negative results of the submitted T&E species survey and reiterated the remaining information required to complete the application. On August 14, 2023, the applicant submitted additional information regarding the application. That information is currently under review.
- **Cannabis Facility, Hamilton Township (Applicant: Paul and Caroline Giblin, App. No. 1987-0444.005):** On March 13, 2023, the Commission 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. On June 8, 2023, the applicant submitted information responding to the Commission's June 1, 2023 letter. By letter dated July 11, 2023, the Commission staff advised of the information necessary to complete the application. On July 14, 2023, the applicant submitted the required T&E species survey to the Pinelands Commission. By letter dated July 21, 2023, the Commission staff indicated agreement with the negative results of the submitted T&E species survey and reiterated the remaining information required to complete the application. On August 14, 2023, the applicant submitted additional information regarding the application. That information is currently under review.

- **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 certain additional information regarding the proposed alternate design septic system. By letter dated August 2, 2023, the Commission staff advised the applicant that the information submitted on June 28, 2023 regarding the proposed alternate design septic system did not address the information requested in the staff's May 24, 2023 letter. On August 15, 2023 and August 21, 2023, the applicant submitted additional information. That information is currently under review.
- **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. On August 31, 2023, the applicant submitted additional information to the Commission. That information is currently under review.

4.3 OFF-ROAD VEHICLE EVENT APPROVALS

- **Application # 20050459.038**
Meteor Motorcycle Club
Approval Issued: 8/29/2023
Event Name: Fall Brawl Hare Scramble
Event Date: October 14 & 15, 2023
Municipality: Maurice River Township

Lands Utilized: Ormond Farms located on Hesstown Road
Route Length: 12 miles

5 SCIENCE

5.1 ENVIRONMENTAL MONITORING

Water Level

Monitoring:

In August, 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. Only two ponds contained water, which reflects the low groundwater levels throughout the region. Science staff also downloaded water level data collected from continuous water level recorders installed in seven ponds and one forest plot.



Above: An excavated northern pine snake nest with the white sand dump pile on the left, long tunnel dug by the snake, and a fresh clutch of eggs next to old egg shells from a snake that laid eggs in the past.

- **Rare Snake Monitoring:** Science staff continued to check on radio-tracked snakes in August to locate important shed sites and nest sites, and to find new snakes. From June - July, female northern pine snakes dig their own nest tunnel and deposit their eggs at the end of the tunnel. Staff excavated several pine snake nests in early August. The eggs were brought back for incubation and the hatchlings will be weighed, measured, and pit tagged for permanent identification. Recapturing tagged hatchlings in the future can provide information on dispersal distances and survivorship. The pine snake eggs hatched in August and the hatchlings were processed.

5.2 LONG TERM STUDIES

- **King Snake Study:** In August, staff visited the 52 king snake dens identified during the study to characterize the habitat structure and forest type of the hibernation sites. The den characterization was the last field work to be accomplished for the study. Staff is now working to finalize some of the data collected and investigating methods and software for data analysis. Staff are seeking supplemental funding from the Environmental Protection Agency and a one-year extension to the project.



Above: Science staff collecting data to characterize the habitat type and forest structure for king snake hibernation sites.

- **Box Turtle Study:** Staff continued to track box turtles in August. Some turtles are tracked weekly and others are tracked every 4 to 6 weeks. A total of 70 box turtles have been weighed and measured and their shells have been notched for identification. Of those 70, staff is currently tracking 56 turtles, including 46 turtles that are tracked weekly and 10 turtles that are tracked every 4 to 6 weeks.



Above: A male box turtle on the move.

- **Snake Fungal Disease Monitoring:** As part of a collaboration with Virginia Tech researchers, Science staff continued to swab Pinelands snakes for snake fungal disease.

- **Adenovirus Study:** As part of a collaboration with Rutgers University researchers, Science staff continued to swab Pinelands snakes for adenovirus.

6 COMMUNICATIONS

6.1 COMMUNICATIONS & PUBLICATIONS

- **Inquiries/Correspondence:** The Communications Office received and responded to approximately 85 inquiries from the public in August, including phone calls, e-mails, and media inquiries.
- **Website:** Commission staff made routine edits to the website in August, along with drafting website changes to support the new system to submit online payment for development applications. Staff also asked the state Office of Information Technology to add a new icon on the Home page that will be linked to the Commission’s new online store.
- **Press Release:** Communications office staff issued a press release regarding the passing of longtime Commissioner Ed Lloyd on August 7, 2023.

- **PDC Bank Report:** Communications office staff edited, designed, and posted the Pinelands Development Credit Bank’s 41-page, 2023 Annual Report in August.



Above: The Commission shared 127 photos on Instagram in August, including this photo of a Halloween pennant dragonfly.

