



# NEW JERSEY PINELANDS COMMISSION

## MONTHLY MANAGEMENT REPORT



A palm warbler foraging at Whitesbog Village in the Pinelands in April

**APRIL 2024**

# 1 EXECUTIVE OFFICE

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## 1.1 EXECUTIVE DIRECTOR

### 1.1A COMMITTEE MEETINGS

- **Personnel & Budget (P&B) Committee:** The Committee did not meet in April.
- **Pinelands Climate Committee:** The Committee met on April 17, 2024. Staff presented information on the latest New Jersey Board of Public Utilities solar facility programs and other climate-related legislation. The Committee also received updates on office initiatives, including the electric vehicle charging station and the planned analysis of economic impacts around recommended zoning changes in certain Pinelands Villages and Regional Growth Areas to address climate change. Staff also presented highlights and recommended comments on the New Jersey Department of Environmental Protection (NJDEP) draft Statewide Water Supply Plan.
- **Policy & Implementation (P&I) Committee:** The Committee met on April 26, 2024. The Committee heard a presentation and discussed Manchester Township Ordinance 24-02 regarding a redevelopment plan in the Toms River Corridor area. Staff also presented an update on the Pinelands Preservation Summit held in April, reviewed the schedule for the upcoming round of funding to be offered through the Pinelands Conservation Fund (PCF) for land acquisition projects and noted that a total \$3 million would be made available for such projects. Lastly, staff discussed findings from visits to five sites previously preserved with assistance through the PCF. Staff reviewed the reasons the sites were funded, current uses of the sites, and findings regarding dumping and off-road vehicle damage.

### 1.1B RULEMAKING

- **Water Management (Kirkwood-Cohansey):** In April, staff monitored municipal schedules and answered questions regarding the adoption of ordinances implementing the December 2023 Comprehensive Management Plan (CMP) water management amendments. Pinelands municipalities have until December 4, 2024 to adopt the updated water management standards. Staff has encouraged Pinelands municipalities to adopt the ordinance as soon as possible.
- **Stormwater Management:** In April, staff monitored municipal schedules and answered questions related to adoption of ordinances implementing the NJDEP stormwater management rule amendments. Pinelands municipalities have until July 2024 to adopt the updated ordinances.

### 1.1C OPEN PUBLIC RECORDS ACT

- A total of nine Open Public Records Act (OPRA) requests were received in April. Six were provided responsive material and three were advised to schedule a file review.

**1.1D PINELANDS MUNICIPAL COUNCIL**

- The Pinelands Municipal Council did not meet in April.

**1.1E OTHER**

- On April 17, 2024, the Ocean County Board of Commissioners reappointed Vice Chairman Alan Avery to another three-year term on the Commission, through June 28, 2027.

**1.2 LEGAL AND LEGISLATIVE AFFAIRS**

**1.2A LITIGATION**

- **In Re Challenge of Clayton Sand Company to December 4, 2023 Amendments to N.J.A.C. 7:50-1.1 et seq., A-001476-23** – On February 26, 2024, the Attorney General’s office notified the Commission that Clayton Sand Company had filed a Notice of Appeal of the amendments to the Water Management Rules at N.J.A.C. 7:50-6.86(d)2 of the Pinelands CMP (i.e. the Kirkwood-Cohansey rules.) The appeal challenges the rule adoption as procedurally and substantively defective.
- **In the Matter of Application #1981-1534.005, Block 6103, Lots 9 & 11, Franklin Township, Block 9301, Lots 10 & 11, Monroe Township, A-002210-23** – This is an appeal filed by an adjacent property owner challenging the Commission’s issuance of a letter of no further review for municipal zoning board approvals authorizing a floating solar array on a surface water body created by a resource extraction operation in the Rural Development Area.

**1.2B LEGISLATION**

The Legislature is holding budget hearings to develop a State budget for Fiscal Year 2025.

**Pinelands Specific Legislation**

<b><u>Bill No.(s)</u></b>	<b><u>Prime Sponsor(s)</u></b>	<b><u>Synopsis</u></b>	<b><u>Current Status</u></b>
A4162/S2424	Calabrese, Hall Smith,McKeon	Establishes various programs in NJDEP concerning management of publicly owned forested land; appropriates \$60 million.	Assembly Bill – Introduced, Referred to Assembly Environment, Natural Resources, and Solid Waste Committee on 4/8/24.  Senate Bill - Reintroduced, Referred to Senate Environment

			and Energy Committee on 1/29/24.
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**Pinelands Related Legislation**

<b><u>Bill No.(s)</u></b>	<b><u>Prime Sponsor(s)</u></b>	<b><u>Synopsis</u></b>	<b><u>Current Status</u></b>
A682/S699	Kean/ Singer	Establishes program, in NJDEP, for acquisition of development easements on privately-owned woodlands.	Assembly Bill - Reintroduced and Referred to Assembly Environment Natural Resources and Solid Waste Committee on 1/9/24.  Senate Bill - Reintroduced, Referred to Senate Environment and Energy Committee.
S257	Smith	Authorizes State Treasurer to appoint Garden State Preservation Trust acting executive director under certain conditions.	Senate Bill – Reintroduced, Referred to Senate Environment and Energy Committee
A1253/S2859	Sauickie/Greenstein	Prohibits planting of non-native species in landscaping at State parks and forests; establishes grant program to support use of native plants at local parks and forests; appropriates \$250,000.	Reintroduced, Referred to Assembly Environment, natural Resources and Solid Waste Committee on 1/9/24.  Senate Bill – Introduced, referred to Senate Environment and Energy Committee on 3/4/24
A1219/S2979	Sauickie/Tiver	Requires NJ Clean Energy Program incentives to be made available to commercial farms	Assembly Bill – Introduced, Referred to Assembly Environment, Natural Resources and Solid Waste Committee  Senate Bill – Introduced, Referred to the Senate

