



**PINELANDS COMMISSION
MONTHLY MANAGEMENT REPORT
AUGUST 2019**

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1 EXECUTIVE OFFICE

1.1 EXECUTIVE DIRECTOR

1.1A COMMITTEE MEETINGS

- **Policy & Implementation (P&I) Committee:** The Committee met on August 23, 2019. The Committee recommended Commission adoption of the July 2019 Pinelands Infrastructure Trust Fund (PITF) Master Plan amendment for project selection and funding levels. Staff provided the Committee with a summary of the Commission's 2013 Secondary Impacts Agreement with Atlantic County related to improvement of Garden State Parkway Interchange 44. Ranae Fehr, Manager of Atlantic County's Open Space Acquisition Program, provided the Committee with an update on the County's successful land acquisition efforts. To date, 326 of the required 356 acres have been acquired and protected. Staff also reviewed the Commission's 1998 Memorandum of Agreement (MOA) with Atlantic County for its park at Lake Lenape. Anthony Pagano, Atlantic County Assistant Counsel, and Erick Huster, Atlantic County Park Superintendent, then presented the County's request for an amendment to the MOA that would allow reconfiguration of an existing dock and construction of a new dock to safely accommodate sculls up to 60 feet in length. The Committee voted to authorize the staff to proceed with development of an amendment to the MOA.

1.2 LEGAL AND LEGISLATIVE AFFAIRS

1.2A LITIGATION (STATE; FEDERAL; OFFICE OF ADMINISTRATIVE LAW; OTHER)

STATE:

NEW JERSEY NATURAL GAS APPEALS

- **In the Matter of New Jersey Pinelands Commission's Approval of New Jersey Natural Gas's Application (No. 2014-0045.001) for the Installation and Operation of the Southern Reliability Link, Docket No. A-001004-17T1:** This is one of a number of appeals that were filed involving the Commission's approval of New Jersey Natural Gas Company's application to construct a portion of its Southern Reliability Link project in the Pinelands. This appeal was filed by PPA on October 26 2017, and is a substantive challenge of the Commission's approval. (There were three additional appeals of the Commission's approval of NJNG application filed by the New Jersey Sierra Club, Chesterfield Township and Bordentown Township, respectively.) PPA also filed an appeal of the process used by the Commission to review this application and the denial of its third-party hearing request. (Three individuals, Daniel and Patricia Caruso and Jean Kovath also filed an appeal challenging the Commission's denial of their third-party hearing requests.)

On August 2, 2019, Bordentown Township filed its opposition to NJNG's motion for summary disposition. In its opposition, Bordentown asserted its interests were sufficient to afford it standing to appeal the Commission's decision, even though its property was not located within the Pinelands Area. The Commission filed a letter with the Court on August 5, 2019 taking no position as to arguments being advanced by NJNG in its motion to for summary disposition.

Chesterfield filed a letter with the Appellate Division on August 6, 2019 withdrawing its appeal, because it had reached a settlement with NJNG.

On August 14, 2019, the Commission filed a motion to strike a portion of the joint appendix filed by the PPA as part of its opening brief. The basis for the motion was that nearly 300 pages of documents included in that joint appendix were never part of the Commission's record. PPA filed a brief in opposition to the Commission's motion to strike and a cross motion to supplement the record on appeal on August 22, 2019.

Bordentown filed an amended opening brief at the request of the Appellate Division in early August in order to deficiencies in portions of its argument where record citations were missing.

Following the filing of its summary disposition motion, NJNG filed a request with the Appellate Division for an extension of time to file its substantive response briefs in the Sierra appeal (PPA had consented to an extension.) No opposition was filed and the Court granted NJNG a thirty day extension until September 13, 2019 to file its brief.