- **Social Media Enhancements:** In August, staff shared 127 photos and five videos on the Commission’s Instagram site and 54 tweets/retweets on Twitter.

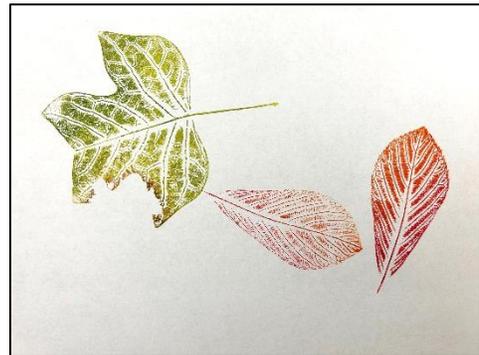
- **Pinelands-themed Merchandise:** In August, Commission staff drafted internal policies and procedures for processing the sale of Pinelands-themed merchandise at the agency’s office and via a new online, Pinelands Commission store. Staff also tested the functionality of the new online store and designed new signage that will be used to support onsite purchases in the Richard J. Sullivan (RJS) Center lobby. Visitors will be able to see the merchandise in a display case in the lobby and then use a QR code to complete purchases. The items include three Pinelands-themed mugs, Pinelands note cards and Jersey Devil-themed reusable grocery tote bags. All of the proceeds from sales will go toward the Kathleen M. Lynch-Van de Sande Fund for the Reforestation of the New Jersey Pinelands. The fund was established in memory of Ms. Lynch-van de Sande, a Pinelands Commission Environmental Specialist who died in a car accident in June 1989. It funds projects that support or promote the use of native plants in the Pinelands.

6.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **Pinelands Short Course:** In August, Commission staff secured numerous presenters for the 35th annual Pinelands Short Course. The event will be held at Stockton’s main campus on

March 9, 2024.

- **Pinelands Education Programs:** Commission staff educated more than 200 people while delivering five educational presentations in August. This includes programs at Buena Regional Elementary School Day Camp, the Surf City Library, Glassboro Elementary School Day Camp, Barnegat Library and Bass River State Forest.
- **Pinelands Speaker Series:** Approximately 15 people attended the hands-on workshop on Hand Printing from Nature in the RJS Center on August 3, 2023. Photos from the event are shown to the right.
- **Pinelands Themed World Water Monitoring Challenge:** Staff continued to plan for this year's event, which will be held at Batsto Lake in Wharton State Forest on October 20, 2023.
- **Barnegat Bay Partnership:** A member of the Communications Office chaired the Barnegat Bay Partnership's Communications and Education Committee meeting on August 23, 2023.
- **Science Office Assistance:** A member of the Communications Office assisted the Science Office by measuring ponds and wells on August 21 and 22, 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. During August, staff provided desktop support, implemented enhancements, and made bug fixes. Staff continued to work on high priority items identified during a July interoffice meeting. A new version of the dashboard report was created for evaluation. Additional logging was added to PCIS as well as better handling of updates to the contact list tied to existing documents.
- **Geographic Information Systems:** Geographic Information Systems (GIS) allow the Pinelands Commission to manage, analyze, and map relevant data. Staff supported questions and feedback related to the new "Property Lookup" map. Staff monitored and reported usage statistics of more than 40 distinct users for each online mapping resource.

- **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).
- **Pinelands Development Credit Bank:** The Pinelands Development Credit (PDC) Bank is the processing agency for the Pinelands Development Credit Program, one of the oldest and most successful transfer of development rights (TDR) programs in the world. The Information System staff provides ongoing operational support to the PDC Bank. In August, staff supported the completion of the PDC Bank annual report. Staff enhanced a report to summarize all active Letters of Interpretation (LOIs) for PDC Bank research.
- **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. Staff prepared draft reports and maps for the annual preserved land update.
- **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. Staff mentored the Rutgers intern to add features to the system, including the ability for staff to add resolutions through a new and improved user interface.
- **Technology Enhancements:** Staff members continually evaluate emerging technologies for how they can impact or enhance the office environment. Staff worked with Business Services to record all outdated hardware for fixed asset deletion and submitted the list for approval at the August Personnel & Budget Committee meeting. Results from the staff remote work technology survey were evaluated. The reported needs were satisfied using hardware already in inventory, such as surplus monitors and adapter cables.
- **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. Staff continued to mentor the intern and provide opportunities for her to enhance the Pinelands Commission's internal systems while learning critical coding skills. The summer internship ended on August 11th when our intern, Chinonye Uzowuru, gave a presentation to the Pinelands Commission about her experiences.

8 BUSINESS OFFICE

8.1 FINANCIAL MANAGEMENT

- **Application Fees:** August 2023, Net Total: \$73,218.75, Fiscal Year to Date Total: \$172,526.75. This is 24.65% of the FY 2024 anticipated fee revenue of \$700,000.