			Environment and Energy Committee
A1300	Sauickie	Provides CBT (Corporate Business Tax) credit for construction or retrofitting of warehouses to meet certain green building standards.	Reintroduced, Referred to Assembly Commerce, Economic Development and Agriculture Committee on 1/9/24.
A1301	Sauickie	Requires State Planning Commission to adopt model buffer ordinances detailing different regulatory options for siting warehouses; allows conforming updates to municipal master plans and zoning ordinances.	Reintroduced, Referred to Assembly Community Development and Women's Affairs Committee on 1/9/24.
A1302	Sauickie	Requires certain warehouses to obtain air pollution control permits from NJDEP.	Reintroduced, Referred to Assembly Environment, Natural Resources and Solid Waste Committee on 1/9/24.
A1303/S1074	Sauickie/Greenstein	Requires NJDEP to evaluate cumulative impact of stormwater when reviewing applications associated with warehouses and other high-density development projects.	Reintroduced, and Referred to Assembly Environment, Natural Resources and Solid Waste Committee on 1/9/24.  Senate Bill introduced and referred to Environment and Energy Committee on 1/9/24.
A2792/S1106	Greenwald, Wimberly/Timberlake	Concerns development and use of accessory dwelling units	Assembly Bill – Introduced, Referred to Assembly Housing Committee  Senate Bill – Introduced, Referred to Senate Community and Urban Affairs Committee,

			Combined with S2347
A3070/S2690	Guardian/Cruz-Perez, Corrado	Requires State entities to recycle certain materials and provide recycling bins	Assembly Bill – Introduced, Referred to Assembly Environment, Natural Resources and Solid Waste Committee on 1/9/24.  Senate Bill – Introduced, Referred to Senate Environment and Energy Committee on 2/12/24.
A3645/S2425	Calabrese/McKeon, Smith	Establishes a low carbon transportation fuel standard program in NJDEP	Assembly Bill – Introduced, Referred to Assembly Environment, Natural Resources and Solid Waste Committee on 2/12/24. Senate Bill – Introduced, Referred to Senate Environment and Energy Committee on 1/29/24.
A3697/S2792	Spearman, Park, Simmons/Cruz-Perez, Turner	Appropriates \$500,000 from constitutionally dedicated CBT revenues and “2009 Farmland Preservation Funds” to State Agriculture Development Committee for municipal planning grants for farmland preservation purposes.	Assembly Bill – Reported out of the Assembly Appropriations Committee on 3/14/24, Second Reading.  Senate Bill – Reported from Senate Budget and Appropriations Committee 4/8/24. Second Reading
A3698/S2793	Reynold-Jackson, Freiman, Fantasia/Cruz-Perez, Turner	Appropriates \$1.723 Million from constitutionally dedicated CBT revenues and “2009 Farmland Preservation Fund” to State Agriculture Development	Assembly Bill – Reported out of Assembly Appropriation Committee on

		Committee for grants to non-profits for farmland preservation purposes	3/14/24, Second Reading.  Senate Bill – Reported out of Senate Budget and Appropriations Committee 4/8/24, Second Reading
A3784/S2455	McCoy/Bucco	Makes \$100 million in federal funds available to NJDEP for grants to local governments for drinking water, wastewater and stormwater infra-structure projects	Assembly Bill – Introduced, Referred to Assembly Environment, Natural Resources, and Solid Waste Committee on 2/22/24.  Senate Bill – Introduced, Referred to Senate Environment and Energy Committee on 2/5/24.
A3820/S609	Fantasia/Tiver	Excludes farmland from definition of “redevelopment area” and “rehabilitation area” in local Redevelopment and Housing Law	Assembly Bill – Introduced, Referred to the Assembly Commerce, Economic Development and Agriculture Committee on 2/22/24.  Senate Bill – Introduced, Referred to Senate Economic Growth Committee on 1/9/24.
A3831	Sauickie	Expands definition of “qualifying land” for purposes of determining where a rural microenterprise may be permitted on a preserved farm	Introduced, Referred to Assembly Commerce, Economic Development and Agriculture Committee on 2/22/24.
A3833	Sauickie	Requires the Office of Planning Advocacy to publish certain	Introduced, Referred to Assembly

		information concerning warehouses over 100,000 sq. ft. on its website	Commerce, Economic Growth and Agriculture Committee on 2/22/24.
A3914	Katz	Permits agriculture-related events on preserved farmland	Introduced, Referred to Assembly Commerce, Economic Development and Agriculture Committee on 2/27/24.
A4117/S2857	Calabrese, Conway/Greenstein, Smith	Provides corporation business tax credit to taxpayers that develop qualified native pollinator habitat on undeveloped property	Assembly Bill – Proposed for Introduction on 4/4/24.  Senate Bill – Introduced on 3/4/24, Referred to Senate Environment and Energy Committee
A4137/S1029	Calabrese, Conway, Atkins/Greenstein	Prohibits sale, distribution, import, export or propagation of certain invasive species without permit from Department of Agriculture; Establishes NJ Invasive Species Council	Assembly Bill – Proposed for Introduction on 4/4/24.  Senate Bill – Introduced 1/9/24, Referred to Senate Environment and Energy Committee
A4145/S3065	Lopez/McKeon, Smith	Excludes environmentally sensitive and flood-prone lands from designation as vacant or available lands for affordable housing construction	Assembly Bill – Introduced, Referred to Assembly Housing Committee on 4/4/24  Senate Bill – Introduced, Referred to Senate Environment and Energy Committee on 4/8/24



A4223/S3114	Sampson/Cruz-Perez	Establishes certification program for zoning officers and land use board administrators	Assembly Bill – Introduced, Referred to Assembly State and Local Government Committee on 5/2/24  Senate Bill – Introduced, Referred to Senate Community and Urban Affairs Committee on 4/15/24
S2347	Singleton/Timberlake	Concerns development of accessory dwelling units and related municipal land use regulations	Reported from Senate Community and Urban Affairs Committee, Second Reading on 2/15/24
S2816	Smith/McKeon	Requires electric public utilities to submit to BPU and implement electric infrastructure improvement plans	Introduced 2/22/24 and referred to Senate Environment and Energy Committee. Reported from Senate Committee on 3/4/24, Second Reading
S2827	Singleton	“Emissions Reduction Innovation Act”; authorizes gas public utilities to develop and implement plans to reduce greenhouse gas emissions	Introduced, Referred to Senate Environment and Energy Committee on 2/27/24.