- **Robert T. Winzinger v. NJ Pinelands Commission (Dkt. No. BUR-L-000877-19):** This is an inverse condemnation case that was filed on April 26, 2019 in the Law Division, Burlington County. The case involves a 285 acre parcel located on Lauries Road, Woodlands Township. This matter has an extensive litigation history. The last litigation involved a 2007 application by Winzinger to resume resource extraction operations on 30 acres of the parcel. Following its receipt of a Certificate of Filing – Inconsistent, because of a failure to demonstrate compliance with the threatened or endangered wildlife standards of the CMP, Winzinger applied to the Woodland Township Land Use Board for approval to resume resource extraction on the property and received such approval from the Board by resolution dated February 21, 2012. Such approval was subject to Winzinger's submission to and the Commission's approval of a northern pine snake habitat protection and management plan. The Commission called up the Woodland approval. During the call up hearing, Winzinger argued that it did not need to comply with the T&E Wildlife standard of the CMP and never submitted the required habitat protection and management plan. The Commission, subsequently, denied Winzinger's resource extraction application. Winzinger appealed the Commission's decision to the Appellate Division, which held that preexisting resource extraction operations, such as Winzinger, are subject to the threatened and endangered species provisions of the plan.

The Commission filed a Motion to Dismiss for Failure to Exhaust Administrative Remedies on August 14, 2019. The basis for this motion is that Winzinger has failed to apply for any other use of the parcel, including an allocation of Pinelands Development Credits, and is required to do so before bringing a "takings" claim against the Commission.

1.2B LEGISLATION

- The Legislature is recessed for the summer.

1.2C OPEN PUBLIC RECORDS ACT

- A total of ten Open Public Records Act requests were received this month. Three of the requests were requests to review files and the file reviews were held. Two of the requestors were advised that the Commission had no material responsive to their requests. The 5 remaining requests were processed and responsive material was sent to the requestors.

1.3 HUMAN RESOURCES

- **Union Negotiations:** Contract Negotiation Meetings were held with Communication Workers of America (CWA) representatives on August 15, 2019.
- **Employee Advisory Service:** The NJ Employee Advisory Services Agreement was renewed for Fiscal Year 2020.
- **NJ Division of Pensions & Benefits Webinar:** Staff participated in the “Pensions Payment Options” webinar.
- **NJ Division of Pensions & Benefits:** Information was distributed in accordance with the Bill Ricci World Trade Center Rescue, Recovery, and Cleanup Operations Act, which allows eligible pension members the right to file for an Accidental Disability Retirement should they become disabled at a later date due to participation in the rescue, recovery, or cleanup operations at the World Trade Center.

2 INTERAGENCY COORDINATION

- **Governor’s Interagency Work Group:** At the request of the Governor’s Office, the NJ Business Action Center has organized a new Interagency Planning Work Group comprised of state agency representatives. The primary purpose of the Work Group is to advance the functions of the Office of State Planning Advocacy (OPA), which manages the NJ State Planning Commission. Staff attended the kick-off meeting in April 2019, at which discussion focused on the process to address the 98 designated centers set to expire by June 2020. Staff is scheduled to attend the Work Group’s second meeting on September 25, 2019.
- **Stafford Township Plan Endorsement:** Staff attended an August 28, 2019 pre-petition meeting held by OPA in Stafford Township, along with representatives from the municipality, DEP, DOT, DCA and Ocean County. OPA has determined that the Township will once again need to go through the State’s plan endorsement process in order to retain its designated regional center in the Pinelands National Reserve. OPA staff, including the new Executive Director, explained the steps involved in the plan endorsement process. Ocean County has agreed to assist Stafford with the process. The Township identified several areas of concern, including transportation improvements, dredging and flooding. Stafford will be holding a public drainage workshop in September to discuss stormwater problems and potential solutions. Commission staff will attend the September 9, 2019 workshop.

3 LAND USE & TECHNOLOGY PROGRAMS

3.1 CONFORMANCE ACTIVITY

	Monthly Total	Calendar Year to Date
Ordinances/Master Plans Received	6	85

Notable Ordinances:

- **Monroe Township:** The Commission certified the Township’s 2018 Housing Element and Fair Share Plan and implementing ordinances, including amendments to the Acme Shopping Center and Williamstown Square Redevelopment Plans, on August 9, 2019. The staff met with the attorney and owner of a property affected by the Fair Share Plan and ordinances on August 6, 2019 to discuss the applicability of the revised Pinelands Development Credit requirements. The staff also participated in a case management conference with Superior Court Judge McDonnell on August 13, 2019 and updated her on the Commission’s recent certification action.
- **Winslow Township:** The Township adopted and submitted its 2019 Master Plan Reexamination Report for the Pinelands Area. The Report recommends numerous zoning changes within the Township’s Regional Growth Area, as well as changes in permitted residential densities and new requirements for the use of Pinelands Development Credits. In addition, the Report recommends the preparation of redevelopment plans for two areas within the Pinelands Regional Growth Area. Staff sent a letter to the Township on August 29, 2019 indicating that the Master Plan Report would require formal review and approval by the Commission but that such review would not commence until the Township adopted the ordinances necessary to implement the Master Plan Report recommendations.
- **Woodbine Borough:** A new Master Plan for the Borough is being prepared by the NJ Department of Community Affairs, Local Planning Services. A final draft of the Master Plan, including Land Use, Conservation, Transportation, Community Facilities, Historic and Cultural Resources and Rural Sustainability Elements, was provided to the Commission on August 14, 2019. In terms of land use, the Master Plan recommends the creation of new zoning districts within the Pinelands Town portion of the Borough, revision of permitted uses in existing zoning districts and clarification of campground standards. Staff attended the August 21, 2019 meeting of the Master Plan Working Committee in Woodbine with other state, county and municipal members. The Committee discussed making the Master Plan available to the public in advance of its consideration by the Borough Planning Board in October.

3.2 CULTURAL RESOURCE ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Applications Reviewed	11	71
Surveys Required	0	3
Surveys Reviewed	1	5
Certificates of Appropriateness	0	1

Notable Activity:

- A ground penetrating radar survey is planned for the St. Mary's in the Pines cemetery located in Pleasant Mills along the Mullica River. The original church (established in 1827), is long gone, but the cemetery holds the remains of many of the Revolutionary War era workers from the nearby Batsto Furnace and Iron Works. The survey will provide the diocese with better information on the historic boundaries of the cemetery, as well as assist in identifying the possibility of any unmarked graves at the site.

3.3 PINELANDS DEVELOPMENT CREDIT PROGRAM

Activity	Monthly Total	Calendar Year to Date
PDCs Allocated	13.50	96
PDCs Severed	0	0
Acres Protected	0	0
PDCs Extinguished	0	2
Acres Protected	0	158
PDCs Sold	0.25	11
Average Sales Price per PDC	\$40,000	\$38,509
Average Sales Price per Right	\$10,000	\$9,627
PDCs Redeemed	0.25	68.25

Notable Activity:

- The PDC Bank issued its FY19 Annual Report at the end of August, and it is now available on the Commission's website at:
[https://www.nj.gov/pinelands/pdcbank/PDC%20reports/PDC%20BANK/PDC%20Bank%20Annual%20Report%202019%20\(Final\).pdf](https://www.nj.gov/pinelands/pdcbank/PDC%20reports/PDC%20BANK/PDC%20Bank%20Annual%20Report%202019%20(Final).pdf).

The Report documents a modest increase in average sales prices (from \$8,784 per right in FY18 to \$9,155 in FY19). Importantly, the Report also documents a significant increase in the number of PDCs redeemed (used) in association with various development

projects throughout the Pinelands Area. During FY19, 313 rights were redeemed, more than the prior seven fiscal years combined.

- 0.25 PDCs were redeemed in August 2019 for development of a single-family detached dwelling on an undersized lot in Barnegat Ocean Acres.