### 1.2B INTERGOVERNMENTAL AGREEMENTS

- Pemberton Township:** This Memorandum of Agreement (MOA) between the Township and the Commission authorizes a deviation from CMP wetlands and wetlands buffer standards to accommodate surfacing of an existing trail at Pemberton Lake for accessibility purposes. The Commission approved execution of this MOA at its January 12, 2024 meeting. The MOA was subsequently signed by both parties in mid-February and posted on the Commission’s website. The Township will need to complete and submit its revegetation plans, rain garden plan, wetlands general permit and right of entry approval from NJDEP before the trail improvement project may commence. Pemberton Township’s application for a wetlands general permit was received on April 14, 2024 and is under review.

- **Stafford Township:** This proposed MOA would authorize a deviation from CMP wetlands buffer standards to accommodate paving of an existing trail around Forecastle Lake for accessibility purposes. The Township 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. In mid-March 2024, Stafford Township submitted additional information, including an updated stormwater report. Staff reviewed this information and, by letter dated April 23, 2024, requested that a site inspection be scheduled to review the depth to season high water determination in the stormwater report. The staff letter also requested additional information and revisions to the stormwater plan.
- **Evesham Township:** The Township is proposing an MOA that would accommodate surfacing of an existing trail and parking improvements within wetlands and wetlands buffers in the Black Run Preserve. The MOA is also proposed to address a number of outstanding violations in the Preserve, where development was undertaken without application to or approval by the Commission. Township representatives met with Chair Matos and the Executive Director on January 17, 2024 and provided an overview of their proposal. After receiving the recommendation of the P&I Committee, the Township made a presentation to the Commission at its April 12, 2024 meeting regarding the project and need for a deviation MOA. The Commission authorized the staff to work with the Township to develop the draft MOA.
- **South Jersey Transportation Authority (SJTA):** The 2019 First Amendment to the MOA between the Commission and SJTA regarding development at the Atlantic City Airport contained a requirement for acquisition and establishment of a new Grassland Conservation and Management Area (GCMA) in the Pinelands Area. Acting on behalf of SJTA, Atlantic County acquired lands in Hamilton Township’s Forest and Rural Development Areas and obtained the Commission’s approval for establishment of the new 102.6-acre GCMA on August 12, 2022. The County thereafter recorded the required deed of conservation restriction on April 11, 2024, preserving a total of 233.3 acres.

### 1.3 HUMAN RESOURCES

- **Contract Negotiations:** Meetings with legal counsel and management were held on April 10, 2024 and April 25, 2024. Negotiation sessions were held with the Communication Workers of America Union (CWA) on April 16, 2024 and April 30, 2024.
- **Recruitment:** In April, a Planning Specialist 3 and a Technical Assistant 2 were hired for the Land Use Programs office. Recruitment efforts were also put in place for a second Planning Specialist vacancy in the Land Use Programs office. Virtual interviews were conducted for the MIS 4 position in the Information Systems office. In-person interviews will be held in May.
- **Trainings:** Staff participated in the following trainings: Wage & Hour Law Update – Pitfalls to Avoid – Compensatory Time in New Jersey and Accumulation of Unused Sick and Vacation Leave; DCRP (Defined Contribution Retirement Program) Enrollment and Processing; and Pension Resources for the Employer.

## 2 INTERAGENCY COORDINATION

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- **Interagency Council on Climate Resilience (IAC):** Commission staff attended the April Council meeting. NJDEP staff briefed the Council on the draft 2024 New Jersey Statewide Water Supply Plan, which was released on February 26, 2024. The comment period on the draft plan ended April 26, 2024 and the final plan is expected to be released in September 2024. Details on the Commission’s submitted comments are provided in Section 3.4 below. On April 22, 2024, the IAC released the Draft Extreme Heat Resilience Action Plan. The Commission assisted with public outreach by distributing information on the draft plan to over 1,100 contacts across various Commission listservs. Comments on the draft plan are being accepted through May 20, 2024. The final plan is expected to be released in mid-June 2024.
- **New Jersey Office of Planning Advocacy (NJOPA) Interagency Workgroup:** Staff was unable to attend the April monthly meeting, which was to be focused on additional updates that have been made to the draft preliminary plan in response to state agency comments. It is anticipated that the draft preliminary plan would be presented to the State Planning Commission no earlier than its May 22nd meeting.
- **State Agricultural Development Committee (SADC):** On April 12, 2024, staff met with SADC staff to discuss the proposed designation of new areas in Camden County (Winslow and Waterford townships) as Agricultural Development Areas. Detailed feedback was subsequently provided to SADC after consideration of current zoning, development applications and potential opportunities for redemption of PDCs. The SADC also released an updated handbook on land appraisals for farmland preservation purposes.

**Atlantic County Board of Agriculture:** On April 8, 2024, the Executive Director and the Director of Regulatory Programs attended a meeting of the Atlantic County Board of Agriculture to discuss potential Pinelands Commission application issues raised by the development of seasonal agricultural employee housing in the Pinelands Area. Questions and concerns related to the PDC program were also addressed.