3.4 SPECIAL PROJECTS

- **Pinelands Infrastructure Trust Fund (PITF):** Staff presented funding recommendations and a draft Infrastructure Master Plan amendment to the Policy & Implementation Committee on June 28, 2019. Staff held a public hearing on the draft amendment on July 31, 2019; however, no testimony or written comments were received. The Policy & Implementation Committee reviewed the final ranking and funding amendment at its August 23, 2019 and recommended Commission approval.
- **Alternate Design Treatment Systems Pilot Program:** Staff issued the 2019 Annual Report, now available on the Commission's website at [https://www.nj.gov/pinelands/landuse/current/altseptic/FINAL%202019%20SEPTIC%20PILOT%20PROGRAM%20ANNUAL%20REPORT%20\(PL%20Edits\)%20\(2\).pdf](https://www.nj.gov/pinelands/landuse/current/altseptic/FINAL%202019%20SEPTIC%20PILOT%20PROGRAM%20ANNUAL%20REPORT%20(PL%20Edits)%20(2).pdf) The Annual Report notes the installation of 11 new systems during the reporting period. The Report also recommends that of the four technologies currently in the pilot program, one (SeptiTech) be authorized for permanent use in the Pinelands Area and three (Busse GT, Hoot ANR and Bio-Barrier) be removed from the program due to inactivity or inability to meet CMP water quality standards. Staff will prepare a full implementation report on the pilot program in November 2019, at which time CMP amendments will be necessary to continue the program.
- **Landfill closure:** Staff is actively reviewing groundwater quality data submitted in support of the proposed environmental closure of municipal landfills in Buena Borough, Estell Manor City and Woodbine Borough. A meeting with Woodbine representatives and the company interested in developing a community solar facility at the municipal landfill was held on August 12, 2019.



4 INFORMATION SYSTEMS

- **PDC Bank Annual Report:** Staff delivered final versions of data required for the PDC Bank annual report.
- **MOA Tracking Review:** Staff reviewed the legacy MOA Tracking system as first stages of requirements gathering with the goal of upgrading and integrating the system with other Pinelands information systems.

- **TDM Room Technology Upgrades:** Staff began requirements gathering to determine the most cost effective solutions for installing an integrated audio visual system to provide high quality presentation, conferencing, and streaming. A conference call was held on August 27, 2019 with the New Jersey Office of Information Technology (OIT) regarding Voice over IP (VOIP). We are awaiting OIT availability for an onsite evaluation.
- **Pinelands Commission Information System Upgrades:** Weekly internal meetings were held to discuss Regulatory Programs processes to identify areas for improvement. Long term projects are being formulated. When possible, immediate enhancements and bug fixes were created, tested, and released.

5 REGULATORY PROGRAMS

5.1 APPLICATION ACTIVITY

Activity	Monthly Total	Calendar Year to Date
Pre-Application Conferences	3	55
Certificates of Filing	24	111
Public Development Reports	2	20
Forestry Certificates of Filing	0	10
PDC Letters of Interpretation	5	18
MOA Consistency Determinations	4	38
Review of Agency Determinations	68	451

5.2 NOTABLE APPLICATIONS

- **App. No. 1981-2437.017:** An application has been submitted to construct a 10,240 square foot maintenance building at the Atlantic County Institute of Technology in Hamilton Township. The staff is currently reviewing information submitted on August 13, 2019.
- **App. No. 1985-0949.039:** An application has been submitted to construct a salt storage dome and three buildings at an existing Ocean County maintenance facility in Lacey Township. The staff is currently reviewing information submitted on August 7, 2019.
- **App. No. 1987-1183.015:** An application has been submitted for the construction of a parking lot and access driveways at the Atco Raceway in Waterford Township. The staff completed a review of a threatened and endangered species survey that was completed on the parcel. The staff issued a letter on August 22, 2019 specifying the information necessary to complete the application.

- **App. No. 2000-0088.006:** An application has been submitted to construct two artificial turf athletic fields and a 4,950 square foot building at the Hammonton High School. The staff is currently reviewing information submitted on August 14, 2019 and August 28, 2019.
- **App. No. 2006-0248.001:** A proposal has been submitted proposing the demolition and reconstruction of an existing restaurant located at the intersection of Route 9 and Route 679 in Bass River Township. The staff is currently reviewing the proposal submitted on August 8, 2019.
- **App. No. 2006-0477.002:** An application has been submitted to construct a 14,440 square foot education building and a 21,600 square foot recreational building at an existing Egg Harbor Township Police Athletic League facility. The staff is currently reviewing information submitted on August 29, 2019 to determine if a local approval may take effect.
- **App. No. 2010-0092.001:** An application has been submitted to construct a 220 linear foot access road within the Route 70 right-of-way in Medford Township. The Route 70 right-of-way is located in the Pinelands Area. The access road will service a proposed 150 unit residential development located outside of the Pinelands. The staff is currently reviewing information submitted on August 22, 2019.