## 3 LAND USE PROGRAMS

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### 3.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
<b>Master Plans/Ordinances Received</b>		
Adopted	7	23
Drafted or Introduced	12	27
Total <sup>1</sup>	16	38

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<sup>1</sup>The 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).

<b>Master Plans/Ordinances Reviewed</b>		
Substantial Issue Finding <sup>2</sup>	0	4
No Substantial Issue Finding	2	11
No Issue Finding	1	4
Total	3	19
<b>Finding Letters Issued<sup>3</sup></b>	3	12

### 3.2 CULTURAL RESOURCE ACTIVITY

<b>Activity</b>	<b>Monthly Total</b>	<b>Calendar Year to Date</b>
Applications Reviewed	11	58
Surveys Required	3	12
Surveys Reviewed	3	9
Certificates of Appropriateness Required	0	1

### 3.3 PINELANDS DEVELOPMENT CREDIT (PDC) PROGRAM

<b>Activity</b>	<b>Monthly Total</b>	<b>Calendar Year to Date</b>
PDCs Allocated	10.5	11.75
PDCs Severed	0	0.25
Acres Protected	0	11.59
PDCs Extinguished	0	0
Acres Protected	0	0
PDCs Sold	0	3.75
Average Sales Price per PDC	n/a	\$74,267
Average Sales Price per right	n/a	\$18,567
PDCs Redeemed	0	7.75

<sup>2</sup> 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.

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

### Notable Activity:

- PDCs were allocated to a total of 222.47 acres in the Agricultural Production Area in the Town of Hammonton and Franklin, Pemberton and Southampton townships.
- The Executive Director met with a consultant charged with evaluating and recommending improvements to a Transfer of Development Rights program in Douglas County, Nevada.

### 3.4 SPECIAL PROJECTS

- **Land Preservation Summit:** A total of 11 land organizations involved in permanent land protection participated in the Commission's second annual summit, held on April 4, 2024. Participants learned about planned funding rule amendments from the NJDEP Green Acres Program, about the New Jersey Conservation Blueprint from Rowan University, and about the project evaluation criteria for the upcoming round of Pinelands Conservation Fund land acquisition grants. Pinelands staff also discussed stewardship monitoring visits to five sites and plans for further activities intended to support partners with stewardship challenges.



**Above:** Eleven land organizations involved in permanent land protection participated in the Commission's second annual Land Preservation Summit in April.

- **Long Term Monitoring:** Staff from the Land Use Programs, Science, and Business Services offices drafted a federal fiscal year 2024 work plan to be submitted to the National Park Service (NPS) for funding through the long-term monitoring agreement. Several programs in both the Land Use Programs office and the Science office are included. Some of those projects are the economic consideration of the impacts of recommended zoning changes to address climate change in certain Pinelands Villages, ground penetrating radar surveys at historic Pinelands cemeteries, box turtle studies, water level and water quality monitoring and multiple other projects. The finalized work plan will be submitted to NPS in early May.
- **Draft Statewide Water Supply Plan:** Following discussion with the Climate Committee on April 17, 2024, staff prepared and submitted written comments to the NJDEP on the draft Water Supply Plan in advance of the April 26, 2024 deadline. The submitted comments generally supported the expanded content of the draft plan, including the addition of a climate change section and a Pinelands Area section, and expressed appreciation for highlights on the CMP

Water Management (Kirkwood-Cohansey) rules while noting the need for future consideration of the limitations on water use from the Kirkwood-Cohansey aquifer in the Pinelands Area. The comments expressed concerns about the new methodology involving a three-year average of peak demand used to calculate remaining water available in stream low flow margins and about a lack of information on the potential for beneficial reuse projects to mitigate shortfalls in water supply.

## 4 REGULATORY PROGRAMS

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### 4.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	8	31
Certificates of Filing	10	56
Public Development Reports	3	7
Forestry Certificates of Filing	1	2
PDC Letters of Interpretation	4	7
Non-PDC Letters of Interpretation	0	1
MOA Consistency Determinations	2	17
Review of Agency Determinations	51	204

### 4.2 NOTABLE APPLICATIONS

- Public Safety Building, Mullica Township (Applicant: Mullica Township, App. No. 1991-0320.005);** On April 2, 2024, an application was initiated with the Commission for the proposed development of a 4,473 square foot public safety (police) building at the existing Mullica Township municipal complex. The municipal complex and the proposed building are located in the Pinelands Village of Elwood. On April 14, 2024, additional application information was submitted to the Commission. The application and additional information are currently under review.
- Seasonal Agricultural Employee Housing, Town of Hammonton (Applicant: Glossy Fruit Farm, App. No. 1984-0389.011);** On October 23, 2023, the Commission sent a letter to the applicant indicating that the change in use of four agricultural storage buildings to seasonal agricultural employee housing on a 1.82-acre parcel required application to the Commission. The buildings are located in a Pinelands Agricultural Production Area. On October 26, 2023, an application for the change in use was submitted to the Commission. The parcel is serviced by an onsite wastewater disposal system. By letter dated November 23, 2023, the Commission staff advised of the information necessary to complete the application. On April 17, 2024, the Commission

staff met with the applicant and the applicant's representatives. By email dated April 23, 2024, the Commission staff advised that certain adjacent lands, currently subject to a PDC deed restriction that allows seasonal agricultural employee housing, could be further restricted for purposes of meeting CMP groundwater quality (septic dilution) standards.

- **Change in Use of Former Elementary School, Bass River Township (Applicant: Maple River, App. No. 1989-0464.004):** The Commission staff received an email inquiry on November 8, 2023 proposing the use of the former Township Elementary School as a year-round private boarding school. The school is located in the Pinelands Village of New Gretna. On November 20, 2023, an application for the change in use was filed with the Commission. The Commission issued a Certificate of Filing on January 5, 2024. On April 19, 2024, the Commission staff received notice that the Bass River Land Use Board approved the proposed change in use. The Commission staff is currently reviewing the approval information.
- **Demolition of Existing Municipal Building, Tabernacle Township (Applicant: Tabernacle Township, App. No. 1981-1383.008):** On February 27, 2024, the Commission staff received a request for a pre-application conference for the demolition of the existing Township municipal building. The building is located in the Pinelands Village of Tabernacle. By email dated March 22, 2024, the Commission staff asked that the requested pre-application conference be coordinated with other municipal representatives before being scheduled. By email dated April 5, 2024, the Township Attorney, on behalf of the Township, requested emergency authorization as provided for in the Commission's regulations to demolish the municipal building. The email indicated that the municipal building was in danger of collapsing and constitutes a public safety emergency. By letter dated April 8, 2024, the Commission staff requested the submission of information from a New Jersey licensed Professional Engineer with expertise in structural engineering addressing the structural integrity of the building. The Township thereafter submitted information from two New Jersey licensed Professional Engineers with expertise in structural engineering. Based on the opinions of two New Jersey licensed Professional Engineers with structural engineering expertise, the opinion of the Township Engineer, also a New Jersey licensed Professional Engineer, and the opinion of the Township Construction Code Official, on April 12, 2024, the Executive Director, after consultation with the Chairperson of the Commission, issued a letter authorizing the demolition of the municipal building.
- **Communications Tower, Washington Township (Applicant: Lower Bank Volunteer Fire Company, App. No. 2022-0069.001):** On May 3, 2022, an application was initiated with the Commission for the proposed installation of a communications tower on a parcel containing the Lower Bank Volunteer Fire Company. The proposed tower is located in the Pinelands Village of Lower Bank. The application appeared to propose a tower for an AT&T FirstNet antenna. At that time, it was unclear whether the tower was proposed as an accessory use to the existing firehouse or as a principal use. On June 15, 2022, the Commission staff issued a letter to the applicant requesting information to complete the application. On March 24, 2023, information responding to the staff's June 15, 2022 letter was submitted. By letter dated May 22, 2023, the Commission staff advised of the information necessary to complete the application, including two of the items originally requested in the staff's June 15, 2022 letter. On July 20, 2023, the applicant submitted additional information regarding the application. On September 11, 2023, the Commission staff issued a Certificate of Filing for the proposed installation of a communications tower accessory to the Lower Bank Volunteer Fire Company. On February 14, 2024, the Commission received notice of the Township Planning and Zoning Board approval of

the proposed communication tower. By letter dated February 26, 2024, the Commission staff requested that certain additional information associated with the Township's approval be submitted to the Commission. The applicant responded to that request on February 28, 2024. By letter dated April 3, 2024, the Commission staff advised that the proposed development raised a substantial issue with permitted use standards and scheduled a public hearing to review the substantial issue. This issue is raised because the proposed tower is only a permitted land use in the Pinelands Village of Lower Bank if it qualifies as an accessory use to the existing Fire Company. The application form submitted to the Pinelands Commission indicated that the purpose of the proposed tower was to improve public safety coverage for the Fire Company. The Commission Certificate of Filing issued on September 11, 2023 specifically indicates that the tower is proposed as accessory to the existing fire company on the parcel. The Commission staff requested that the applicant submit the November 1, 2023 and August 2, 2023 Township Planning and Zoning Board meeting minutes to clarify whether the tower was proposed to the Board as accessory to the existing Fire Company and whether testimony was offered as to how the proposed tower qualified as an accessory tower to the existing Fire Company. The minutes reflect that no testimony was apparently offered regarding how the proposed tower would qualify as accessory to the Fire Company or why the proposed tower was necessary to improve public safety coverage for the Fire Company. The Township Planning and Zoning Board Resolution No. 5 indicates that the "Fire Company location was the best location as it satisfies the Pinelands requirements for a telecommunication tower," and "... the facility will be made available for co-locating by other carriers." The Township Planning and Zoning Board Resolution No. 6-2023 indicates that the applicant received a municipal use variance for a "proposed cell tower." If the proposed tower does not qualify as an accessory use and constitutes a principal use, the proposed tower is not a permitted land use in a Pinelands Village in the absence of a Pinelands Commission approved comprehensive plan for local communications facilities.

- **Agricultural Resource Extraction, Southampton Township (Thomas Budd, App. No. 1981-1601.011):** On March 7, 2024, the Commission staff received an email requesting a pre-application conference to discuss agricultural resource extraction (sand mining) on a parcel. The mined sand would be utilized for a cranberry agricultural operation located on a non-contiguous parcel. The parcel subject of the agricultural resource extraction operation is located in a Pinelands Forest Area. By email dated March 27, 2024, the Commission staff advised that the proposed sand mining required completion of an application with the Commission. An application to the Commission is required because the parcel subject of the sand mining is noncontiguous to the cranberry agricultural operation. On April 30, 2024, an application for the proposed agricultural resource extraction was submitted to the Commission. The application is currently under review.
- **Residential Development, Hamilton Township (Applicant: Harding Housing Associates, App. No. 1984-1087.010):** This matter involves two separate residential communities, one existing and one proposed. The parcel is located in a Pinelands Regional Growth Area. There is a disagreement between the two developers of the residential communities regarding the shared use of a stormwater management basin(s). Lot 5.01 contains 99 existing dwelling units. Lot 5.01 also contains three existing stormwater management basins and a portion of a fourth large, existing stormwater management basin. The other portion of the large, existing stormwater basin is located on adjacent vacant Lot 5.03. All four stormwater management basins have been constructed; however, none are functioning as designed. It appears that the primary problem is that the bottoms of the stormwater basins are either located in the seasonal high water table or