5.3 OTHER ITEMS OF INTEREST

- **Seasonal agricultural employee housing:** The staff is pursuing multiple reported violations in the Town of Hammonton, Winslow Township and Mullica Township regarding the change in use of existing agricultural storage buildings to seasonal agricultural employee housing.

6 SCIENCE

6.1 ENVIRONMENTAL MONITORING

- We collected the August round of water level data for the **Forest Plot and Pond Monitoring** network and completed the August round of pH and specific conductance sampling at the **Pinelands-wide Stream Monitoring** sites.

6.2 LONG TERM STUDIES

- **Right-of-way Pilot Program:** We are analyzing the vegetation data collected in the right-of-way and adjacent forest plots.

- **Endocrine Disruption Study:** In a last-minute decision in May of 2019, the Medford Lakes Colony Club denied access for the Commission and USGS to sample two of their lakes for fish. The Commission worked with lawyers from the Medford Lakes Borough and the Medford Lakes Colony Club to establish a formal access agreement to sample the lakes for water quality and fish. The agreement was executed in August 2019. The Commission is now working with the Birchwood Lakes Colony Club to establish a similar access agreement.
- **Microorganism Study:** Diatom and chlorophyll-a samples were provided to the NJDEP for analysis.
- **Joint Corn Snake Study:** We continued to radio track corn snakes (see the photo on right) and check the box traps and wood and metal cover along the drift fence.



Above: The Commission’s Chief Scientist radio-tracking corn snakes.

6.3 OTHER ITEMS OF INTEREST

- Eleven kingsnakes have been surgically implanted with radio transmitters and have been relocated up to three times per week in preparation for potentially receiving a grant from the EPA to conduct a four-year kingsnake study.

7 COMMUNICATIONS

7.1 COMMUNICATIONS & PUBLICATIONS

- **Website Activity:** The Pinelands Commission’s website received a total of 11,438 page views in August 2019.
- **Inquiries/Correspondence:** The Communications Office received and responded to 101 inquiries from the public, including phone calls, e-mails, media inquiries and questions posed by visitors. Most of the inquiries pertained to recreation, the Pinelands Short Course and general information about the Pinelands Commission.
- **Report Assistance:** Staff helped to redesign and edit the Pinelands Development Credit Bank’s 2019 Annual Report.



Above: A Commission Public Programs Specialist giving visitors advice about places to see in the Pinelands. The couple visited from Minnesota.

- **Internal Website:** Communications Office staff began reviewing the Commission’s internal webpage (or Intranet) to determine the need for updates and guide future enhancements. A survey was also created and distributed to staff members.

7.2 EVENTS, OUTREACH & INTERPRETIVE PROGRAMS

- **Pinelands Short Course:** Commission staff members are securing the lineup of presenters for the 31st annual Pinelands Short Course, which will be held at Stockton University on March 14, 2020. Ten presentations have been confirmed thus far.
- **Pinelands World Water Monitoring Challenge:** Staff continued to plan the World Water Monitoring Challenge, which will be held at Batsto Lake on October 25, 2019.
- **Candace McKee Ashmun Pinelands Education Exhibit:** Staff is working to organize new activities that will increase visitation and usage of the exhibit. For example, a school group from Barnegat High School is scheduled to tour the exhibit on September 20, 2019, as part of a Pinelands-wide field trip. Staff will arrange for other visits from small school groups, and it is working on plans to host presentations.

8 BUSINESS OFFICE

8.1 FACILITIES

- A Foundation issue causing cracks has been identified in the RJS Building. The State Building Authority has been contacted.
- The sump pump in the RJS Elevator shaft experienced technical issues and the shaft began filling with water. The Elevator shaft was drained and the broken drainage pipe coupling was replaced.
- Landscaping of the grounds has included weeding and mulching of the flowerbeds.



Above: The native showy asters located in front of the Commission’s headquarters are a magnet for pollinators such as this common buckeye butterfly.

8.2 FINANCIAL MANAGEMENT

- August Application Fees Net Total: \$77,215.45
- The FY 2020 Budget was presented to the Personnel & Budget Committee and recommended to be presented to the full Commission at the September 13, 2019 Commission Meeting.
- A new Business Specialist will be starting in September.