in the water table. The owner of Lot 5.03 is proposing to develop 56 townhouse dwellings. An application was filed with the Commission to demonstrate that proposed modifications of two of the existing stormwater basins to “wet basins” would meet all stormwater standards of the Township land use ordinance and the CMP. This in turn would allow both the existing residential development on Lot 5.01 and the proposed residential development on Lot 5.03 to utilize the two basins. By letter dated February 1, 2024, the Commission staff requested certain additional stormwater management information. In response, the applicant requested a meeting. That meeting was scheduled for March 14, 2024. The requested additional stormwater management information was submitted prior to the meeting on March 8, 2024. At the meeting on March 14, 2024, the Commission staff answered numerous questions from the applicant regarding the Commission’s approval process. The Commission staff also indicated it would review the information submitted on March 8, 2024 and issue a letter providing the results of its review. By letter dated April 16, 2024, the Commission staff advised that the proposed modification of the two stormwater management basins would not provide a sufficient volume of stormwater storage to allow either the existing residential development on Lot 5.01 or the proposed residential development on Lot 5.03 to meet the stormwater management standards.

- **Road Removal, Lacey Township (New Jersey Department of Environmental Protection, App. No. 1998-0039.003):** On January 29, 2024, the Commission received an application from the NJDEP, Division of Fish and Wildlife proposing the removal of approximately 1,600 linear feet of an existing dirt road in the Greenwood Forest Wildlife Management Area. The road is located in the Pinelands Preservation Area District. A culvert associated with the existing dirt road is serving as a “pinch point” for beavers to build a dam. The resulting upstream flooding is impacting the environmentally sensitive Webbs Mill Bog. By letter dated February 27, 2024, the Commission staff advised that the required application fee must be submitted and provided some initial guidance regarding the need to address any upstream wetland impacts that may be associated with removal of the existing dirt road and associated culvert that are functioning as a small dam. A pre-application conference was requested and conducted on March 12, 2024. On April 3, 2024, the required application fee was submitted to the Commission. By letter dated April 24, 2024, the Commission staff advised of the information necessary to complete the application.
- **Improvements to an Existing Agricultural Access Driveway, Pemberton Township (App. No. 1983-9180.004):** On February 7, 2024, the Commission received a report that improvements were being undertaken to an existing driveway that provides access to an agricultural operation. The parcel is located in a Pinelands Agricultural Production Area. On February 9, 2024, the NJDEP issued a violation letter to the property owner regarding the filling of wetlands on the parcel. On February 9, 2024, Pemberton Township issued an email directing the property owner to cease and desist the activities associated with the driveway improvements. On February 21, 2024, the Commission staff issued a letter to the property owner indicating that any widening of the existing driveway would be inconsistent with the wetlands protection standards contained in the Pemberton Township land use ordinance and the CMP. The February 21, 2024 Commission staff letter also indicated that although the CMP provides that improvements to an agricultural structure, including a driveway, do not require application to the Commission, the proposed driveway improvements must still meet the wetlands protection standards of the Township land use ordinance and the CMP. The February 21, 2024 Commission staff letter further indicated that in 1993 the NJDEP and the Commission entered into a Memorandum of Agreement (MOA) regarding the enforcement of the New Jersey Freshwater Wetlands

Protection Act Rules in the Pinelands Area. That MOA provides that the NJDEP is primarily responsible for the investigation of alleged wetlands violations for development in the Pinelands Area that does not otherwise require application to the Commission. The February 21, 2024 Commission staff letter also inquired as to the source of the fill/soil material that was brought to the parcel for the purposes of improving the driveway. The Township land use ordinance and the CMP prohibit the placement of fill/soil material on a parcel that would result in the degradation of water quality. If any fill/soil material placed on the parcel contains contaminants that would degrade surface or groundwater, it must be removed from the parcel. On March 9, 2024, the NJDEP issued another Notice of Violation (NOV) of the Freshwater Wetlands Protection Act, the Flood Hazard Area Control Act and the regulations implementing both Acts. The NOV requires submission of a restoration plan, including removal of any unauthorized fill. By letter dated April 3, 2024, the Commission staff again requested that the property owner provide information addressing the source of the fill material. On April 5, 2024, the property owner submitted a voluminous amount of information. That information is currently under review.

- **Lake Herbiciding, Hammonton (Applicant: Town of Hammonton, App. No. 1989-0573.006):** This application proposes the herbiciding of Hammonton Lake. The lake is located in the Pinelands Town of Hammonton. By letter dated May 22, 2023, the Commission staff advised the applicant of the potential presence of certain threatened and endangered (T&E) plants species in Hammonton Lake. The Commission staff letter required the applicant to complete a T&E plant species survey to determine whether the concerned T&E plant species were present in Hammonton Lake. Alternatively, the applicant could provide information demonstrating that even if the T&E plants species were present in the Lake, the proposed herbiciding would not have an irreversible, adverse impact on any local populations of the concerned T&E plants. On September 19, 2023, the applicant submitted a T&E plant species survey. The survey confirmed the presence of two T&E plant species in Hammonton Lake. On October 9, 2023, the applicant submitted supplemental information. By letter dated October 31, 2023, the Commission staff provided guidance to the applicant and indicated that information must be submitted to the Commission demonstrating that the proposed herbiciding would not have an irreversible, adverse impact on the local populations of the identified T&E plants. On November 22, 2023, Hammonton submitted information responding to the Commission staff's October 31, 2023 letter. By letter dated December 22, 2023, the Commission staff identified the information necessary to complete the application. That letter also identified the need for either the applicant to provide additional herbiciding expertise or an escrow enabling the Commission staff to retain such expertise. On January 11, 2024 and January 12, 2024, Hammonton submitted additional information regarding the proposed herbiciding of the Lake. On January 25, 2024, the Commission staff met with members of the Town Council, the Mayor and other representatives of Hammonton to discuss the matter. The discussion focused on the proposed use of a post emergent herbicide, the method of herbicide application and how the subsurface mobility (drift/migration/dispersal) of the proposed herbicide would be controlled. The Commission staff advised the meeting attendees that the Commission staff would be further discussing the subsurface mobility of the proposed herbicide with the NJDEP staff in the Bureau of Pesticides. On February 6, 2024, Hammonton submitted a revised plan to the Commission. During the month of February 2024, the Commission staff consulted with the NJDEP Office of Natural Lands Management regarding the protection of T&E plants, the NJDEP Bureau of Pesticides regarding the subsurface mobility of the proposed herbicide, the Rutgers Agricultural Experiment Station, Pest Management Office Program regarding the subsurface mobility of the proposed herbicide

and the applicant's consultant, all in an effort to assist Hammonton with developing a herbiciding proposal that will meet the T&E plant protection standard of the CMP. By letter dated March 7, 2024, the Commission staff identified the information that remained necessary to demonstrate that the proposed herbiciding of the lake would not result in an irreversible, adverse impact on the local populations of the identified T&E plants. Thereafter, the Director of Regulatory Programs discussed the matter with the Mayor of Hammonton. It was the Commission staff's understanding that Hammonton would be retaining the services of additional lake herbiciding expertise to address the question of the subsurface mobility of the proposed herbicide. A March 6, 2024 letter was submitted to the Commission from DuBois and Associates. A March 8, 2024 letter was submitted to the Commission from ARH Associates. An "updated" version of the March 6, 2024 DuBois and Associates letter dated March 11, 2024 was submitted to the Commission. By letter dated April 30, 2024, the Commission staff advised that the information contained in the three submitted letters regarding the subsurface mobility of the proposed herbicide summarized information that had previously been submitted to and reviewed by the Commission staff. The Commission staff's April 30, 2024 letter requested the submission of additional information addressing the subsurface mobility of the proposed herbicide.

- **Stormwater Management Basins, Barnegat Township (Applicant: Paramount, App. No. 2001- 0245.003):** This application, approved by the Commission in 2000, proposed the development of 563 single family dwelling units on a 368-acre parcel in a Pinelands Regional Growth Area. Approximately 330 of the 563 single family dwellings have been constructed. Based on available information, two stormwater basins on the parcel are not functioning as designed. This constitutes a violation of the stormwater management standards of the Barnegat Township land use ordinance and the CMP. After discussion of the matter with the Barnegat Township Engineer, staff sent a letter to the developer on December 28, 2023 summarizing the situation and asked that the Township Construction Office refrain from issuing building permits for any of the remaining dwellings in this development until the stormwater management issue was addressed. By letter dated January 24, 2024, the applicant submitted a schedule to the Township and the Commission for preparation and implementation of a stormwater management basin remediation plan. On February 23, 2024, a copy of the proposed stormwater management basin remediation plan was submitted to the Commission. By letter dated April 3, 2024, the Commission staff advised that the proposed basin remediation plan was consistent with the stormwater management standards of the Pinelands Comprehensive Management Plan. The letter further indicated that the applicant could utilize a Certificate of Filing previously issued for this residential development application to pursue any necessary county or municipal permits and approvals that may be required for the proposed stormwater basin modifications.

### 4.3 OFF-ROAD VEHICLE EVENT APPROVALS

- **Application # 2005-0459.039**  
**CDRMC**  
Approval Issued: 4/29/2024  
Event Name: Ormond Farms Hare Scramble  
Event Date: May 4 and 5, 2024  
Municipality: Maurice River Township

Lands Utilized: Ormond Farms located on Hesstown Road  
Route Length: 10 miles

## 5 SCIENCE

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### 5.1 ENVIRONMENTAL MONITORING

- **Water Level Monitoring:** In April, staff measured water levels at 43 forest plots and 30 ponds in the Commission network of long-term monitoring sites. This work is completed each month with assistance from the Communications Office. Science Office staff also downloaded water level data at five of the seven ponds that are equipped with data loggers.
- **Pinelands-wide Water Quality Monitoring:** With help from the Communications staff, Science staff completed the April round of measuring pH and specific conductance at the 37 ponds in the Commission network of long-term monitoring sites. This work is completed annually in April and May to assess trends in these two parameters in ponds over time. Staff also completed the April round of pH and specific conductance sampling at the 47 stream sites. This work is completed four times each year to monitor temporal trends in these two variables in streams.
- **Annual Frog and Toad Surveys:** In April, Science Office staff completed nighttime frog and toad vocalization surveys at 22 ponds. These surveys are completed each spring to monitor temporal trends in calling frogs and toads in Pinelands ponds.

- **Rare Snake Monitoring:** In April, Science staff continued to monitor snake corrals and collect and process all snakes that emerged. A total of 71 snakes were processed in April, including multiple pine snakes, corn snakes, and black racers, and a single hognose snake, milk snake, and timber rattlesnake. During the last week of April, the snake doors at the bottom of the corrals were opened and will remain open until winter. Staff also surgically implanted transmitters in several snakes for future radio tracking and removed transmitters from several snakes to retire them from further tracking. One of our recently implanted radio tracked corn snakes was found dead on a sand road in Wharton State Forest and a hognose snake implanted last year was killed likely by a raptor at the Franklin Parker Preserve.



**Above:** A recaptured corn snake found under artificial cover inside a closed den corral. The Biomark scanner reads the microchip, or PIT tag, placed inside each snake when it's first captured.

## 5.2 LONG TERM STUDIES

- **Box Turtle Study:** By mid-April, all turtles had emerged from their hibernacula. Staff radio track the turtles on a weekly basis to determine the habitats used for foraging and nesting.
- **King Snake Study:** Science staff continue with data analysis.
- **Snake Fungal Disease Monitoring:** Science staff continue to collaborate with researchers at Virginia Tech to swab Pinelands snakes for snake fungal disease. All snakes collected from corralled hibernacula were swabbed for fungal disease.
- **Adenovirus Study:** Science staff continue to collaborate with Rutgers University researchers to swab Pinelands snakes for adenovirus. All snakes collected from corralled hibernacula were swabbed for adenovirus.



**Above:** Staff scientists weigh female box turtles each week to determine timing and location of egg laying.

## 6 COMMUNICATIONS

### 6.1 COMMUNICATIONS & PUBLICATIONS

- **Inquiries/Correspondence:** The Communications Office received and responded to approximately 115 inquiries from the public in April, including phone calls, e-mails, and media inquiries. Staff generated positive media coverage of Research Scientist Jeff Dragon's discovery of a very rare queen snake in New Jersey (outside of the Pinelands) in the Philadelphia Inquirer in April.
- **Website:** Commission staff made routine edits to the website in April, along with numerous edits to the Pinelands Conservation Fund (PCF) webpage in preparation for the new land acquisition grant round. Communications Office staff also reviewed several recently redesigned, governmental websites in New Jersey while discussing plans to redesign the Commission's website this year. Staff has asked the



**Above:** Commission staff shared 178 photos on Instagram in April 2024, including this newly captured photo of a native pink lady's slipper orchid blooming in the Pinelands.

state Office of Information Technology to prepare an estimate of costs for the redesign.

- **Social Media Enhancements:** In April, staff shared 178 photos and one video on the Commission’s Instagram site and 79 tweets and retweets on X (formerly known as Twitter). Staff also used social media to promote current employment opportunities at the Commission and to highlight the agency’s work.



**Above:** Commission staff shared 79 tweets on its X account in April, including this newly captured photo of an Eastern comma butterfly in the Pinelands.

- **Pinelands-themed Merchandise:** Staff processed \$113.80 in sales of Pinelands-themed merchandise in April. All proceeds from sales benefit 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 Municipal Training Session:** Communications Office staff continued to plan a new training session that will be held for zoning officers and all other municipal staff members who are involved with the land development process in the Pinelands. The Commission will hold the event at Stockton University’s Kramer Hall in downtown Hammonton on May 15, 2024. Rutgers University will provide seminar attendees with three technical hours toward the renewal of their Rutgers Planning/Zoning Board Secretary, Zoning Official, and Land Use Administrator certificate(s). More than 50 officials have registered to attend the event.
- **Pinelands Summer Short Course:** Throughout April, staff worked to secure presenters for the Pinelands Summer Short Course, which will be held at Kramer Hall in downtown Hammonton on June 28, 2024. The event will feature 10 classroom sessions and four field trips.
- **Education Programs:** A member of the Communications Office educated more than 150 people in April. This includes delivering Pinelands-themed presentations for the Greenbriar Wings and Wildlife Club and the Renaissance Garden Club and guiding educational hikes for the special education classes at Collingswood High School and the Berlin School District’s Dwight D. Eisenhower Middle School.

## 7 INFORMATION SYSTEMS

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- **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 released a new Mailing List system that integrates with PCIS and other systems to reduce effort in maintaining an up-to-date list of Pinelands Commission contacts. Staff worked with the Regulatory Programs, Land Use and Business Services offices to validate the data.
- **Geographic Information Systems:** Geographic Information Systems (GIS) allow the Pinelands Commission to manage, analyze, and map relevant data. Staff began migrating users to ArcGIS Pro so staff can take advantage of the numerous improvements. Staff sent data to NJDEP to fulfill the Commission's commitment under the Threatened and Endangered Species (T&E) data sharing agreement.
- **Cybersecurity:** Vigilance to protect the internal networks, hardware, and data of the Pinelands Commission is critical in today's networked world. Information Systems staff participated in the monthly call hosted by the New Jersey Cybersecurity & Communications Integration Cell (NJCCIC). Staff continued to work with members of NJCCIC to prepare for the mandatory transition from GoToMyPC to Zscaler Private Access (ZPA); establishing price quotes and submitting a provisioning document to the New Jersey Office of Information Technology.
- **Conformance Tracking/Zoning system:** Staff worked with the Land Use Programs office to improve the new SQL Server database that will act as a foundation for the new system through iterative steps of data evaluation and data cleansing. Staff continued to develop the new application interfaces with input from the Land Use Programs staff to provide access to the zoning data from the intranet.
- **Legacy Document Scanning:** The New Jersey Pinelands Commission was established in 1979, long before the revolutions in information systems that have taken place since then. All Commission applications and relevant documents from the earlier years were stored in paper format. The Document Scanning project was established to increase the efficiency of evaluating applications and conducting business by ensuring that all applicable documents are available electronically. Throughout April, staff worked with the Regulatory Programs office to continue scanning documents and linking them to our PCIS system; specifically, waiver documents between 1981-1985. Staff scanned and linked 296 documents.
- **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 Systems staff provides ongoing operational support to the PDC Bank. In April, staff began preparing for the PDC Bank Annual Report kick off.
- **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.
- **Technology Enhancements:** Staff members continually evaluate emerging technologies for how they can impact or enhance the office environment. Staff continued the required migration of

legacy data and Oracle database to new server, working with Oracle support on hosting details. Staff provided access to our existing network hardware to the Office of Information Technology (OIT) to plan for new network installation. Staff ordered and configured new workstations and laptops for new and upcoming hires.

## **8 BUSINESS OFFICE**

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### **8.1 Financial Management**

- **Application Fees:** April 2024, Net Total: \$156,230.56, Fiscal Year to Date Total: \$864,750.57. This equates to 123.54% of the Fiscal Year 2024 anticipated fee revenue of \$700,000. The net total for April includes 25 online application payments totaling \$41,596.98.